

# MUNICIPAL HOUSING POLICIES: A KEY FACTOR FOR SUCCESSFUL INTEGRATION AT THE LOCAL LEVEL

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Sofia, 2020

This study was financed by the Representation of the UN High Commissioner for Refugees (UNHCR) in Bulgaria. The views and recommendations presented in this document express only the author's opinion and might not reflect the official position of UNHCR.

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### Abbreviations

AMIF	Asylum, Migration and Integration Fund
ASA	Agency for Social Assistance
BAS	Bulgarian Academy of Sciences
BCRA	Bulgarian Cities and Regions Association
BCRM	Bulgarian Council on Refugees and Migrants
BHC	Bulgarian Helsinki Committee
BIPs	Beneficiaries of international protection
BP	Border Police
BRC	Bulgarian Red Cross
CEMR	Council of European Municipalities and Regions
CoM	Council of Ministers
CRA	Civil Registration Act
DG	Directorate General
EC	European Commission
ESIF	European Structural and Investment Funds
EU	European Union
FAR	Foundation for Access to Rights
IOM	International Organization for Migration
LAR	Law on Asylum and Refugees
LFRB	Law on Foreigners in the Republic of Bulgaria
LLGLA	Law on Local Self-government and Local Administration
LSP	Law on Spatial Planning
MES	Ministry of Education and Science
MLSP	Ministry of Labour and Social Policy
MoH	Ministry of Health
MoI	Ministry of Interior
MPA	Municipal Property Act
MRDPW	Ministry of Regional Development and Public Works
NAMRB	National Association of Municipalities in the Republic of Bulgaria
NGO	Non-governmental organization
NHS	National Housing Strategy
NSI	National Statistical Institute
OECD	Organization for Economic Cooperation and Development
OPRG	Operational Program “Regions in Growth” 2014 – 2020
SAA	Social Assistance Act
SANS	State Agency for National Security
SAR	State Agency for Refugees
SCTAF	Special Center for Temporary Accommodation of Foreigners
SM	Sofia Municipality
SME	Small- and Medium-sized Enterprises
UN	The United Nations
UNCESCR	UN Committee on Economic, Social and Cultural Rights
UNECE	United Nations Economic Commission for Europe
UNHCR	United Nations High Commissioner for Refugees

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## ACKNOWLEDGEMENTS

I would like to thank the representatives of the UNHCR office in Bulgaria for their guidance during the study preparation. Special thanks to Emiliya Bratanova van Harten and Iva Partsaleva for providing invaluable insights, constructive feedback and editorial support.

I would also like to thank the representatives from the public institutions and non-governmental organizations who have contributed to this research through interviews and data sharing.

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## EXECUTIVE SUMMARY

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This study examines the municipal housing policies in Bulgaria and the extent to which these policies respond to the housing needs of beneficiaries of international protection (BIPs). The present document shares results and conclusions of the study; and recommendations. In the context of a dynamic migration situation, a critical look at strategic policy priorities can help policy- and decision-makers address important issues and cases of marginalization and homelessness among BIPs that are due to the lack of adequate support for integration and housing in particular. The study emphasizes the need for regulatory and practical changes and makes recommendations for improving the access to municipal and social housing for BIPs. If consistently applied, these recommendations should bring the Bulgarian legislation in line with the international and European standards for housing policies and practices, with the necessary safeguards in place to ensure that the fundamental rights and dignity of beneficiaries of international protection are respected.

### Main conclusions

Compared to other European countries, Bulgaria can be defined as an emerging destination with small migrant communities;<sup>1</sup> public institutions still lack significant experience and practices to meet the short- and long-term housing needs of beneficiaries of international protection (and generally, of third-country nationals settling in in the country). The examples and best practices reviewed in the study suggest that the local and central authorities in Bulgaria have lagged behind an important public and political debate brought about by the dynamics of migration flows across Europe and worldwide. With the rise of real estate prices the risk of housing exclusion rises for wider strata of the population as well; in these circumstances, the national government and local authorities are called to rethink the model and operating mechanisms of the national housing market and the role of municipalities on that market. This, in turn, requires changes in the ways in which municipalities build their housing stock and define the target groups eligible for municipal housing.

In Bulgaria, a major structural challenge in the provision of housing for beneficiaries of international protection is the shortage of public housing stock which is insufficient to meet the needs even of the local population, while a large number of dwellings across the country are empty.<sup>2</sup> According to the experts interviewed for the study, balancing the needs of BIPs and of local citizens requires both efficient allocation mechanisms and management of the existing stock, and an adequate assessment of the capacity and readiness of the host society to welcome newcomers and to provide the necessary facilities for their integration.

Unlike the other European countries, the state and municipal housing stock in Bulgaria has been reduced to the symbolic level of 2.4% (NHS 2018:8).<sup>3</sup> By and large, the municipal housing stock in most cities and municipalities across the country, including in the capital city Sofia, has been assessed as insufficient for the adequate provision of accommodation for those in need; it is poorly maintained and inefficiently managed (Concept 2018: 14).<sup>4</sup> The municipal

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<sup>1</sup> UNECE, *Housing for Migrants: Challenges and Practices in the ECE Region*, 2017, 7. <https://www.unece.org/index.php?id=53017>, last accessed 12.12.2019.

<sup>2</sup> World Bank. *Bulgaria. Housing Sector Assessment*, 2017, 10.

<sup>3</sup> Draft of a National Housing Strategy, available at <https://www.mrrb.bg/bg/proekt-na-nacionalna-jilistna-strategiya/>, last accessed 10.12.2019. Hereafter referred to as *NHS 2018* followed by the page number.

<sup>4</sup> Concept for Municipal Housing Policy of Sofia Municipality, 2018, <https://council.sofia.bg/documents/20182/590855/P.+13+-+IIP.+1.pdf/ccda3f16-8337-4678-9601-aac7937fd89a>. Hereafter referred to as *Concept 2018* followed by the page number.

housing policies have been given a lower priority, little information is available on them, and new housing units are built only with the support of projects funded from the EU operational programs.

The eligibility criteria for access to municipal housing, by way of definition, exclude certain groups of the population. In this respect, it is important to introduce provisions regulating the category “social housing” in the legislation; this will contribute to improved planning and management of the municipal housing stock and will enable the city administrations to also meet the housing needs of beneficiaries of international protection.

In addition to the scarce funding for the revitalization of the housing stock, other major concerns that municipalities face in developing and implementing their housing policies include internal rural-urban migration; the depopulation of small towns and regions; a high number of vacant properties; maintenance costs of the old housing stock; poor energy efficiency of the buildings, etc. In this context, even though the pressure of migration on the housing market and housing allocation policies in Bulgaria is still negligible, there are no reliable data available based on which such correlations can be established and used for long-term planning.

### *1. Legal framework*

The right to quality, secure, and affordable housing is not explicitly laid down in the Bulgarian legislation. While over the recent years the legal framework has been gradually upgraded, it does not address issues pertaining to BIPs. There are no precise legal provisions regulating:

- The roles and responsibilities of the state and local authorities in terms of ensuring the right to affordable housing;
- Mechanisms and levers for the implementation of efficient housing policy at the local level;
- The creation and maintenance of a database on housing conditions, prices, rents, and the needs of the population at the local level;
- A specific legal framework regulating the social housing policy in Bulgaria.

### *2. The scope of housing policies*

The documents studied show that the municipal housing policies do not cover BIPs as an eligible group for municipal housing. At the same time, it should be noted that several judgments were issued by administrative courts in 2019, which resulted in repealing restrictive legal provisions regarding the possession of Bulgarian citizenship and of a permanent residence address (the requirement to reside in a specific locality for a defined period) as a condition to apply for municipal housing. Thus, while the access to municipal housing – pursuant to the provisions of the Municipal Property Act (MPA) and the municipal ordinances on the terms and procedures for managing and allocation of municipal housing – has been made easier in principle, and the potential for discrimination against BIPs has been limited, no explicit provisions have been introduced to guarantee this access. Furthermore, the absence of proactive support from the institutions, a limited command of the local language by migrants and refugees, combined with xenophobic attitudes towards them, make finding affordable, decent housing an increasingly difficult or even an impossible task. In addition, as local housing policies are not always integrated with programs for social assistance/social services, coordination with other structurally relevant policies, instruments and actions is needed at all levels of governance.



### *3. Challenges in the implementation of laws and policies*

The main **barriers** to the provision of housing for beneficiaries of international protections are of **legal** and of **administrative** nature: legal restrictions concerning the access to municipal and social housing; difficult access to the private housing market due to high rents, discrimination and reluctance of landlords to conclude rental contracts with foreign nationals. An unresolved issue is, for example, the requirement for BIPs to present an ID upon signing a rental contract, while obtaining the ID itself requires address registration (domicile). Unless they have accommodation and an address registration in the municipality, beneficiaries of international protection are unable to receive an identity document from the Ministry of Interior. This administrative issue makes BIPs vulnerable to abuse and puts at risk their access to basic rights.

An **integrated** approach to housing policies and housing provision as a key area of integration is lacking; ensuring affordable accommodation is one of the prerequisites for social interaction and contributes to building communities resilient to social, economic and spatial segregation. However, housing can fulfil its role only if all other components of the social systems function efficiently and are backed up with the necessary resources: coordinated measures should be followed in the main sectors of integration (education, healthcare, social assistance, employment, family reunification), to enable refugee inclusion in the long run. Yet, examples of proactive commitment to achieve integration objectives through adequate housing policies remain sporadic; what is more, public institutions have not ensured equal treatment of beneficiaries of international protection and other groups of the population in their access to housing.

As concerns **cooperation and coordination with national and local stakeholders** on housing policies, the study draws attention to existing gaps in capacity and scarce human resources at local level needed to facilitate the process of integration through communication, assistance and training of newly accommodated BIPs. A substantial number of housing initiatives and other related services are organized and led by non-governmental organizations; while NGOs receive support from international organizations such as UNHCR, the municipalities are not actively involved. This is partially due to the lack of political will and awareness of the circumstances of BIPs but also due to public fears and resistance in the communities against BIPs settling in their neighbourhoods. Public institutions have the competences but they do not have the capacity to fully deliver on integration policies, and NGOs step in the process.

In addition to the above, note should be made of the **insufficient communication** and awareness raising efforts – both aimed at BIPs and the general public – on the topic of housing provision, unlike the case in other European countries.<sup>5</sup> The active participation of BIPs in the process of finding sustainable housing solutions (for instance, through advisory groups, direct participation of BIPs in refurbishing housing units, awareness raising, etc.) is not encouraged, either.

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<sup>5</sup> For example, in Hungary an NGO conducted a campaign producing short videos with the participation of celebrities – actors, writers – which documented the difficulties experienced by migrants in finding accommodation, and promoted positive public attitudes. <https://ec.europa.eu/migrant-integration/news/hungary-velkam-majrentsz-campaign-and-apartment-rental-program-launched>

The mayors of municipalities play a very important role throughout the integration process as liaisons between the national authorities and the citizens; mayors are uniquely positioned to collaborate with all stakeholders and to guide the integration process and housing policies, in particular, towards common goals. However, given the absence of a clear commitment by the central government and an integration strategy that is not backed up with financial resources, this task is difficult to accomplish.

### Main recommendations<sup>6</sup>

#### LEGAL AND ADMINISTRATIVE FRAMEWORK

**Access to housing.** In light of the court judgments delivered in 2019, which ruled against certain provisions in the municipal ordinances on municipal housing allocation as discriminatory against beneficiaries of international protection (and other foreign nationals) on the grounds of citizenship and a defined period of permanent residence on the municipality's territory, local governments and municipalities are urged to revise the eligibility criteria for access to housing in their ordinances. Together with local authorities and the National Association of Municipalities in the Republic of Bulgaria, the Bulgarian Cities and Regions Association, the Bulgarian Red Cross, and Caritas - Sofia can organize and carry out awareness-raising campaigns to support the implementation of the Ordinance on the Integration Agreement of 2017, according to which municipalities shall facilitate access to housing for beneficiaries of international protection.

**Administrative barriers to accessing municipal housing.** The provisions of the Civil Registration Act (CRA), Art. 92 (registration) and Art. 99 (de-registration) need to be revised and new mechanisms introduced in order to facilitate the registration process and the administrative de-registration of BIPs who have left the country. In order to remove barriers in finding accommodation and to avoid corruption practices of fictitious rental contracts and domiciles, it is recommended to seek assistance from Sofia Municipality for issuing BIPs a temporary functional address (that of the municipality or of another municipal premise).

- With regard to beneficiaries of international protection who have left the country: it is advisable for a representative of Border Police to be named a member of the committee conducting the address verification checks referred to in Art. 99b of the CRA.
- Develop a mechanism to facilitate the administrative de-registration of BIPs who have left the country. If the person has not changed/renewed their permanent address after 5 or 3 years (for either refugee or humanitarian status holders whose documents are issued with the respective terms of validity), the city administrations should have the power to de-register such a person and register him/her with another municipality (on the basis of the temporary functional address by analogy with the provision of Art. 93(4) of the CRA).
- Extend the period of stay for BIPs at SAR's registration and reception centres to at least 1 month after status recognition.

#### POLICY FRAMEWORK

**Define "social housing" as a form of long-term housing.** Revise the definitions of "municipal housing" and "social housing," respectively in Art. 42 of MPA and of Art. 67 of LSP, with regard to the differences in function between the types of housing and with regard

<sup>6</sup> Part 4 of the report offers some additional recommendations for Sofia Municipality.

to the definition of “social housing” proposed in the program and investment priorities of OPRG 2007-2013 and 2014-2020, procedure BG16RFOP001-1.001-039 “Implementation of Integrated Plans for Urban Regeneration and Development 2014-2020,” in order to make beneficiaries of international protection eligible for new build social housing.

**Access to housing for vulnerable groups.** In view of the new ordinance on municipal housing allocation currently being drafted by Sofia Municipality, UNHCR and other NGOs should approach the municipality and collaborate on determining and introducing in the ordinance general and specific eligibility criteria relevant for beneficiaries of international protection as potential applicants for municipal housing.

**Provision of targeted temporary housing support.** Negotiate with Sofia Municipality the allocation of min. 2 apartments from the municipal housing stock each year for short-term accommodation on a rotation basis of beneficiaries of international protection.

## POLICY IMPLEMENTATION

**Reliable data and information.** Municipalities need to develop better mechanisms and tools for data collection, analysis, and evaluation. To ensure that local housing policies are evidence-based, municipal administrations should carry out forecast surveys of social housing needs, including the housing needs of BIPs, on the territory of the municipality.

- Gather data about municipal housing vacancies across cities and municipalities in the country; updated lists with property vacancies can be included in the information package given to beneficiaries of international protection as part of the counselling services they receive on the available integration support.

**Municipal coordinating unit for integration.** Set up a unit within Sofia Municipality tasked with the overall coordination of integration measures for BIPs, including counselling and providing information on municipal housing issues.

**Pilot project for a social housing agency.** In view of the new models for social housing proposed in the Concept for Municipal Housing Policy of Sofia Municipality, explore the possibility to implement a pilot project for a social housing agency which will manage the allocation of a limited number of municipally-owned apartments to specific vulnerable groups, including beneficiaries of international protection. The project could be coordinated jointly by expert NGOs such as Habitat Bulgaria and the members of the National Coalition for Improvement of the Housing Conditions in Bulgaria “Decent Home.” The housing agency can be responsible for the selection of applicants, handling payments of rent and utility bills, property maintenance, as well as for assisting tenants with access to social support.

- As part of the pilot, the agency could be additionally tasked with managing the contacts with private landlords and assisting BIPs in finding suitable homes (incl. vacant ones) on the private market; the agency may be in charge of signing lease agreements, supervising the property maintenance, providing mediation services and conflict resolution between landlords and tenants; preventing discrimination. The municipality may delegate responsibilities for finding private rented accommodation to the social housing agency and thus secure a minimum number of dwellings available to BIPs.
- Municipalities across the country should proactively approach real estate agencies to negotiate setting up a fund with temporary on-demand housing available for refugees,

whereby the public authorities will provide guarantees and cover the costs for the private property (i.e., security deposits, insurance, etc.) for a 1-year period by means of project financing. NGOs already have experience working with real estate agencies, hostels, and private landlords, but setting up a formal framework of cooperation will make the process more transparent, allow price regulation, enhance the mutual trust between landlords and tenants, and aid municipalities in performing their duties.

- In order to reduce the number of empty housing, the municipalities could provide owners with appropriate guarantees and incentives for renting their properties out to those in need at low flat rates, based on long-term contracts, and with the necessary safeguards that their properties shall be adequately inhabited and maintained (this could be part of the pilot project for a social housing agency).

**Financing.** Local governments need to identify funds earmarked for housing measures for beneficiaries of international protection from EU programs such as AMIF, OPRG, ERDF, EIB in the new Programming Period (2021-2027). The municipalities need to be more actively involved in EU-funded projects and make better use of good practices for housing (and not only such intended for BIPs).

Municipalities that have signed an integration agreement as per the Ordinance on Integration Agreement of 2017 need to receive additional funding from AMIF (or from ERDF, EIB, OPRG, ESF, etc.) to support the maintenance of the housing stock on the territory of the municipality.

**Awareness-raising.** Conduct an awareness-raising campaign amongst the local communities with the support of all stakeholders – state and non-state actors, on the possibilities to get involved in the integration process. This would require the government to designate a coordinating body in charge of implementing the integration policy at the national and local levels, and of liaising among the responsible institutions.

- Provide information about the rights and status of beneficiaries of international protection to the departments within the municipal and regional administrations in charge of managing the municipal housing stock.
- Produce and distribute information leaflets with contact data of real estate agencies among BIPs seeking accommodation.
- Using the model of the e-portal *myhealth.bg* set up by Sofia Municipality with information about primary care physicians and municipal hospitals, create such a portal for housing; to start with, the portal could offer information about real estate agencies that have already worked with BIPs.
- Produce information materials about the rights of beneficiaries of international protection to be distributed amongst potential landlords and real estate agencies.

## INTRODUCTION

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The role of cities in developing housing policies in the framework of the EU integration agenda has grown in recent years. Ample research shows that urban areas are most affected by the

serious shortage of affordable housing (a trend that is likely to continue in the future due to demographic changes and migratory patterns), and cities must be given the powers and resources to address these issues.<sup>7</sup> From a policy perspective, it is arguable to what extent cities and towns across Europe are the level of governance best equipped to initiate and manage innovative, and sustainable housing solutions. Dynamic refugee flows and the continued migration into Europe in recent years have put the capacity of local authorities to the test. A closer look into the experience of various cities and countries in the European Union reveals very nuanced responses and divergent outcomes of the situation.

Many regions and cities have long been successfully welcoming and integrating newcomers into their communities. While new integration policies and allocation of funds happen most of the time at EU and national level, local authorities are the main actors delivering reception and integration services for migrants and refugees, and handling problems that are not addressed at a higher level. The overview of housing practices from across Europe demonstrates that the way local policies shape the process of housing influences the opportunities for the integration of refugees and migrants. The housing situation for these two groups differs significantly among countries, regions, and cities, depending on the size of the population, housing market structure, urban development policies, etc. However, one common challenge that cities across Europe face is the shrinking supply of affordable housing for all those in need.

The lack of affordable adequate housing reflects existing income inequalities but also engenders more inequality, a risk of segregation, and social exclusion (which affect various groups of people in need, including BIPs, ethnic minorities, persons with disabilities, etc.). The review of literature on the issue and specific case studies confirm the assumption that the existence of state and municipal housing policies and support structures do not guarantee access to accommodation, as long waiting periods may negatively impact the integration outcomes.<sup>8</sup> The transition from the reception centres to private accommodation is a difficult process involving a number of legal and practical barriers. The legal provisions limiting the access for migrants to private accommodation and social housing place them in an inequitable situation and create conditions for discrimination and abuse. These circumstances are at variance with the recommendation that “Member States shall endeavour to implement policies aimed at preventing discrimination of beneficiaries of international protection and at ensuring equal opportunities regarding access to accommodation.”<sup>9</sup>

The accumulation of high accommodation costs, the great number of overcrowded dwellings, energy poverty, and long waiting lists for social housing are part of the general context in the European states. Finding adequate solutions for the housing needs of beneficiaries of international protection is not only a matter of addressing social and economic inequality; it also requires addressing many urban planning issues which are relevant to creating an inclusive environment for everybody in the community. This report shows that, irrespective of the

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<sup>7</sup> Some authors define this new position as a “process of rescaling,” which reflects the repositioning of the status and relevance of cities both in terms of the state and within the global hierarchies of institutional power. See Glick Schiller, N. and Çağlar, A. (2009): „Towards a comparative theory of locality in migration studies: migrant incorporation and city scale.“ In: *Journal of Ethnic and Migration Studies* 35 (2), 177–202, <https://www.tandfonline.com/doi/full/10.1080/13691830802586179>. This trend is also reflected in the initiative “Cities and Regions for Integration of Migrants — #Regions4Integration — of the European Committee of Regions, jointly with Assembly of European Regions (AER), the Council of European Municipalities and Regions (CEMR) and EUROCITIES. The purpose is to ensure that the viewpoint of the local and regional authorities on the EU policies in the area of migration will be given more consideration in the future.

<sup>8</sup> UNECE, *Housing for Migrants*, 2017, 9.

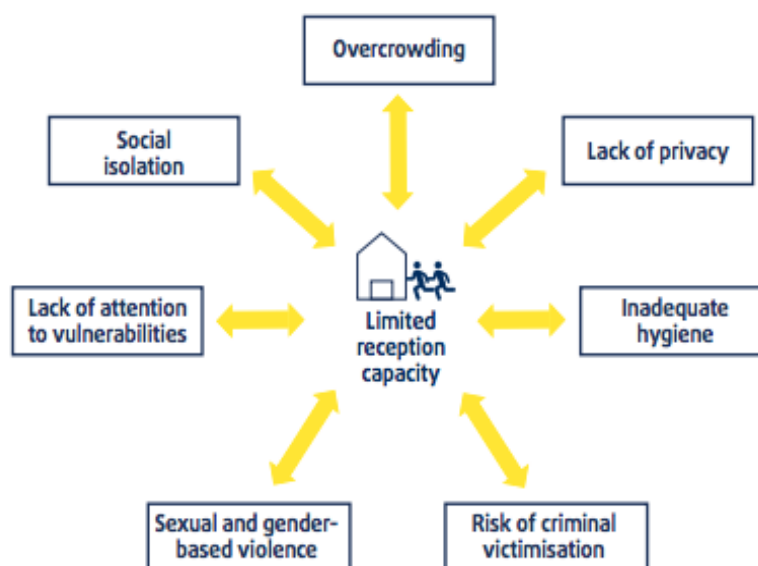
<sup>9</sup> Art. 32(2) of the Qualification Directive (recast), <https://eur-lex.europa.eu/legal-content/BG/TXT/PDF/?uri=CELEX:32011L0095&from=BG>.



differences in the housing systems across Europe, the barriers to housing access and poor accommodation conditions among migrants and beneficiaries of international protection are widespread. The European Web Site on Integration (EWSI) quotes a survey conducted in the 28 EU Member States in 2016 according to which migrants are usually in a less favourable position compared to local nationals due to the lack of sufficient information. Furthermore, migrants “face greater obstacles to access public housing or housing benefits and they are more likely to live in substandard and poorly connected accommodations, with less space available and at a higher rental cost burden.”<sup>10</sup>

The main premise of this study, underlined also in many national and international documents, is that the access to affordable, adequate and sustainable housing is a basic human necessity and right,<sup>11</sup> and, conversely, the lack of such housing entails violation of that right. The figure below presents the main risks and human rights challenges in accommodation both in collective and individual housing for asylum-seekers and beneficiaries of international protection.

Figure 1: Human rights challenges in the provision of housing for BIPs



Source: EU FRA, *Integration of Young Refugees in the EU: Good Practices and Challenges*, 2019

The documents and best practices analysed in this report confirm the key role of housing in the integration process; factors like the housing location, the living conditions and the surrounding area all have an influence on the ability of BIPs to access employment, education, and other basic services with a view to their mid-term and long-term integration. The examples of housing solutions for BIPs described in the Annex to the report, regardless of whether they are implemented by public, private or civil society organizations, highlight the benefits of collaborative actions by all stakeholders at the national, regional and local levels. However, pursuing better integration outcomes through housing solutions is not considered a priority of

<sup>10</sup> EWSI Analysis: *Immigrant Housing in Europe*, European Commission. <https://ec.europa.eu/migrant-integration/intdossier/ewsi-analysis-immigrant-housing-in-europe>.

<sup>11</sup> UNCHR, & UN Habitat. (2009). *The Right to Adequate Housing*, [www.ohchr.org/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf), accessed 28.12.2019.

local governments in Bulgaria; attempts so far have been short-term and heavily dependent on external (project) funding.

### 1.1 Research scope and methodology

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The research aims to identify efficient housing policies at the local level developed to promote the integration of BIPs. While the analysis focuses specifically on Sofia Municipality, examples from other municipalities in Bulgaria and in the EU are presented. The current report examines various options for access to municipally-owned housing as well as programs for private rental accommodation, implemented by the municipal administrations independently or in cooperation with NGOs.

#### *Research scope:*

- Analysis of strategic documents and policies related to the access to housing for BIPs in Europe and in Bulgaria;
- Review of the relevant legislation;
- Gathering data and analysis of municipal policies and practices, with a focus on Sofia Municipality, for housing provision for beneficiaries of international protection;
- Description of best practices for housing provision from Europe and Bulgaria;
- Recommendations and proposals regarding municipal housing and the Concept for Municipal Housing Policy of Sofia Municipality;
- Proposals for legislative changes.

This report presents the outcomes and conclusions from the research. The report draws upon data from a broad range of sources offering up-to-date and objective information about housing policies and the measures targeting beneficiaries of international protection. The information is obtained through desk research and analysis of publicly available government documents in the area of migration and integration; municipal strategies, action plans, ordinances, etc., as well as of best practices for migrant and refugee housing in EU Member States. Additional information is drawn from publications on the topic by non-governmental or international organizations; opinions and data shared by experts during interviews.<sup>12</sup> The interviews with selected representatives of local authorities and civil society were conducted by telephone/Skype, on-site and in writing. The interviews were semi-structured, which allowed the respondents to provide clarifications on the questions asked. The participation of representatives of the state, public and civic sectors is an important qualitative component of this study. While the views shared are limited to the respondents' personal opinions, they also offer a valuable assessment of the situation reflecting their experience and position.

The report is structured in four sections. The first section describes key developments and strategic documents on the integration and housing of migrants and refugees in an international and European contexts. The second section delves into the challenges and trends observable in the housing policies at national level, with a focus on the draft National Housing Strategy 2018-

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<sup>12</sup> A request for an interview for the purposes of the research was sent to MRDPW. The Ministry responded that “this [interview] goes beyond the scope of the objectives set out in the UNHCR’s study.” The letter emphasized that the National Housing Strategy 2018-2030 is “a framework document for the development of the state housing policy whose scope covers all Bulgarian nationals and all types of housing, and contains a package of objectives and means for the attainment thereof, as well as the responsibilities of all stakeholders.” The State Agency for Refugees did not accept the invitation for an interview, either, with the argument that it does not have competences in the field of housing policies, and that the obligations of the local authorities are described in detail in the Ordinance of 2017 on the Terms and Procedures for Concluding, Implementing and Terminating Agreements on the Integration of Beneficiaries of International Protection.

2030. The third section addresses the role of local authorities (in particular, of Sofia Municipality) in the development and implementation of housing policies for beneficiaries of international protection. The last section sums up the conclusions and main findings of the study, and offers recommendations on housing policies at the municipal level. Annex 1 to the report presents selected projects and good practices on housing for beneficiaries of international protection in Europe.

#### *Research limitations*

The study concentrates on the long-term housing provision for beneficiaries of international protection and does not examine the housing options for asylum-seekers. The analysis considers in detail the access to municipal housing programs and related counselling and assistance programs. Other forms of housing and informal mechanisms for finding accommodation (through acquaintances, in the community), and the personal experience of beneficiaries of international protection are not part of the analysis. The lack of data regarding the number of beneficiaries of international protection who are residing on the territory of Sofia Municipality is a further limitation to the independent assessment of the housing situation and the needs of the target group.

## 1.2 Terminology and definitions

<b>Housing policy</b>	An overall system of coordinated actions of the state institutions at the central and local levels which aim to ensure socially acceptable and economically achievable housing conditions for the nationals of the relevant state, as well as to ensure sustainable development of the housing environment and the dwellings therein. <sup>13</sup>
<b>Housing sector</b>	A complex of productions, markets and policies ensuring the management, functioning, distribution and reproduction of housing (NHS 2018: 5). <sup>14</sup>
<b>Social housing</b>	The term is not used in Bulgaria, although it appears in various documents. While it is used in other EU Member States, the definitions vary; it may refer to all kinds of housing that receive a certain form of state subsidy or social assistance or non-market housing – for example, cooperatives, housing rented by social agencies, community groups, NGOs, etc. other than state/municipal housing. <sup>15</sup> OECD defines “social rental housing” as accommodation in dwellings at below market rents and based on specific rules, and not on market mechanisms.  While the definition of social housing is set out in Art. 67 of the Law on Spatial Planning, it does not refer to the function

<sup>13</sup> B. Nikolova, 2017.

<sup>14</sup> Draft National Housing Strategy 2030 <http://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=3607>. Last accessed on 15.11.2019.

<sup>15</sup> There is no universally accepted definition of “social housing” in Europe. Social housing can be provided to households in most need (as in the UK), while in Denmark any person can apply for social housing. For more details, see UNECE (2015) *Social Housing in the UNECE Region: Models, Trends and Challenges*, [http://www.unece.org/fileadmin/DAM/hlm/documents/Publications/Social\\_Housing\\_in\\_UNECE\\_region.pdf](http://www.unece.org/fileadmin/DAM/hlm/documents/Publications/Social_Housing_in_UNECE_region.pdf). Last accessed on 20.12.2019.



	of the property but to the way of building it depending on the funds used: “Social housing” is housing intended for persons with ascertained housing needs, constructed or financed with the support of the state or the municipality.
<b>Overcrowding rate</b>	The overcrowding rate shows the relative share of people living in an overcrowded home whose size is determined by the number of rooms used by the household, the number of household members, and their family status. A person is considered to live in overcrowded accommodation if the household does not have: one room for the household, one room for each family couple in the household; one room for each single member (i.e. a person who is not married and who is not in cohabitation) of the household aged 18 and over; one room for each household of the same gender aged between 12 and 17; one room for each household member aged between 12 and 17 who is not included in any of the above categories.
<b>Housing cost overburden</b>	As overburden are considered housing costs exceeding 40% of the net disposable income of the households, excluding the housing benefits.
<b>Tenure status</b>	Owner-occupation or tenancy (rental).
<b>Municipal housing</b>	The housing defined in Art. 42 of LMP: By way of its purpose, municipal housing is: <ol style="list-style-type: none"> <li>1. intended as rental housing for citizens with documented housing needs;</li> <li>2. intended for sales, replacement and compensation for former owners whose properties have been acquired for municipal purposes;</li> <li>3. corporate housing for municipal/public servants</li> <li>4. reserve fund accommodation.</li> </ol>
<b>Housing affordability</b>	Reflects the ratio between household incomes and housing prices. If “affordable housing” is understood as housing that must be affordable to everybody, in particular to those at risk, it should be noted that this is not a uniform definition used in the European public policies. Eurostat defines affordability based on the percentage of the population for whom the total housing costs (“net” housing costs) are over 40% of the disposable income. This share, however, is strongly dependent on the life cycle, employment, social support, prices, etc. Expenditures in the excess of 40% for accommodation are an indicator of housing cost overburden. The term “housing affordability” is used in this report with a broader meaning and covers all housing models, for example, social housing, housing at affordable market rental prices, ownership forms / ways of use (e.g. co-ownership, rented, etc.) <sup>16</sup> See the Figure “Housing continuum” below.

<sup>16</sup> The documents of the EU Housing Partnership point to the absence of a “formal,” “policy” and/or “legal” definition of the concept “affordable housing” in the EU. The EU does not have a mandate to define a common housing policy, this being a prerogative of the national, regional and local authorities. See ‘Analysis of interpretations of the term affordable housing in the EU Urban Agenda Partnership for Housing’ at [https://ec.europa.eu/futurium/en/system/files/ged/briefing\\_note\\_2017\\_interpreting\\_the\\_term\\_affordable\\_housin](https://ec.europa.eu/futurium/en/system/files/ged/briefing_note_2017_interpreting_the_term_affordable_housin)

<b>Beneficiary of international protection</b>	“A person who has been granted international protection” means a person who has been granted refugee or humanitarian status (subsidiary protection) under the Law on Asylum and Refugees (LAR), Art. 1(2). As refugees and humanitarian status holders, respectively, are considered the spouse of a refugee status holder and of a humanitarian status holder and their minor and underage children. <sup>17</sup>
<b>International protection</b>	Includes refugee status and humanitarian status pursuant to the LAR (Art. 1(2)) which are granted by the Chairperson of the State Agency for Refugees with the Council of Ministers under the LAR (Art. 2(3)).
<b>Third-country national</b>	A foreigner who is a national of a state that is not a member of the European Union, the European Economic Area, and Switzerland. <sup>18</sup>
<b>Migrant</b>	A person who resettles voluntarily from one state into another in order to find a job or better living conditions.
<b>Integration</b>	A process of applying specific measures and services in priority social areas which regulate protection ranging from discrimination, equal treatment, and rights to opportunities for Bulgarian language training, hence for education, housing, healthcare and social assistance, recognition of qualifications and employment, integration in the social, cultural and civil life of the society for beneficiaries of international protection. <sup>19</sup>
<b>Housing inclusion indicators</b>	The indicators are used by FEANTSA (European Federation of National Organizations Working with the Homeless) in the assessment of housing provision and of the risks of homelessness in the EU. The indicators include housing costs overburden, overcrowding, insufficient housing stock, inability to pay monthly rents/mortgage, lack of adequate heating in the house. <sup>20</sup>

### 1.3 Review of literature

The topic of housing policies in Bulgaria and the needs of beneficiaries of international protection has been addressed by previous studies both commissioned by UNHCR and

g-march\_2017.pdf. See also *RESOLUTION for Social Housing in Europe from Amsterdam, Barcelona, Berlin, Bratislava, Brussels, Budapest, Bucharest, Copenhagen, The Hague, Dublin, Frankfurt, Hamburg, Krakow, Leipzig, Ljubljana, Milan, Munich, Nantes, Paris, Prague, Riga, Tallinn, Turin, Vilnius, Warsaw, Vienna, Zagreb*, Oct. 2013, <http://www.housingeurope.eu/file/61/download>. Last accessed on 20.12.2019.

<sup>17</sup> The Bulgarian law stipulates that an alien who has been granted refugee or humanitarian status shall have the rights and obligations of a Bulgarian national (with some exceptions), namely: employment without a work permit; education at state schools and universities; family reunification on the territory of Bulgaria; Bulgarian nationality after 3 or 5 years from receiving the status (for those with refugee or humanitarian status, respectively); travelling abroad under the terms and conditions applicable to Bulgarian nationals or permanently residing foreigners, etc. For more information, see *Guide on the Integration of Beneficiaries of International Protection*, published by the Bulgarian Council on Refugees and Migrants, [www.bcrm-bg.org](http://www.bcrm-bg.org).

<sup>18</sup> Bulgarian Council on Refugees and Migrants, *Guide on Integration*, p. 8.

<sup>19</sup> *Ibid.*, p. 3.

<sup>20</sup> See FEANTSA, *European Index of Housing Exclusion*, 2019, [https://www.feantsa.org/download/oheeu\\_2019\\_eng\\_chapter24960529912564680914.pdf](https://www.feantsa.org/download/oheeu_2019_eng_chapter24960529912564680914.pdf)

conducted under various projects. The review of the available Bulgarian and foreign studies aims to outline the main trends, models and practices that may serve as benchmarks in the analysis, development and implementation of municipal housing policies for beneficiaries of international protection in Bulgaria.

### *National studies*

The topic of housing provision for beneficiaries of international protection is partially addressed in annual analyses and reports of the organizations working in the area of refugee and migrant integration (e.g., UNHCR, Caritas-Bulgaria, Bulgarian Red Cross (BRC), Bulgarian Council on Refugees and Migrants (BCRM), Foundation for Access to Rights (FAR), Bulgarian Helsinki Committee (BHC)). The publication of Caritas-Bulgaria *Equal in Our Differences* (2017) reviews the main sectors of integration, including access to housing. In addition to the personal experiences of the families that have successfully found accommodation with support from Caritas, the publication describes the most critical points in the process: the legal and administrative barriers, the negative attitude of public institutions and landlords, etc. Other publications (annual reports of BHC, BCRM) also draw attention to these problems and underline the absence of institutional commitment to solve them.

A more systematic study of the *risks of homelessness and the access to housing* for asylum-seekers and beneficiaries of international protection, commissioned by UNHCR and conducted by the Bulgarian Academy of Sciences (BAS) in 2013 outlines several interrelated problems.<sup>21</sup> The study pinpoints the risks of homelessness at various stages of the application for granting international protection, insofar as these risks also depend on the access to or the lack of other social services for such persons.<sup>22</sup> The authors stress that “both asylum-seekers and beneficiaries of international protection are at risk of homelessness” and “the absence of a state or municipal policy for overcoming homelessness amongst asylum-seekers and refugees contributes to their vulnerability” (BAS 201: 6). On the one hand, municipalities raise regulatory barriers to the access to municipal housing; on the other hand, the absence of housing solutions for refugees after moving out of the State Agency for Refugee’s (SAR) centers makes them vulnerable to “scams and unfair treatment from landlords.” Under such circumstances, asylum-seekers and BIPs rely mostly on support from NGOs, relatives, and friends. According to the study, the risk of homelessness is a ramification of the integration measures which are “insufficient in terms of their scope and duration,” including the limited provision of Bulgarian language courses.<sup>23</sup>

Since 2014 some of the recommendations made in the above report have been implemented, while others are still pending. The recommendation to involve municipalities, besides SAR, in the integration process has been only partially fulfilled: the 2017 Ordinance on integration agreements assigns municipalities a key role for integration at the local level but fails to secure

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<sup>21</sup> UN High Commissioner for Refugees (UNHCR), *Where is My Home? Homelessness and Access to Housing among Asylum-Seekers, Refugees and Persons with International Protection in Bulgaria*, June 2013, <https://www.refworld.org/docid/51b57c864.html>. Last accessed on 14.11.2019.

<sup>22</sup> After receiving a refugee status or subsidiary protection, the persons concerned must leave the reception centre where they were temporarily accommodated during the examination of their applications for international protection (the time limits for leaving such centers are, for example, 2 months in Belgium, 28 days in the UK, 15 days in Slovenia, and 14 days in Bulgaria.)

<sup>23</sup> It should also be taken into account that in 2013 when the study was carried out, a National Program for Refugee Integration (2011-2013) was still in place, and a number of integration activities were available, including Bulgarian language courses which were discontinued in 2014.

adequate financing for integration programs.<sup>24</sup> A recommendation still pending regards the proposal to extend the 14-day time limit to leave SAR's centers after the granting of international protection. No steps have been taken for SAR (or another public body) to act as a guarantor in contracts with private landlords in order to make easier BIPs' access to private rented accommodation (BAS 2013: 7).

Another report from 2014,<sup>25</sup> *Utilizing Private Empty Housing for Enhancing the Social Rental Stock in Bulgaria*, looks into the potential of using private vacant properties to tackle the shortage of social housing (the housing needs of beneficiaries of international protection are not a subject of the analysis). The report reviews housing policies and housing stock management models (in France, Italy, Belgium), and the mechanisms for expanding the social housing sector in Europe. The legal frameworks and the functioning of social rental agencies (agencies that own, manage housing and offer rental accommodation) are also described.

Discussing the situation in Bulgaria, the authors conclude that the ordinances regulating “the procedure for access to municipal housing, combined with the severe shortage of such housing precludes, by default, the right to affordable accommodation for those persons who are not eligible under the ordinance but are *de facto* in need of accommodation” (Zahariev 2014: 14, 36). Furthermore, the authors point to the absence of a legal definition of “social housing,” whereas the available “municipal housing stock” targets only certain groups. Another key issue, according to the study, is the lack of mechanisms to “identify the real number of persons in need of accommodation who, while living in unfit conditions, are not included in the housing register as persons in need.” The same undoubtedly applies to the situation of BIPs given the lack of systematic data concerning the individuals who have settled on the territory of Sofia Municipality and across the country. Since the study's publication more than five years ago most of its conclusions and findings still stand as no measures have been taken to improve the situation. The report concludes that unless the provision of housing is combined with an integrated program addressing the needs of the vulnerable groups (for employment, social services, education, etc.), it will be difficult to ensure that those accommodated will enjoy long-term benefits from municipal housing and will attain an adequate quality of life.

Within the perspective of this research, the above conclusion should be taken as an underlying principle in setting the framework of housing policies for beneficiaries of international protection, that is, **housing policies should form an integral part of a system of comprehensive social services which are designed to support the long-term integration of beneficiaries of international protection.**

According to a more recent report of the World Bank in Bulgaria<sup>26</sup> assessing the housing sector in the country, insufficient efforts have been made to introduce a legal and fiscal framework to address the growing need for housing and to counter the marginalization of poor households. Due to their limited financial resources, the Bulgarian municipalities are not able to finance projects for building social housing; access to other funding sources requires changes in the legal framework to allow new forms of cooperation between the state, local authorities and private investors. As the report states, while local authorities have an obligation to provide social housing to those in need, this obligation is hard to fulfil because the public housing programs are inadequate both in terms of quality and quantity.

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<sup>24</sup> The Ordinance on the Terms and Procedure for Concluding, Implementing and Terminating the Agreement on the Integration of Beneficiaries of International Protection (*Ordinance on an Integration Agreement*) of 19.07.2017.

<sup>25</sup> Zahariev, B., R. Milkova, 2014.

<sup>26</sup> World Bank, *Bulgaria: Housing Sector Assessment*.

### *European studies*

- *General housing situation*

Several analyses on the topic of housing policies in the European context are worth a closer look. The annual report on the state of housing in the EU issued by Housing Europe<sup>27</sup> presents major trends in the housing sector with respect to affordability, housing stock management, housing tenures and housing allocation models (social rental housing, via cooperatives, housing associations, non-profit organizations), and offers housing sector profiles per country. One of the major trends observed is the growing social divide regarding the access to housing; more and more social groups – and not only those who are low-income – are affected by the lack of affordable housing and by the rising rents, particularly in big cities. As regards the housing stock management, the report stresses on the cities' commitment to allocate more funds for social housing in order to promote sustainable communities. According to statistics, in the EU the Netherlands, Austria and Denmark have the highest share of social housing of their total housing stock available (respectively, 30%, 24%, and 21%) (Housing Europe 2019: 23).

In terms of the models for social housing provision, the report points to new forms of partnerships between the public and the private sectors through housing associations, cooperatives, etc.; employers are getting involved in securing employment for those accommodated in social housing; tenants take part in decision-making and property management. These new models help governments formulate housing policies and adopt housing allocation approaches that ensure social justice and the protection of vulnerable social groups. The country profile of Bulgaria mentions that while the local authorities are required to provide social housing to those in need, the supply is far below the demand (Housing Europe 2019: 54). Data for 2017 shows that 27% of the households at risk of poverty in Bulgaria experience severe housing deprivation, with 50.1% of the population at risk of poverty facing housing cost overburden (compared to the EU average of 37.9%).

- *The housing situation of refugees and migrants*

A number of recent studies examine the migration situation in the European countries and the access to housing for refugees and migrants. The reports point out common concerns related to the capacity of local authorities to adapt their policies and strategies to the rapidly changing conditions, the lack of financing, and the need to align social assistance systems with integration measures, etc.

Housing Europe is one of the organizations which wrote scoping papers for the team of the Partnership on Inclusion of Migrants and Refugees under the Urban Agenda for the EU.<sup>28</sup> The papers highlight the challenges that cities face in offering sustainable housing solutions for wider strata of the population, besides refugees and migrants. The main difficulties concern “open” or “closed” systems of access to social housing for migrants, “hidden discrimination, high prices and lack of adequate supply on the private rental market.”<sup>29</sup> The reluctance of private landlords to rent their property to migrants and to beneficiaries of international

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<sup>27</sup> Housing Europe, *The State of Housing in the EU 2019*, [www.housingeurope.eu](http://www.housingeurope.eu), last accessed on 20.12.2019.

<sup>28</sup> Housing Europe, *Report on the Working Conference on Reception & Housing of Migrants and Refugees*. Urban Agenda for the EU, 2016  
[https://ec.europa.eu/futurium/en/system/files/ged/report\\_working\\_conference\\_housing\\_reception.pdf](https://ec.europa.eu/futurium/en/system/files/ged/report_working_conference_housing_reception.pdf), last accessed on 18.12.2019.

<sup>29</sup> Housing Europe, *Report on the Working Conference on Reception & Housing of Migrants and Refugees*, 17.



protection, imposing restrictive conditions or criteria in allocating social housing, the resistance of the local communities, and negative political messages (for example, from national-socialist parties) put migrants and refugees in an unequal position for gaining access to accommodation (even though the situation they are in would entitle them, by way of principle, to social assistance and to other social services).<sup>30</sup>

Similar conclusions are reached in the comparative analysis of the European Council on Refugees and Exiles (ECRE) based on the Asylum Information Database-AIDA for 2018.<sup>31</sup> The report identifies legal, administrative and financial barriers facing beneficiaries of international protection. These barriers are not only discriminative in nature, but they put refugees at risk of homelessness and exploitation on the black market for accommodation.<sup>32</sup> Among these is the paradox case in Bulgaria: a valid identification document is required to access housing and other social services, yet, this document cannot be issued if the person does not have domicile (registration at a permanent address).<sup>33</sup> Similar issues exist in Slovenia, Malta, Hungary, Serbia, Romania. On the other end of the spectrum are positive examples such as helping beneficiaries of international protection find accommodation (in the Netherlands, the DIHAL program in France (see the text box below) or financial support offered to BIPs during the transitional period after leaving the reception centre (once status is granted) and finding accommodation. Slovenia, for example, supports BIPs financially for a period of up to 18 months post recognition; the assistance, covering rent and related utilities, is granted for further 18 months provided that the person has attended at least 80% of Slovenian language and culture courses.<sup>34</sup> Another example is Poland: while the state does not provide support to BIPs, some municipalities set aside a fixed number of municipal apartments per year for temporary accommodation of refugees; currently, Warsaw allocates 5 and Gdansk 2 apartments.<sup>35</sup>

The Inter-Ministerial Delegation for Accommodation and Access to Housing (*Délégation interministérielle à l'hébergement et à l'accès au logement*, DIHAL) maintains a platform which maps available accommodation spaces outside large cities and matches beneficiaries of international protection with a place. If matching is successful, the person also benefits from one-year social support and 1,500 € in financial assistance. In 2018 the platform identified 8,700 accommodation places for 19,000 beneficiaries, a substantial increase compared to previous years.

AIDA, *Housing Out of Reach? The reception of refugees and asylum seekers in Europe*, 36.

<sup>30</sup> Ibid., 17-21.

<sup>31</sup> AIDA, *Housing out of Reach? The reception of refugees and asylum seekers in Europe* (2018), available at <https://www.asylumineurope.org/2019>, accessed on 17.12.2019.

<sup>32</sup> A study done by the project HOMInG: *The Home-Migration Nexus* (<https://homing.soc.unitn.it/>) examines the interrelation between finding accommodation, the right to residence and address registration in Italy. One of the issues addressed is the difficulty in obtaining official address registration, in particular for those who move in abandoned buildings (*squatting*), both refugees and homeless. A solution piloted in Rome is the so-called “fictitious address” regulated by law (law n.1228/54) in the 1950s. The law stipulates that homeless persons are considered citizens of the municipality where they have settled, and the official address is “fictitious” (located on *Via Modesta Valenti*); similar addresses have been offered also by charity organizations. This system has changed after 2017 with the introduction of new, more restrictive rules which no longer allow the municipal authorities to accept a “fictitious address,” which hinders the access of beneficiaries of international protection to other social services (healthcare, social assistance, etc.).

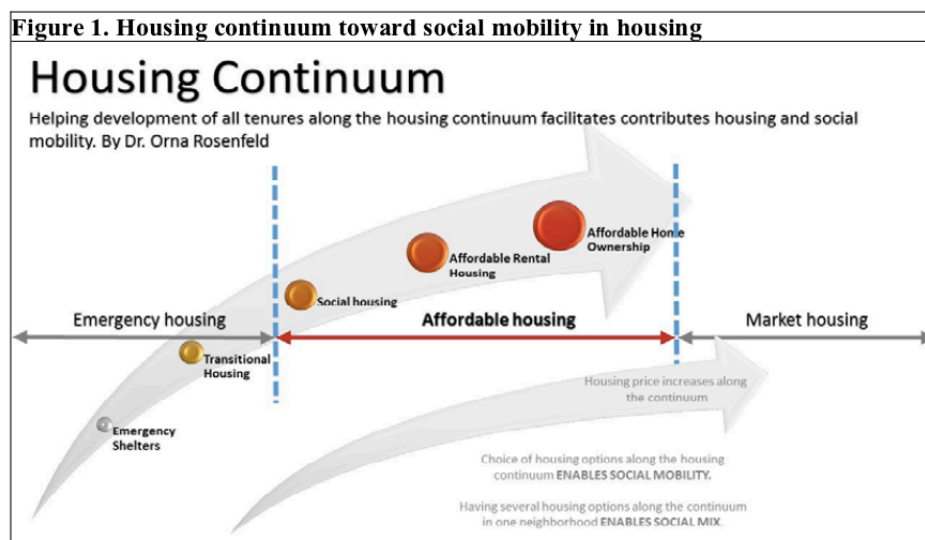
<sup>33</sup> AIDA, *Housing out of Reach*, 28.

<sup>34</sup> Ibid., 36.

<sup>35</sup> European Observatory on Homelessness (EOH), *Asylum Seekers, Refugees and Homelessness. The Humanitarian Crisis and the Homelessness Sector in Europe*, 2016, [https://www.feantsaresearch.org/download/feantsa-studies\\_06\\_web1893761109777125727.pdf](https://www.feantsaresearch.org/download/feantsa-studies_06_web1893761109777125727.pdf), 40-41.

Two reports of the UN Economic Committee for Europe (UNECE) of 2017<sup>36</sup> and 2019<sup>37</sup> are relevant to the subject of the current analysis, as they explore the range of possibilities for access to housing and mid- and long-term forms of housing tenures as conditioned by the level of maturity of a country's housing sector. The premise of the 2017 report is the so-called "housing continuum" (Fig. 2).<sup>38</sup>

Figure 2: The housing continuum



Source: UNECE, *Housing for Migrants in the ECE Region*, 2017.

The "housing continuum" allows to make a correlation between the housing needs of a diverse range of households, on the one hand, and various housing tenures and forms of ownership of affordable accommodation, on the other. The concept goes beyond the standard "one-size-fits-all" approach, towards the idea of a "range of housing options offered to a diverse range of households in various situations and at various points in their life (life trajectory)."<sup>39</sup> The possibility of choice along the line determines social mobility, while the availability of a number of options for access to housing within one community determines the social mix.

Furthermore, the need for multiple housing options stems from the diversity of profiles and motivations of the migrants and the beneficiaries of international protection themselves, and their decisions where and for how long to settle. This makes the cities' task of developing flexible housing strategies and securing financing for their implementation even more difficult, especially in view of the shared vulnerabilities of the housing sector in Europe (and in South-Eastern Europe, in particular) already described. In this regard, the report identifies three major obstacles: a) difficult access to various forms of tenure (ownership, rental, social housing); b) barriers to individual housing; c) lack of affordable housing stock. In unison with the reports by Housing Europe and AIDA, the 2017 UNECE report stresses that beneficiaries of

<sup>36</sup> UNECE, *Housing for Migrants: Challenges and Practices in the ECE Region*, 2017, [https://www.unece.org/fileadmin/DAM/hlm/sessions/docs2017/Information\\_doc\\_02\\_Housing\\_Migrants\\_Study.pdf](https://www.unece.org/fileadmin/DAM/hlm/sessions/docs2017/Information_doc_02_Housing_Migrants_Study.pdf)

<sup>37</sup> UNECE, *Housing Migrants in the UNECE Region. Challenges and Practices*. 2019 (Report draft), <https://www.unece.org/index.php?id=50434>

<sup>38</sup> UNECE, *Housing for Migrants*, 2017, 5.

<sup>39</sup> UNECE 2019, 68. For more information: <https://www.ahuri.edu.au/policy/ahuri-briefs/understanding-the-housing-continuum>.

## Municipal Housing Policies: a Key Factor for Integration at the Local Level

international protection are three times less likely to own a house, hence they must seek private rental accommodation. When they do so, BIPs continue to face difficulties: inaccessibility (due to high rents), insufficient information about the conditions of the functioning of the market, and discrimination from landlords. The report also highlights emerging innovative solutions, for instance, solidarity programs for shared housing; temporary accommodation at volunteers' places; rehabilitation of empty buildings and homes by the municipal authorities; or new construction designs using modular/prefabricated houses.

The 2019 UNECE report reconfirms the above conclusions and summarizes the challenges for EU Member States in meeting the housing needs of migrants as follows.<sup>40</sup>

- Migrants disproportionately depend on the private rental market which is less secure and more expensive than social housing.
- Migrants experience more difficulties to access social housing, and specific restrictions may prevent them from receiving housing benefits and from inclusion in the housing registers for social housing.
- Migrants are more likely to live in housing which is sub-standard, overcrowded and with bad infrastructure.
- Migrants face high levels of homelessness, including hidden homelessness and risk of eviction.
- It is more probable for migrants to have no information about their rights and to be unable to receive compensation in the event of a violation.
- Migrants risk hostility and discrimination in the place where they live due to negative public attitudes and prejudices.

The report proposes a set of recommendations to tackle these challenges, drawing upon best practices across Europe and worldwide: a) taking a multi-level governance approach to housing as a key element of integration; b) active involvement of both migrants and the host society in the development and implementation of housing policies; c) making housing policies part of a comprehensive system of social services provision.

The last study which evaluates the response of European cities to the housing needs of beneficiaries of international protection is the report produced by the *Curing the Limbo* project, financed by the Urban Innovative Actions Initiative.<sup>41</sup> The analysis stresses that cities and regions have invested significant efforts and resources to find working solutions; many times their success or failure have been caused by inconsistencies between the legal framework at the national level and its implementation at the local level (*Curing the Limbo* 2018: 13). The report discusses existing approaches to housing for migrants and refugees within the perspective of the dominant concept of migration as “life in limbo,” according to which refugees are “stuck” in a temporal and spatial vacuum. This concept continues to shape strategic policy thinking regarding the provision of housing and social services to refugees and migrants; such policy perspective is deeply rooted in the perception of the end users (of services) as passive recipients who are a burden on the welfare system, without taking into account their ability and freedom of decision. The report argues for shifting the viewpoint to

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<sup>40</sup> UNECE, *Housing Migrants in the UNECE Region*, 2019, 18ff. The report uses the term “migrants” as a general reference.

<sup>41</sup> G. Astolfo, C. Boano, *Curing the Limbo, Affordable Housing Policy and Practices. Case Review and Studies*, 2018, [https://www.uiainitiative.eu/sites/default/files/201902/Curing%20the%20Limbo\\_report%20on%20housing\\_Feb%202019%20%281%29.pdf](https://www.uiainitiative.eu/sites/default/files/201902/Curing%20the%20Limbo_report%20on%20housing_Feb%202019%20%281%29.pdf). Last accessed on 29.12.2019.



housing for refugees and migrants: from humanitarian and centralized (focusing mostly on temporary, short-term, emergency accommodation to protect the right to life) to one based on the idea of self-reliance.<sup>42</sup> As regards the implementation of housing policies, the report points out that most countries offer financial support for individual housing and have mechanisms for finding accommodation for asylum-seekers while they are still in the reception centers (*Curing the Limbo* 2018: 28). The access to social and subsidized housing, however, is not just a matter of “demand and supply”: the report takes into consideration a host of problems facing the social housing sector across Europe and the social services system which do not allow prioritizing the needs of beneficiaries of international protection. Against that background, the authors have selected 70 “social innovations” in housing, initiated by municipalities, NGOs, and private companies across the world, some of which are also included in Annex 1 to this report.

Table 1: Support schemes for housing for beneficiaries of international protection in Europe (source: *Curing the Limbo* 2018: 29)

State	Accommodation of status holders	Structure of available housing stock
Austria	No distribution key applies, no residence requirement applies, unassisted house hunting	Limited special housing, mainly use of existing housing stock
Belgium	No distribution key applies, no residence requirement applies, unassisted house hunting	No special housing, mainly use of existing housing stock
Denmark	Distribution keys apply, residence requirement applies, assisted house hunting	Limited special housing, mainly use of existing housing stock
France	Distribution key applies, no residence requirements applies, unassisted house hunting	Use of special housing and existing housing stock
Germany	Distribution key applies, residence requirement applies, partly assisted house hunting	Limited special housing, mainly use of existing housing stock
Italy	Distribution key applies, no residence requirement applies, unassisted house hunting	Limited special housing, mainly use of existing housing stock
Netherlands	Distribution keys apply, residence requirement applies, assisted house hunting	Use of special housing and existing housing stock
Norway	Distribution keys apply, residence requirement applies, assisted house hunting	No special housing, mainly use of existing housing stock
Sweden	Distribution key applies, no residence requirement applies, assisted house hunting if requested	No special housing, mainly use of existing housing stock

<sup>42</sup> UNHCR, *Global Appeal 2017 Update - Pathways to Solutions*. <http://www.unhcr.org/uk/publications/>

## Part I. Policies for the integration of beneficiaries of international protection with a focus on housing – priorities and trends

### 1. UN Strategic guidance on housing policies for beneficiaries of international protection

Several international acts draw attention to this topic. The review of the most important ones highlights the evolution of the conceptual underpinnings of housing policies and the efforts to find an adequate response to emerging challenges and needs derived from migration across the world.

- **The UN Universal Declaration of Human Rights in Article 25, paragraph 1** stipulates that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, **housing** and medical care and necessary social services (...).”<sup>43</sup>
- **The UN International Covenant on Economic, Social and Cultural Rights** is one of the most important human rights acts ratified by Bulgaria in 1970. The Covenant sets out the minimum conditions to be ensured by the States with a view to guaranteeing life in dignity, economic justice, social well-being, participation, and equality. It lays down standards in the areas of employment and labor rights, social security, healthcare, education, access to food, **housing**, healthy environment, and culture. According to the UN Committee on Economic, Social and Cultural Rights (UNCESCR), the right to adequate housing should be understood as the right to life in safety, at a freely chosen location, in dignity, and with the protection of personal freedom. Safeguarding this right requires not only the availability of a place to inhabit; a minimum set of criteria must be met to ensure an adequate standard of living and to prevent any form of discrimination.<sup>44</sup>

#### Adequate housing according to the UNCESCR

**Legal security of tenure:** housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats.

**Availability of services, materials, facilities and infrastructure:** housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage or refuse disposal.

**Affordability:** housing is not adequate if its cost threatens or compromises the occupants’ enjoyment of other human rights.

**Habitability:** housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health.

**Accessibility:** housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.

**Location:** housing is not adequate if it is cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities, or if located in polluted or dangerous areas.

**Cultural adequacy:** housing is not adequate if it does not respect and take into account the expression of cultural identity.

<sup>43</sup> <https://www.un.org/en/universal-declaration-human-rights/>

<sup>44</sup> UNCHR, & UN Habitat. (2009). *The Right to Adequate Housing*, [www.ohchr.org/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf)

In addition to the above criteria, key elements in understanding the right to housing are protection against eviction and guaranteeing the security of tenure. Research shows that migrants as a whole (women to a greater extent compared to men) experience difficulties in finding adequate housing, and are more often victims of spatial segregation and discrimination. Furthermore, the need to respect cultural identity, affordability, and the quality of utility systems are crucial for beneficiaries of international protection and all migrants.

In 2015 the Summit on Sustainable Development in New York approved new global sustainable development goals known as “Transforming Our World: The 2030 Agenda for Sustainable Development.”<sup>45</sup> The Agenda includes 17 global sustainable development goals (SDGs); SDG 11 is “Sustainable Cities and Communities,”<sup>46</sup> and the first out of the 10 specific measures for achieving it reads: “By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.” *The 2030 Agenda, the Geneva UN Charter on Sustainable Housing Policy*<sup>47</sup> and the *New Urban Agenda*<sup>48</sup> adopted in October 2016 in Quito, Ecuador, during the 3<sup>rd</sup> UN Global Conference on Housing Policies and Sustainable Urban Development (Habitat III) are key frameworks addressing the right to housing in the new 21<sup>st</sup> century.

The **Geneva UN Charter on Sustainable Housing Policy** was approved in April 2015. The goal of the Charter is “to support member States as they seek to ensure access to decent, adequate, affordable and healthy housing for all.”<sup>49</sup> In conformity with the principles of environmental protection, social inclusion, participation and cultural adequacy, the Charter fosters international cooperation at all levels. One of the main messages of the UN Charter on Sustainable Housing is the support for universal access to safe, inclusive and affordable housing for vulnerable groups such as migrants, displaced persons and stateless persons.

The **New Urban Agenda** presents a general vision and a political commitment within the UN for urban development, with three lines of action: (1) social inclusion and ending poverty, (2) sustainable and inclusive urban prosperity and opportunities for all, (3) sustainable urban development. The Agenda’s underlying principle is: “Leave no one behind by ending poverty in all its forms and dimensions (...) by ensuring equal rights and opportunities (...) and by providing access for all to (...) basic services, as well as adequate and affordable housing.” The *Housing at the Centre* approach relies on the principles of inclusive cities as the basis for securing adequate housing for all. This will be achieved by including human rights in urban development policies with a view to new and more sustainable housing solutions, in particular for groups in vulnerable situations such as migrants and refugees.<sup>50</sup>

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<sup>45</sup> United Nations. (2015). *Transforming our World: The 2030 Agenda for Sustainable Development*. Available from: <https://sustainabledevelopment.un.org/post2015/transformingourworld>, last accessed on 29.12.2019.

<sup>46</sup> Sustainable Development Goal 11: „Make cities and human settlements inclusive, safe, resilient and sustainable.“ Available from: <https://sustainabledevelopment.un.org/sdg11>

<sup>47</sup> UNECE. (2015). *Geneva UN Charter on Sustainable Housing: Ensure access to decent, adequate, affordable and healthy housing for all*, [https://www.unece.org/fileadmin/DAM/hlm/documents/Publications/EN\\_Geneva\\_UN\\_Charter\\_on\\_Sustainable\\_Housing.pdf](https://www.unece.org/fileadmin/DAM/hlm/documents/Publications/EN_Geneva_UN_Charter_on_Sustainable_Housing.pdf), last accessed on 29.12.2019.

<sup>48</sup> Habitat III. (2016). *The New Urban Agenda. United Nations Conference on Housing and Sustainable Urban Development*, <http://habitat3.org/wp-content/uploads/NUA-English.pdf>, last accessed on 29.12.2019.

<sup>49</sup> [https://www.unece.org/fileadmin/DAM/hlm/charter/Language\\_versions/ENG\\_Geneva\\_UN\\_Charter.pdf](https://www.unece.org/fileadmin/DAM/hlm/charter/Language_versions/ENG_Geneva_UN_Charter.pdf)

<sup>50</sup> Habitat III. (2016). *The New Urban Agenda*. The goals regarding commitments for ensuring affordable housing for social groups with various income levels, socio-economic status and risk of marginalization are set out in Articles 31, 32, 33, 34, 99, 107.

## 2. EU Strategic guidance on housing policies for beneficiaries of international protection

### 2.1 The state of housing in the EU

According to Eurostat statistics<sup>51</sup> and the Housing Europe report for 2019, the housing sector in the EU continues to face a number of structural barriers which are tackled “with a patchwork of, often costly, policy solutions”<sup>52</sup> and an integrated urban approach is largely missing from the political agenda. Below are given several parameters for housing affordability which are also relevant to the housing of beneficiaries of international protection.

Table 2: *EU housing statistics (for 2016)*

Quality of housing	Overcrowding rate among the population at risk of poverty <sup>53</sup>	Share of occupants of sub-standard housing
16.6% of the EU-28 population live in overcrowded dwellings. The highest overcrowding rate for the EU has been registered in Romania (48.4%).	The EU-28 overcrowding rate stands at 29.5%, which is by approx. 12.9 percentage points above the rate for the whole population.	4.8% of the EU-28 population lived in extremely bad housing conditions in 2016.
Cyprus (2.4%), Malta (2.9%), Ireland (3.2%), Belgium (3.7%), and the Netherlands (4.0%) report the lowest overcrowding rates.	The highest overcrowding rates among the population at risk of poverty have been registered in Romania (60.6%), Poland (59.2%), Hungary (54.7%), Slovakia (54.2%), and Bulgaria (51.1%).	In 4 states more than 1 in 10 persons lived in extremely bad conditions. Bulgaria reports a share of 11.6%, Latvia (14.6%), Hungary (16.9%), Romania reports the highest share - almost 1 in 5 persons (19.8%). <sup>54</sup>

#### *Housing affordability*

In 2016, 11.1% of the EU-28 population lived in households which spend 40% and over from their equivalized disposable income on housing. The share of people whose housing costs exceed 40% of their equivalized disposable income is the highest among tenants whose rents are at market tariffs (28.0%), and the lowest among owner-occupants with loans or mortgages (5.4%).

The average EU-28 level masks substantial variations among the Member States. At one end of the scale are several Member States where a relatively low share of the population lived in households with housing costs exceeding 40% of their disposable income: Malta (1.4%) and Cyprus (3.1%). At the other end of the scale slightly more than two in five persons (40.5%) in Greece and slightly more than 1 in five persons (20.7%) of the population in Bulgaria spent

<sup>51</sup> Eurostat data, [https://ec.europa.eu/eurostat/statistics-explained/index.php/Housing\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php/Housing_statistics)

<sup>52</sup> Housing Europe, *The State of Housing in the EU 2019*, 6.

<sup>53</sup> Persons living in households whose equivalized disposable income per capita of the household is below 60% of the median value for the state.

<sup>54</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php/Housing\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php/Housing_statistics)

over 40% of their equivalized disposable income on housing (in comparison with Germany (15.8%) and Denmark (15.0%)).

As regards the tenure status for which the housing costs for the majority of the population exceed 40% of their disposable income, there are also considerable variations. In ten Member States over one-third of the population who lived as tenants with market rent tariffs spent more than 40% of their equivalized disposable income on housing, while this share was above two-fifths of the population in Spain (43.0%), Croatia (45.2%) and Latvia (48.3%), just slightly above half of the population (50.4%) in Bulgaria, and up to 84.6% in Greece.

### *The social housing sector*

It has to be noted that the EU does not have explicit competences in the area of housing policies (the policy is largely within the prerogatives of the Member States); however, the attainment of a number of EU goals (economic stability, the fight against climate change, social inclusion) and many of the EU policies (regional policy, urban agenda, competition policies, energy policies, social policies, etc.) affect housing policies at different levels and depend on them.

The regulatory context of social housing in Europe differs from one country to another. Most of the European countries do not have an official definition of “social housing,” and this term is not widely used in Europe. Instead, one comes across terms such as “housing at moderate rents” in France (HLM), “common housing” or “not-for-profit housing” in Denmark, “housing promotion” in Germany, “limited profit housing” or “people’s housing” in Austria, “publicly protected housing” in Spain, “public utility housing” in Sweden, etc.<sup>55</sup>

The majority of the old EU Member States use the term “social housing” in a broad sense to indicate those housing provisions and forms of affordable accommodation, including subsidized/regulated rents or housing benefits that comply with administrative procedures targeting specific social groups whose housing needs cannot be met by market mechanisms. Social housing in the new EU Member States is perceived as rental housing managed by municipalities. The opportunities for social rental accommodation are less used (even though in recent years some countries have implemented models for the construction of new social housing in partnership with suppliers who are non-profit and/or cooperatives).<sup>56</sup>

There are also variations in terms of the suppliers (owners) and beneficiaries. The former range from local authorities and state-owned companies to organisations and associations which are non-profit or with limited profit and housing cooperatives (social housing agencies where the ownership is private, but the rents, the housing provision and the available subsidies are regulated by means of public housing policies). The social housing sector plays the role of a market regulator and fosters the social mix in line with other development policies. As for the

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<sup>55</sup> UNECE, *Social Housing in the ECE Region*, 2015: 7-8.

<sup>56</sup> J. Hegedüs, V. Horváth and E. Somogyi, *Affordable Housing in Central and Eastern Europe: Identifying and Overcoming Constraints in New Member States*, 2017. Last accessed on 30.11.2019.

<https://ec.europa.eu/futurium/en/housing/affordable-housing-central-and-eastern-europe-identifying-and-overcoming-constraints-new>. The analysis was written for The Housing Partnership under the Pact of Amsterdam. Examples of new developments are the TBS cooperatives in Poland for affordable rental accommodation (included also in *Annex 1* to this report); the housing assistance program in the Czech Republic which covers both the municipal and private sectors for rental housing (families receive benefits if 30% of their income does not suffice to meet their housing needs). The Czech Republic piloted a project for a state guarantee fund whose purpose is encouraging private landlords to rent to vulnerable groups (Roma, homeless); the plans envisage that this fund becomes permanent (p. 58). Tallinn uses public-private partnerships for building subsidized housing – the municipality provides the land, the state covers 25% of the investment (p. 74).



states with targeted allocation of social housing (such as Bulgaria), the system operates outside the private rental market, and targets only specific households which are assessed as being unable to find affordable accommodation on that market.

### 2.2 EU legal framework, strategic documents, and initiatives

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The *Charter of Fundamental Rights of the EU*<sup>57</sup> sets out all the fundamental rights protected in the EU in one single act, which became legally binding within the EU upon the entry into force of the Lisbon Treaty in December 2009. Thus, the fundamental rights laid down in the Charter – civil, political, social – are binding for the EU institutions, bodies, and agencies in all their actions, as well as for the Member States applying the EU law. Article 34, point 3 of the Charter reads: “In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Community law and national laws and practices.”

The *European Social Charter of the Council of Europe* (revised); the revision of the Charter with the 1995 Protocol thereto sets out the right to housing as one of the basic social rights (Art. 31). While Bulgaria has ratified the Charter, not all of its articles have been adopted.<sup>58</sup> Underlying provisions regarding the integration of beneficiaries of international protection are also contained in **Directive 2011/95/ EU**.<sup>59</sup> Article 32 of the Directive guarantees equal access to accommodation and freedom of movement (Art. 33) under equivalent conditions as other third-country nationals legally resident in the territory of the country. The Directive stipulates that Member States shall endeavour to implement policies “aimed at preventing discrimination of beneficiaries of international protection and at ensuring equal opportunities regarding access to accommodation.”

In addition to the general legal framework and the directives related to the use of the EU structural funds, the evaluation and monitoring of the implementation of housing policies for BIPs is equally important. This requires developing a system of indicators for assessing the impact of the relevant policies in respect of the target group and the long-term outcomes of the integration measures. A major element in designing the national integration strategies (and, respectively the local ones) are the EU standards which include the Common Basic Principles for Immigrant Integration Policy in the EU and the Zaragoza Integration Indicators.

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<sup>57</sup> Charter of Fundamental Rights of the EU, [https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf)

<sup>58</sup> The 38<sup>th</sup> National Assembly ratified the European Social Charter (revised) by virtue of a law in March 2000, but Bulgaria has not adopted Art. 31, i.e. it is not obligated under this article (regarding the access to housing of an adequate standard, making the price of housing accessible to those without adequate resources (paragraphs 1 and 3), preventing and reducing homelessness with a view to its gradual elimination (paragraph 2). A review of the Charter articles that have not been adopted is carried out on a 5-year basis, with the participation of experts from the Council of Europe; the third report for Bulgaria from 2015 points out that the steps taken so far are not sufficient; the municipalities do not have adequate resources to manage and renovate the municipal housing stock (with small exceptions – absorption of funds from ESIF), and the role of the state has been diminishing (79-81). The next evaluation report is planned for 2020.

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168066b9a1>.

<sup>59</sup> Directive 2011/95/EU of the European Parliament and the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, <https://eur-lex.europa.eu/legal-content/BG/TXT/PDF/?uri=CELEX:32011L0095&from=EN>

### 3. Housing-related indicators of integration in the EU

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The Zaragoza Integration Indicators adopted by the Member States in 2010 are a minimum set of indicators to support the monitoring of the situation of immigrants; the Member States are encouraged to gather and analyze additional data in line with their national legal and policy framework, and the distribution of the immigrant population.<sup>60</sup> The indicators cover the priority areas of integration: employment, education, social inclusion, active citizenship. “*Property ownership*” is a major indicator (alongside overcrowding and housing cost overburden) as acquiring property is considered a sign of social status, social mobility, and long-term settlement status. According to indicator-based research, the migrant population has, by and large, a lower share of property ownership compared to the local population. Newcomers and beneficiaries of international protection often have limited resources, while the lack of employment, stable financial resources and income make it difficult for them to access loans for buying a house.<sup>61</sup>

The indicators developed by the Organisation for Economic Cooperation and Development (OECD)<sup>62</sup> include access to housing as one of the benchmarks for well-being and successful integration. The indicators for monitoring integration outcomes focus on the *percentage of house owners, share of tenants with sub-market rents, share of overcrowding, share of sub-standard housing and housing cost overburden*. The limited access to affordable accommodation and the insecurity of tenures contribute to lower education performance, high risks of social exclusion, and health issues for migrants. The latest 2018 data available shows that the percentage of migrants who are owner-occupants across the OECD area is very low, and 1 in 4 persons occupy sub-standard dwellings compared to the ratio of 1 in 5 amongst local residents. 17% of the migrants and 11% of the local residents live in overcrowded dwellings across the EU.<sup>63</sup> In addition, they often incur excessive housing costs – an issue that may result in cutting on the expenditures for other needs such as healthcare.

Besides the above initiatives, a new EU project aims to design a framework for a comprehensive evaluation of the integration of beneficiaries of international protection: **NIEM** is a 6-year transnational action involving 15 Member States. One of the project activities is about developing reliable and sustainable data collection methods on integration. The evaluation system will include over 150 indicators for the main areas of integration policies - legal integration, socio-economic integration, **housing**, etc. Four types of indicators will be applied to evaluate each of the areas: a) availability of a legal and regulatory framework for integration; b) policy implementation and stakeholder involvement; c) financial and human resources for policy implementation; d) achieving integration outcomes.<sup>64</sup> The project baseline report shows that while the access to housing and housing assistance for beneficiaries of international protection in the EU has been ensured, individual states impose various restrictions (for instance, Hungary, Italy, Poland have requirements for domicile, employment, and education; in Slovenia BIPs are given access to public housing after a 5-year period of residence in the country). Specific rules introduced by local and regional authorities raise administrative barriers to social housing (for instance, in Italy, Hungary, Latvia, Poland,

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<sup>60</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/legal-migration/general/docs/final\\_report\\_on\\_using\\_eu\\_indicators\\_of\\_immigrant\\_integration\\_june\\_2013\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/legal-migration/general/docs/final_report_on_using_eu_indicators_of_immigrant_integration_june_2013_en.pdf)

<sup>61</sup> Ibid., p. 25-28.

<sup>62</sup> OECD/European Union (2018), *Settling In 2018: Indicators of Immigrant Integration*, OECD Publishing, Paris/European Union, Brussels, last accessed on 5.12.2019.

<sup>63</sup> <http://www.oecd.org/els/mig/Main-Indicators-of-Immigrant-Integration-bw.pdf>

<sup>64</sup> See more about the project at: <http://www.forintegration.eu/pl/about-the-project>, <http://multikulti.bg/bg/project/niem-bg>

Romania).<sup>65</sup> Across the EU practices also vary when it comes to the recognition of BIPs as vulnerable groups eligible for long-term accommodation, the quality of the housing offered, targeted counselling and assistance for house search, etc.

### *The Urban Agenda for the EU*

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The Urban Agenda for the EU was established by the Pact of Amsterdam adopted on 30 May 2016 during the Dutch Presidency of the Council of the EU.<sup>66</sup> The process of approving the Agenda started in 2014 at the proposal of the EC. The document identifies 12 partnerships linked to the most important challenges facing cities and towns: **inclusion of migrants and refugees**, air quality, urban poverty, housing policy, circular economy, employment and skills for local economy, climate change adaptation, energy transition, sustainable land use and environmentally-friendly solutions, urban mobility, digital transformation (Sofia was among the partners), and innovative and responsible public procurement.

### *Partnership on Inclusion of Migrants and Refugees*

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The partnership is coordinated by the city of Amsterdam and Directorate General (DG) Home Affairs. The Partnership members are the cities of Athens, Berlin, Barcelona, Helsinki, the states Portugal, Italy, Denmark, as well as the network of European cities EUROCTIES, the Council of European Municipalities and Regions (CEMR), URBACT, the European Investment Bank, the Migration Policy Group, and two DGs: DG Regional and Urban Policy and DG Social Affairs and Employment. The documents of the initiative identify specific challenges and barriers to migrant and refugee inclusion: the lack of coherent statistics about migrants' integration at the local level; insufficient exchange of knowledge among cities in developing integration policies.<sup>67</sup> The partnership emphasizes that the support for newly arrived migrants should start right in the beginning, and not at a later stage. Important for this study is the data in the report "Ask the People. A Consultation of Migrants and Refugees," based on a survey carried out with 500 migrants from 7 EU countries and drafted by the European Migrant Advisory Board (EMAB), which is one of the Partnership activities. The section of the report focused on housing lists the following main findings:

- 20.3% of the respondents say that they do not feel comfortable and dignified at their current accommodation;
- 73.2% have responded that their accommodation is located far from their workplace or from services needed for everyday life;
- 63% have stated that they do not fear discrimination or racism at their current accommodation.<sup>68</sup>

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<sup>65</sup> A. Wolffhardt, C. Conte and T. Huddleston, *The European Benchmark for Refugee Integration: A Comparative Analysis of the National Integration Evaluation Mechanism in 14 EU Countries*, 2019, <https://www.migpolgroup.com/wp-content/uploads/2019/06/The-European-benchmark-for-refugee-integration.pdf>, 90-94. Bulgaria is not included in the initial analysis of 14 countries.

<sup>66</sup> Urban Agenda for the EU, Pact of Amsterdam, [https://ec.europa.eu/regional\\_policy/sources/policy/themes/urban-development/agenda/pact-of-amsterdam.pdf](https://ec.europa.eu/regional_policy/sources/policy/themes/urban-development/agenda/pact-of-amsterdam.pdf), last accessed on 25.11.2019.

<sup>67</sup> A. Wolffhardt, A.-L. Joki & G. Solano, "Facilitating evidence-based integration policies in cities. Options Report of the Stakeholder Working Group," 2019, [https://ec.europa.eu/futurium/en/system/files/ged/evidence-based20integration20policies20in20cities\\_options20report.pdf](https://ec.europa.eu/futurium/en/system/files/ged/evidence-based20integration20policies20in20cities_options20report.pdf). Last accessed on 6.12.2019.

<sup>68</sup> EMAB, *Ask the People. A Consultation of Migrants and Refugees*, 2019, [https://ec.europa.eu/futurium/en/system/files/ged/ask\\_the\\_people\\_european\\_migrant\\_advisory\\_board\\_report\\_final.pdf](https://ec.europa.eu/futurium/en/system/files/ged/ask_the_people_european_migrant_advisory_board_report_final.pdf), 10.



Some of the report recommendations for housing policies include: 1) Housing should meet the minimum standards required for a dignified life; 2) Housing should be close to service provision facilities and have good access to public transport; 3) Housing distribution should be conducive to refugees' and migrants' inclusion, i.e. in neighbourhoods with mixed population, instead of in segregated migrant and refugee communities.

The final Action Plan of the Partnership recommends a more efficient use and complementarity of the structural funds, the European Investment Bank, and the European Fund for Strategic Investments (EFSI).

### The Housing Partnership

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This partnership involves the cities Vienna (coordinator), Lisbon, Poznan, Riga, the Scottish Cities Alliance, EUROCITIES, the states Slovakia (coordinator), Latvia, Luxembourg, the Netherlands, Slovenia, and the European networks AEDES, Housing Europe and the International Union of Tenants (IUT). The other participants include DG Regio, the European Investment Bank, and the URBACT network. The initial focus of the Partnership is on the topic of affordable public housing and state aid rules.<sup>69</sup> The findings show that the provision of affordable social housing is first and foremost a commitment of the national and local governments. Nevertheless, the EC plays an important role in the process through a variety of instruments – regulations on competition, the services of general economic interest, the application of state aid rules, and the European Regional Development Fund (ERDF) for the improvement of housing policies for marginalized groups. The Action Plan<sup>70</sup> proposed by the Partnership reviews the state aid and the preferential pricing rules in view of eliminating the barriers to investments in new social housing and in the social infrastructure. The Plan recommends developing indicators as part of the European Semester<sup>71</sup> through which to monitor and evaluate differences in housing conditions at the local and regional levels and the geographic distribution of housing needs. In this respect, one new initiative deserves attention: the *European Pillar of Social Rights*.<sup>72</sup> This policy document identifies housing and the assistance to the homeless as one of the 20 areas where the Member States need to focus their efforts. While the pillar is not legally binding, it is a potentially powerful tool to monitor the progress of the Member States which is then reflected in their performance review and the country-specific recommendations made by the EC in the annual reports on the European Semester.<sup>73</sup> Article 19 of the Pillar of Social Rights on housing and housing assistance to the homeless defends the right to “access to housing or housing assistance of good quality provided to those in need,” “appropriate assistance and protection against forced eviction” for vulnerable people, and the provision of “adequate shelter and services to the homeless in order to promote their social inclusion.” One of the recommendations made by the Housing

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<sup>69</sup> [https://ec.europa.eu/regional\\_policy/sources/policy/themes/urban-development/agenda/pact-of-amsterdam.pdf](https://ec.europa.eu/regional_policy/sources/policy/themes/urban-development/agenda/pact-of-amsterdam.pdf)

<sup>70</sup> Urban Agenda for the EU, Housing Partnership Action Plan, [https://ec.europa.eu/futurium/en/system/files/ged/final\\_action\\_plan\\_euua\\_housing\\_partnership\\_december\\_2018\\_1.pdf](https://ec.europa.eu/futurium/en/system/files/ged/final_action_plan_euua_housing_partnership_december_2018_1.pdf)

<sup>71</sup> The European semester is a cycle of coordinating the EU economic and fiscal policies, including for the purpose of achieving convergence and stability in the EU;

<https://www.consilium.europa.eu/bg/policies/european-semester/>

<sup>72</sup> European Pillar of Social Rights, [https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles\\_en](https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles_en). Principle 19.

<sup>73</sup> A. Pittini, *The European Semester: what role in steering housing policies?* 2018, [https://ec.europa.eu/futurium/en/system/files/ged/briefing\\_note\\_on\\_the\\_european\\_semester\\_housing\\_europe\\_2018.pdf](https://ec.europa.eu/futurium/en/system/files/ged/briefing_note_on_the_european_semester_housing_europe_2018.pdf)

Partnership is that the Social Scoreboard for the three main elements of the Pillar (equal rights and access to the labour market, working conditions, social protection and inclusion) be supplemented with an indicator for social and affordable housing. It is also recommended to revise the definition of housing cost overburden and to set a new threshold of 25% of the disposable income of a household being used for housing (instead of the current 40%).

Where do Bulgaria and the Bulgarian municipalities stand in this context and how successful are they in translating the new priorities into their strategic housing plans? The second part of the report takes up this question and examines in more detail the National Housing Strategy<sup>74</sup> which defines the responsibilities of local governments for the development and implementation of housing policies. Looking at the priorities set in the Strategy we can assess the potential social and economic impact of these policies on the most vulnerable groups in society, and that includes also BIPs. The next section first provides an overview of the state of housing in Bulgaria, followed by an analysis of the draft housing strategy.

## Part II. National and municipal documents

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### 1. National Housing Strategy of the Republic of Bulgaria 2018 – 2030

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#### *The state of housing in Bulgaria*

Compared to the state of the housing sector in the EU, as described above, the main features of the Bulgarian sector can be summarized as follows:

- ✓ A steady increase in the total number of dwellings
- ✓ High share of private housing owned by natural persons
- ✓ Low degree of housing affordability
- ✓ High percentage of vacant dwellings
- ✓ Limited public housing stock of deteriorating quality

*Annex 1: Analysis of the State of the Housing Sector for the National Housing Strategy (NHS)*<sup>75</sup> quotes NSI data about an increase of the housing units by 48,000 in 2011-2015. In 2011 the housing consumption was comparable to the one in the EU (550 dwellings/1,000 inhabitants), the available housing exceeding by far the number of households, with the share of private housing reaching approx. 98%. The number of vacant dwellings has also been on the rise (up to 1,220,416 or over 31% in 2011), and as a result of this, “the state of the housing stock has steadily deteriorated due to both inadequate maintenance and poor management.” Another negative trend is the decreasing affordability of accommodation, the ratio housing price/income having gone up to 6.6 in 2015 (from 6.3 in 2013) (Analysis 2017: 108). Consequently, not more than 10% of households can afford buying a house at the current market prices or renting private accommodation; the share of people who need support for renting accommodation has also grown.

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<sup>74</sup> At the time of completing this report, the strategy was still a draft document under revision.

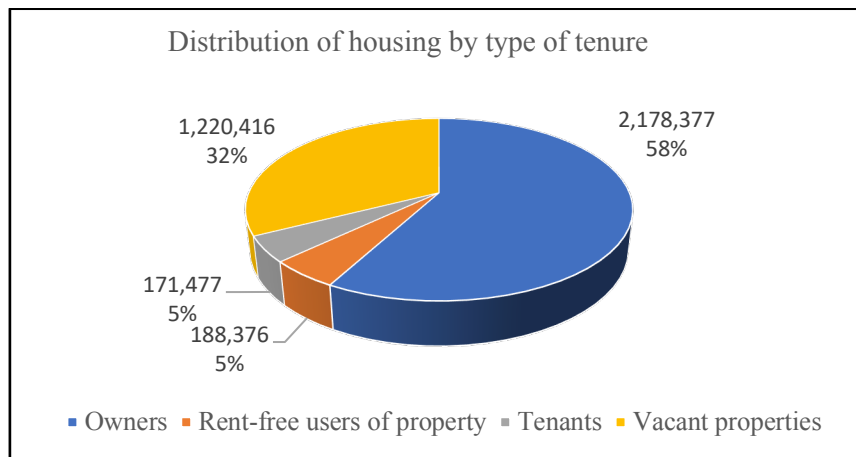
<sup>75</sup> National Centre for Territorial Development EAD, “Annex 1: Analysis of the State of the Housing Sector,” 2017.

[https://www.mrrb.bg/static/media/ups/articles/attachments/3%20NHS\\_PART\\_ANALIZ\\_CORRECTED\\_17.10.2017\\_MN\\_123dced449e6a9457d9d404c4696c112e9.pdf](https://www.mrrb.bg/static/media/ups/articles/attachments/3%20NHS_PART_ANALIZ_CORRECTED_17.10.2017_MN_123dced449e6a9457d9d404c4696c112e9.pdf); last accessed on 20.12.2019. Hereafter referred to as *Analysis*, followed by the page number.

## Municipal Housing Policies: a Key Factor for Integration at the Local Level

Due to the high share of private housing owned by natural persons, the capacity of the public sector to influence the private rental market to aid low-income individuals is limited. The state of both the private and the public housing stocks has deteriorated due to inadequate management and maintenance. The share of vacant dwellings is high due to outmigration and rural-urban migration within the country; subsequently, there has been limited demand for accommodation in “unattractive areas” with poor infrastructure and services.

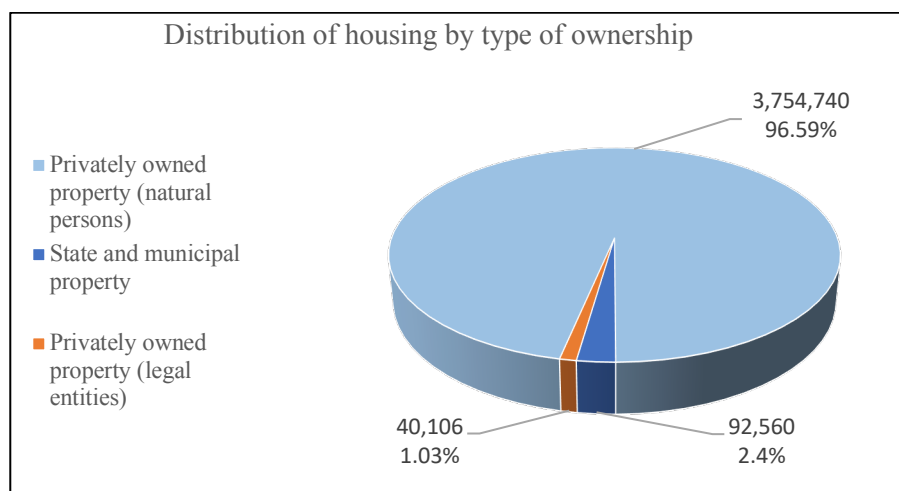
Chart 1: *Distribution of housing by type of tenure*



Source: Author’s compilation based on data from “*Annex 1: Analysis.*”

As regards the availability and the quality of the public housing stock, according to *Analysis* it has a symbolic share of 2.4% and is steadily diminishing. As the public housing properties are dispersed in private condominiums, its management is difficult; moreover, the municipalities have limited resources for upkeep and maintenance. This affects the accessibility of good-quality housing and substantially impairs the opportunity for young families and persons in need from vulnerable groups to buy or even to rent dwellings from the public housing stock.

Chart 2: *Distribution of housing by type of ownership*



Source: Author’s compilation based on data from “*Annex 1: Analysis.*”

Furthermore, the *Analysis* points out that in 2015 only 92,560 dwellings (2.4%) made up the public housing stock and they were concentrated mostly in cities and towns – 83,429. Over half of these are corporate housing units, either state-owned or municipality-owned and do not fulfil a social function as defined in the ordinances on the terms and procedures for determining individual housing needs (each municipality has such ordinance, which is voted by the municipal council). Moreover, this stock has been diminishing (in 2001 there were 109,853 such dwellings), and no funding has been allocated for new construction (Analysis 2017: 93).

Compared by cities and regions, the shares of municipal housing vary from 6% in the city of Sofia to 1.1% in Montana.<sup>76</sup> According to data quoted in the World Bank report on the housing sector in Bulgaria, 33% of the Bulgarian municipalities (i.e. 87 out of 256) no longer have municipal housing. Another 108 municipalities maintain only a limited reserve of emergency accommodation for up to 10 persons, and only 40 municipalities have a housing stock with a capacity for more than 10 persons (Analysis 2017: 94). Against this backdrop the situation across Europe looks more optimistic: Austrian cities have the highest share of social housing: the city of Linz with 54% of the total stock (51% housing owned by limited-profit companies and 3% municipal housing) and Vienna where 43% of all dwellings are social housing (23% municipal housing and 20% housing owned by limited-profit companies). Amsterdam ranks next, with 42% social housing (Housing Europe 2019: 24).

The *Analysis* concludes that there is an “acute need” for 1) affordable housing; 2) ensuring social housing for vulnerable groups by means of new build stock or renovating the existing one; 3) financial arrangements for housing assistance targeting those “most in need, vulnerable groups and young people.” The document points out that “Bulgaria does not comply with its responsibilities ensuing from international housing policies agreements for providing affordable and adequate housing” (Analysis 2017: 10). Neither have the measures planned in the 2004 National Housing Strategy been implemented, including one related to “Regulation of the status of ‘housing associations’ – social housing companies similar to the existing practice in the Netherlands.”

As stated in the draft version of the new Housing Strategy, the document is fully in line with the current European and international priorities for housing policies, as set out in the *UN Global Housing Strategy, The New Urban Agenda* (2016), and the *Urban Agenda for the EU* (2016), as well as in the European Social Charter of the Council of Europe and the Charter of the Fundamental Rights of the EU.

From the outset, the Strategy is defined as a “policy instrument enabling the government to channel all state, public and private resources towards attaining a higher habitation standard, [...] for the provision of priority assistance to the most vulnerable groups in society and for socio-economic regulation of the migration processes in the country” (NHS 2018: 1). As a strategic document it aims to establish an appropriate institutional and legal environment which can guarantee “equality and access to housing for everybody, based on shared responsibilities

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<sup>76</sup> As of the end of 2019, the city of Burgas has 928 municipal housing units (818 apartments for rent, 45 emergency reserve) - <https://www.burgas.bg/uploads/cbd1405e6b091b5e506d2a6939467033.pdf>; Varna – 1,275 units; Veliko Tarnovo – 426 rented and 6 emergency reserve, <https://www.veliko-tarnovo.bg/media/filer/2019/12/30/strategia-os-2019-2023.pdf>; Dobrich – 1,331 of which 1,281 rentals and 35 emergency reserve, <http://dobrudjabg.com/novina/kraq-na-mart-e-noviqt-srok-za-podavane-na-deklaracii-za-prezavqvanane-na-nujda-ot-obshtinsko-jilishite/45139>; Plovdiv – 3,603 (managed by “Zhilfond” enterprise) <https://www.marica.bg/samo-v-marica/intervyuta/minko-kaftanski-remontirahme-142-obshinski-jilisha-i-32-zabavachki>; Stara Zagora – 634 (592 rentals, 34 emergency reserve), [https://www.starazagora.bg/uploads/posts/Strategia\\_2016-2019.pdf](https://www.starazagora.bg/uploads/posts/Strategia_2016-2019.pdf)

between the municipalities, the private sector and citizens” (NHS 2018: 3). Recognizing the existence of “groups of the population for whom the housing market is inaccessible without external support,” the Strategy proposes a principle of “solidarity” and “distribution of responsibilities” to warrant the efficient spending of resources. In the spirit of the Charter of the Fundamental Rights of the EU, the Strategy acknowledges the “unconditional recognition of the right to housing assistance” as a fundamental requirement for “a life of dignity for all”; accordingly, one of the Strategy’s main priorities reads: “*Ensuring affordable housing for all, including the homeless, young people and other vulnerable groups*” (NHS 2018: 10).

What responsibilities does the draft National Housing Strategy 2030 propose for the state and for the municipalities?

The role of municipalities: “[B]uilding a housing system that can guarantee access to affordable adequate housing for everybody living and working on the territory of one administrative unit” (NHS 2018: 26).

The state has to guarantee an “enabling environment,” while the local authorities are expected to have in place “well-resourced municipal units ready to support the implementation of the national housing policy with administrative and financial means, through the annual [municipal] housing programs.” The Strategy does not specify in what ways this task will be performed; the municipalities are required to update their housing programs on an annual basis. In practical terms, this means having reliable mechanisms for data gathering, needs analysis, urban planning, etc.

In accordance with its key priorities, the Strategy sets specific objective No 2: “*Ensuring affordable housing. Direct assistance to vulnerable groups*” (NHS 2018: 19). What this implies is the improvement of the housing conditions for vulnerable groups and support for the homeless through “adequate social housing” (NHS 2018: 2). The Strategy refers repeatedly to special measures for “groups of the population that meet specific criteria,” which indicates that the housing model proposed here is intended for a specific category of beneficiaries and can be defined as a *targeted* one.<sup>77</sup> Hence beneficiaries of international protection could be considered as a potentially eligible group, as this model is, by definition, applied to vulnerable households (such as unemployed, people with disabilities, with addictions, elderly). On the other hand, critics of the model argue that because of the shortage of social housing, a targeted housing allocation inevitably leads to concentration of the most vulnerable population only in certain neighbourhoods, where social housing units are available, which in turn increases the risks of spatial segregation, poverty, and unemployment.

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<sup>77</sup> See more details about this and other assistance models in the report UNECE, *Social Housing*, 2015, pp. 20-30. The report distinguishes two models for social housing allocation, universal and targeted; the latter is further subdivided into residual and generalist. The universal model presupposes a social housing system open to all (usually subject to registration in a social housing waiting list). This model assumes that housing is a public responsibility, provided either through municipal housing agencies (as in Denmark, Sweden) or by the NGO sector (as in the Netherlands, Denmark). The model is generally applicable in countries where the housing sector is mature and has a higher supply of social housing; rents are calculated on the basis of the housing costs, and housing benefits are also provided. The targeted model is intended for special groups of the population that cannot afford accommodation on the private housing market. The model application relies on particular rules and criteria for determining eligibility (esp. in countries which have an underdeveloped social housing stock, insufficient funding and affordable housing loan programs, against high demand for social housing). In the generalist model housing is allocated according to the income level; the residual allocation is intended for a restricted category of beneficiaries, based on a set of vulnerability indicators, usually targeting the most vulnerable social groups who are dependent on social welfare. The local authorities play a leading role in this model, and rents are usually determined on the basis of the income.



How will the priorities of the Strategy be achieved? The Strategy sets forth measures aimed at three specific sectors; the second one comprises “municipal *social rental housing* – for citizens with proven housing needs.” According to the document, the “statistical need for social housing is [...] approx. 80,000 units.” The third sector covers “*sheltered rental housing*<sup>78</sup> and *shelters for the homeless* – for people with documented housing needs, special needs, and people “without a roof,” who do not wish and cannot qualify for any of the above options.” (NHS 2018: 20).

The measures for the second sector foresee restructuring and rehabilitation of municipal housing and “building a consolidated municipal housing stock.” The latter would comprise “social housing for vulnerable groups, emergency accommodation in the event of natural disasters, [housing] for young and qualified professionals and their families,” as well as “modern social housing which will accommodate vulnerable groups of the population and other disadvantaged groups” through investments under Operational Program Regions in Growth (NHS 2018: 13, 21). These activities have to be coordinated with state/municipal social assistance programs so as to ensure mechanisms for “regulated (below-market) rents; private rented accommodation whose owner has committed to social responsibility, i.e. a sub-market rental price” (for low-income groups and young families). Furthermore, the Strategy envisages setting up of a *public housing fund* which will accumulate funds from many sources (state budget, operational programs, international donors, stock market, etc.). This fund will provide financing for subsidies, financial instruments for the renovation of the housing stock, investment subsidies for social housing, municipal housing programs, and bank guarantees for subsidized credits (NHS 2018: 22).

According to the opinions of the experts who were interviewed for this study, the National Housing Strategy has failed to develop and introduce an adequate understanding of the

*“It is necessary to introduce in the national legislation the category “social housing” as a form of affordable accommodation for renting or purchasing, intended for people who are excluded from the housing market.” (Habitat for Humanity Bulgaria)*

category “social housing” as part of the national housing policy. The NHS promises concrete solutions for an effective policy implementation through “the whole range of affordable and social housing options” (NHS 2018: 24). While very ambitious, this promise is rather broadly formulated

and it is hard to tell how it will be translated into an operational framework with achievable and measurable objectives, and responsibilities for all stakeholders at all levels of governance.

The document repeatedly refers to seemingly overlapping categories of housing policy beneficiaries, which need to be clearly distinguished; the Strategy refers to “people in need of social housing,” “low-income groups,” “persons with documented housing needs,” “groups of the population meeting pre-defined criteria,” “the poorest and most vulnerable social groups,” “other socially disadvantaged groups” as target groups for “modern social housing” which is a responsibility of the municipalities (NHS 2018: 21). It is not clearly understood, either, how

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<sup>78</sup> Different from “shelters” as defined in the Regulation for the Application of the Social Assistance Act, §1, point 27 of the Additional Provisions: “a form of a social service for adults with permanently reduced work capacity/type and degree of disability who, with the assistance of specialists, can lead an independent life in a family-like environment.”

these groups will share responsibility for their housing situation based on “solidarity and fair sharing” with the other participants in the housing sector, or how the housing concepts proposed will be adapted to the needs of the various groups without any risk of discrimination. The implementation of the new Housing Strategy depends on many factors, but the most critical one is the provision of financial resources and institutional support for the local authorities, as well as putting in place mechanisms for cooperation with all stakeholders. Equally important is also to initiate a broad public discussion on the priorities of a modern housing policy designed not only to meet vital social needs but to also tackle economic inequalities, the risks of social exclusion, discrimination, and intolerance.

As regards the construction of social housing in Bulgaria, recent developments in the sector have been regulated by the EU framework through the respective operational programs. On the one hand, the operational programs set the priorities and the focus of the housing policies in Bulgaria as an EU Member State, on the other hand, they are an important source of finances – a crucial factor for many Bulgarian municipalities. Within the 2007-2013 programming period eligible for financing from the EU structural funds were activities for improving the energy efficiency and the housing conditions for marginalized groups. The scope of the “social services of general economic interest” has also been broadened to include “social” housing as a *social service*. In practice, this has made possible a number of projects in Sofia, Dupnitsa, Blagoevgrad, and other cities and towns for the construction of such housing. The category “social housing,” in terms of its purpose and function, was initially defined in the context of the programming period and in the municipal projects for social housing under OPRG by virtue of Decree No 270 of 27.09.2011; §1 of additional provision 8 reads: “‘Social housing’ shall mean dwellings targeted for low-income households or persons with special needs.”

### **European structural funds in support of the housing sector and housing affordability for vulnerable groups**

- Within the reporting period till 2016, Sofia Municipality implemented a project under 2007-2013 OPRG, scheme BG161PO001/1.2-02/2011, “Modern social housing for the accommodation of vulnerable groups of the population on the territory of Lyulin and Vrabnitza districts of Sofia Municipality,” with 71 new social housing units. The project was carried out by several directorates of Sofia Municipality, including the Social Affairs Directorate. The project aimed to develop a sustainable integrated model for improving the living standard of people from vulnerable and socially disadvantaged groups through equal access to modern and adequate housing conditions, spatial integration, social inclusion and motivation for active involvement in public life.
- Vidin Municipality received funding under 2007-2013 OPRG for the reconstruction of 50 existing housing units in nine 1-storey buildings and the construction of 30 housing units in four 2-storey, 2-family buildings, each for 280 representatives of marginalized groups.
- Devnya Municipality implemented a project for renovation and reconstruction under 2007-2013 OPRG of an existing 4-storey building with 33 housing units for 165 representatives of marginalized groups.
- Blagoevgrad implemented a project under 2014-2020 OPRG for the construction of 183 apartments for two target groups: 1) parents with children, including underage parents, large families, families with children in poor health, and 2) people at risk of social exclusion.<sup>79</sup>

<sup>79</sup> The municipalities which plan to build social housing funded by OPRG BG16RFOP001-1.00 “Implementation of integrated plans for urban regeneration and development” are required to adopt special

For the 2014–2020 programming period both the European Fund for Regional Development and the European Social Fund have defined as priority areas eligible for funding the energy efficiency of social housing, integrated activities for sustainable urban development, affordable social housing for marginalized communities, and social enterprises. The interventions so far have included not only improving the housing conditions through new build social housing for the target groups but also through related social services and employment assistance. For example, educational support programs have been developed for both school-age children and for parents who have not completed their education. Notwithstanding the programs outcomes, the new housing facilities have concentrated in one area of households mostly of Roma origin. The social housing projects therefore pose a risk of secondary segregation of these households. These effects should be considered when deciding on locations for the accommodation of families/individuals who are beneficiaries of international protection. When planning new housing projects – through the construction of new residential buildings or allocation of municipal dwellings - it is advisable to conduct a social assessment of the beneficiary families and of the host communities in order to prepare individual and group support plans, paying greater attention to persons with special needs.

## 2. Legal and institutional framework for the integration of beneficiaries of international protection in Bulgaria

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Granting international protection to asylum-seekers is regulated in national and in international law. According to the Law on Asylum and Refugees (Art. 1(2)),<sup>80</sup> Bulgaria grants two types of international protection: refugee and humanitarian status. The two types of international protection guarantee full access for the beneficiaries to Bulgaria’s social and economic system, which means that they also have full access to the public and administrative services provided by the local authorities. The beneficiaries of international protection who have chosen domicile on the territory of Sofia Municipality enjoy the same rights in terms of the implementation of the municipal policies as the rest of the population.

Table 3: *Number of beneficiaries of international protection in Bulgaria 2017-2019*

Year	Total No of applications for international protection	Refugee status granted	Humanitarian status granted	Total No of status holders
2017	3,700	804	900	1,704
2018	3,797	317	413	730
2019	2,152	181	300	481

Source: *State Agency for Refugees*

There is no statistics at the central, nor at the municipal level regarding the number of beneficiaries of international protection who have permanently settled in the capital city Sofia.

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ordinances regulating the access to housing for the beneficiary groups prior to submitting the proposal. Most of the cities which have already adopted such ordinances (they differ from the ordinances regulating the access to municipal housing) have also set as eligibility criteria permanent residence on the territory of the municipality and Bulgarian citizenship.

<sup>80</sup> Law on Asylum and Refugees, available at: <http://lex.bg/laws/ldoc/2135453184>



### *Institutions in charge of integration*

At the national level the legal framework regulating the support to BIPs is the LAR; the law also lays down the conditions and the procedure for granting international protection to third-country nationals on the territory of the Republic of Bulgaria. On the grounds of Art. 37a of LAR, by virtue of a Decree of the Council of Ministers No 14 of 19.07.2017 was adopted the *Ordinance on the terms and the procedure for concluding, implementing and terminating an agreement for the integration of beneficiaries of asylum or international protection*. The Ordinance stipulates that beneficiaries of international protection have the opportunity to sign an integration agreement with a Bulgarian municipality. The Ordinance makes detailed provisions about the rights and obligations of other state and municipal bodies and institutions: the Ministry of Education and Science, the Ministry of Labour and Social Policy, the Ministry of Health, the Ministry of Interior, the State Agency for National Security, the State Agency for Child Protection, the Employment Agency, the Agency for Social Assistance, mayors of municipalities, regional governors. SAR is obligated to draft integration profiles of the BIPs which contain personal data, information about the individual's education, professional qualifications, preferred area of personal development. After receiving the decision for granting international protection, each beneficiary can choose to sign an integration agreement with a municipality that has agreed to receive him/her on its territory; if an agreement is signed, an individual integration plan is drawn up. Article 9 of the Ordinance stipulates that the municipality shall provide "services for counselling on the access to housing for beneficiaries of asylum or international protection" and "mechanisms for including the integration of beneficiaries of asylum or international protection in the policies for housing, social inclusion and regional development." Until the end of 2019, no state funding has been allocated to municipalities for the implementation of the activities as defined in the Ordinance.

The goal of the current National Strategy on Asylum, Migration and Integration (2015-2020) is to ensure efficient national policies for the governance of migration processes in line with the EU migration policy. The action plans adopted thereto, however, do not include activities and financial provision for housing.<sup>81</sup> The government is yet to appoint a central body responsible for the coordination of all integration activities and of the relevant stakeholder organizations, as stipulated in Art. 19.1 of the 2017 Ordinance.<sup>82</sup> Given the scarcity of resources, the lack of institutional capacity and of adequate information for the municipal administrations on how to assist beneficiaries of international protection, the latter can hardly avail themselves of their rights set out in the EU instruments and in the national law.

### **The role of municipalities as defined in the Ordinance on Integration**

The local authorities take responsibility for initiating and implementing the horizontal policies and measures for the social integration of the beneficiaries of international

<sup>81</sup> The First National Action Plan on Integration for the implementation of the National Strategy in the Area of Migration, Asylum and Integration was adopted in 2018, followed by another one in 2019, with little difference in content between the two; available at <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=963>

<sup>82</sup> In September 2019 a Decree No 226 established a National Council on Migration, Borders, Asylum and Integration, which has advisory and monitoring functions in the area of migration and integration of third-country nationals and beneficiaries of international protection. The Council is chaired by the Minister of Interior. Among the members of the Council is a representative of the Board of Directors of the National Association of Municipalities in Bulgaria.

protection who have settled on their territory. In case the mayors of municipalities are interested and wish to, they can sign an integration **agreement** with BIPs. The municipalities make a commitment to receive a certain number of BIPs, having taken into consideration the state of the labour market, the workforce available, local demographic trends and the prospects for the development of the municipality, as well as the presence of foreign communities [on their territory] in order to prevent segregation and other risks to the socio-economic stability and security.

In order to sign an agreement, the mayor submits an application to SAR. The mayor or a designated person, shall:

1. Make arrangements and provide assistance for housing the foreigner and the members of his/her family;
2. Enter the foreigner and his/her family in the population register;
3. Assist the foreigner with filing an application for obtaining Bulgarian IDs;
4. Assist with the registration at the Labour Office Directorate;
5. Make a referral to the Social Assistance Directorate, if necessary;
6. Make arrangements for drawing up an individual integration plan for any child/ren in the foreigner's family, jointly with the Social Assistance Directorate and the child's legal representative;
7. Assist with ensuring access to other administrative services;
8. When the foreigner and his/her family are entered in the population register, refer them to the Regional Office of Education;
9. Monitor and control the enrolment of children who are subject to compulsory preschool and school education, including minor and underage beneficiaries of international protection;
10. Provide information about selecting a family doctor on the territory of the municipality;
11. Notify MoI and SANS of the integration agreements signed, and when agreements are terminated before the due date and the grounds for their termination;
12. Notify the relevant regional health inspectorate and the health insurance fund of the integration agreements signed;
13. Provide opportunities for sports activities and events;
14. Control the implementation of the integration agreement.

Source: Bulgarian Council on Refugees and Migrants, <https://bcm-bg.org/>

*What rights do beneficiaries of international protection have in relation to the access to housing?*

Financial assistance or extended stay at SAR's centers can be provided for up to 6 months after a status has been granted, under conditions determined by SAR's Chairperson and in coordination with the Minister of Finance.<sup>83</sup> According to the experts interviewed, the financial assistance referred to in Art. 32(2) of LAR is not provided (instead, SAR deems the extension of stay at one of its centres as such assistance). For this reason, it is recommended to consider an extension of the period within which the applicant has to leave SAR's centers after receiving

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<sup>83</sup> Art. 32 (3) (previous paragraph 2 – SG No 52 of 2007, amended - SG No 80 of 2015, effective as of 16.10.2015) “A foreigner who has been granted international protection may be provided with financial support for housing for a period of up to 6 months as from the date of entry into force of the decision for granting international protection under the terms and procedure established by the Chairperson of the State Agency for Refugees in coordination with the Minister of Finance.”

international protection and/or to make arrangements for the provision of housing assistance (financial), as such assistance has not been available since 2014.

The Asylum, Migration and Integration Fund, through the fund's managing authority – the International Projects Directorate at MoI – provides financing only in cases of resettled refugees.<sup>84</sup> The very low

*“Municipalities have not been eager to participate as they do not have sufficient financial resources. If revenues from taxes go into the municipal budget, then we would have more to offer. In our case, the mayor's personal commitment to the [refugee] families was crucial. What is also needed is a central unit coordinating the integration measures at the national level; at present most of the activities are carried out by NGOs.” (Vitosha District administration)*

number of agreements signed in implementation of the 2017 Ordinance (only eight for 2018-2019, of which Vitosha District of Sofia Municipality provided rental housing for seven refugee families, five of them under the refugee resettlement program, and Krasno Selo district had one

agreement) reveals challenges that need to be tackled. Agreements are difficult to implement, as the municipal administrations do not have funds allocated for these particular programs. When providing municipal housing for beneficiaries of international protection is impossible, the alternative option is private rental accommodation. In the case with Vitosha District, the municipality negotiated with real estate agencies and private landlords – an approach which addresses, to some extent, the issue with the owners' mistrust and reluctance to have refugee tenants. Nonetheless, the absence of proactive measures at the central level – by both the institutions in charge of housing policy and of integration – discourages the local authorities; a potential solution could be putting in place arrangements for private owners to rent their vacant property as social rental housing at sub-market prices. Moreover, the absence of awareness and information campaigns regarding the real migration situation in Bulgaria increases public distrust and hampers the successful integration of those refugees who wish to settle in the country. Lastly, very few, if any, of the municipalities have an administrative unit dedicated to integration issues; given the circumstances, better results are hardly to be expected.<sup>85</sup>

### *Private rental housing*

The rules and procedures for renting homes on the private rental market are the same for BIPs as for Bulgarian nationals. Valid Bulgarian IDs are required for signing a lease agreement. However, finding suitable accommodation within the 14-day time limit<sup>86</sup> is next to impossible, as it depends entirely on the financial resources of the beneficiaries of international protection. Usually, finances are scarce, and in most cases the landlords or the real estate agencies require the payment of the first rent and one, or sometimes two, security deposits. As

*“Finding accommodation is easy, convincing the owners to rent property to refugees is difficult. The municipality acts as a guarantor; it signs the contract with the real estate agency, and the owners know they will receive the rent payment.” (Vitosha District administration)*

<sup>84</sup> During 2018-2019 Bulgaria has agreed to resettle 110 Syrian refugees from Turkey; 85 of them arrived by the end of that period under the EU refugee resettlement scheme.

<sup>85</sup> By pointing out that the 2017 Ordinance is obviously encountering difficulties, the European Institute suggests that when signing agreements, the BIPs who wish to settle in cities “should explicitly state so and should commit to finding [and paying for] accommodation on their own.” For those who wish to settle in smaller municipalities “a policy of maximum support” should be applied. See European Institute, 2019, p. 93.

<sup>86</sup> Art. 35 (effective as of 16.10.2015) “A foreigner who has been granted international protection shall be obliged, within 14 days of the receipt of the decision granting international protection, to appear at the municipality of the area where he/she will settle in order to be entered in the population register.”

finding a well-paid job is an obstacle for the majority of the BIPs (due to poor command of Bulgarian, difficult recognition of qualifications, etc.), paying the rent, utility bills and ensuring the subsistence of one's family (often, the households are large) becomes an impossible task. The lack of long-term employment puts families at risk of poverty and material deprivation; yet the support programs for covering rental costs implemented so far (by BRC, Caritas-Sofia) are not a sustainable long-term solution due the absence of long-term financing. Faced with a no work-no housing predicament, many BIPs decide to leave the country.

### *Address registration: yet another closed door?*

Address registration requires declaring a permanent and a current residence address for the purpose of entering the individual in the population register. To this end, pursuant to Art. 92 (2) of the Civil Registration Act<sup>87</sup> a rental contract with the property owner or the owner's (notarized) consent in writing, which is done by means of a sample declaration, must be presented for address registration. The property owner must attend in person or provide the notary deed for the property and certify his/her consent for the address registration. Many owners who initially agree to rent their property to BIPs, subsequently back off because of the bureaucracy burden for them.

Surveys, media publications,<sup>88</sup> the interviews with experts, and other sources confirm that the time interval between leaving SAR's center and finding accommodation is critical for BIPs. After receiving the decision for recognition of status, the beneficiary has to declare an external residence address. Within 14 days from the decision, BIPs are required to register at the municipality where they wish to reside, in order to be entered in the population register. The obstacles they face in finding accommodation push refugees to give fictitious addresses, and multiple persons register at the same address – a “service” for which they are forced to pay to intermediaries and fraudsters. Media publications indicate that real estate agencies also offer their services for finding accommodation. Some of them do find flats which will be rented, while others just assist BIPs with getting fictitious addresses.

Address registration at a permanent and current address is needed to get an ID, and an ID, in turn, is needed to access numerous other rights, systems and services, for instance, finding a job, opening a bank account, signing an employment contract. If a person does not have address registration at the respective municipality, he/she is not eligible to apply for municipal housing. In addition, in order to receive social welfare benefits, the person has to provide an address at which he/she can be visited by a social worker. If an address registration is refused by the officials, the decision can be appealed under the procedure laid down in the Administrative Code of Procedure. While the refusal for registration by an official body can be challenged before the relevant administrative court, the appeal does not suspend the enforcement of the judgment (Art. 92(14)).

The flipside of the issue with address registration is the impossibility to cancel it: as soon as a foreigner has registered at a residence and has subsequently left the country, no one else can

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<sup>87</sup> Civil Registration Act, <https://www.lex.bg/laws/ldoc/2134673409>

<sup>88</sup> Publications at <https://fakti.bg/bulgaria/180063-bejancite-v-balgaria-adresat-neizvesten>; <https://fakti.bg/bulgaria/180215-registriraneto-na-bejanci-na-fiktivni-adresi-se-prevrashta-v-masov-biznes> report by NOVA TV on 5 June 2019, reporter Hr. Kaloferov; local media about the “avalanche of address registrations” in the town of Harmanli, <https://www.haskovo.net/news/425767/3000-bezhanci-veche-sa-harmanliyci--lavina-ot-adresni-registracii-v-grad>. According to the report, due to the large number of address registrations in Harmanli in 2015 the municipality was upgraded to a higher category, which resulted in additional representatives elected in the city council in the last local elections.

cancel the registration on his/her behalf; de-registration by the municipal administration is difficult to do. Thus a residence might end up having many persons registered at the address even though they may no longer be living at that place; this impedes the subsequent registration of new occupants, and, in turn, makes potential landlords reluctant to rent to refugees.<sup>89</sup> At the same time, all persons who have left the country must have a permanent address which is used for correspondence with the central and local authorities (pursuant to Art. 93(5) of the law). Since BIPs are uniquely affected by this situation, integration authorities should consider assigning de-registered BIPs a temporary functional address (for instance, that of the town hall itself or of an integration office) which is then recorded in a database listing the BIPs who have left the country.

Circumstances like these reduce the prospects of BIPs to benefit from the private rental market and to find affordable, adequate housing. BIPs do not rely that much on the local authorities but rather on NGOs (BRC, Caritas, IOM, UNHCR) and volunteers for solving such issues. The lack of accommodation, understood not only as an adequate place to live but as a critical node for many other social and administrative services, means *de facto* the **absence of equal access to rights and services** that beneficiaries of international protection share by law with any other citizen.

In 2019 the Bulgarian Red Cross provided counselling and housing assistance to 36 BIPs. Caritas - Sofia (in 2017) provided financial support and assistance for temporary accommodation (in hostels, private flats) and rental housing to another 149 persons, mostly from Syria and Iraq. Persons who are in need of urgent accommodation and do not have financial resources can use the services of St. Anna Centre of Caritas which has a crisis accommodation capacity for 80 persons (or 20 families).

### 3. Municipal housing policies: challenges and opportunities

#### The Municipal Property Act

The municipality is in charge of the management and regeneration of the municipal housing stock; that includes supervising the lease agreements with the tenants; stock upkeep and maintenance; safety and security; oversight of all administrative procedures. The municipal councils exercise general supervision and control over the acquisition, management and regulatory framework applicable to the municipality's immovable assets, and over the powers of the municipality mayor and other mayors, as provided for in the law.

Art. 17 (1) of the Local Self-government and Local Administration Act defines the areas in which municipalities have competences to address issues of local relevance, without explicitly naming housing policy as being within the remit of local governance. The Municipal Property Act treats municipal housing under the topic of municipal assets; it lays down general

<sup>89</sup> The Civil Registration Act limits the number of persons that can register at the same address; Art. 92, para. 10 states that the number of persons who can have permanent address registration in one dwelling "shall not exceed by two times the number of persons that the dwelling can commonly accommodate," whereby each person shall be entitled to "a floor area of not less than 10 sq.m." When determining the total number of eligible dwellers, the owners, tenants or other occupants already registered are also factored in. The "housing space (floor area)" is the sum-up of the size of the floor areas in the dwelling by type, such as living rooms, bedrooms and children rooms, measured to the internal face of the walls." Since the floor area is not usually mentioned in the notary deeds, this issue adds another barrier to the registration of BIPs.



provisions regarding the procedures for the disposal and management of municipal housing, and allows changing the purpose of its use depending on the municipality's specific needs. Art. 42 of the Law designates several types of **municipal housing**: **rental housing for persons with documented housing needs**; **housing for sale, exchange and indemnification of former owners whose properties have been acquired for municipal needs**; **municipal corporate housing (for municipal public servants)**; and **reserve fund housing** (emergency housing) for temporary accommodation of individuals affected by natural disasters or planned interventions (in cases when the municipality acquires private property for municipal needs). Furthermore, the MPA has provisions restricting/prohibiting certain transactions and allocation of housing (for instance, selling housing from the reserve fund is prohibited). The remaining part of the municipal housing stock can be sold to sitting tenants based on criteria defined by each municipality.

Art. 43 of the Municipal Property Act defines the persons who are eligible for accommodation in municipal housing: **municipal rental housing** is allocated to persons with housing needs established under the procedure described in the ordinance subject to Art. 45a (1). According to Art. 45a, “[t]he terms and procedure for establishing housing needs and for rental accommodation under Articles 43 and 45 shall be determined by virtue of an ordinance of the municipal council.” The stipulation for a separate procedure regulating the provision, sale or exchange of municipal housing indicates that this is a matter of high public interest, which therefore needs to comply with high standards for transparency and accountability.

The ordinance referred to in Art. 45a of MPA on establishing the housing needs, terms and procedures for the management and the disposal of municipal housing sets out specific criteria for assessing the applicants' eligibility such as *income, movable and immovable property, financial means, employment, current living conditions, place of residence, registered address on the territory of the municipality, number of household members*, etc. The ordinance does not define age groups that may enjoy special priorities for access to municipal housing. Persons who apply to be included in the housing register for municipal housing are grouped according to their approval category (level of the housing need) and approval date. Ranking within the groups is done according to additional criteria, and priority is given to applicants who use non-residential spaces for residential purposes; are at risk of poverty; have disabilities or permanently reduced work capacity; have serious health problems; are single parents; have three or more children; have no record of squatting in municipal housing; have been in the register for a longer period of time. Rental unit prices per sq. m. of housing space are set depending on the location, the type of construction and amenities within the building; in any case, however, these prices are below market level. Given the specific situation of BIPs – a low-income group, higher number of family members and cases of identified vulnerabilities – they would rank high on the waiting list (provided that the now existing restrictive provisions in the municipal ordinances are repealed).<sup>90</sup>

### *How is the municipal housing stock managed?*

The Local Self-government and Local Administration Act defines the “population” of a municipality as consisting of all the citizens with permanent address registration on its territory,

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<sup>90</sup> For the sake of comparison, in France refugee status holders who have been accommodated in hostels or centers for over 6 months or in sub-standard dwellings are entitled to exercise their right to forced accommodation (DALO). This means that the local authorities are obliged to make an offer for accommodation within 3 months (6 months in Paris) upon decision of a special committee and verification of the claimant's eligibility.



while the Law on Municipal Budgets defines the “local community” as consisting of the natural and legal persons who have registration, carry out an activity or use services on the territory of the municipality. Municipalities need to allocate budgets for the maintenance and renovation of the municipal infrastructure, as well as for developing and providing various types of social services. Art. 18a of the Law on Social Assistance stipulates that the mayor of the municipality shall manage the social services offered on its territory. With the provision of accommodation services the municipality shall guarantee normal living conditions to vulnerable, minority and socially disadvantaged groups of the population who have no alternative and cannot afford a home of their own or rental accommodation at market prices.

As shown in the analysis of the housing sector in Bulgaria in the previous section, while municipalities do have regulations in place for the management of the municipal rental stock, they do not have sufficient resources for its maintenance and for rehabilitation/new construction. An additional issue is the inability of some tenants to pay rent and/or utility costs. Accumulating debts for the payment of heating, electricity and water over years is a frequent phenomenon, which can serve as grounds for terminating the rental contract with the tenant under the Municipal Property Act. On the one hand, tenants often do not have the money or motivation to maintain the property, and, on the other hand, due also to lack of financial resources the municipalities rarely renovate the dwellings. In other words, even when housing is available, it may fall short of the standards for quality and fail to serve those in need. Some municipalities allow sitting tenants to buy the rental property after a certain period, while others offer multiple lease extensions beyond the fixed term. These options further reduce the already insufficient stock of municipal housing.

According to the experts who were interviewed, “there is no legal regulation allowing municipalities to pursue real housing policy.”<sup>91</sup> Moreover, “housing policy” is narrowly

*“The municipalities are not given the powers to implement housing policies; in fact, they have no such policies - they just manage a housing stock and they do it inefficiently.” (Habitat for Humanity Bulgaria)*

understood to include only “municipal housing”; there is no conceptual framework enabling a differentiated approach to the housing needs of the population that would contribute to the social and personal development of individuals. The “social housing” built under the Operational Program Regions in Growth aims to tackle the housing

deficit mostly amongst the Roma community, and construction projects are largely driven by political objectives. Decisions are partially made at the local level (through zoning regulations, public works) and partially at the regional or national levels (based on national priorities, allocation of the funds from the ESF and ERDF, etc).

Besides the scarce financial resources, the municipalities, in particular small ones, lack capacity and, according to the interviews, “political will” to solve the housing problems for people in need. So far, the majority of the BIPs have settled in large cities which are also destination points for the intensified internal migration due to the better employment opportunities they offer. Municipal housing is in short supply in most large cities (Sofia, Plovdiv, Varna), and the access to such accommodation is difficult even for Bulgarian

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<sup>91</sup> The World Bank report on the housing sector also points out that municipalities do not have sufficient institutional capacity, and they have more responsibilities than resources. See World Bank, *Housing Sector Assessment*, p. 3.

nationals. On the other hand, small municipalities and villages have a disproportionately large number – and growing – of vacant homes that could be made fit for those who wish to occupy them. As pointed out in a report of Caritas-Sofia, it is easier to find accommodation and rents are relatively low in smaller towns; however, when it comes to employment and access to other necessary services (education, healthcare), the situation is far worse. Conversely, in larger towns there are better job opportunities, but rents are very high and landlords are reluctant to rent out to BIPs.<sup>92</sup> Assessing the potential for an efficient territorial sharing of the integration costs among the municipalities and for proper balancing between the capital city, larger cities and rural areas could generate housing solutions from which both the municipalities and the BIPs and their families will benefit. This is a task that could be taken up by the national institutions in charge of integration, jointly with the National Association of Municipalities in Bulgaria, the Bulgarian Cities and Regions Association, and experts.

### Access to municipal housing

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The majority of the municipal ordinances on the identification of housing needs, the rules and the procedure for the management and the disposal of municipal housing contain clauses which are discriminatory towards beneficiaries of international protection: the requirements concern the possession of Bulgarian citizenship (at least for one member of the family), as well as proof of a defined period of permanent residence (ranging between 2 and 10 years among cities) in the respective city. The review of the ordinances in 32 towns and cities (incl. the 28 regional centers and the cities of Elin Pelin, Sevlievo, Harmanli, Svishtov) shows that it is only the ordinance of Lom Municipality that explicitly names beneficiaries of international protection as an eligible group (see the box below).

As regards the requirement for Bulgarian citizenship and the residence period, in 2019 several judgments by regional administrative courts found these provisions in conflict with the Constitution of the Republic of Bulgaria; among them are the cities of Varna,<sup>93</sup> VelikoTarnovo,<sup>94</sup> Vratsa,<sup>95</sup> Dobrich,<sup>96</sup> Dupnitsa,<sup>97</sup> Pernik,<sup>98</sup> Sevlievo, and Sofia.<sup>99</sup> The

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<sup>92</sup> Caritas-Bulgaria, *Equal in Our Differences*, 29.

<sup>93</sup> New (amended – [Judgment No 731](#) of 9.04.2019 delivered in Adm. Case No 281/2019 on the docket of Administrative Court – Varna, VII panel)

<sup>94</sup> Ordinance on the terms and the procedure for the identification of housing needs, the accommodation in and the sale of municipal housing <https://www.veliko-tarnovo.bg/bg/velikotarnovski-obshtinski-savet/naredbi-obshtinski-savet/naredba-za-reda-i-usloviyata-za-ustanovyavane-na-zhilishni-nuzhdi/>

<sup>95</sup> <http://www.vratza.bg/index/img/?category=3&sub=103>

<sup>96</sup> Ordinance of Dobrich Municipality [http://www.dobrich.bg/bg/info\\_pages/13250-наредба-за-реда-и-условията-за-устано](http://www.dobrich.bg/bg/info_pages/13250-наредба-за-реда-и-условията-за-устано)

<sup>97</sup> Judgment No 191/ 17.07.2019 of the Administrative Court of Cassation repeals the article in the part concerning “Bulgarian” citizen with permanent address on the territory of Dupnitsa Municipality for a period of over 5 years without interruption”.

<sup>98</sup> [http://www.adminsadpernik.org/dela/web\\_update\\_102019/0061d819/046a0919.htm](http://www.adminsadpernik.org/dela/web_update_102019/0061d819/046a0919.htm)

<sup>99</sup> See Case of Administrative Court – Sofia of 24.04.2019, Judgment 2817 in case No 716/2019 which repeals Art. 5, paragraph 2, point 1, Art. 30, Art. 33, paragraph 1, Art. 41, Art. 43, paragraph 5 and Art. 55 of the Ordinance on the terms and the procedure for the management and the disposal of municipal housing on the territory of Sofia Municipality adopted with Decision No 466 under Protocol No 53/14.07.2005 of the Municipal Council. Art. 5, paragraph 2, point 1 of the Ordinance on the terms and the procedure for the management and the disposal of municipal housing on the territory of Sofia Municipality stipulates that applicants for rental accommodation under Art. 3, paragraph 1, point 1 of the Ordinance must meet several cumulative conditions, one of which is that at least one member of the family (household) shall be a Bulgarian national with address registration and a permanent address on the territory of Sofia Municipality for a period of over ten years without interruption. The Court finds the provision contrary to Art. 43 of the Municipal Property Act, in addition to being in breach of Art. 26, paragraph 2 of the Constitution of the Republic of Bulgaria which

ordinances in further 14 cities and towns do not explicitly set requirements for Bulgarian citizenship; instead, they make reference to “citizens and their families” which should not be interpreted restrictively with respect to the eligibility of applicants, including BIPs. On the other hand, the requirement regarding a definite period of address registration (permanent or current address) has not been revised. While the aforementioned judgments eliminate partially the main legal barriers to BIPs to apply for municipal housing, specific provisions may need to be introduced to guarantee their access; and broad awareness-raising campaigns at the local level need to be carried out to support BIPs in exercising their rights.<sup>100</sup>

Accommodation in housing from the reserve fund in the cities surveyed is for a period of up to 2 years under the conditions of address registration and/or citizenship; the target groups are families with severe social or health problems or in the event of accidents, natural disasters, etc.

In addition to the legal barrier, another obstacle to BIPs in applying for municipal housing would be the heavy bureaucratic procedure (which is a challenge even to the locals). Applicants are required a number of documents which are difficult to fill in, according to the interviewed experts; these documents are available only in Bulgarian language and are not always easy to understand (declarations, certificates, rental contracts, etc.). Some documents are hard to obtain; they take time and, often, additional expenses (for instance, the cost for issuing a certificate for housing needs for the purpose of inclusion in the housing register ranges from 2 to 20 BGN), which is an extra burden on the thin family budgets of the applicants. Pursuant to Art. 6 (3) of the current Ordinance, applicants for municipal housing in Sofia Municipality shall submit, in addition to the basic application and the declarations on civil, property and family status, numerous other documents: “*certificates from the address department of Sofia Directorate with the MoI, certificates from the Registry Agency regarding property transactions carried out on the territory of Sofia Municipality, certificates for annual income from labour contracts for the previous year, copies of tax returns filed, copies of rental contracts when the applicant and the family (household) members live in private rental accommodation, and a copy of a decision issued by a Specialized Medical Board, if any,*” etc.

Yet another issue with the municipal housing stock identified in the interviews is the insufficient number of multiple-bedroom dwellings for accommodating families with many children; this holds true also for private rental housing. This factor needs to be considered as it directly relates to the prevention of overcrowding or living in sub-standard housing (i.e. minimum floor area, water supply, heating, etc.) for BIPs.

The applications for the municipal housing register are reviewed by an administrative committee within two months of filing, and decisions are made on the applicants to be included in the register; the decisions can be appealed. Those listed in the register must submit annual declarations on their status and are required to notify the municipal administration of any

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stipulates that foreigners residing legally in the country shall have the same rights and obligations as the Bulgarian nationals.

<sup>100</sup> Art. 14 of the Regulation for the Application of the Social Assistance Act stipulates that applicants shall be entitled to monthly financial support to cover the rent in municipal housing if the order for accommodation in municipal housing is in their own name and if their income for the previous month is up to 250 per cent of the differentiated minimum income, for the following target groups: 1. Orphans under 25 who have completed a social vocational training centre; 2. Older people above 70 who live alone; 3. Single parents. The assistance is paid upon the submission of an invoice or statement of expenses. Beneficiaries of international protection are entitled to social assistance but since they have no access to municipal housing, they cannot take advantage of the provision.

change in their circumstances. The declarations are reviewed at the end of each year; by the end of March an annual waiting list is drafted with the families (households) registered in the previous year who are to be accommodated in rental housing by order and rank of their group. The ranking in the waiting list can also be appealed. In case a family refuses to accept an offer of accommodation, it may drop off the list. No information was found about the average waiting time in the housing register; taking into account the duration of the procedure for registration, it is assumed to be at least one year (it may be as long as 5 or more years in some cities/towns and in Sofia Municipality).

### *The Case of Lom Municipality*

The Municipality of Lom is the only one whose ordinance on the municipal housing stock explicitly names beneficiaries of international protection. The phone interview with a representative of the municipality confirmed that as of December 2019 the Municipality did not have and did not expect any BIPs to settle on its territory. The inclusion of this particular provision in the Ordinance has resulted from a regular legal compliance check of the document, not from any planned activities for signing integration agreements with BIPs. A report in a local newspaper about the change in the Ordinance, namely that municipal housing will be “given away” to refugees to the detriment of local citizens in need stirred frustration and disapproval in the city. As this new provision has not been applied so far, it is difficult to tell how efficient it is and whether it would indeed facilitate the access to municipal housing for BIPs.

#### **Ordinance on the terms and the procedure for the identification of housing needs, accommodation and sale of municipal housing in Lom Municipality**

Art. 10, paragraph 1 (amended Dec. No 567 under Minutes No 71/31.01.2019 ): “The persons eligible to apply for accommodation in municipal housing from the “Rental Accommodation” fund shall be Bulgarian nationals, aliens with long-term or permanent residence permit in the Republic of Bulgaria, beneficiaries of asylum, refugee status or humanitarian status and persons, in respect of whom this entitlement is laid down in an international act to which Bulgaria is a Party, and their families, where all of them satisfy the following cumulative conditions [...]” Paragraph 9 of the same article states that applicants shall have “current address in the settlement, and as of the time of application shall have had address registration in the city of Lom for the last 5 years without interruption.”

This case clearly demonstrates that in Bulgaria migration is a highly politicized topic; an echo of the public perceptions of “the refugee crisis” and the dominant media representations of refugees and migrants as a “threat” - to the national security, the national identity, and the welfare system. The media coverage continues to shape the public response both to the unexpected refugee arrivals and to the planned integration measures; in either case, the response is negative.<sup>101</sup> Yet, neither during the increased refugee influx into Bulgaria (2014-2016) when over 20,000 applications for international protection were filed, nor during the subsequent period of a drastic drop in the number of applications and new beneficiaries (see Table 3 above), were any measures taken for the long-term provision of housing for

<sup>101</sup> See A. Krasteva, *The Bulgarian Migration Paradox* (Caritas-Bulgaria, 2019).

## Municipal Housing Policies: a Key Factor for Integration at the Local Level

beneficiaries of international protection. This is due to deficits both in the integration policies and strategies, and in the coordination of the institutions involved in the implementation of those policies.

To conclude with, the table below sums up the main obstacles that municipal administrations are facing in their efforts to provide housing to beneficiaries of international protection.

Table 4: *Main obstacles to housing for BIPs at the municipal level*

<b>Restrictive legal framework</b>	<b>Lack of financial resources</b>	<b>Shortage of municipal housing stock</b>	<b>Absence of an integrated approach to housing</b>	<b>Policy context</b>
Discriminatory requirements for citizenship and period of residence on the territory of the municipality	Scarcity of municipal financial resources for housing BIPs	Dwellings in remote areas, far from communication and administrative centres – a risk of segregation	Housing is not linked to social services programs	Housing for BIPs is not a priority on the agenda of municipal authorities
Lack of a legal framework defining “social housing”	Limited access (due to lack of capacity or appropriate program-based measures) of municipalities to funding for renovation/construction of new municipal housing stock	A large number of persons in need on the waiting lists for municipal housing	Lack of data and assessment of housing needs in municipalities	Negative public attitudes towards refugees and migrants
Difficulties with the legal regulation of address registration and de-registration, and IDs	Lack of well-paid employment makes paying private rental prices difficult for BIPs	Long-term lease agreements and the right to buy municipal dwellings	Absence of a coordinated management approach with the involvement of all stakeholders (municipalities, NGOs, private sector)	Reconciling different political priorities in the municipal councils is challenging

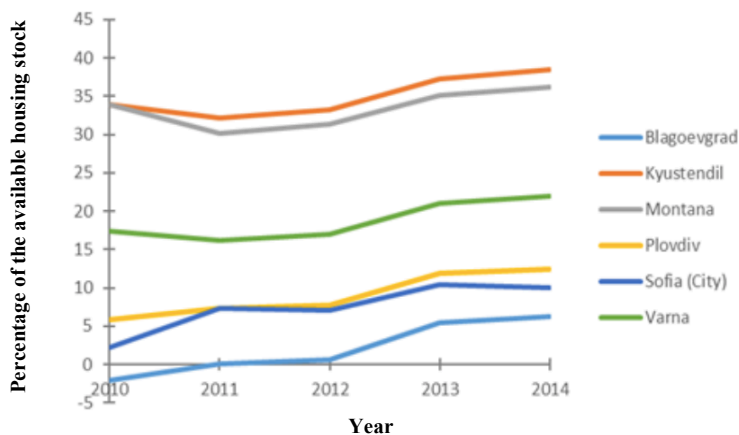
### Part III. Housing Policy of Sofia Municipality

#### 1. Overview and legal framework

*Municipal housing stock: infrastructure, access to housing, housing conditions*

The 2014-2020 Plan for the Development of Sofia Municipality<sup>102</sup> says that there are 13,803 municipal housing units in the compact city and describes the housing stock as “relatively young” (over 26% of the dwellings are below 22 years old, half of them are below 32 years, and only 4% of the stock dates from the period before 1919); however, poor management and maintenance have accelerated amortization. According to statistics, the housing stock is considered to have all utility services – electricity, water, public sewage (93.1%). On the other hand, the rental housing stock is dispersed in condominiums, which makes it more difficult to manage and requires more funds for its maintenance. While the municipal housing stock in Sofia has the highest share compared to other cities in Bulgaria (approx. 6%), the trend is a descending one, as the number of dwellings sold exceeds the number of newly constructed ones. The report “Vision for Sofia: People 2030” estimates that the city is in need of additional 19,000 housing units.<sup>103</sup> At the same time, there are more than 140,000 uninhabited properties around the city.

Chart 3: *Vacant dwellings as a percentage of the total housing stock in Sofia and selected cities in the country*



Source: World Bank, *Bulgaria. Housing Sector Assessment*, 2017, 42.

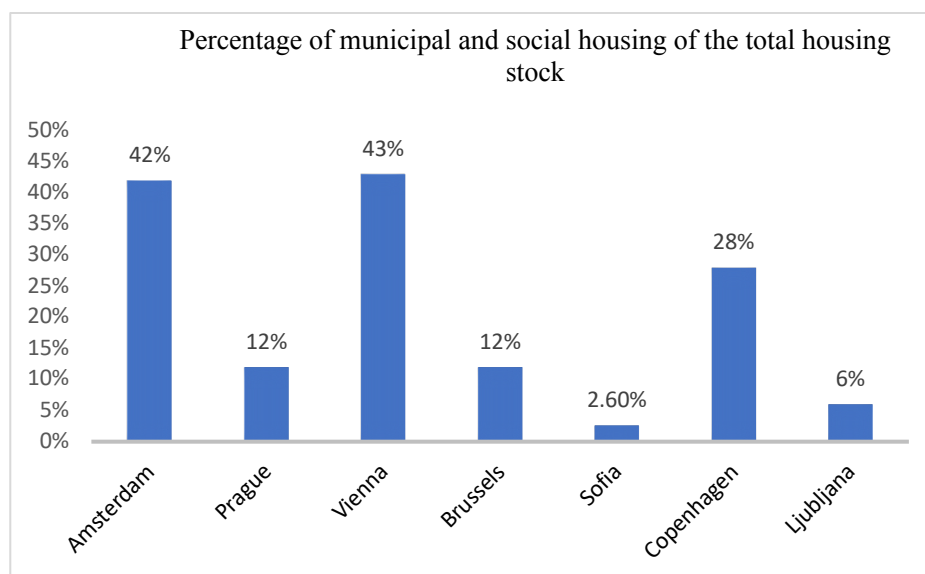
According to data for 2017 quoted in a study on the state of the housing sector in Europe (Housing Europe, 2019), Sofia ranks last in terms of the volume of the municipal housing stock (social housing) compared to selected cities in the European Union.

<sup>102</sup> <https://www.sofia.bg/urbanization-programms-projects>. In the report “Vision about Sofia: People” the number quoted is 10,426 dwellings (p. 186).

<sup>103</sup> Report “Vision about Sofia: People 2030,” 187, [https://vizia.sofia.bg/wp-content/uploads/2018/01/%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4\\_%D0%A5%D0%BE%D1%80%D0%B0.pdf](https://vizia.sofia.bg/wp-content/uploads/2018/01/%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4_%D0%A5%D0%BE%D1%80%D0%B0.pdf)



Chart 4: Social housing sector in the EU



Source: Author's compilation based on data from Housing Europe, *European State of Housing*, 2019

### Ordinance on the terms and the procedures for the management and the disposal of municipal housing on the territory of Sofia Municipality (2005)

As defined in the 2014-2020 Plan for the Development of Sofia Municipality, the scope of the municipal housing policy extends over the municipal housing stock. Due to the right to buy/privatize municipal housing and the lack of sustainable mechanisms for its regeneration, the number of available units continues to shrink and its quality to deteriorate. Given the shortage of municipal housing and the rising demand for affordable accommodation, the municipal administration has developed a system of allocation criteria and conditions that those most in need must satisfy in order to be eligible for housing.

*“Municipalities do not have an objective assessment of the housing needs. The number of those who have filed an application to be housed is not correct. Many people do not even apply, as the housing stock is scarce and there are not enough vacancies to go around.”  
(Habitat for Humanity Bulgaria)*

At present, there is no exact statistics about the number of persons with documented housing needs at the municipal level. The available raw data is based on the number of applications filed by households for inclusion in the housing register (each of the 24 district administrations of the municipality maintain such a register).<sup>104</sup> The housing stock varies per district: Lyulin district has the highest

number of municipal dwellings – 2,159, followed by Iskar– 1,032, Poduyane – 770, Mladost – 539, Nadezhda – 740, Slatina – 540, Vazrazhdane – 475, Krasna polyana – 262, Krasno selo – 255, Oborishte – 114; significantly smaller is the housing stock in Bankya – 17, Novi Iskar – 33, Izgrev – 49, Lozenets – 41, Pancharevo – 40, Sredets – 51.<sup>105</sup> The uneven distribution of

<sup>104</sup> Confirmed also in the report “Vision about Sofia: People,” “no publicly available information was found about the housing needs registered (the so-called waiting lists)” (p. 186). As of 2019, the population of Sofia Municipality is 1,324,000 million.

<sup>105</sup> Data as of late 2018, <https://duma.bg/imat-li-badeshte-obshtinskite-zhilishta-v-sofiya-n185238>, <https://www.24chasa.bg/novini/article/8158865>, BHC Annual Report for 2018, [http://bghelsinki.org/media/uploads/annual\\_reports/annual-bhc-report-2018-issn-2367-6930-bg.pdf](http://bghelsinki.org/media/uploads/annual_reports/annual-bhc-report-2018-issn-2367-6930-bg.pdf).

properties between the periphery and the city center implies also disproportionate accommodation of larger groups in remote areas, which is a potential risk for social exclusion and spatial segregation. A revision of the current Ordinance on the terms and procedures of municipal housing allocation is underway; the new ordinance will become effective in 2020 and it comes in response to the priorities and the vision proposed in the recently adopted Concept for Municipal Housing Policy of Sofia Municipality (approved in 2018, Decision No13 of Protocol No 46/25.01.2018 of the Municipal Council). The new ordinance is expected to introduce revised allocation criteria for municipal rental accommodation and a new category of social housing.

According to the currently effective Ordinance from 2005, municipal housing is designated as

*“Equal treatment can be ensured only under equal conditions. I do not think that refugees should be named a separate target group [for municipal housing].”*  
(Municipal Ombudsperson of Sofia municipality)

“rental accommodation for persons with documented housing needs.” Given the judgment of the Administrative Court-Sofia from 2019 (repealing the clauses for Bulgarian citizenship and continuous address registration on the territory of Sofia municipality of min. 10 years) and assuming it will be strictly enforced by the district

administrations, the families/households of BIPs should not be prevented from applying for municipal rental accommodation under Art. 3 (1). The application for inclusion in the housing register based on housing needs is filed with the district administration where the applicant is currently residing. The additional conditions that all applicants for municipal housing need to meet concern mostly their income and assets: applicants shall not have a dwelling or other immovable property on the territory of Sofia Municipality; shall not own land built or not built, other commercial buildings, etc. Applicant households shall not be able to cover the market rental costs with one-fourth of their income (which would put the family in the category of those with housing cost overburden). Art. 8 lays down the terms for ranking the groups of applicants in the housing register by means of a scoring system. Additional points are awarded to households which have for a period of not less than one year inhabited non-housing premises; to those “temporarily accommodated by the municipality in reserve housing, in the Home for temporary accommodation of homeless persons or other social homes” (Art. 3). Other conditions being equal, priority through additional points is given to single parents of underage children, families with more than two children, persons with reduced work capacity of over 90%. The base rental price per square meter is 0.80 BGN.

Given these terms and conditions, the experts interviewed for the study agreed that it is not necessary to explicitly include BIPs as a target group: *“Due to the status granted, their family situation and income, they do naturally fall within one of the aforementioned groups.”*<sup>106</sup> Listing members of ethnic communities and others as priority groups in the categories of eligible applicants would be discriminatory and would stir public reaction, in particular where

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<sup>106</sup> In the document “Analysis of the situation and assessment of the needs for social services in Sofia Municipality and the region of Sofia” (2016), in the section “Identification of groups at risk,” unaccompanied refugee children are defined as “children at risk” while “refugees and migrants” are included in the category “Socially disadvantaged communities and groups.”

## Municipal Housing Policies: a Key Factor for Integration at the Local Level

municipal housing is scarce. The needs of the local population and newcomers have to be carefully balanced (based on the principle of mainstreaming in policies, instead of applying priority quotas). Determining quotas or lists with preferential treatment for long-term housing would, at a minimum, also require a strategy for communication and addressing potential social tension among all vulnerable groups who are eligible for accommodation.

Should a dedicated program for beneficiaries of international protection be adopted, it would have to encompass the whole range of integration services and sectors. Taking a patchwork approach to the specific needs of BIPs, with separate programs in different sectors - education, healthcare, housing, employment – would make the integration process more complicated and more difficult to coordinate. According to one of the experts from BCRA, *“If the housing policy is combined with training programs and social assistance services, refugees will then be encouraged to remain in the country.”* Integrating housing programs with services for employment would make access to the labour market easier, bring higher incomes, and respectively, improve the social inclusion of refugees and migrants.

*“We should not let ‘refugee neighbourhoods’ emerge, anywhere. Successful integration in society means making interaction with the local community possible – every day, at work, at school, in local shops, in the local community centre, in the apartment building.” (Bulgarian Red Cross)*

As regards the location of municipal housing where BIPs could be accommodated, the experts are unanimous that BIPs should not be concentrated only in certain parts of the city, and access to housing should be provided as an element of an integrated effort for social assistance, counselling, job search, education, etc. Furthermore, minimum housing quality standards should be introduced in order to ensure that BIPs are

not accommodated in sub-standard dwellings and that the properties offered conform to the main characteristics for adequate housing as defined by the UN Committee on Economic, Social and Cultural Rights (see *Part 1* above).

Art. 28 (1) of the currently effective Ordinance stipulates that “The **reserve housing stock** of Sofia Municipality shall be used for temporary accommodation for a 6-month period not exceeding 2 years” for two groups of persons: persons whose dwellings have become unfit to inhabit due to natural disasters and catastrophes; and persons whose families have serious social or health problems. Accommodation is authorized by the mayor of Sofia Municipality upon a formal proposal made by a district mayor. The law prohibits the sale of property from the reserve fund. Experts consider the fund a viable opportunity for families of beneficiaries of international protection who may be in urgent need of temporary accommodation. One option to be negotiated with Sofia Municipality is the allocation of at least 2 apartments from the reserve fund per year for this purpose (as the Polish cities of Warsaw and Gdansk have done, see above).

## 2. The Concept for Municipal Housing Policy of Sofia Municipality (2018)

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In line with other reports, this new policy document underlines the most urgent problems in the management of the municipal housing stock, many of which were already discussed above: undersupply of municipal housing compared to the number of persons in need; continued deterioration of the stock and lack of financing for maintenance; the need to introduce new

efficient management models, etc. While acknowledging the problems is certainly the first step on the road to change, the absence of an up-to-date centralized database of the persons/households in need of housing leaves open the question of how well this *Concept* can transform into an action plan with realistic objectives and adequate funding. The upcoming census 2021 which will gather for the first time data about beneficiaries of international protections and other categories of third-country nationals, is certainly an opportunity for the municipal housing policy to step on sound empirical data and to formulate new, if necessary, priorities and measures to meet the housing needs of the population.

The *Concept* proposes a new approach and regulations of the “rental contracts for municipal housing.” Looking forward into 2030, the municipal administration promises to “revitalize the social housing sector” by expanding construction in the city periphery, beyond the compact urban zones (Concept 2018: 2).

The document makes reference to selected housing practices in other EU Members States as a broad framework for the proposed changes in the terms and conditions for municipal housing allocation. For instance, the document refers to a new option for fixed-term rental contracts, in addition to the long-term agreements offered until now; introduction of “general” and “specific” housing allocation criteria; a differentiated rent calculation approach with respect to the target group of users; and a new methodology for determining the rental price (a “moderate,” close to the market price, and a market one). Furthermore, the *Concept* envisages putting more weight on “*the specific health, social and economic characteristics of the respective groups*” in deciding how to rank applicants on the waiting list for accommodation (Concept 2018: 29, italics mine).

The new policy concept also identifies two main target groups eligible for accommodation in municipal housing: the first group, which will be considered for long-term housing includes persons with disabilities/reduced work capacity. The second group will be offered fixed-term lease agreements, and it will include families/households for whom municipal housing is considered a temporary support measure until they are able to find housing on the private market. The concept lists several sub-groups that fall within this category:

- “Persons at risk of poverty and social exclusion, including also persons aged 18-30 who have left specialized institutions or institutions providing residential-type social care;
- A single parent with minor and/or underage children who does not cohabit with a life partner and whose children/child attend/s school in compliance with Art. 8 (2) of the Pre-school and School Education Act;
- Economically active young families under 35 years;
- Economically active families whose children/child attend/s school in accordance with Art. 8 (2) of the Pre-school and School Education Act;
- Young researchers working at research or academic institutions who have acquired a doctoral degree in the last 5 years, and are aged under 35” (Concept 2018: 29).

*“An indicative definition could be: ‘Social housing is municipal housing used for the accommodation of people from vulnerable groups who are also beneficiaries of the social welfare system of Sofia municipality’.” (Ombudsperson of Sofia Municipality)*

The third new proposal is for the construction of municipally-owned “social residential buildings,” through partnerships with private investors and developers; housing units in these buildings will not be offered to tenants to purchase. The *Concept* does not give more details about the precise status of the social residential buildings or about the rules according to which properties will be

allocated to any of the groups referred to above. Nevertheless, the differentiation in the type of housing and the potential to match the individual needs of diverse vulnerable groups (e.g., of persons with disabilities, with reduced work capacity, at risk of poverty) but also of young families in need of temporary support on their way to becoming self-reliant, suggests a far-reaching ambition of the municipal government for expanding the housing policy to cover a broader range of social strata and to pursue new aims to social inclusion.

### 3. The municipal housing stock and opportunities for the accommodation of beneficiaries of international protection

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What new opportunities does the Concept for Municipal Housing Policy of Sofia Municipality provide for the long-term accommodation of BIPs? A few proposals seem most promising in this respect: the introduction of new categories of tenants; the tenure arrangements; the differentiated approach to incomes and rents, and the new build social housing. As explained in the preceding sections, for BIPs to take full advantage of these opportunities, it is imperative that the requirements concerning citizenship and the period of residence are removed as criteria for access, as deemed by the court judgments. The new ordinance on the terms and procedure for municipal housing allocation should reflect these changes.

*With regard to the target groups:* the approach based on “general and specific accommodation criteria” and consideration of specific “health, social and economic characteristics of individual groups” in determining the admissibility of tenant categories opens up room for introducing criteria relating to the needs of BIPs. To this end, the available statistics of SAR regarding persons from vulnerable groups<sup>107</sup> and persons with special needs can be used to formulate additional criteria to be taken into account in ranking the groups (per level of housing need) in the housing register and when determining the base rental price. The municipal administration needs to ensure that the housing provided takes into account the beneficiaries’ potential vulnerabilities and complies with the principle of non-discrimination and equal treatment.

*With regard to the possibilities for “fixed-term accommodation”:* the new ordinance could include a provision allowing short-term accommodation (up to 1 year) of persons in need of social housing in cases of serious social and health problems; the rental price could be covered from SAR’s financial assistance, when such assistance becomes available or from other sources, including through projects and programs with EU or other funding; for instance, bank loans from the European Investment Bank (following the model proposed in the Action Plan of the Partnership on Inclusion of Migrants and Refugees, see *Part 2* above).

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<sup>107</sup> Defined in LAR, paragraph 1 of the Additional Provisions, point 17: “Persons from a vulnerable group shall mean minor or underage persons, unaccompanied minor and underage persons, elderly people, pregnant women, single parents with underage children, victims of human trafficking, people with serious health problems, people with mental disorders, and people who are victims of torture, rape or other serious forms of mental, physical or sexual violence.”



In view of the idea to introduce a *new methodology for determining the rental price* (differentiated rent to be regulated by the ordinance), Sofia Municipality, BRC, Caritas-Sofia, UNHCR can jointly develop the methodology by taking into consideration the following circumstances:

- BIPs at risk of poverty – families/households, single parents in a vulnerable position should be eligible for social housing with basic rents and with the option of additional financial assistance for rent payment, under the condition that they enrol in social support programs (counselling, education, employment, pending the availability of such programs and a coordinating body for their implementation).
- As regards low-income families/households who are not from a vulnerable group, a subsidy can be envisaged for the basic rent. The amount of the subsidy (in the form of a voucher) could gradually decrease during the time limit of the assistance (from 100% at the beginning to zero at the end of the period).<sup>108</sup> The principle of self-contribution alongside the obligation for participation in an integration program would promote the inclusion of BIPs in the labour market, as well as their self-reliance (as demonstrated by similar programs so far).

In relation to the idea about “social residential buildings” described in the *Concept*, the feasibility of a pilot project for a *social housing agency* could be discussed with the Municipal Property Directorate. The agency will be responsible for the management of a few housing units; the pilot implementation could be delegated to NGOs with relevant experience, for instance, Habitat Bulgaria, the members of the National Coalition for Improvement of the Housing Conditions in Bulgaria “Decent Home,” Caritas-Sofia. Financing may come from OPRG and AMIF. The housing agency will manage the selection process of eligible applicants, the payment of rent and utility bills, and the property maintenance, as well as facilitate the tenants’ access to social support programs.

In addition, the housing agency may take over the management of private rental accommodation for BIPs: negotiating with landlords on the private market, finding rental accommodation (incl. vacant properties), preparing lease agreements, assisting with and overseeing the property maintenance, mediating between landlords and tenants, conflict resolution, prevention of discrimination against BIPs. The municipality could delegate this activity to the social housing agency in order to make easier the access to accommodation for BIPs on the private market.

In view of the planned establishment of an *information center on integration at Sofia Municipality*, one of the center’s activities may cover information services for both refugees and migrants, and the municipal administration and other stakeholders (including private landlords), on all issues related to housing; the center could also assist BIPs with filling out the documents needed to apply for municipal accommodation. This centre may offer consultation and assistance to those BIPs who have sufficient financial resources and can afford renting accommodation at market prices.

Worth considering is also a proposal made by one of the experts who was interviewed for the study. The idea is to tie housing to employment through a stronger commitment on behalf of

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<sup>108</sup> See, for instance, the practice “Welcome Home” in Warsaw in *Annex 1* to the report, and the practices of Caritas and BRC in Bulgaria.



the municipal enterprises on the territory of Sofia: “*Expanding the [tasks] of the Municipal Guarantee Fund for SMEs to cover rent payment in cases when [a BIP] has found employment in one of the SMEs on the territory of Sofia.*”<sup>109</sup> Attaching a rent subsidy from the employer to the employment contract would guarantee the interest of the parties involved: a permanent job and income for the hired persons and return on the investment for the employer. Moreover, the measure will give additional security to the landlord that the tenant will regularly pay the rent and utilities. It may be feasible also to seek assistance from the National Revenue Agency which may act as a guarantor to landlords on the basis of employment contracts with BIPs registered by employers in the Agency.

### Part IV. Evaluation and recommendations

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#### Proposals for improving the development and implementation of housing policies for beneficiaries of international protection

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The discussion so far has made it clear that both Sofia Municipality and municipalities across the country must step up their housing policy efforts. Proactive engagement is necessary to secure investments and adequate maintenance of the housing stock in order to meet the demand and the needs of the various target groups in the short and in the long run. A key prerequisite in this process is the efficient coordination and collaboration among decision- and policy-makers responsible for housing and integration. While housing is not the solution for all integration-related issues, the availability of affordable quality accommodation and the conditions in which people live determine to a large extent their well-being, their ability to find work, and to pursue self-realization in their new country of residence.

Summing up the main points of the analysis and the topics addressed in the report, a few more general recommendations can be made, with a primary focus on the legal framework and on the coordination of the housing programs for beneficiaries of international protection.

#### *Legal framework*

➤ *Address registration and de-registration.* Revising the provisions of the Civil Registration Act on registration (Art. 92) and de-registration (Art. 99). In order to prevent the difficulties with finding accommodation and to avoid potential abuse in the process of permanent address registration, Sofia Municipality should consider providing a temporary functional address to BIPs – a solution recommended also by the interviewees (another option would be issuing “a city resident card.”<sup>110</sup>) The functional address would also solve a second

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<sup>109</sup> The fund issues guarantees on credits to SMEs in Sofia (<https://ogf-sofia.com/za-nas/>); this is an option for encouraging the enterprises on the territory of the city to employ BIPs or to finance their start-ups.

<sup>110</sup> Following the model of cities such as New York, Paris, Barcelona, Madrid. A “city resident card” provides foreigners living on the territory of the city/municipality with access to services regardless of the status granted by the government authorities. Paris introduced *carte citoyenne* in 2014 adopting the ID card model of New York (IDNYC) (this card allows opening a bank account in certain banks; serves as identification before the police authorities; and gives access to libraries). The card has a number, a photo, and a bar code. Barcelona applies a similar approach where *El Padrón* represents a register of all the residents in the city. Any person registered in *padrón* is entitled to access to various social services such as healthcare, education, sports facilities, etc., regardless if the person is in possession of a national social security number (NIE); holding a valid residence permit is not a precondition for obtaining *padrón*. Registration in the course of three years makes illegal immigrants eligible to apply for temporary residence permits and regulate their status. In support

problem, namely, the requirement for persons living outside of the country to have an address for correspondence where the authorities can reach them (Art. 93 of the Civil Registration Act).

- With regard to beneficiaries of international protection who have left the country: propose an amendment in the law allowing a representative of Border Police to participate in the committee referred to in Art. 99b which performs address registration checks; the measure will facilitate the process of de-registration based on data from Border Police regarding the persons who have left the country.
- Develop a mechanism to facilitate the administrative de-registration of BIPs who have left the country. In cases where the person has not changed/renewed their address after 5 or 3 years (for refugee or humanitarian status holders whose documents are issued with the respective time limits), the city administration should have the power to de-register the person and enter him/her in the register of population on the basis of the temporary functional address.
- Extend the period of stay for BIPs at SAR's registration and reception centres to at least one (1) month after receiving status.
- In view of the planned new ordinance on the terms and procedure for municipal housing allocation, UNHCR and other NGOs can submit a proposal to Sofia Municipality for the inclusion of general and specific accommodation criteria related to the particular circumstances of beneficiaries of international protection as potential applicants.
- Coordinate with Sofia Municipality the allocation of at least 2 apartments from the municipal housing stock each year for short-term accommodation of beneficiaries of international protection.
- In view of the judgments delivered by administrative courts in 2019, the Bulgarian Cities and Regions Association and the National Association of Municipalities in Bulgaria can initiate, as a minimum step, an awareness-raising and advocacy campaign for the revision and amendment of the ordinances – where these ordinances contain provisions requiring Bulgarian citizenship and/or period of residence on the territory of the municipality – in all regional cities. Up-to-date statistics about accommodation in each city should be made available to BIPs who wish to sign integration agreements with municipalities.
- Revise and update the definitions of “municipal housing” and “social housing,” respectively, in Art. 42 of the Municipal Property Act and Art. 67 of the Law on Spatial Planning with regard to the differences in function between the types of housing, and with regard to the definition of “social housing” in the program priorities of OPRG 2007-2013 and 2014-2020, procedure BG16RFOP001-1.001-039 “Implementation of Integrated Plans for Urban Regeneration and Development 2014-2020.” In compliance with the OPRG guidelines, applicant municipalities need to adopt a new ordinance regulating the allocation of social

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of the initiative more than 400 cities have signed the European Charter for Safeguarding of Human Rights in the City. For more details about the initiative, see the description by the Council of Europe at:

<https://rm.coe.int/urban-citizenship-and-undocumented-migration-policy-brief/1680933628.>) and Sabchev, T.

„Barcelona secrets: the intercultural approach to migration governance,“ available at:

<https://citiesofrefuge.eu/news/barcelona-secrets-intercultural-approach-migration-governance>

housing to vulnerable, minority and socially disadvantaged groups, whereby social housing is defined as a “*social service*” and an element of the municipality’s policy for social inclusion.<sup>111</sup>

### *Institutional framework and policy implementation*

- **Reliable data and information:** to ensure that municipal housing policies step on sound evidence, Sofia Municipality (and other municipalities in the country) should plan a forecast study to identify the needs for social housing, including the needs of BIPs. This task could be combined with the census scheduled for 2021 in order to build a dynamic model with geo-referenced data showing distribution of BIPs by place of residence, relocation patterns within the country, expected increase in their number (as a result of family reunification, for instance), etc.
- **Regular communication between SAR’s reception centres and municipalities:** SAR officers can provide indicative information about housing needs and the persons’ profiles (as described in Art. 4 (4) of the 2017 Ordinance regarding age, gender, family status, citizenship, education, professional qualifications, and any other available information about the foreigner) who wish to sign an integration agreement with a municipality. This will allow municipalities to identify accommodation opportunities at an earlier stage. In this regard, the 2017 Ordinance assigns a coordinating role to a deputy prime-minister and the administration of the Council of Ministers. However, the government is yet to appoint a person to fulfil those duties.
- **Gather data about municipalities which have vacant municipal housing;** include this information in the information package given to beneficiaries of international protection as part of their counselling on the available integration support.
- **Municipal coordinating unit for integration.** Set up a unit within Sofia Municipality tasked with the overall coordination of integration measures for BIPs, including counselling and providing information on housing issues.
- **Financing:** Identify funds earmarked for housing measures for beneficiaries of international protection within EU financial programs, such as the Asylum and Migration Fund (AMF), OPRG, ERDF, EIB in the new Programming Period (2021-2027). The municipalities need to be more actively involved in EU-funded projects and make better use of good practices for housing (not only for BIPs).
- **Information provision:**
  - Provide information regarding the rights and the status of beneficiaries of international protection to the departments within the municipal and regional administrations in charge of managing the municipal housing stock.
  - Conduct an awareness-raising campaign with the support of stakeholder institutions and NGOs about the opportunities for municipalities to take part in the integration process. This also requires designating a government body in charge of integration and coordination of the responsible institutions at the national and local level.

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<sup>111</sup> The ordinance required by the operational program is not meant to change or supplement the categories of municipal housing described in the Municipal Property Act, but rather to set the parameters of the social service. Each municipality has full discretion to determine the scope of the service and the applicable regulations, which have to comply with the state aid rules. Cities which have already implemented social housing projects funded by OPRG have adopted such ordinances; for instance, Sofia, Blagoevgrad, Dupnitsa, Shoumen.

## Municipal Housing Policies: a Key Factor for Integration at the Local Level

➤ The municipalities need to establish communication with real estate agencies to set up funds with temporary housing/flats for refugees; municipalities will guarantee the maintenance costs for the homes (security deposit, insurance, etc.) for a period of up to 1 year with project financing. NGOs have experience working with real estate agencies, hostels, and private landlords, but setting up a formal framework of cooperation will make the process more transparent, allow price regulation, enhance mutual trust, and aid municipalities in performing their duties.

In order to reduce the share of empty properties, the municipalities could offer owners proper safeguards and incentives for renting out their properties to BIPs at fixed low prices, with long-term contracts and the guarantees that the respective properties will be adequately maintained (this task could be part the pilot project for a social housing agency).

### *Financial support for municipalities*

Provide the municipalities that have signed an integration agreement with BIPs with additional funding from AMIF (or from ERDF, EIB, OPRG, ESF, etc.) to support the maintenance of the housing stock on the territory of the municipality.

### *Public communication*

- Produce information leaflets with contact data of real estate agencies and distribute them among BIPs seeking accommodation.
- Using the model of the e-portal *myhealth.bg* developed by Sofia Municipality with information about primary care physicians and municipal hospitals, create such a portal for housing; to start with, the portal could offer information about real estate agencies that have already worked with BIPs.
- Produce information materials about the rights of beneficiaries of international protection to be distributed among private landlords and real estate agencies.

## CONCLUSION

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This study has identified various difficulties facing beneficiaries of international protection in the process of integration in Bulgaria, especially as concerns finding affordable housing. The transition from the reception centers where asylum seekers reside during the asylum procedure to an external private accommodation once they are granted status, is a critical period which harbours financial risks, linguistic and administrative obstacles, and discriminatory practices. The main issues described in this report are the short time limit within which the persons granted international protection have to move out of SAR's centers; the difficulties in finding private rental accommodation due to high rents; the landlords' reluctance to rent to refugees and to assist them with address registration; difficulties in understanding rental contracts and the risk for corrupt practices and abuse by landlords. At the same time, access to accommodation in municipal housing for BIPs continues to be hindered by the restrictive legal framework. The shortage of municipal housing, in particular in large cities, only exacerbates the problem.

## Municipal Housing Policies: a Key Factor for Integration at the Local Level

Good housing programs pursue two interlinked lines of support: capacity to provide shelter in emergency situations and strategic investment in affordable housing as a precondition to the social inclusion of beneficiaries of international protection. In practice, this means taking a differentiated approach in determining the needs of various groups of BIPs (individuals, families, communities) and adapting the design and set-up of support services to the changing circumstances along their integration trajectory. In this regard, it is crucial that a government body be designated for the coordination of the integration policies at national and local levels.

The European experience shows various housing solutions: active support provided to beneficiaries of international protection (individuals and families) by the municipalities for finding accommodation (France, the Netherlands, Belgium); financial assistance for the period between granting international protection and finding appropriate accommodation (Slovenia), or a commitment of the municipality to set aside dwellings only for BIPs (Poland), as well as centers for temporary accommodation (France and Sweden).<sup>112</sup> Setting up special facilities for collective accommodation of BIPs outside the reception centres is preferable to a prolonged stay in those centres. Nevertheless, collective accommodation is only a temporary solution and it is appropriate to the extent that it serves to prepare BIPs for independent life, also through the support they can get in finding private accommodation. Central and local public bodies must carefully assess their priorities as providing short-term fixes merely postpones making long-term decisions.

Bulgaria is gradually becoming a destination country for migration; as the country's capital and main economic center, Sofia should be prepared to experience an increase in the number of third-country nationals, including asylum-seekers settling in the city in the coming years. The city authorities need to develop and adopt a long-term vision and policy tools to successfully govern the immigration processes; as cities become more culturally and ethnically diverse, well-directed integration policies can positively transform the local economic and social environment. Finding adequate housing schemes for refugees and migrants is a key factor for their social and economic inclusion in society, as the access to the labor market, to the public services and to other social protection and welfare rights depends upon accommodation and valid address registration.

Solutions can be reached through education and awareness-raising at city and community levels, and through concerted efforts to ease tensions and attitudes of intolerance among the groups "competing" for access to housing. In the context of growing migratory flows towards Europe and Bulgaria, it is vital for local authorities to embrace the notion that cultural and social diversity means also new challenges and obstacles which need to be navigated and handled through flexible and adaptive policies. For both local authorities and cities around the country this is an opportune time - municipal administrations are beginning a new four-year term of office, and in 2021 the new programming period for the operational programs will start. This is the right moment for the municipal, regional and national institutions to plan strategic and practical measures and to prepare well to respond to the challenges of integration. This report describes good practices and inspiring ideas that can help public institutions meet the new realities.

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<sup>112</sup> AIDA, *Housing out of Reach*, 36.

List of institutions/organisations involved in the research

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1. Bulgarian Cities and Regions Association (BCRA)
2. Bulgarian Red Cross (BRC)
3. Blagoevgrad Municipality
4. Caritas Bulgaria
5. Dupnitsa Municipality
6. Habitat for Humanity Bulgaria
7. Lom Municipality
8. Ministry of Regional Development and Public Works
9. Vitosha District, Sofia Municipality
10. Ombudsperson of Sofia Municipality
11. Sofia Municipality
12. State Agency for Refugees (SAR)



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## I.2 Bulgarian legislation, policies and strategies

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## Municipal Housing Policies: a Key Factor for Integration at the Local Level

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EUROCITIES Integrating Cities Charter, <http://www.integratingcities.eu/integrating-cities/charter>

European Web Site on Integration, <https://ec.europa.eu/migrant-integration/>

Intercultural Cities, Council of Europe, <https://www.coe.int/en/web/interculturalcities>

Website of Habitat for Humanity Bulgaria, <http://hfh.bg/bg/>

Information from the following databases was used:

- Eurostat
- OECD Affordable Housing Database, [www.oecd.org/social/affordable-housing-database/](http://www.oecd.org/social/affordable-housing-database/)