

The right to Housing:

A systematically violated right in Spain.

The right to housing. A violated right.



Article 47 of the Spanish Constitution:

"All Spaniards have the right to enjoy decent and adequate housing. The public authorities shall promote the necessary conditions and establish appropriate standards in order to make this right effective, regulating land use in accordance with the general interest in order to prevent speculation. The community shall have a share in the benefits accruing from the town-planning policies of public bodies"

The right to housing. An infringed right.



In the year 2006, the United Nations Special Rapporteur for decent and adequate housing, Miloon Kotari, visited Spain in an official mission with the aim of assessing the housing situation in our country.

A few months later, the Office of Rapporteurs issued a devastating report which concluded that the right to enjoy decent and adequate housing had been systematically infringed and that the public administrations had been accomplices of the issue.

The report denounced that housing had been subjected to a commercialization process which had also extended to the cities.

It also urged the administrations to implement a series of measures aiming to rectify the situation before it was too late.

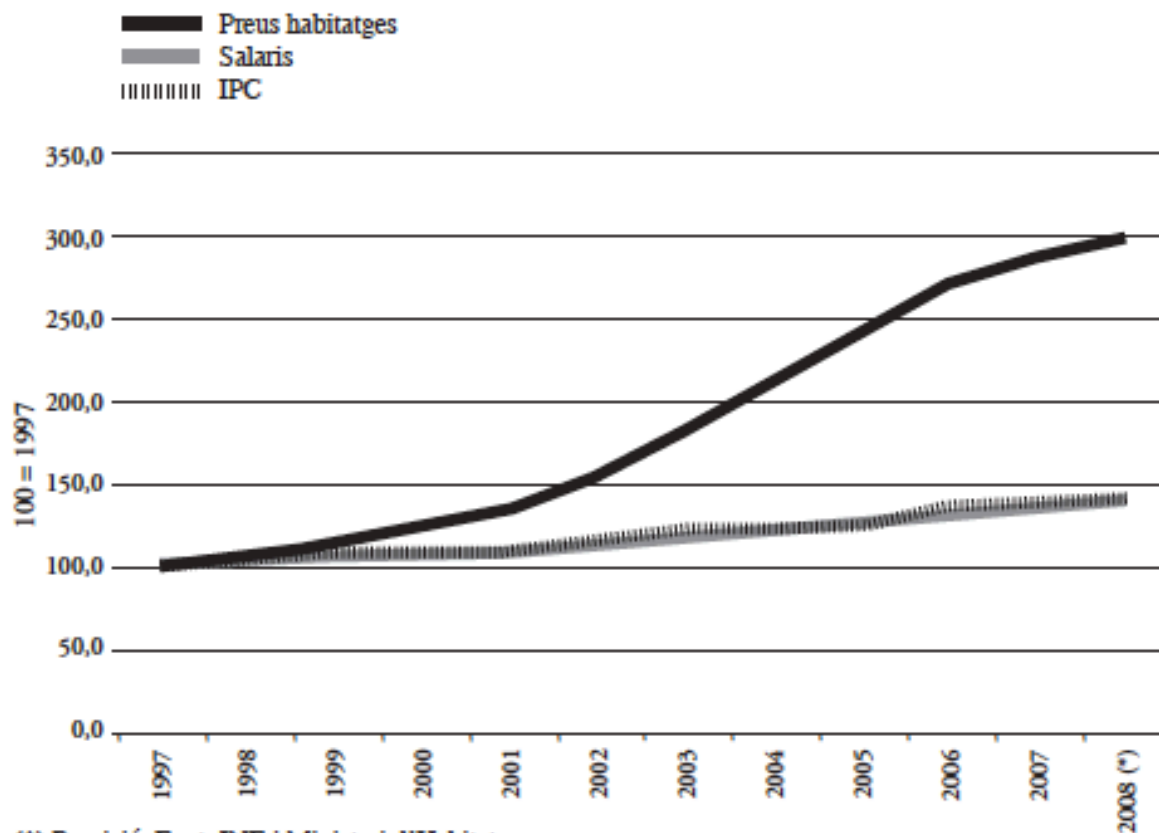
An unsustainable economic and social model



- The crisis in the Spanish State is a consequence of an economic model mainly based on property speculation. A model based on heavy indebtedness of the enterprises related to the building industry and which lead for a large part of the population to over-indebtedness in order to have a place to live, infringing the decent right to housing.
- In Spain, more houses were built than in Germany, Italy and France all together. But this overproduction did not result in better accessibility: on the contrary, and contradicting the neoliberal dogma, the prices didn't stop rising, making Spain one of the European Union countries in which access to housing was most expensive.

Evolution of housing prices decade 1997 - 2007

Preu dels habitatges, salaris i preus de consum, mitjanes anuals.
100=1997. Sèrie 1997-2007.



(*) Previsió. Font: INE i Ministeri d'Habitatge

The DNA of the housing bubble



In 2007 90% of Spanish society had access to housing in private ownership, compared to 60% of EU average.

Some attribute this higher tendency of buying to a supposed **proprietary culture** which makes us different from the rest of mortals. A kind of genetic code registered in our DNA. A way of expressing the **Spanish way of life**.

But in 1950 the percentage of people who accessed home ownership was only 50%. About 10% in large cities.

Why such a radical mutation?

From a proletarian society, to a society of ownership



Since 1960 the role of housing experienced a shift :

- The state abandoned the construction of social housing for rent and the built social park was sold. The private property avoids state-tenant conflicts and acts as a mechanism of social governance.

“We want an ownership society, not a proletarian society”

José Lu3s Arrese
(Housing Minister during Franco's dictatorship)

- Little by little the housing provision was left to private enterprise housing in a mercantilization process.
- The housing got conceived not as a social policy aim, but as a production factor generating growth and jobs.

These two trends got accentuated with the transition to democracy.

*“If the dictatorship left something well tied and harnessed,
it was the housing policy, the legacy of its urban
model and its practise of real estate”*

José Manuel Naredo

- **Fall of Berlin Wall:**

A neoliberal doctrine is imposed. Withdrawal of the State in providing basic goods and basic services being replaced by private enterprises.

- **Global economy:**

Insertion of Spain in the global circuits of capital. The fact that Spain joined the EU results in a flood of low-cost credit.

Necessary but not sufficient condition to explain the formation of the housing bubble, as all countries of the euro zone have the same objective conditions, but bubbles do not occur in all of them.

So, other distinctive elements have to be found in order to explain the housing bubble in Spain.

The peculiarity of the Spanish case.



- Deregulation of the mortgage market. Conditions for granting loans are more flexible and the repayment terms are extended. This affects housing prices. The price of housing, a commodity of prime necessity, gets fixed by the population's debt capacity.
- Deregulation of the rent, making it an unstable, insecure and expensive alternative (limitation of the contracts duration, no limiting prices).
- Tax advantages to buying as opposed to renting. They raise the price of housing.
- Lack of public park of social rented housing. The "protected" flats are expensive and by purchase.
- Messages that push people into debt are sent. Public Administrations and lobbies shape the popular imagination: housing prices never go down, renting is a waste of money, purchase is a safe investment, the best complement for retirement

The bubble explodes



- with the bursting of the bubble and the outbreak of the crisis , the loss of housing for thousands of homes that so far, and according to statistics, had the housing issue solved, added to the problem of access that we historically dragged
- In a country where the main household spending is housing and in which for years has promoted private property as a way of holding almost exclusively, **when incomes falls you can not face the mortgage.**
- With an unemployment rate **exceeding 22%**, with over **5 million people unemployed** and **1.4 million households with all members unemployed**, it is easy to see the magnitude of the mortgage tragedy.
- **Since 2007 more than 350 thousand foreclosures have been initiated. Families will not only be evicted from their homes, but also because of the anomaly of the Spanish mortgage arrangement, the debt to the bank is not over. A new form of slavery is created.**

But men and women are not born for being slaves.

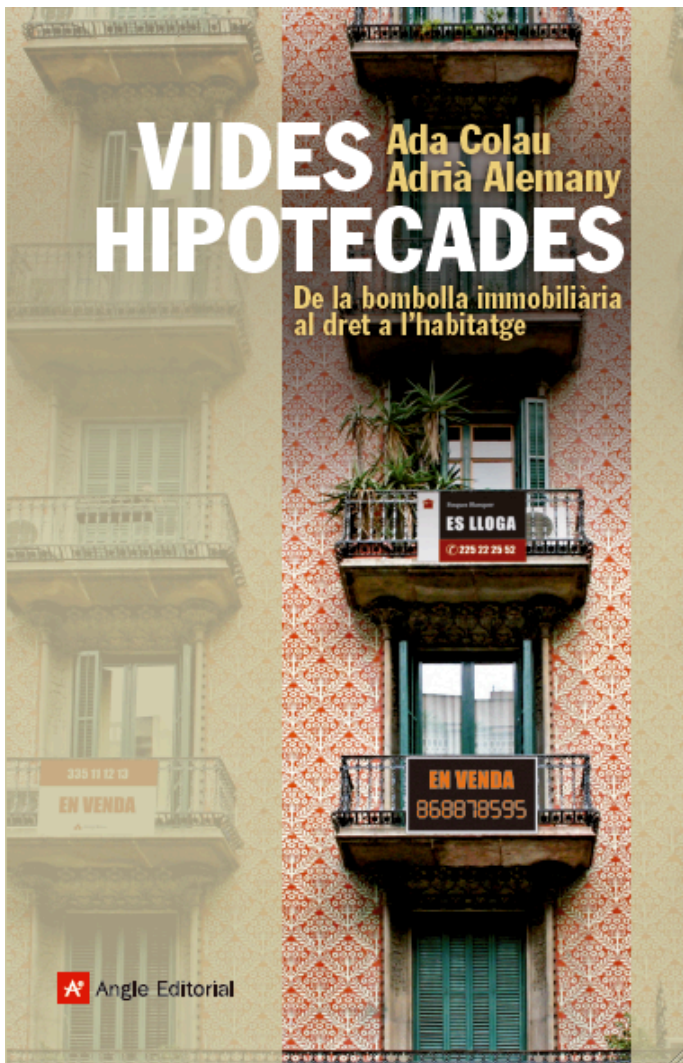
So in February 2009 the PAH (Platform of persons Affected by the Mortgage), was born with the following objectives:

Dation in payment: the house delivery extinguishes the payment of the debt

Moratorium on evictions: No family evicted from a house because of economic reasons

Social rent: Retrofit homes in the hands of financial institutions into social rents.

Yes we can!



Ada Colau y Adrià Alemany

VIDAS HIPOTECADAS

De la burbuja inmobiliaria
al derecho a la vivienda



Cuadrilátero
de libros 