# Security of tenure in the urban context

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**Addressing the lack of secure tenure and the risk of forced eviction is one of the defining characteristics of urban shelter response.**

Refugees and internally displaced persons (IDPs) living in informal settlements or in rented housing are among those most at risk of eviction.[1] Traditional humanitarian shelter responses in urban areas have tended to favour ownership or collective centres, often lacking means and solutions for informal settlers and tenants. The recognition of a variety of forms of tenure continues to be a work-in-progress in the shelter sector, signifying a shift from a focus on freehold ownership as the main guarantee of security of tenure. One of the main challenges emerging when departing from past solutions is assessing what constitutes 'secure enough' for shelter purposes.

The Norwegian Refugee Council (NRC)'s experience of implementing shelter programmes for Syrian refugees in Lebanon and Jordan has prompted the use of creative approaches for the provision of housing with improved security of tenure, combined with direct financial aid and host family support.

## A broader approach to security of tenure

Security of tenure is the guarantee of legal protection against forced eviction, harassment and other threats. Since the majority of urban displaced live in informal settlements or in rented accommodation, many without formal rental agreements, the risk of eviction is a defining feature of their lives. Security of tenure is usually associated with possession of documents that demonstrate tenure, combined with mechanisms for governance and enforcement, such as state regulation of housing and land. In conflict-affected contexts (both urban and rural), tenure arrangements may be informal. When this is combined with instability and lack of government control, possession of documentation may have limited use against forced eviction. In these situations it is important to take into account the variety of factors beyond ownership of title or the existence of rental agreements that influence security of tenure.[2]

It is increasingly recognised that security of tenure can be derived from multiple sources and that there is a wide range of factors that interact to determine the level of security. One of the most important is the recognition of rights by the local community. Shelter actors may therefore be able to approach security of tenure through an enhanced focus on the other influencing factors – such as community legitimacy – in order to ensure 'secure enough' shelter programming. Security of tenure can involve community recognition or subjective perceptions, as is shown in Lebanon, where the most significant factor regarding eviction and move-out rates was refugees' relationship with their landlords and the host community.[3]

## Urban shelter programmes in Lebanon and Jordan

Syrian refugees in these countries spend a combined total of approximately US$700 million per year on private rental accommodation.[4] But at the same time there are limitations on refugees' right to work and a lack of livelihoods opportunities, which increases the risk of eviction for refugees who are unable to meet rental payments. More than half of Syrian refugee families in Lebanon and one in four families in Jordan are classified as shelter vulnerable, living in either substandard and/or overcrowded conditions.

In response, NRC's programmes provide rent-free accommodation to families most in need by upgrading sub-standard uninhabitable buildings in the host community, thus fostering community acceptance, and increasing, albeit on a modest scale, the quantity of affordable housing. Phased payments are made to property owners to undertake the work themselves or to hire labourers. NRC also stipulates that the owner must establish bilateral rent-free agreements

Yusra fled her home in Homs in Syria in 2012 and now lives in Amman, Jordan, with her six children. She does not know where her husband is.

with each beneficiary family to allow them to remain in the property for a 12- to 24-month period. NRC monitors the situation on a regular basis and addresses any disputes identified by specific community liaison teams. The rent-free period is meant to ease the financial pressure on families while they establish income-generating activities in the area, so that once the rent-free period expires they can continue to live in the same property, or a similar one elsewhere, paying rent.

### Initial programme challenges

The programmes encountered a number of challenges at their inception. First, a small percentage of families vacated the property during the rent-free period for a variety of reasons, including to pursue livelihood opportunities elsewhere, to access different schools, and because of disputes with the property owner which could not be resolved. NRC teams spent a considerable amount of time mediating minor disputes at the household level, whether between owner and tenant, or between tenants, in order to prevent escalation that might ultimately result in an eviction. While NRC endeavoured to relocate new families into these vacant units, it was not always possible owing to social and cultural considerations; for example, families with children were

sometimes unwilling to live in units adjacent to those housing single men.

Both the Lebanon and Jordan programmes faced the question of what happens after the end of the rent-free period. NGOs and donors were eager to understand whether refugees were able to meet rental payments on their own afterwards. This was closely rooted in the refugees' ability to find a sustainable source of income during the rent-free period, and their ability to establish networks and sustainable coping mechanisms.

However, evaluations in both Lebanon and Jordan[5] found that because refugees were limited in their ability to earn money to pay rent, the shelter intervention only prevented the most vulnerable families falling further into debt, rather than allowing them to build resources to pay rent in the future. Families had not been able to establish themselves economically, with refugees having limited access to legal – and hence stable and predictable – income. This highlighted the dilemma of how long to support vulnerable families who could not pay the rent after the end of the rent-free period. Instead of improving the refugee family's economic situation, the rent-free programme could only stabilise the family and decrease the rate of depreciation of a family's financial assets in the short term. Prior to the evaluations, in

Lebanon, NRC tried to offer extended rent-free periods to vulnerable families by moving them to another property, which sometimes disrupted their newly formed social networks and required children to change schools. In Jordan, NRC provided additional upgrades, primarily through renewable energy solutions, to secure continued occupation of the same property with reduced rent.

A final challenge was one of scale – that is, the limited numbers assisted. This raised the potential for Multi-Purpose Cash (MPC) in providing shelter support, in which large number of families can be reached through bank cards. While the outputs of MPC are in general impressive, from a shelter perspective the outcomes are less so. Five years into the crisis, refugees receiving MPC in Lebanon stated that securing adequate accommodation remains the main challenge they face, and over 50% of severely vulnerable MPC recipients were found to live in substandard conditions. While choice granted by cash was important, it does not always equate to accessing a minimum standard of accommodation or security of tenure, given the exploitative rental landscape and multiple competing priorities for a family's resources. Moreover, in some cases provision of cash can confine people to sub-standard accommodation because it is cheaper, leading to longer-term problems. Conversations about how shelter-specific programming and MPC can be used in a complementary manner have not been concluded and there are continued calls from some donors for MPC assistance to replace shelter and WASH programming assistance in Jordan and Lebanon, despite there being no evidence of MPC having a positive impact on refugee's shelter vulnerability in these contexts.

### Adaptations to the shelter programmes

In response to the programme evaluation, NRC Lebanon extended the rent-free periods for highly socio-economically vulnerable families in the same properties on the basis of equity for the most vulnerable, while still taking new families into the programme. This was done by adding items to the scope of building activities resulting in upgrades

that exceeded the inter-agency minimum standard but which enabled NRC to target a wider range of properties. NRC was able to place families closer to essential services, and to extend their rent-free periods in locations where they had already established networks.

In Jordan, when refugees were granted permission to work in 2016, the programme undertook a pilot supporting home-based businesses. Women heads of households who already had skills and were benefiting from rent-free assistance, were provided with financial literacy training and supported with business start-up cash grants. The intention was for the families to start generating income during the rent-free period and allow them to afford to pay rent once the assistance period was over. The complementarity between the shelter assistance programme and the livelihoods pilot allowed vulnerable families to start generating income while living in dignified, habitable accommodation with secure tenure.

In Lebanon, a 2015 NRC study, six months after the rent-free period had expired, found that 25% were occupied by NRC beneficiaries who had stayed and now paid rent, 29% were occupied by other Syrian refugees who were paying rent; 7% were occupied by NRC beneficiaries who stayed on and did not have to pay rent; and 36% were empty, while the owner sought tenants.[6] A key finding of this survey was that those who had stayed, or moved in, were paying less than the average rate for substandard buildings on the rental market. This represented an opportunity to link unconditional cash recipients with property owners offering minimum-standard accommodation for below-average rent.

### Conclusion and way forward

Assistance to host communities helps to build community acceptance and support security of tenure for displaced populations while a lack of host community acceptance can undermine it. Furthermore, refugees' own perceptions of their housing situation have also been seen to play an important role in their ability to secure adequate longer-term shelter solutions. The shelter modalities and adaptations employed

in Lebanon and Jordan have attempted to take these factors into account. Both evaluations found that NRC's shelter approach had increased local community acceptance, owing to the host community benefiting from the housing upgrades.

Given limited resources, robust assistance can be provided for the most vulnerable – but at the cost of coverage. However, displaced populations are not homogeneous and, as demonstrated in Lebanon and Jordan, equity-based responses for the most vulnerable can also tangibly support the host community and broader displaced community in the short- and medium-term. Combining this assistance with other sectoral interventions and unconditional cash assistance can increase the impact at the household level for the most vulnerable families.

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1. Special Rapporteur on adequate housing (2014) *Report to the Human Rights Council Twenty-Fifth Session.* UN Doc. A/HRC/25/54, 30 Dec 2013 (*Guiding Principles on Security of Tenure for the Urban Poor*)
http://bit.ly/OHCHR-2014-tenure-urban-poor

2. Hollingsworth C (2014) *A Framework for Assessing Security of Tenure in Post-Conflict Contexts*, p23
www.itc.nl/library/papers_2014/msc/la/hollingsworth.pdf

3. NRC and Save the Children Lebanon (2014) *Evictions in Beirut and Mount Lebanon: rates and reasons*
www.alnap.org/resource/20819

4. NRC (2014) *A Precarious Existence: The Shelter Situation of Refugees from Syria in Neighbouring Countries*
http://bit.ly/NRC-Syrians-in-neighbouring-countries

5. (2016) NRC Jordan Integrated Urban Shelter and ICLA Programme Evaluation http://bit.ly/NRC-IntegratedUrbanShelter-evaluation

6. The remaining 3% comprised individual circumstances (for example, the owner's relatives had occupied the unit).