

A Netflix Series or the picture of Housing Rights in Italy?

LACASA DE PAPEL



A brief Critical Overview on housing rights in Italy by **Paolo Pezzana**, not the Professor

# *Housing Exclusion in Italy: levers and barriers*

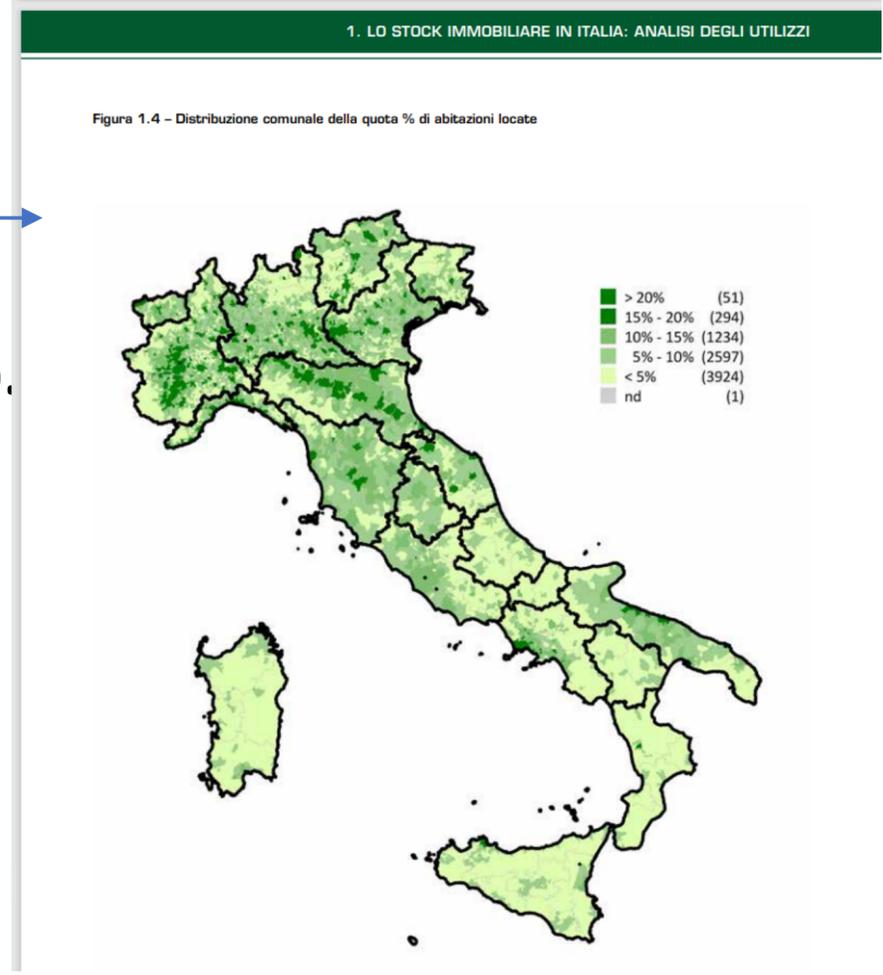
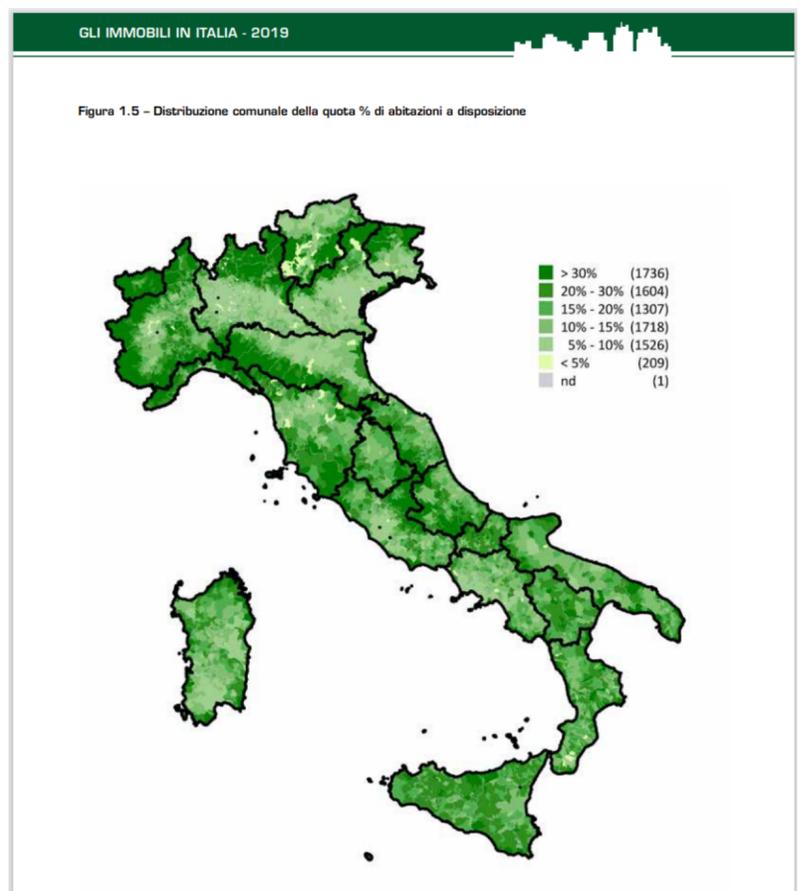
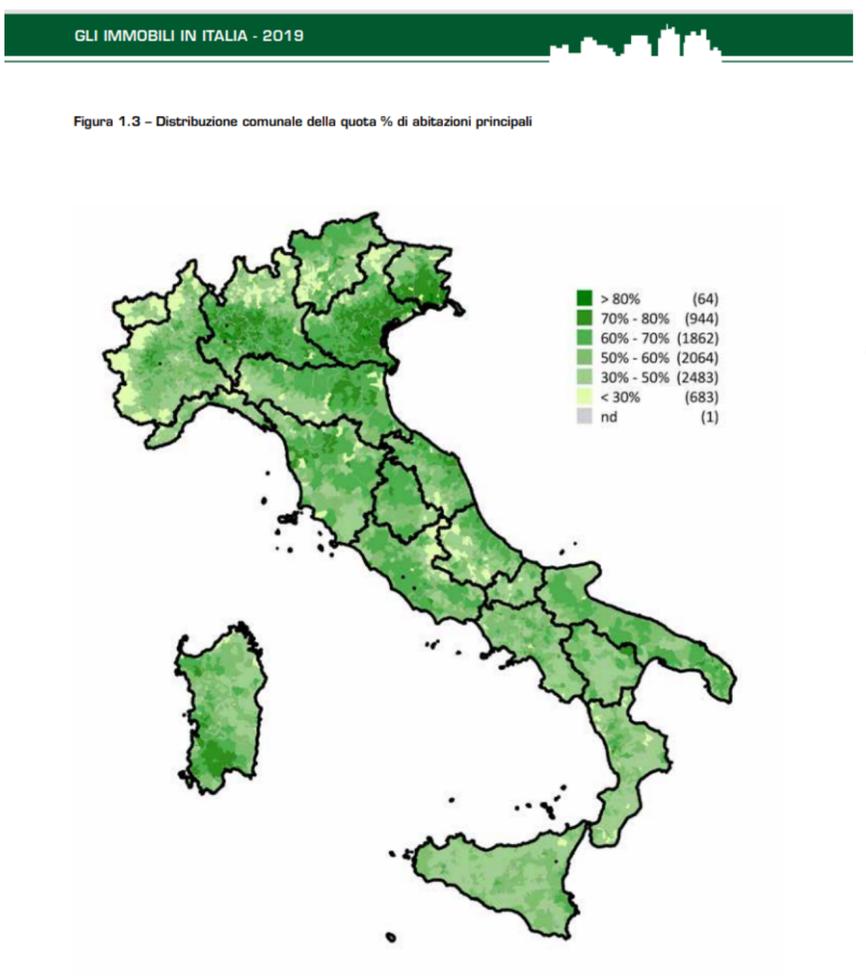
*Why Right to  
Housing in Italy is  
a Paper Right...*

1. Housing Stock, Households and Homelessness in Italy
2. The right to housing in Law & Courts
3. Evictions and Homelessness Prevention
4. Housing Policies & Lack of Policies
5. Some Recommendations

# Housing Stock, Households and Homelessness in Italy/1

According to the «Housing Europe 2017 State of Housing in the EU», the Italian housing market is:

**71,9% owner occupied,  
14,8% privately rented,  
3,7% socially rented,  
9,6% "other" (included empty or on gratuitous loan).**



## Distribution of population by Tenure status

(EU-SILC 2018; Bank of Italy 2016)

Owner:

57%

Owner with mortgage or loan :

14%

Tenant, rent at market price:

20%

Tenant, rent at reduced price or free:

9%

Table T18 - Household holdings of real estate (percentages of households)

Characteristics (*)	No property	Household main residence	Other dwellings	Other buildings	Farm land	Non-farm land	
<b>Gender</b>							
male	28,1	69,6	14,4	5,7	7,7	1,6	
female	31,4	66,5	11,2	4,1	4,6	0,8	
<b>Age</b>							
34 and under	54,9	44,6	2,2	2,4	1,3	0	
35-44	41,4	56	9,4	4,3	2,8	0,7	
45-54	28,6	68,3	13,8	6,7	5,9	0,9	
55-64	21	76,4	18,5	6,8	9	2,1	
over 64	21,8	76,5	14,7	4,5	8,8	1,7	
<b>Educational qualification</b>							
none	35,1	62	7,4	4,5	5,5	0,3	
primary school certificate	30,6	68,4	6,9	2	9,3	1,2	
lower secondary school certificate	36,6	61,3	8,5	4,4	5,1	0,9	
upper secondary school diploma	21,9	75,2	17,8	6,8	6,7	1,7	
university degree	20,5	77,2	27,1	8,2	6,9	1,9	
<b>Branch of activity</b>							
agriculture	38,3	60,2	12,1	7,4	21,8	0,9	
industry	34,5	63	10,3	3,9	5,6	1,3	
general government, public services	21,4	76,5	19,9	5,5	6,1	1,6	
other sector	35,3	61,6	12	7,3	4,4	0,9	
no sector	25,6	72,9	12,9	3,7	7,7	1,5	
<b>Work status</b>							
Employee	blue-collar worker	49,2	48,5	5,7	1,9	4,6	0,9
	office worker	23	75,1	14,7	4,6	5,3	1,6
	manager, executive	12	83,2	29,4	5,1	5,8	1,1
	all	35	62,7	11,7	3,3	5	1,2
Self-employed	business-owner, member of profession	17,8	78,7	25,3	18,2	9,3	0,8
	other self-employed	21,4	73,8	17,5	20,1	8,7	1,2
	all	19,6	76,2	21,3	19,2	9	1
Not employed	retired	21,8	76,7	14,2	4,1	8,3	1,6
	other	49,7	48,9	4,3	1,5	3,4	0,5
	all	25,6	72,9	12,9	3,7	7,7	1,5
<b>Number of household members</b>							
1 member	39,4	58,7	7,1	3,4	3,9	0,4	
2 members	23	74,7	17,5	6	9	2,3	
3 members	21,9	76	14,8	4,4	7,4	1,9	
4 members	25,9	72,2	16,5	8,9	6,7	0,9	
5 or more members	32,4	63,1	14,5	3,4	8,1	1	
<b>Quintiles of households with respect to household net wealth (**)</b>							
1 <sup>o</sup> quintile	98,2	1,1	0,2	0	0,7	0	
2 <sup>o</sup> quintile	44,7	50,2	5,5	1,3	4,1	1,1	
3 <sup>o</sup> quintile	2,7	95,5	6	3	6,9	1	
4 <sup>o</sup> quintile	0,4	97,9	13,8	4,9	7,2	1	
5 <sup>o</sup> quintile	0,6	97,7	40,5	16,5	14	3,4	
<b>Town size</b>							
up to 20.000 inhabitants	26,2	71,9	12,5	5,3	9,9	1,7	
from 20.000 to 40.000 inhabitants	30,3	67,7	11,5	4,4	4,8	1,5	
from 40.000 to 500.000 inhabitants	33,2	64,1	14,1	4	3,9	0,8	
over 500.000 inhabitants	31,6	65,9	15,5	7,9	1,9	0,4	
<b>Geographical area</b>							
North	30,3	67,4	16,7	5,1	5,6	1,3	
Centre	24,5	73,6	12,7	4,5	3,6	1	
South and Islands	31,1	66,8	8,3	5,6	9,8	1,4	
<b>Country of origin</b>							
Italy	24,6	73,2	14,1	5,5	7,1	1,3	
Other	76,1	21,9	3,9	1,1	1,6	0,7	
All	29,4	68,5	13,2	5,1	6,6	1,3	

(\*) Individual characteristics refer to the head of household, i.e. the member with the highest income

(\*\*) See Table T15 for the values of quintiles of households with respect to net wealth

## SOCIAL HOUSING

In The Public Sector  
(FEDERCASA 2019: 74 local agencies at regional level)

**790.000 dwellings**

**644,044 available dwellings (81,5%)    145,956 empty and usecure (18,5%)**



88,8% rented – average 110€/month

11,2% empty or illegally occupied

71,3% built before 1981

1,4 millions living there, 18,6% without paying rent since 12 months and more

In the Private Sector, thanks especially to cooperative and no profit organizations, lot of experiences are ongoing but no data collection is available at aggregate level.  
Anyway, provate social housing is by now a minority of social housing sector

## In a Nutshell:

- In the Italian Culture House is a Property
  - Rental Market is not so affordable
    - Lot of Houses are empty
  - Social Housing is residual and for poor
- Homelessness is increasing and don't match housing market dynamics
- There are huge inequalities and territorial differences

## **In Italy there is no provision in the constitutional dictum that enshrines the right to housing as a social right expressly recognized**

Despite the fact that the constitutional jurisprudence has tried to outline as much as possible the contours of this right, anchoring it to articles 2, 3 and 47 of the Constitution and thus including it in the sphere of the inviolable rights of the person, there is still no clear definition of the minimum essential content of that right, making it impossible for it to be directly claimed in court.

The right to housing is therefore not an absolute and directly protectable subjective right, but relevant if necessary for the affirmation of other rights such as the right to health. However, landlords are not obliged to sign a rental lease with people in need of housing; it is possible for the less well-off to apply for and obtain state funding for the purchase of the first home.

We can therefore deduce that in the Italian constitutional structure, the right to housing is considered achievable in proportion to the resources of the communities, granting the legislature and the political body the freedom to decide whether and in what terms to implement it.

## *Housing Right in Law and Courts/2*

Regarding evictions, some recent judgments have tried to strike a balance between landlords and tenants. The Constitutional Court reiterated the need for the community to support/ share the economic and social burden related to the protection of disadvantaged tenants, also with the aim of alleviating the reduction of the rights of landlords (see for instance Constitutional Court ruling 155/2004).

An interesting case of Supreme Court (cass. 3558/2007) clarified that the 'right to housing' must be among the 'primary goods linked to the person'. It deserves to be among the fundamental rights of the person (protected by Article 2 of the Constitution): therefore the supreme judges consider that the abusive occupation of a house, by a person in need and in a state of need, can be considered 'justified' and not lead to criminal conviction. This was decided by the Supreme Court, by postponing the conviction against a woman for illegal occupation of a house by the Court and the Rome Court of Appeal.

A decision of the Centre on Housing Rights & Evictions (COHRE) v Italy constitutes a key step in the evolution of the collective complaints' jurisprudence of the European Committee of Social Rights. In addition to being a substantial addition to that body's existing jurisprudence on housing rights and Roma rights, it contains a number of new elements with major implications for human rights protection under the European Social Charter 1961 and the Revised European Social Charter 1996 (Revised Charter). The notions of adequate housing and forced eviction are identical under Articles 16 and 31 .

**Housing right is a right you can't be sure of and you can't claim but a political level**

# Eviction and Homelessness Prevention/1

PROVEDIMENTI ESECUTIVI DI SFRACTO, RICHIESTE DI ESECUZIONE, SFRACTI ESEGUITI NEL PERIODO GENNAIO - DICEMBRE 2019

E VARIAZIONE % RISPETTO AL PERIODO GENNAIO - DICEMBRE 2018

Situazione regionale

REGIONI	Provvedimenti di sfratto emessi						TOTALE	Variazione % rispetto al periodo prec.	Richiesta esecuzione (*)	Variazione % rispetto al periodo prec.	Sfratti eseguiti (**)	Variazione % rispetto al periodo prec.
	Necessità del locatore		Finita locazione		Morosità /altra causa							
	capoluogo	resto prov.	capoluogo	resto prov.	capoluogo	resto prov.						
Piemonte	0	0	102	81	1.969	2.014	4.166	-25,74	7.785	-23	2.566	-24,04
Valle d'Aosta	0	0	0	0	46	47	93	-22,5	254	-8,63	45	2,27
Lombardia	0	1	226	399	1.427	5.374	7.427	-15,14	30.682	-20,96	6.076	-9,41
Trentino Alto Adige	10	2	30	25	141	282	490	-2,58	433	-9,41	208	-26,24
Veneto	0	10	77	117	800	1.655	2.659	-8,69	3.777	-17,1	1.611	-24,93
Friuli Venezia Giulia	0	178	33	71	195	318	795	-14,15	1.857	-14,31	482	-20,59
Liguria	44	77	102	298	1.104	1.092	2.717	-0,62	3.989	-2,35	1.225	-0,89
Emilia Romagna	0	0	138	184	1.281	2.171	3.774	-9,6	10.987	-4,47	2.501	-13,28
Toscana	0	0	129	142	978	2.051	3.300	-14,82	6.553	-23,05	2.260	-12,64
Umbria	0	0	13	18	322	302	655	-16,77	364	-7,14	352	-19,08
Marche	12	23	27	53	259	632	1.006	-17,41	1.864	-11,45	513	-17,12
Lazio	144	10	324	70	4.640	1.502	6.690	-7,84	9.135	-7,43	1.953	-29,08
Abruzzo	0	4	34	33	622	779	1.472	-13,51	1.350	-9,52	687	-0,87
Molise	0	0	1	2	33	54	90	-35,25	820	5,4	152	40,74
Campania	86	20	380	398	1.774	2.464	5.122	-15,04	5.538	-14,7	1.959	-6,31
Puglia	0	2	189	116	2.174	1.522	4.003	-13,82	6.904	-18,54	1.292	-12,88
Basilicata	0	0	5	7	86	122	220	5,26	368	0,82	91	16,67
Calabria	0	41	222	31	219	115	628	-48,18	517	5,94	245	16,67
Sicilia	1.261	26	118	39	643	583	2.670	-1,66	6.743	-6,77	1.492	-3,12
Sardegna	0	1	7	24	174	360	566	-23,31	675	-7,53	220	-21,15
<b>Totale Italia</b>	<b>1.557</b>	<b>395</b>	<b>2.157</b>	<b>2.108</b>	<b>18.887</b>	<b>23.439</b>	<b>48.543</b>	<b>-13,72</b>	<b>100.595</b>	<b>-15,41</b>	<b>25.930</b>	<b>-14,03</b>

N.B. - Per l'anno 2019 non sono pervenuti i dati relativi alla provincia di Rimini

Sono incompleti i dati per le province di: Bari, Barletta-Andria-Trani, Caserta, Cosenza, Nuoro, Reggio Emilia, Roma, Torino, Trieste, Verona, Vibo Valentia

(\*) presentate all'Ufficiale Giudiziario

(\*\*) con l'intervento dell'Ufficiale Giudiziario

(Ministry for Internal Affairs, 2019)

In 2019 less eviction than 2018, but more for legal stop to eviction than for rental households improved conditions

Italy doesn't collect data on evictions where no official and registered contracts were available. Some estimate «black rental market» and «illegal occupation» at 15-20% of the total

# Eviction and Homelessness Prevention/2

## PROCEDURE DI RILASCIO DI IMMOBILI AD USO ABITATIVO

Anni 2001 - 2018

Situazione nazionale

Anni	Provvedimenti di sfratto emessi					Richieste di esecuzione (*)		Sfratti eseguiti (**)	
	Necessità locatore	Finita locazione	Morosità / Altra causa	Totale	Variaz.% rispetto anno precedente	Totale	Variaz.% rispetto anno precedente	Totale	Variaz.% rispetto anno precedente
2001	808	12.755	26.937	40.500	2,78	98.068	-4,85	20.608	-4,65
2002	647	12.329	27.154	40.130	-0,91	91.574	-6,62	20.389	-1,06
2003	664	10.839	27.781	39.284	-2,11	83.748	-8,55	23.000	12,81
2004	742	12.873	32.578	46.193	17,59	78.099	-6,75	25.267	9,86
2005	852	11.195	33.768	45.815	-0,82	106.335	36,15	25.671	1,60
2006	669	10.548	34.309	45.526	-0,63	100.821	-5,19	22.278	-13,22
2007	674	9.236	33.959	43.869	-3,64	109.446	8,55	22.468	0,85
2008	539	10.549	41.203	52.291	19,20	139.193	27,18	25.108	11,75
2009	700	9.208	51.576	61.484	17,58	116.573	-16,25	27.584	9,86
2010	900	8.495	56.269	65.664	6,80	111.260	-4,56	29.889	8,36
2011	832	7.471	55.543	63.846	-2,77	123.914	11,37	28.641	-4,18
2012	1.174	6.640	62.501	70.315	10,13	126.852	2,37	29.154	1,79
2013	2.654	5.437	65.521	73.612	4,69	131.017	3,28	31.806	9,10
2014	3.433	4.843	69.250	77.526	5,32	150.353	14,76	36.340	14,26
2015	3.255	4.436	57.653	65.344	-15,71	153.969	2,41	32.723	-9,95
2016	2.539	4.534	56.846	63.919	-2,18	158.833	3,16	35.367	8,08
2017	1.986	5.106	52.738	59.830	-6,40	132.228	-16,75	31.946	-9,67
2018	1.995	4.855	49.290	56.140	-6,17	118.823	-10,14	30.127	-5,69

(\*) Presentate all'Ufficiale Giudiziario  
 (\*\*) Con l'intervento dell'Ufficiale Giudiziario

There's a relevant gap between Eviction Sentences and Eviction Executions.

Less than 25% of sentences are executed regarding to the number of sentences pronounced in the year, and up to 3,5 years are needed for execution on average.

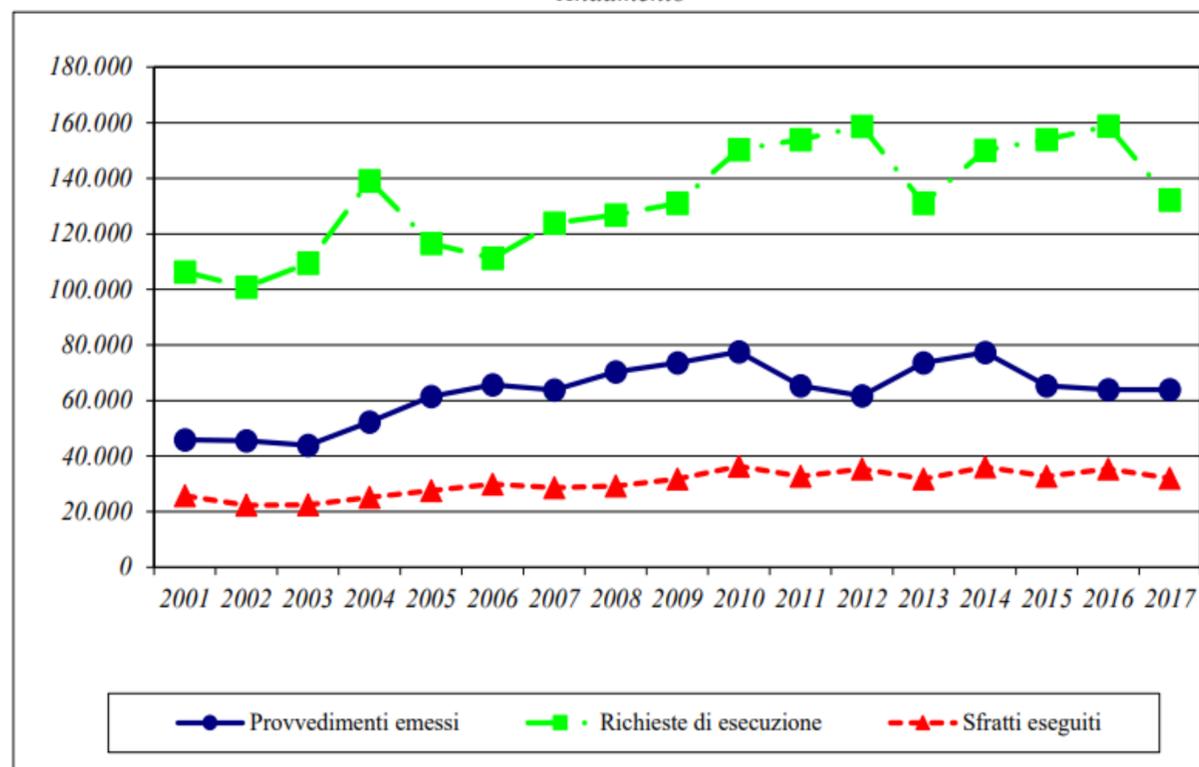
This seems the main homelessness prevention instrument in Italy

## PROCEDURE DI RILASCIO DI IMMOBILI AD USO ABITATIVO

Anni 2001 - 2018

Situazione nazionale

Andamento



FederCasa in 2020 estimated that if 300.000 social houses more were available at 200 or 110€/month on average, from the present 1.000.000 poor people suffering housing exclusion in Italy (ISTAT 2019), the figure will move to 363.000/ 288.000

# Housing Policies in Italy

## Public Funds for rental support

- National / Regional / Local Level

## Informal protection from evictions

- Courts Level, not formally but using long bureaucratic procedures

## Moderate Fiscal incentives for owner occupied homes

- National and Local Level

## Moderate Fiscal Incentives for Rent

- National and Local Level

From the Central Government in 2020, 220 Mln have been distributed to the Regions and the Municipalities for rental support to people unable to pay not for their fault. In 2019 it was 10 Mln., in 2016/2017/2018 0, in 2014/2105 100 Mln.

It's a first step towards a more effective policy framework but the cultural framework is still not strong enough

Up to now, 547 projects, more than 70 Bln. worth, have been presented by public agencies to the Government for the Infrastructural European Recovery Fund;  
**no one is about social and affordable housing**

**We can say that after the 1949-1963 «INA-CASA Housing Plan» from Italian Government, oriented to build social and affordable houses for the majority of Italian People then suffering Housing Exclusion, no more real Housing Policies have been implemented in Italy**

## *Some Recommendations*

- Government, Regions, Municipalities and Public Agencies for Social Housing should cooperate more and more considering AFFORDABLE HOUSING as a structural part of the Local and National Welfare Model;
- SOCIAL AND AFFORDABLE HOUSING should be a priority in the infrastructural strategy of the Country for the next 10 years;
- The balance between monetary transfers and local services in the public social expenditure, should be re-equilibrated considering housing costs and the value of providing affordable housing to people in need;
- Municipalities all around the Country should be sensitized about giving permanent addresses to people who need one and defaulting municipalities there should be penalized;
- Government, Regions, Municipalities should cooperate more strongly with private sector, especially cooperative and no profit sector, in promoting and organizing social housing projects and frameworks at community level;
- New forms of housing and living experimentations should be incentivated, both fiscally and by direct incentives;
- European Recovery Fund should be used by Italy also for providing new social houses to people in need.
- Legal, Jurisdictional and fiscal constraints to rent an house for the owners should be eased in a right based framework looking to a balance between their property rights and the social function of property the Italian Constitution established.

Thanks