

# Assessment of the Laws and Regulations Regarding to Housing Indicators in Iran

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**ABSTRACT:** The unorganized status of housing in all around the world was driving force of emphasizing on “adequate housing right” as a human right by different institutions of United Nations and Civil society organizations around the globe. After the revolution of Islamic Republic of Iran, Iranian government has confirmed general guidelines and policies for housing in terms of economic social and cultural development programs to obtain adequate housing right, which is appointed explicitly in constitution. The large number of families without shelter and also inappropriate residential units especially in suburban, slum dog, are the issues which are considered as bad housing and homeless, reveals the necessity for analysis of housing-related regulations and indicators. In this study, initially, we analysed and defined housing rights and its contents to provide a clear picture of the right of housing in Iranian legal system. Then, we reviewed the importance of the right by observation the government's duties about housing and finally we investigated the efficiency of regulations related to housing by comparison of these regulations and the extent of their competence in accordance with housing indicators.

**Keywords:** Housing, Physical Indexes, Human Rights, Shelter.

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## INTRODUCTION

Housing in word is meant to dwell and reside and owning house is one of the three main requirements which is indispensable to human life, such that one could say that the housing issue has a deep relation with the concept of public order, peace and security for human. Human should for the benefit of decent living, in addition to political rights and civil liberties, must have a range of other rights to help him taking advantage of the resources available in the community, and also maintaining his cultural identity, that housing is one of these rights. The right of housing for every individual is one of the elements of human rights. In international documents, a specific definition of housing “adequate housing” has been considered, presented and determined criteria for its particular characteristics. To compliance with these documents the world countries devoted some articles to housing in constitution, and officially recognized housing with differences, and obliged government to provide housing for their citizens according to their financial resources. According to the above, the conceptual model of this study is presented as follows.

### State of the problem and the significance and urgency of the issue

Population increase, rural to urban migration, Conflicting and different needs of individuals, lack of financial capability, resulted the widespread homelessness and people living in inadequate housing, in a way that according to UN estimates, more than 100 million people worldwide do not have a home, and several billion people

are living in inadequate housing. Iran Legal system, have been very firm in identifying the right of housing, and expressly stated in its constitution that having house in accordance with the needs is the right of every Iranian individual and family. A clear illustration of the rules related to the right of housing, reveals the necessity of this study, for identifying contributing factors in resolving the phenomenon of homelessness and inadequate housing.

### Research method

This article is an applied research that data have been collected through documentary and library studies. After extracting the necessary data, the analysis is performed via Analytical – Descriptive method.

### Research Background

In Iran, such that it must be, the right of housing issue has not been considered. Most researches have considered how concept of the right of housing changes, governing principles, adequate housing concept and housing policies.

### Documents relating to housing rights

#### Housing rights in international documents:

Universal Declaration of Human Rights 1984: Adequate housing has been recognized in this statement for the first time. The statement declared that every human deserves a life with acceptable standards to provide for the health and welfare of himself and of his family, including housing and social services (The Universal Declaration of Human Rights, 1948).

1-International Covenant on Economic, Social and Cultural Rights 1966: In this statement adopted by UN member, the right to adequate housing has been recognized, and the governments have an obliged to take appropriate steps (International Covenant on Economic, Social and Cultural Rights, Article 11 of the UN General Assembly, 1966).

2-Convention for the Protection of Vulnerable Groups: Adequate housing has been confirmed by Convention on the Elimination of Racial Discrimination in a way that: the member states are committed to eliminate racial discrimination and the right of all, without discrimination based on race, color, nationality or ethnic origin and ensure with respect to equality before the law of housing (Athari, 2003).

3-Global Shelter Strategy to the Year 2000 (1988): All governments without exception, are committed to the provision of shelter, in a way that all the citizens, even if they are poor, have a right to expect from their governments that accept fundamental commitment to the protection and promotion of their homes and neighborhoods, rather than damage or destruction of them (The Global Strategy if Shelter until the Year 2000, 1988, paragraph 13).

4-The second session of the Human Settlements 1996: At this meeting adequate housing is defined as:

5-“Adequate shelter is not merely a roof over everyone's head, rather adequate shelter means appropriate comfort, suitable environment, physical access and security, structural stability and durability, lighting, adequate ventilation and heating systems, adequate basic infrastructure including sanitation and waste disposal, good quality environmental, adequate health, and etc. considering all these items, regarding to people's afford to be provided (Declaration of the Second Conference on Human Settlements, 1996).

**Housing Rights in Iranian domestic rules:** In the first legal document written in Iran (The constitution and its amendments) there were some point regarding to housing, which were in connection with civil and political rights. According to amendment of Article 13 of the constitution the emphasis is on respect for housing of individuals: “Everyone's houses are kept safe”. After Iran Revolutions, in constitution, various aspects of housing rights are mentioned. Article 3 of the Law has pointed the major objectives and Clause 12 of this Article pointed government's economic policy and with and explicit appeals for necessity of having house of citizens, one of the most fundamental economic purposes of government is elimination of any deprivation in regard to housing. The most important principle of this law which is linked to the concepts of economic, social and cultural is Article 31, in which: “Having house according to the needs, is the right of every Iranian individual and family and the government shall provide the implementation of this Article in accordance with priority for those who need more, especially workers and peasants.”

According to Article 43 of the constitution, to meet the basic needs including housing has been discussed. Also Article 22, emphasis on respect for housing. This set of principles, enshrined in the constitution of Iran shows that the right of housing is a fundamental right in Iran (Bahmani Qajar, 2011)

### **Explaining the concept of housing:**

**A. Housing Terminology:** The word Housing means "the place of settlement". Housing has different dimensions, and is a physical place, which is considered as shelter and the basic needs of the household. In this shelter, some of the basic needs of the household or individual such as food, rest and protection against weather conditions is provided (Ahari and Amini Jadid, 1996). Defining the general concept of housing is not a residential unit, but also it includes all residential environments. And in other words, housing is more than a mere physical shelter (Mokhber, 1984).

**B. Adequate Housing:** Adequate housing means each human including woman, man, child and youngster has the right to have a safe house and society, since the word Adequate related to Housing is influenced by social, economic, cultural, weather, climate, etc. International Covenant on Economic, Social and Cultural the following has been introduced as indicators of "adequate" housing:

- Legal security of tenure: This means that all people in all conditions of life are secured against forced eviction, extortion, harassment and other threats. Governments are obligated by law to provide security.

- Habitability: The housing must have adequate space, physical security, protection against weather, wind, rain, cold and heat, and protection against risks to health, such as structural hazards and disease, provide for residents.

- Accessibility: housing must be accessible to people who are in an inappropriate situation (Elderly, children, women, the disabled, psychiatric patients).

- Affordability: housing financial costs should be at a level that does not impede the supply of other basic expenses and governments must be ensured that all housing costs should be adequate in accordance with all the level of income and support those who cannot afford adequate housing.

- Availability of services, materials, facilities and infrastructures: adequate housing must permanently be equipped with safe Drinking Water, Fuel for cooking, temperature, lighting, sewage and washing facilities, means of food storage, waste disposal and emergency services.

- Cultural Adequacy: The way housing is constructed according to, materials used and their supporting policies must be the cultural and housing diversity depiction. Housing development and modernization, while provides modern facilities of technology, shall keep the cultural interests (Centre for Human Rights Studies)

**C. Housing Index:** These indicators help housing major policy-makers to obtain a clear picture of housing conditions in the past, present and future. For this reason, that housing indicators can be the main tool and the base for planning (Arjomand, 2002).

- Economic Indicators: These indicators make it possible to compare and analyze different aspects of housing, such as:

- The ratio of housing costs to total costs and household income.
- The cost of building materials and required land
- The amount of private sector investment.
- Credit facilities provided by banks and credit institutions and government.

- Housing production in a year.
- Physical Parameters: Among the key physical topics of housing can be searched for in the following.
  - The pattern House building (Single unit, apartment, complex, and tower): according to the needs and requirements of population increase, construction model changes from a single unit to an apartment and then tall buildings.
  - Building Density: This index determines the intensity of land use
  - Types of Construction materials and methods of construction: Using durable materials and adequate and new construction practices, result the increase of the useful life of the building, therefore protect the physical quality of the building in long-term.
  - Social and cultural indicators: Regional differences in culture, traditions, ethnicities, and lifestyles of the people, leading to the formation of certain types of housing (Habibi and Ahari, 1996).

### **Reviewing housing policies in terms of economic development programs, social and cultural rights in Iran**

Production of adequate housing in all countries not only is the manifestations of economic growth, but also meets the social needs and widely effects on mobility and accelerating the economic wheels of the country. For this purpose, the housing issue was one of the most important chapters of law for the five-year program of Iran.

#### **First program of economic, social and cultural development (1989-1993)**

The objectives of this program is the change in methods of building, to build durable buildings, increasing the proportion of buildings, the promotion of existing per capita and conducting housing production with less infrastructure and better quality and in accordance with national per capita is 12. The problem of housing in this program includes lack of adequate support from manufacturers, the lack of organized standards, specifically for old buildings, Lack of necessary laws and regulations for the housing sector, in forms of Production cooperatives and utilization cooperatives (The First Economic, Social and Cultural Development Plan for Islamic Republic of Iran)

Important policies of this program include:

- Encourage the private sector - cooperatives and financial institutions to mass production of residential units
- Giving priority to the war-torn areas
- Special facilities to property builders
- Developing and implementing standards to minimize construction costs while maintaining quality (Rahmani, 1996).

The strengths of this program can be attributed to an increase in construction of durable residential buildings and Reduction of the number of single unit residential buildings (Khodabaksh, 2000).

#### **Second program of economic, social and cultural development:**

This program in housing were designed for purposes such as renewal of old buildings, Integration

parts in urban areas of the country, assistance to vulnerable groups (Azizi, 1995) and its main goal was implementation of clean policy (Savings, mass construction and miniaturization (Khazafy, 1999).

The major policies of this program are as follows:

- Reform of the investment process, with emphasis on mass production and miniaturization by reducing investment by using insurance companies and investment firm's guarantee.
- moving into reducing the cost by encouraging the miniaturization, compression, reducing the building construction period and madding standard dimensions and volumes of construction.
- Amending the tax laws related to housing, in order to miniaturization, Compression, making rental housing and protecting and enhancing the cooperative housing (Khazafy, 1999).

#### **Third program of economic, social and cultural development**

Reducing the average level of infrastructure of residential units and increasing their life was the aim of this program.

The major policies of this program are as follows:

- gradual payment of banking facilities for the stage construction of low-income group's housing.
- Creation of a secondary market and possibility of buying and selling partnership bonds in housing sector in the stock market.
- Amending the rules on payment of subsidies of housing sector to promote consumption pattern of Housing
- Amending the lows of rental houses to gradual decrease of government intervention and increase of private section presentation in local institutions (t The Economic Report of 2003 and monitoring the performance of the first four years of the Third Development Plan of Iran, 2003).

#### **Fourth program of Economic, Social and Cultural development:**

Housing section got more attention in the fourth program of Iran's development (2005-2009) So that the Ministry of Roads and Urban Planning (the relevant department) is obliged due to interactions between the housing sector and the national economy and its balance role in improving the quality of life and reducing disparities develop and agree the housing master plan (The Law of the Fourth Economic, Social and Cultural Rights of Iran).

#### **The Fifth program of Economic, Social and Cultural development:**

The articles from 167 to 176 of the fifth program of the law devoted to housing in the country, the program in which the following strategies are focused:

- Emphasizing on organizing and supporting the building and supplying of housing.
- Giving the emphasis on empowering approach to organizing informal settlements.
- Allocating at least 50 percent of the resources and facilities to the housing section for old buildings.

- Retrofitting buildings against earthquakes (The low of the fifth Economic, Social and Cultural development Plan for Islamic Republic of Iran).

## DISCUSSION

Many indicators have been raised in the first development plan of Iran, such as changes in population indices, average level of infrastructure residential units, materials and construction methods, residential building area, contribution separation of public and private investments, bank credits, etc.; But only the two indicators of household density in housing unit and per capita infrastructure have been used to target, and the other indicators have not played a significant role in developing program.

Average level of infrastructure, construction costs, condition of supplying the residential land are among the indicators mentioned in the second development program. The rehabilitating old buildings and building densities increase were given attention in this program; However, the number of indicators are limited, and there isn't any continuity or consistency between the indicators used and the program goals and policies.

In the third program, seven indicators have been examined; these are: the average of household density in housing unit, the average of people density in housing unit, the average of number of rooms in housing unit, ruggedization, ownership of housing, housing unit facilities, and price indexes.

This program merely was paid attention to the indicator's changes and the positive point of this program was to using more indexes. In the fourth program policies of housing were paid more attention to worn out textures and providing houses for low income group (MASKANE MEHR (in Persian MEHR Housing).

Master Plan of housing was one of the most important activities during this plan; the indicators that have been used in this plan are private investment in the housing sector, the ratio of housing costs to household income, the bank credit facility, the type of construction and pattern making, access to residential services and ...

The fifth plan has been set based on the organizing rule and supporting of production and supplying houses in the fourth program and with emphasis on patterns of Iran's Islamic unbanning, Mehr housing for young people and organizing the worn out texture and informal accommodation and Sustainability. After studying rules of Iran's development program and trying to adapt them to economic, physical and social and cultural indicators of housing, The table given below shows that, to how extent, Indicators of housing are taken into consideration in lows of development program.

As it's observed, due to a number of international laws that deal with housing, are much more that Legal substances in Iran, but Article 31 of Iran's constitution, went far beyond the concept of housing rights recognized in the International Covenant and one article is separately dedicated to housing rights and emphasizes on the right of having needed house. The first point that can be seen in the program is neglecting the concept of "housing according to the needs" which is explicitly mentioned in the constitution and is the most important disadvantage of these programs and Also in all development programs

there is greater focus on physical index and unfortunately, there has been little attention to economic indicators. In general it can be said Lack of complying of housing rules with different indicators outlined in the Housing Sector is the main weakness of the legislation that led to the preventing of implementation of the Housing Rights in the country.

## CONCLUSION

Housing Rights is one of the human right that is formally recognized in international treaties and documents of numerous human rights. Iran is trying to meet the right due to the international commitments and special emphasis on housing rights, but unfortunately, as was seen in the low of development programs of country, that have the primary role in shaping housing policies, the needed attention cannot be accessed. The Weakness in legislation and failure to comply with the Housing Index in the laws that is associated with housing, makes that Iran's government never could succeed to realizing the human right of housing.

### Recommendations

Necessity of attention to housing in rules and regulations is mandatory in Iran based on what was mentioned earlier. The following recommendations are cases that are necessary to achieving housing rights as primary human rights.

1. Attention to different walks of life, in providing construction rules and regulations, especially residential units
2. Attention to Sociocultural index of housing
3. Attention to the economic indicators of housing, particularly, providing housing for various income groups
4. Attention to executable guarantees and supervision of designed program to providing housing
5. Attention to qualitative indicators of housing such as safety and desirability of construction
6. Recovery and rehabilitation of existing residential areas to reduce the financial burden imposed on the housing and utilization of available resources
7. Funding and financial support for housing by government
8. Attention to the identical patterns, particularly Islamic identity in housing construction.

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