

# MARSEILLE FORUM JUNE 2019

France



**The right to housing is not directly part of the French Constitution, but has been recognized as an "objective with constitutional value"**

Paragraph 11 of the preamble to the Constitution provides that "every human being who, because of his age and physical, psychological and/or economic situation, is unable to work has the right to obtain from the community an adequate means of existence".

At the European level, France has signed and ratified the revised European Social Charter, accepted Article 31 and also ratified the Additional Protocol providing for a system of collective complaints (but not yet made a declaration allowing national NGOs to file collective complaints to be verified). France is also a party to the European Convention for the Protection of Human Rights.

At the international level, France has ratified the ICESCR, which guarantees the right to an adequate standard of living, including housing (Article 11).

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It is not indicated as such in the French Constitution, but several national laws meet the various aspects of the right to housing :

**The Right to Decent Housing or the Besson Law (1990)** : this law stipulates that "guaranteeing the right to housing is a duty of solidarity for the whole nation". This right does not mean that the nation has an obligation to provide housing to any person who so requests, but that it must provide assistance, under the conditions provided for by the said law, to persons who meet the conditions for it. In addition, the SRU Law (Solidarity and Urban Renewal) will define, in 2000, what is meant by "decent housing" (minimum criteria of habitability) as well as stipulate that any agglomeration of more than 50 thousand inhabitants must include a minimum of 20% of social housing. [info SRU Law](#)

**The Opposable Right to Housing - DALO (2007)** : this is a mechanism allowing people in difficulty, recognised as a priority for the allocation of social housing and who are not offered housing within a reasonable time, to assert their right to housing before a judge. The judge may then order the State to pay a penalty payment as long as these persons are not housed. This law, in principle, is an indisputable step forward, but its application remains uncertain. The "priority" status is assigned according to vague criteria and its refusal can only be challenged with difficulty. Right to housing enforceable against third parties [The Opposable Right to Housing - DALO](#)

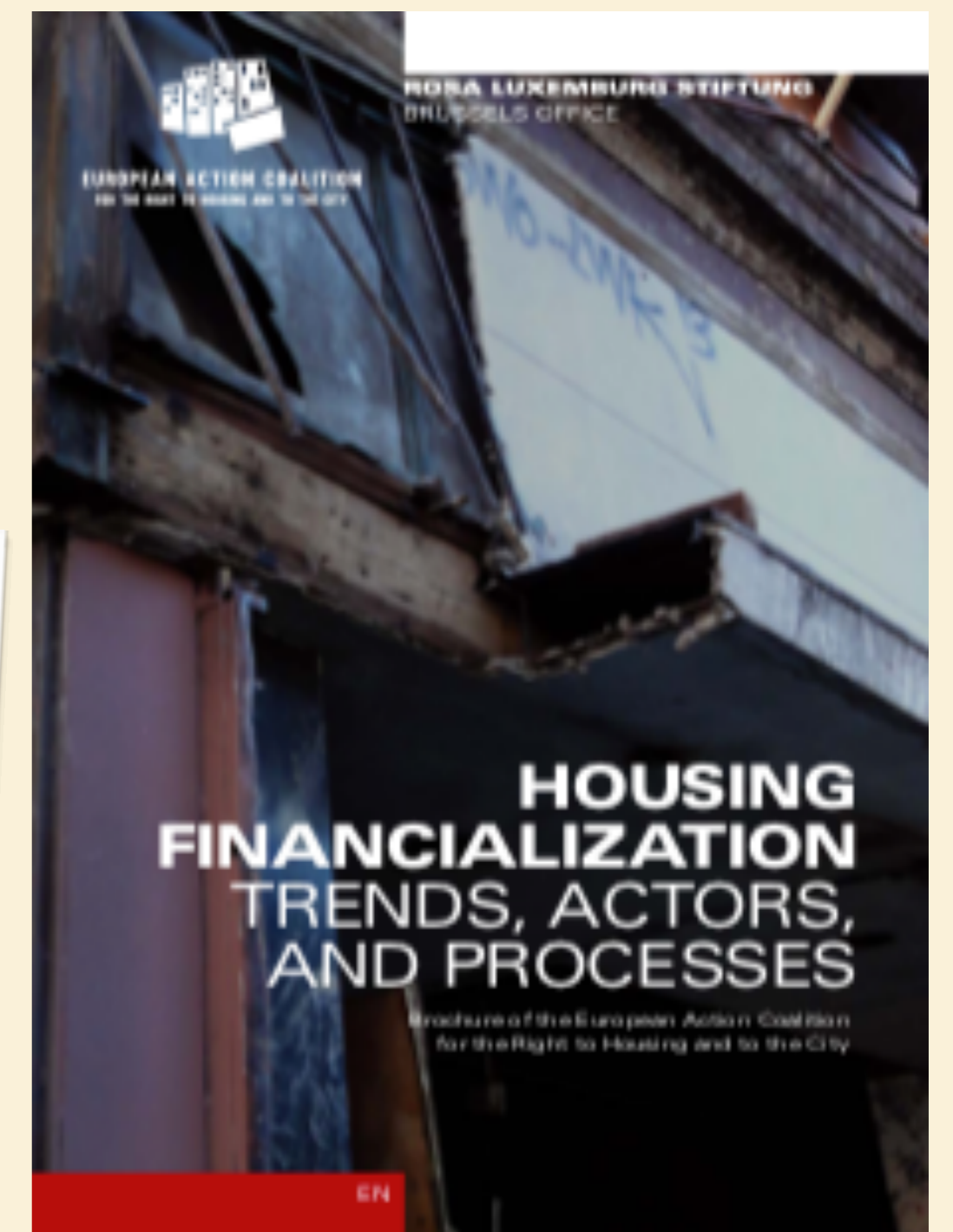


## HOUSING FINANCIALIZATION

According to AITEC, this phenomenon is to be linked directly to the disinvestment of the State since the 1970s in its role as a regulator of the housing market. The State would no longer play its anti-speculative role (notably through investments in « stone assistance » – rather than personal assistance), but also would not anticipate the real needs of the market (such as the strong demand for small housing at affordable prices). This is also the observation of the Abbé Pierre Foundation.

In addition, this phenomenon is coupled with **the financialization of social housing under the impetus of the European Union**. Social housing companies (HLMs) now empower shareholders and tend to privatize the social housing stock through the sale of this asset.

Source: AITEC



DAL France



DAL France and tents during an anti-expulsion campaign



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