

Introduction

This document was prepared by a technical task force of the Shelter Working Group (SWG) in Jordan for the Syrian refugee response and is intended to guide HLP rights interventions in host communities. The objective of the document is to provide Shelter sector partners with basic information on, primarily, housing rights, as the most relevant part of Housing, Land and Property (HLP) rights.

In Jordan, around 84% of registered Syrian refugees reside in host communities¹, putting pressure on infrastructure and increasing demand for housing. Many refugees live in rented apartments, but do not have formal and fair lease agreements and therefore do not have basic security of tenure. Lack of appropriate lease agreements can lead to evictions, rental increases, exploitation, and disputes with landlords².

Definition

HLP rights are grounded in international Human Rights law, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (CESCR). As Jordan has ratified the majority of international human rights conventions (including those mentioned), national legislation should be consistent with HLP rights noted in these documents.

The right to adequate housing is a concept that relates primarily to security of tenure and protection from forced eviction³. It is interlinked with a number of economic, social and cultural rights, such as the right to employment, the right to education, and the right to health.

There are a number of conditions that must be met in order to consider a shelter adequate:

- Security of tenure: housing is not adequate if its occupants do not possess a degree of security of tenure 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, and 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, and structural hazards.

¹ Figures are based upon UNHCR's Report *Living in the Shadows*, 2014.

² According to CESCR General Comment 4, security of tenure "guarantees legal protection against forced eviction, harassment and other threats".

³ The right to Adequate Housing is defined in General Comment No.4 by the UN Committee on Economic, Social and Cultural Rights (CESCR). <http://www.refworld.org/docid/47a7079a1.html>.

- 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.

Housing Rights Issues in Host Communities

There are numerous challenges related to the right to adequate housing in host communities⁴, many of which can be addressed by ensuring that both landlords' and tenants' rights and obligations are formalised. Raising awareness about housing rights, including those related to security of tenure, can contribute to the prevention and resolution of disputes. The main areas that need to be addressed are:

The need for formal lease agreements

In order for landlords and tenants to understand their obligations, awareness of basic legal documentation should be raised, including the need for them to have formal leases or rental contracts verified by a lawyer. Having appropriate lease agreements in place can provide tenants with both legal protection and a sense of security. It is important to inform tenants that all leases should be approved by local authorities. Although the upcoming urban verification process may change this, a certified lease agreement currently remains a prerequisite for the issue of MoI cards and hence is required for refugees in host communities to regularise their legal status.

Negotiating the terms of the contracts is also crucial because standard Jordanian rental agreement templates, most commonly utilised in the country, are strongly weighted in favour of the landlord. In some respects, they facilitate eviction processes and therefore substantially lessen a tenant's security of tenure. Also, support should be given to female headed households who often are more affected and denied equal access to rights.

Protection from exploitative treatment by landlords

Before Shelter interventions, it is recommended that Shelter sector partners are aware of the landlords' property situation, to ensure that no irregularities exist regarding permits or taxes⁵.

Disputes between landlords and tenants are a common problem that should be dealt with sensitively. Common areas relate to landlords demanding cash or favours that are not included within the lease agreements. These types of exploitation could increase chances of involuntary departures by tenants. Shelter Sector partners should be aware and provide tenants with appropriate information.

⁴ More information is available in NRC's *Housing Land and Property Manual*.

⁵ NRC has developed and shared through the UNHCR portal "A Guide to Regulations governing Upgrading and Construction of Residential Properties in Irbid". <https://data.unhcr.org/syrianrefugees/download.php?id=4762>.

Protection from unlawful evictions

Landlords and tenants should be aware that evictions must be carried out in accordance with Jordanian Law and international standards. Tenants should be informed that three types of notice must be served to them before they can be evicted.

It may be possible for trained mediators to resolve disputes between the parties. In such situations, it is recommended that if SWG members become aware of tenants under threat of eviction, they refer them to SWG members specialising in HLP.

Harmonious relationships between refugees and host communities

Housing disputes can be both a cause and a consequence of tensions between refugees and host communities. It is important to provide landlords and tenants with guidance on their rights and responsibilities⁶ and it is suggested to provide parties with dispute resolution mechanisms. There are three main approaches that could be suggested: adversarial, collaborative and/or a mix of both.

Conclusion

Building knowledge and capacity on HLP topics will contribute to refugees' awareness of their rights and the procedures in place to ensure those rights are protected. Addressing HLP can also help prevent or mitigate landlord and tenant tensions and, in the long run contribute to the achievement of durable solutions.

Referrals: In instances where specific expertise is required to deal with house rights issues, Shelter sector partners are encouraged to refer cases to SWG members specialising in HLP.

⁶ NRC has developed "General Guidance on Landlord and Tenant Responsibilities" which can be shared upon request.