



GEN7079-120

## VERBAL NOTE

The Permanent Mission of Finland to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights in Geneva and referring to the Office's request, dated 22 March 2013, hereby submits its answers to the questionnaire of Security of Tenure.

### **Legal security of tenure, including protection from forced evictions**

In Finland the tenancy agreements are regulated in the Act of Residential Leases (31.3.1995/481). This Act secures and protects the tenant and permanence of the residency. Most of the provisions in the Act are of peremptory nature, so the parties of the tenancy agreement cannot derogate from the provisions for the detriment of the tenant.

Tenancy agreements can be in force for a fixed term or a non-fixed term. A non-fixed term agreement is terminated only when the lessor or the tenant gives a written notification. For the lessor the notice period is six months, if the agreement has lasted for at least one year, or otherwise three months. It is not allowed to terminate the tenancy agreement for a reason that does not conform with acceptable tenancy practice.

Tenant can contest the termination of the tenancy agreement and request that the court declares the notice given by the lessor ineffective. If the tenant's suit is sustained in the court, the agreement will continue in force on its previous terms.

Both lessor and the tenant have the right to rescind the tenancy agreement in case of a serious breach of agreement. The lessor can rescind the agreement for example if the tenant neglects to pay the rent. According to the court practice, tenancy agreement cannot be rescinded until the rent has not been paid for two or three months.

If tenant does not move out of the apartment after the tenancy agreement has been terminated the lessor can request an eviction judgment from the court. The lessor must deliver the eviction judgment to the execution authority that carries out the eviction. The lessor cannot evict the tenant by himself.

### **Data of those with insecure tenure and urban poor living in informal arrangements**

There are practically no people living in informal settlements in Finland. For example, immigrants and the Roma are living in the same residential areas as the main population and the quality and the security of their housing is equal.

Finland has an adequate number of homes overall. However, Helsinki and certain other growth centres are suffering from housing shortages, high housing prices and high rents. The housing stock is very new overall, and almost every home has piped water, hot water of tap, central heating system and is connected to local sewerage systems.

Municipalities have a key role in housing. They provide land, infrastructure and other services for housing schemes. Municipalities are also the largest owners of rental housing.

The State provides interest subsidies for loans taken out to finance the construction and renovation of social rental housing. Tenants are eligible for state-subsidized social housing according to their need, their income and their financial circumstances. Rents are lower in the state-subsidized housing than in the private sector rental housing. The State also supports the housing projects for special groups, such as the elderly, the disabled, students and the homeless with a supplementary grant from 10% up to 50% of the investment, depending on the needed support.

The role of the Ministry of Social Affairs and Health in housing policy matters is limited. However, it has a role in supporting housing costs and guaranteeing that households with low income can afford to live in their dwellings. There are three different housing allowance systems in Finland: one for low-income households (active population), one for pensioners and one for students. The Ministry of Social Affairs and Health is responsible for the general planning, guidance and oversight of legislation on the first two. The Ministry of Education and Culture is responsible for the housing allowance to students.

The three housing allowance systems together cover the entire population across the whole of Finland. The number of households receiving housing allowances in 2012 was about 450 000. The allowances amounted to 1300 million Euros which makes up 57% of all the different forms of subsidies targeted at housing.

If housing allowances are not sufficient to cover the housing costs and the household cannot afford to maintain a reasonable level of living it is possible to apply for social assistance. Social assistance is a last-resort form of income security intended to cover the costs of the household. The eligibility criteria for social assistance are very strict. It is therefore crucial to keep the grounds for granting housing allowance at the correct level. There has, however, been an increase in the need for social assistance to cover housing costs. It can be explained in part by the low level of rent accepted as housing costs that are covered by the housing allowance system. This leads to a problematic increase in the share of rents having to be covered by financial support in the form of social assistance.

There are approximately 7 500 homeless one-person households and 420 homeless families in Finland. In recent years homelessness has been reduced through consistent cooperation between central and local Governments, private enterprise and organizations. The Government has launched a national programme to combat long-term homelessness. The aim of the programme is to eradicate long-term homelessness by 2015 by producing state-financed housing and needs-based services for the long-term homeless as well as services helping to prevent homelessness. The programme is based on the "housing first" principle, where housing is secured by an individual rental agreement and supported by other services that are tailored to the resident's individual needs. The role of the Ministry of Social Affairs and Health in the programme is to provide funding for the provision of support services, including the necessary personnel, in the dwellings of the homeless. The Ministry pays 50% of costs of the necessary personnel.

### **For those States with international development aid agencies/programmes**

In accordance with Finland's Development Policy Programme, adopted in 2012, Finland pursues human rights-based approach to development. The aim is that everyone, including the poorest, know their rights and are able to act for them. Equally important is that the authorities know their human rights obligations and are capable of implementing them. The Programme has the following cross-cutting objectives: promotion of gender equality and climate sustainability as well as reduction of inequality. The four priority areas Finland emphasises in its development policy and development

Cooperation are: a democratic and accountable society that promotes human rights; an inclusive green economy that promotes employment; sustainable management of natural resources and environmental protection; as well as human development.

Equitable land reforms and land management have been a part of Finland's development policy. Finland has provided assistance, for example, to improve tenure security and land governance. Currently, for example, Finland supports a Land Administration Sub-sector Programme established by the Royal Government of Cambodia. Land sector has three objectives: 1) to strengthen land tenure security and land markets, and prevent or resolve land disputes, 2) to manage land and natural resources in an equitable, sustainable and effective manner, and 3) to promote land distribution with equity. The LASSP programme functions in selected urban and rural areas. It has directly addressed the policy environment for informal settlements.

Finland has welcomed also tools like the *FAO Voluntary Guidelines on the Responsible Governance of Tenure*.

### **Urban planning and housing policies**

The State and major cities have set up Agreements of Intent concerning land use, housing and transport. Through these agreements metropolitan areas promise to increase the density of the city structure and construct more social housing in cooperation with neighbouring municipalities. As a reward the State offers funding for transport infrastructure, grants for communal infrastructure and funds to social housing. To date, the cities of Helsinki, Tampere, Turku and Oulu have signed the agreement with the State to his effect. Such agreements of joint urban planning are very useful administrative tools for developing pro-poor social housing.

Promoting social rental housing, see above.

Besides the rental housing and owner-occupied housing, there is also a third housing type in Finland, right-to-occupancy housing. Just over 1% of Finnish households lives in right-of-occupancy housing. Residents pay a right-of-occupancy fee amounting to 15% of the purchase price of the accommodation, as well as a monthly occupancy fee. Right-of-occupancy schemes do not ultimately entitle residents to purchase their homes, although the owners of the housing may not unilaterally terminate the right-of-occupancy agreement. Eligibility for right-of-occupancy housing produced through state-subsidized schemes is based on factors such as the applicant's need and financial circumstances.

The Permanent Mission of Finland to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, 26 June 2013

