

Ten proposals for action to tackle the housing crisis
resulting from the 1st International Congress on Housing and the City organised by the CBEH
(Barcelona, May 2025)

1. Putting into effect the **right to housing** as a pillar of the social state

Housing is a right included in the Spanish Constitution and recognised as such by the Constitutional Court, which has been declared a fundamental right by the Court of Justice of the European Union. However, this recognition has not yet been effectively translated into public policies that put it into effect. Equating the right to housing to other rights, such as education or health, implies establishing normative obligations of result in order to make it enforceable by citizens, especially in situations of vulnerability such as homelessness. Without decent, safe and affordable access to housing, equal opportunities and social and territorial cohesion cannot be guaranteed, and the legitimacy of the social and democratic rule of law is put at risk.

2. Giving precedence to the **social function of housing** over a purely economic rationale, respecting the **essential content of the right to property** and **better regulation**.

Housing has a dual function: it is, on the one hand, an essential right for a dignified life and, on the other, an economic asset. Without adequate regulatory frameworks this duality can lead to serious imbalances: concentration of property, speculative processes, residential exclusion and, especially in recent years, phenomena of financialisation that have transformed housing into a product for global investors. Reinforcing the social function of housing does not mean denying its economic value or its fair use on the part of the owner, but rather establishing limits that, without ignoring the constitutionally recognised essential content of the right to property, prevent this value from compromising its accessibility. Legal regulations are necessary to protect residential use over financial profitability and to make private investment compatible with constitutional rights. However, it is necessary to avoid low-quality over-regulation, and for this reason it is necessary to promote rigorous analyses of the evaluation of regulations, applying the toolbox of the European *better regulation* movement. In the case of Catalonia, there is an urgent need for a new mandate from the Catalan Parliament, following the failure to comply with previous mandates issued in previous years, to draw up a revised text of the current housing legislation, which brings together and harmonises it and thus offers clarity and legal certainty.

3. Taking up the housing crisis as a **European challenge** and activating EU leadership and **innovation** in housing.

With a clearly insufficient public rental stock and spending well below the EU average, Spain needs a structural transformation. The EU has to take an active role in the financing, innovation, coordination and restructuring of housing policies, as it has already done in other areas such as the environment. This shift must be consolidated and provided with funding, as well as adequate regulations within the framework of EU competences, putting housing on a par with the prominence acquired by the environment in the 1970s: a responsibility built from a need and political will without there being, in the first instance, any specific mention in the body of EU law then in force. Furthermore, there is a need for innovation, also driven by the European Union. Innovations that are already being applied in other countries should also be introduced here, such as, for example, the use of behavioural inputs and *nudges*, with very low-cost but effective public interventions. These inputs are already being applied in our surroundings, for example, with regard to empty housing. This is a potential source of urban insecurity and squatting, phenomena which, although not particularly frequent if considered in relation to the total housing stock, must also be addressed by encouraging owners to put these empty homes on the market using the nudging technique.

4. Integrating **urban planning, regulation and housing** to make **the right to the city** effective and guarantee its social and territorial cohesion.

Housing cannot be separated from urban planning. Phenomena such as gentrification, residential segregation and *touristification* hinder equal access to services, opportunities and public spaces. There is a need for inclusive urban planning that guarantees territorial balance and incorporates mechanisms such as reserves for social housing, also on consolidated land, or the regulation of temporary and tourist uses of housing. This approach must promote sustainable urban environments, with a range of uses, that are accessible to all social classes.

5. Promoting an **environmentally, socially and economically sustainable model of residential development**.

Sustainability must be at the heart of public housing policies. The rehabilitation of the existing stock should be promoted with criteria of energy efficiency, accessibility and typological adaptability, as well as the promotion of structures such as urban improvement plans or conservation and rehabilitation areas to guarantee the social continuity of neighbourhoods. It is also necessary to incorporate design standards that facilitate intergenerational use, gender equity and community coexistence. This set of actions must contribute to reducing emissions, avoiding the obsolescence

of buildings and strengthening neighbourhood roots, by promoting decent, affordable housing that is compatible with the ecological transition and which enables climate change to be tackled.6. Ensuring **stable financing and fair taxation** in support of the right to housing.

Putting the right to housing into effect requires decades of public underfunding to be overcome. It is necessary to reach at least the European average investment- 0.6% of GDP- through budgetary allocations (that can be extended in a sustained manner over time), stable multi-year funding lines and specific funds for the promotion, rehabilitation and management of affordable housing. At the same time, fiscal policy must be aligned with the social function of property ownership, respecting it, deploying both incentives and deterrents aimed at guaranteeing the right to housing, through a fair tax system inspired by the principles of progressivity and equality, without being confiscatory in nature, in accordance with the Constitution. It is also necessary to review the application of VAT and other taxes on tourist and short-term uses that divert housing from its residential use.

7. Encouraging **public-private partnerships** using the different formulas available.

In the field of public housing services, public-private collaboration becomes important, and can be articulated through the various formulas available in our legal system, including institutionalised formulas, with the creation of companies with public and private capital, or the use of surface rights. In relation to this concept, a reduction in the tax burden (VAT, corporation tax) borne by the landlord should be considered, as an incentive measure to encourage the development of affordable housing.

Public collaboration with the private sector and the third sector through impact investment models can contribute to expanding the housing stock linked to social policies, especially in contexts of budgetary constraints. This model can provide leverage so that the technical, financial and operational capacities of the different actors in the housing ecosystem can be used, thereby combining efforts in the same direction. To guarantee its effectiveness, public leadership and solid regulatory frameworks are needed to ensure social profitability, transparency and the permanence of these housing units in affordable circuits, along with public monitoring of the results and clear criteria of equity.

8. Strengthening the **role of municipalities and multilevel governance with a political agreement on minimum requirements.**

Local councils are the actors in closest proximity to citizens and must have the real capacity to intervene in the housing market. This requires providing them with clear competences, stable funding and technical resources to act in the promotion, regulation, rehabilitation and management of housing. Furthermore, the differences between territories must be recognised

and differentiated: it is not the same to intervene in a metropolis as in a rural municipality. Coordination between the different levels of government- European, state, regional and local- must be based on subsidiarity, respect for jurisdiction and a shared commitment to guarantee the right to housing throughout the territory. As a stable doctrine has already been established by the Constitutional Court, the future must move from permanent litigious confrontation to a political agreement with ambitious goals for the medium or long term, necessary in a decentralised State like ours. However, if this is not possible, from a technical perspective and linked to the Rule of Law and the Welfare State, good governance, good government and good administration in the field of housing require the strengthening of cooperation and collaboration between all levels of administrative power.

9. Managing the **public housing service** on the basis of the **right to good administration**.

Considering housing as a service of general interest or public service requires a modern, citizen-friendly and responsible public administration. It is necessary to guarantee respect for the right to good administration and transparency through a capable public administration service, to improve citizen service, to simplify and speed up procedures and to promote real and effective equality of access to resources. To this end, it is essential, among other measures, to develop a range of services with standards of quality, open and reliable public systems of data on housing stock and demand, Means of Appropriate Dispute Resolution (ADR), such as mediation between private parties and with administrations, to avoid the judicialisation of conflicts, and digital tools such as artificial intelligence applied to the automation of procedures, always under human supervision, with transparency, accountability, ethical criteria and respect for the current EU Artificial Intelligence Regulation. Good administration is key to putting the right to housing into effect and strengthening citizens' trust in institutions.

10. **Housing as a key public policy for health, wellbeing and urban justice with a systemic perspective**

Housing conditions directly influence physical and mental health, safety, quality of life and access to educational, employment and social opportunities. The lack of decent and stable housing gives rise to or aggravates structural inequalities, for example of class, gender, origin or age. It is therefore necessary to address housing as an intersectional public policy that articulates housing, health, public space, public services, security, or territorial equity. In this framework, it is necessary to explore and encourage forms of housing that promote coexistence, care and co-responsibility, such as collaborative housing or home sharing that enable appropriate solutions to be found,

especially for groups such as the elderly, single-parent families or young people in precarious situations. These models can generate more cohesive, healthier and more inclusive communities.