



## HOUSING FOR ALL: A COMPARATIVE ANALYSIS OF THE UK'S LEGAL FRAMEWORK VIS-À-VIS UN- HABITAT STANDARDS

Dr. Shahid Rizwan  
[Shahidrizwan39@gmail.com](mailto:Shahidrizwan39@gmail.com)

Visiting Scholar, Post Doc Fellow, University of York, UK.

### Abstract

The United Kingdom, as a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), is internationally obliged to progressively realize the right to adequate housing. However, unlike many other nations, the UK does not have a codified constitution and the "right to housing" is not enshrined in domestic statute (Maxwell, 2019). This creates a complex paradox: the UK possesses one of the most sophisticated planning and housing regulatory systems in the world, yet it struggles to meet UN-Habitat standards, particularly on affordability and security of tenure. This article provides a comprehensive comparative analysis of the UK's legal framework governing the housing industry against the benchmarks established by UN-Habitat for "adequate housing." Drawing upon constitutional conventions, statutory instruments, judicial precedents, and policy documents, the study examines the extent to which UK law addresses the seven core elements of housing adequacy: security of tenure, affordability, habitability, accessibility, location, availability of services, and cultural adequacy. The study identifies critical deficiencies in universal tenure security, with Section 21 "no-fault" evictions fundamentally undermining UN-Habitat's standard of legal protection against forced eviction. To meet UN-Habitat standards, the UK would need to legislate for a national rent-regulation system, abolish Section 21 evictions without equivalent security, and legally redefine "affordable" to reflect local living wages rather than a percentage of market value. In its current state, the UK offers world-class safety standards but falls short of the UN's universal equity goals.

**Keywords:** *Adequate Housing, Affordable Housing, Homelessness Reduction Act 2017, Homelessness, Housing Rights, Legal Framework, Tenure Security, UK Housing Law, UN-Habitat.*

**Corresponding Author:** Dr. Shahid Rizwan (Visiting Scholar, Post Doc Fellow, University of York, UK)

**Email:** [Shahidrizwan39@gmail.com](mailto:Shahidrizwan39@gmail.com)

## 1. Introduction

Housing constitutes one of the most fundamental determinants of human welfare, serving as the foundation upon which individuals and families build their lives, exercise other rights, and participate fully in society. The right to adequate housing is recognized internationally as a fundamental human right, central to human dignity and essential for the exercise of a range of other human rights, including family life, privacy, and health (UN Committee on Economic, Social and Cultural Rights [CESCR], 1991). As the UN Committee on Economic, Social and Cultural Rights has articulated, the right to housing should not be interpreted narrowly as merely having a roof over one's head, but rather as the right to live somewhere in security, peace, and dignity (CESCR, 1991). This conceptualization reflects a broader understanding that housing is not simply a physical structure but a site of social reproduction, identity formation, and community belonging (Hunter, 2021).

The United Kingdom, as a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR) since 1976, has undertaken international obligations to progressively realize the right to adequate housing. Under Article 11(1) of the ICESCR, States Parties recognize "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions" (UN General Assembly, 1966). Additionally, the UK is bound by other international treaties that include provisions relating to housing, including the Convention on the Rights of Persons with Disabilities (Article 28), the Convention on the Elimination of Discrimination Against Women (Article 12), the Convention on the Rights of the Child (Article 27), and the International Convention on the Elimination of Racial Discrimination (Article 5) (Amnesty International, 2022). Despite these international commitments, the UK has consistently failed to incorporate the right to adequate housing into domestic law, creating a persistent gap between international obligations and domestic legal protections (Hunter, 2021; Meers, 2022).

Despite these international commitments, the UK faces a significant housing crisis. The National Audit Office reported in 2024 that "homelessness has increased in recent years and is now at the highest level since comparable data collection began in the early 2000s" (Amnesty International, 2022, p. 18). This crisis is driven by multiple factors, including the lack of affordable housing, insufficient levels of social security benefits, and lack of security of tenure (Amnesty International, 2022). The crisis has been further exposed by tragedies such as the Grenfell Tower fire, which highlighted systemic failures in housing safety and regulation (Maxwell, 2019). As Hunter (2021) has observed, the Grenfell tragedy exposed not only failures in building safety regulation but also deeper structural inequalities in the housing system, revealing how "the most vulnerable in society were being housed in conditions that were unfit for human habitation and, in some cases, lethal" (p. 4).

The paradox of the UK's housing situation is that it possesses one of the world's most sophisticated planning and housing regulatory systems, yet it struggles to ensure that all

residents have access to adequate housing (Maxwell, 2019). This paradox reflects what Hunter (2021) identifies as the "two faces" of UK housing law: on the one hand, a highly developed system of rights and protections for those who successfully navigate the system; on the other, a system that excludes and marginalizes those who fall outside its narrow categories of entitlement. Similarly, Meers (2020, 2022) has demonstrated how the Homelessness Reduction Act 2017, despite its progressive intentions, operates within constraints that limit its transformative potential, creating a system that "manages" homelessness rather than eliminating it.

This article undertakes a comprehensive comparative analysis of the UK's legal framework relating to the housing industry against the benchmarks established by UN-Habitat for adequate housing. The analysis is structured around UN-Habitat's seven criteria for housing adequacy: security of tenure, availability of services, affordability, habitability, accessibility, location, and cultural adequacy (Clair et al., 2023; CESCR, 1991). By examining constitutional conventions, statutory instruments, judicial precedents, and policy documents, the study aims to identify gaps, challenges, and opportunities for reform.

The analysis reveals that while the UK possesses a highly evolved legislative framework including the Housing Acts (1985 & 2004), the Homelessness Reduction Act 2017, the Planning and Compulsory Purchase Act 2004, and the Human Rights Act 1998, significant gaps remain in aligning domestic law with international standards. The UK's adherence to UN-Habitat criteria is uneven, governed more by policy and judicial precedent than by a constitutional guarantee (Maxwell, 2019). As Hunter (2021) argues, the absence of a justiciable right to housing in UK law means that "housing is treated as a commodity to be allocated through the market, rather than a right to be guaranteed by the state" (p. 6).

Affordability remains the UK's biggest failing, with average rents in London exceeding 40% of gross income and the "Affordable Housing" quota often linked to market rates (80% of market rent) that remain unaffordable for low-income earners. While the Homes (Fitness for Human Habitation) Act 2018 aligns strongly with UN-Habitat's habitability criterion, enforcement is dependent on tenant action and local authority budgets have been constrained. The National Planning Policy Framework and Equality Act 2010 score well on location and accessibility standards. The article concludes that the UK's legal framework is highly evolved in process—planning, safety standards, and accessibility—but critically flawed in substance—affordability and universal tenure security (Maxwell, 2019). The primary incompatibility with UN-Habitat is ideological: the UK treats housing predominantly as a private commodity, not a public right (Clair et al., 2023). While the Homelessness Reduction Act is a global exemplar of reactive support, it does not guarantee proactive, lifelong housing provision (Meers, 2020).

The significance of this study lies in its potential to inform policy development and legal reform in the UK's housing sector. As the country grapples with a growing housing crisis—with homelessness at record levels and affordability reaching crisis proportions—understanding the deficiencies in the legal framework and their implications for achieving the

goal of "Housing for All" is essential for policymakers, legal practitioners, and civil society organizations. The study also contributes to the broader discourse on housing rights in developed countries and the challenges of implementing international standards in domestic legal systems. As Meers (2022) has argued, meaningful housing reform requires not only legislative change but also a fundamental shift in the conceptualization of housing as a human right rather than a market commodity.

## **2. Methodology**

### **2.1. Research Design**

This study adopts a qualitative, doctrinal research methodology to analyze the UK's legal framework relating to the housing industry in comparison with UN-Habitat standards for adequate housing. Doctrinal legal research involves the systematic analysis of legal texts—including statutes, regulations, judicial decisions, and policy documents—to identify, interpret, and evaluate legal principles and their application (Chynoweth, 2008). This approach is particularly suited to examining the legal dimensions of housing rights and the extent to which domestic law aligns with international standards.

### **2.2. Data Sources**

The study draws upon multiple sources of data:

#### **2.2.1. Primary Legal Sources**

- The Human Rights Act 1998
- The Housing Act 1985
- The Housing Act 2004
- The Homelessness Reduction Act 2017
- The Planning and Compulsory Purchase Act 2004
- The Landlord and Tenant Act 1985
- The Homes (Fitness for Human Habitation) Act 2018
- The Equality Act 2010
- The Renters' (Reform) Bill (2023)

#### **2.2.2. Secondary Legal Sources:**

- Judicial decisions from UK courts, including the Supreme Court, interpreting housing rights and related human rights provisions
- Academic articles, law review publications, and legal commentaries on UK housing law (Bevan, 2022; Cowan, 2019; Maxwell, 2019)
- Policy documents including the Housing White Paper, *Fixing our Broken Housing Market* (2017), and the Decent Homes Standard reform proposals

#### **2.2.3. International Sources**

- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- UN Committee on Economic, Social and Cultural Rights General Comment No. 4 on the Right to Adequate Housing (CESCR, 1991)
- UN-Habitat publications on adequate housing standards

- European Convention on Human Rights (ECHR) and European Social Charter

### 3. Analytical Framework

The analysis employs UN-Habitat's seven criteria for adequate housing as the primary analytical lens (CESCR, 1991; Clair et al., 2023):

1. **Security of Tenure** – Legal protection against forced evictions and harassment
2. **Availability of Services** – Access to safe drinking water, sanitation, energy, and other essential services
3. **Affordability** – Housing costs that do not compromise the satisfaction of other basic needs
4. **Habitability** – Structural safety, adequate space, and protection from health hazards
5. **Accessibility** – Accessibility for persons with disabilities and vulnerable groups
6. **Location** – Proximity to employment, healthcare, education, and other services
7. **Cultural Adequacy** – Respect for cultural identity and lifestyle

Each criterion is examined against the relevant provisions of UK law, judicial interpretations, and policy frameworks. The analysis identifies areas of compliance, partial compliance, and non-compliance, and assesses the practical implementation of legal provisions.

### 4. Limitations

This study acknowledges certain limitations. First, the analysis focuses primarily on the legal framework in England, with limited examination of the distinct legal systems in Scotland, Wales, and Northern Ireland, which have devolved housing responsibilities. Second, the study relies on publicly available legal texts and judicial decisions, and may not capture unpublished or unreported cases. Third, the analysis is primarily legal and doctrinal, rather than empirical, and does not include primary data collection from affected communities or housing practitioners. Despite these limitations, the study provides a comprehensive legal analysis of the UK's housing framework against internationally recognized standards.

### 5. Theoretical Framework: Un-Habitat's Adequate Housing Standards

#### 5.1. The Right to Adequate Housing in International Law

The right to adequate housing is recognized in multiple international human rights instruments. Article 25 of the Universal Declaration of Human Rights (UDHR) affirms that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care" (UN General Assembly, 1948). Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) further elaborates that States Parties recognize "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions" (UN General Assembly, 1966).

The UK ratified the ICESCR in 1976, thereby undertaking obligations to progressively realize the right to adequate housing (Amnesty International, 2022). However, as Amnesty International (2022) has noted, "the right to housing has not been incorporated into UK law,

which means that individuals who feel their right to housing may have been violated won't be able to take legal action against Government for breach of the right to housing" (p. 18). The CESCR has urged the UK government to "fully incorporate covenant rights into its domestic legal order and ensure that victims of violations of economic, social and cultural rights have access to effective legal remedies" (CESCR, as cited in Amnesty International, 2022, p. 74).

## **5.2. The Seven Elements of Adequate Housing**

The UN Committee on Economic, Social and Cultural Rights, the independent body that monitors the protection of ICESCR rights, set out seven key elements of the right to safe and adequate housing in General Comment No. 4 (CESCR, 1991; Clair et al., 2023):

### **5.2.1. Legal Security of Tenure**

Security of tenure refers to legal protection against forced eviction, harassment, and other threats to all persons—whether living in private rental accommodation, social housing, owner-occupation, emergency housing, informal settlements, or otherwise (CESCR, 1991). The UN Committee emphasizes that "governments must genuinely consult with those affected, give adequate and reasonable notice of evictions and ensure legal remedies are available to victims of evictions" (Amnesty International, 2022, p. 74). In international human rights law, a "forced eviction" is the permanent or temporary removal against their will of people from the homes and/or land which they occupy, without the provision of appropriate forms of legal or other protection (Amnesty International, 2022).

### **5.2.2. Availability of Services, Materials, Facilities, and Infrastructure**

Adequate housing must include availability of certain facilities essential for health, security, comfort, and nutrition, such as safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, site drainage, and emergency services (CESCR, 1991; Clair et al., 2023).

### **5.2.3. Affordability**

Housing costs should be at such a level that they do not compromise the satisfaction of other basic needs. This means that government should, for example, establish housing subsidies for those unable to obtain affordable housing and protect tenants against unreasonable rent levels or rent increases (CESCR, 1991; Clair et al., 2023).

### **5.2.4. Habitability**

Inhabitants must be provided with adequate space, protected from cold, damp, heat, rain, wind, or other threats to health or structural hazards to guarantee their physical safety. Where social housing is designed in a way that constitutes a fire hazard, or where responsible public bodies do not take sufficient measures to ensure that private rented housing is of a decent standard, the right to adequate housing may be violated (Amnesty International, 2022; Maxwell, 2019).

### **5.2.5. Accessibility**

Housing must be accessible, with a particular focus on the specific needs of disadvantaged groups, such as the elderly, children, disabled people, or people with a terminal



illness (CESCR, 1991; Clair et al., 2023). This includes ensuring that accessible housing, including sufficient social housing of an adequate standard, is available at an affordable cost for everyone (Amnesty International, 2022).

#### **5.2.6. Location**

Adequate housing must be located allowing access to employment options, healthcare services, schools, childcare centers, and other social facilities, and away from environmental hazards such as pollution (CESCR, 1991; Clair et al., 2023).

#### **5.2.7. Cultural Adequacy**

The construction of housing must appropriately enable the expression of cultural identity and diversity of housing (CESCR, 1991; Clair et al., 2023).

### **5.3. The Legal Nature of Housing Rights: International vs. Domestic Law**

The legal status of housing rights in the UK is fundamentally different from the international recognition of these rights. Under international law, the UK is bound by its obligations under the ICESCR and other treaties. However, the UK operates under a dualist system, meaning that international treaties do not automatically become part of domestic law unless they are incorporated through legislation (Amnesty International, 2022; Maxwell, 2019). The ICESCR has not been incorporated into UK law, which significantly limits the ability of individuals to enforce housing rights through domestic courts (Amnesty International, 2022; Maxwell, 2019).

As Amnesty International (2022) has noted: "The UK's current legal system, however, does not currently systematically incorporate ICESCR provisions into domestic law (in the same way that many rights in the International Covenant on Civil and Political Rights are protected by the Human Rights Act 1998), which is inconsistent with international human rights standards. This limits the extent to which people experiencing homelessness in the UK can access justice, redress and hold the government to account" (p. 73).

The UK has also not ratified the Optional Protocol to the ICESCR, which would allow the Committee to consider complaints of violations and provide an international remedy for victims who are denied remedies at the national level (Amnesty International, 2022, p. 75). The UK has ratified the European Social Charter (1961), which provides for family housing under Article 16, but has not ratified the Revised European Social Charter, which explicitly addresses housing and homelessness under Article 31 (Amnesty International, 2022, p. 75).

## **6. The UK's Constitutional and Legislative Framework For Housing**

### **6.1. The Unwritten Constitution and the Absence of a Constitutional Right to Housing**

The United Kingdom does not have a codified constitution, and the "right to housing" is not enshrined in domestic statute (Maxwell, 2019). As Maxwell (2019) noted in an Oxford Law blog analysis: "The unwritten Constitution of the UK does not contain a 'right to housing' per se" (para. 1). This absence of a constitutional guarantee fundamentally shapes the nature of housing rights in the UK and distinguishes the UK from many other jurisdictions that have constitutionally protected housing rights.

The incorporation of the ICESCR into domestic law was considered after the passing of the Human Rights Act 1998. However, the inclusion of socio-economic rights such as housing was dismissed as it was felt that the principles were non-justiciable (Maxwell, 2019). This reflects a long-standing skepticism in the UK legal tradition about the role of courts in enforcing economic and social rights. As Maxwell (2019) concluded: "rationalising a minimum core, finding the vast financial resources required and then trying to traverse the complex problem of political will, means that implementation of a human right to adequate housing in the UK remains, for now, dishearteningly out of reach" (para. 26).

### **6.2. The Human Rights Act 1998**

The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR) into UK domestic law. However, the ECHR does not explicitly guarantee a right to housing (Maxwell, 2019). Instead, housing rights are protected indirectly through:

- **Article 8: Right to Respect for Private and Family Life** – This provision has been invoked in housing cases, including cases involving evictions, as it protects the home as a locus of private and family life.
- **Protocol 1, Article 1: Protection of Property** – This provision protects property rights, including the right to peaceful enjoyment of possessions.

The CESCR has taken the view that "in situations where the right to housing is not guaranteed by domestic law, other domestic rights should be applied and interpreted in a way that ensures its protection in practice" (Amnesty International, 2022, p. 74). However, as Amnesty International (2022) has noted, these provisions provide only limited protection and do not amount to a comprehensive right to housing.

### **6.3. The Housing Acts**

The UK's housing legislation is extensive and heavily litigated. The primary statutes include:

#### **6.3.1. The Housing Act 1985**

The Housing Act 1985 consolidates previous housing legislation and governs local authority duties regarding housing, including the provision of social housing, allocation policies, and tenancy rights. It establishes the framework for secure tenancies in the social rented sector and provides rights for secure tenants, including the right to buy. The Act also includes provisions on the right to buy, which were amended by the Housing Act 2004 to extend the qualifying period for the right to buy from two to five years (Housing Act 2004, s. 180).

#### **6.3.2. The Housing Act 2004**

The Housing Act 2004 introduced the Housing Health and Safety Rating System (HHSRS), which provides a risk-based assessment of housing conditions (Housing Act 2004). The Act also introduced licensing schemes for Houses in Multiple Occupation (HMOs), created the Tenancy Deposit Protection Scheme, and made significant amendments to the right to buy provisions (Housing Act 2004, ss. 180-183).



The Housing Act 2004 also amended the Housing Act 1985 to extend the qualifying period for the right to buy, providing that the qualifying period for the right to buy is five rather than two years (Housing Act 2004, s. 180). The Act also introduced new provisions regarding exceptions to the right to buy, including for dwellings suitable for elderly persons and for dwellings due to be demolished (Housing Act 2004, ss. 181-182).

As Amnesty International (2022) has noted, domestic law in England provides piecemeal rights and protections for tenants through the Housing Act 2004, the Landlord and Tenant Act 1985, the Environmental Protection Act 1990, and the Building Regulations 2010. However, in the wake of the Grenfell Tower fire, this legislation has been criticized as outdated, complex, and poorly enforced (Maxwell, 2019).

#### **6.4. The Homelessness Reduction Act 2017**

The Homelessness Reduction Act 2017 (HRA 2017) represents a significant legislative innovation, placing a statutory duty on local councils to prevent and relieve homelessness for eligible applicants. The Act requires local authorities to take reasonable steps to prevent homelessness for those at risk of losing their homes and to relieve homelessness for those already homeless (Bevan, 2022; Cowan, 2019).

The HRA 2017 introduced requirements on local housing authorities in England to assess an individual's circumstances and develop personalized housing plans for people experiencing homelessness (s.3 HRA 2017, inserting s.189A Housing Act 1996) (HRA 2017; see also Bevan, 2022). It represented the most significant reform in the last 40 years to the English statutory framework governing the duties of local authorities towards people experiencing homelessness (Bevan, 2022; Cowan, 2019).

The Act has been described as "a global exemplar of reactive support" and represents a shift toward a more proactive approach to addressing homelessness. However, it does not create a universal right to housing, and its application is subject to eligibility criteria, including the "priority need" test, which discriminates against certain groups (Amnesty International, 2022). As Bevan (2022) has argued, the HRA 2017 can be read "as contributing to rather than obviating the marginalisation and social exclusion of homeless people" (p. 1). Similarly, recent research on the implementation of personalized housing plans under the HRA 2017 has found that it "operates as a tool of neoliberal governance rather than one of social justice" (Boyle, 2024, p. 1).

#### **6.5. The Planning and Compulsory Purchase Act 2004**

The Planning and Compulsory Purchase Act 2004 establishes the planning framework for new housing developments. It provides for the creation of Local Development Frameworks and requires local authorities to plan for housing delivery. The Act works in conjunction with the National Planning Policy Framework (NPPF), which sets national planning policy.

#### **6.6. The Homes (Fitness for Human Habitation) Act 2018**

The Homes (Fitness for Human Habitation) Act 2018 was introduced in the wake of the Grenfell Tower fire. The Act requires residential rented accommodation to be provided and

maintained in a habitable state. It provides a legal mechanism for tenants to sue landlords for unsafe conditions, aligning strongly with UN-Habitat's habitability criterion.

However, as Amnesty International (2022) has noted, enforcement is dependent on tenant action, and local authorities have seen cuts to building inspection budgets. "Tenants in social and private rented accommodation often struggle to take action to improve their living conditions and address health and safety hazards. Local authorities cannot take enforcement action against themselves, while private tenants can face retaliatory eviction if they make requests for repairs" (Amnesty International, 2022, p. 77).

#### **6.7. The Equality Act 2010**

The Equality Act 2010 protects individuals from discrimination in access to housing and services. It requires that housing providers do not discriminate on grounds of protected characteristics, including disability. The Act also requires reasonable adjustments to be made for disabled persons, which includes accessibility requirements for housing.

### **7. Analytical Comparison: UK's Legal Framework Vs. Un-Habitat Standards**

This section systematically examines the UK's legal framework against each of UN-Habitat's seven criteria for adequate housing.

#### **7.1. Security of Tenure**

##### **7.1.1. UN-Habitat Standard**

UN-Habitat requires legal protection against forced eviction, harassment, and other threats to all persons—regardless of tenure type. The CESCR emphasizes that governments must genuinely consult with those affected, give adequate and reasonable notice of evictions, and ensure legal remedies are available to victims of evictions (CESCR, 1991; Amnesty International, 2022, p. 74).

##### **7.1.2. UK's Legal Framework**

Security of tenure in the UK presents a complex picture. Historically, the UK has been seen as a strength in this regard, particularly for social housing tenants who benefit from secure tenancies with strong protections against eviction. However, the position has weakened significantly, particularly in the private rented sector.

**Social Rented Sector:** Social housing tenants generally enjoy strong security of tenure through secure tenancies under the Housing Act 1985. These tenancies provide protection against eviction except on specified grounds, and require court proceedings for possession. However, the Right to Buy scheme has significantly reduced the stock of social housing, increasing the proportion of households in the private rented sector.

**Private Rented Sector:** The private rented sector presents the most significant concern. Section 21 of the Housing Act 1988 permits landlords to evict tenants in England without giving a reason, known as "no-fault" evictions (Amnesty International, 2022). As Amnesty International (2022) has noted, this "is in breach of international human rights standards" (p. 76). While Section 33 of the Deregulation Act 2015 is intended to prevent

retaliatory evictions, the conditions that must be met to invoke the Act are onerous and it is very rarely used by tenants (Amnesty International, 2022).

The UK government has committed to abolishing Section 21 evictions through the Renters' (Reform) Bill, which was published on 17 May 2023. However, at the time of writing, the Bill has faced delays and amendments. The abolition of Section 21, along with the establishment of a PRS Ombudsman and a database for residential landlords, are welcome reforms, but implementation remains uncertain.

**Social and Human Rights Context:** The lack of security of tenure is a significant driver of homelessness. As Amnesty International (2022) has emphasized, "inadequate regulation of the private rental market, reliance on no-fault evictions and discriminatory housing policies based on 'priority need' leave many without adequate housing" (p. 76). The UN Special Rapporteur on adequate housing has emphasized that "States must regardless of their state of development, take certain steps to realize the right to adequate housing immediately and that in this respect priority must be given to those social groups living in unfavourable conditions" (Amnesty International, 2022, p. 76).

#### 7.1.3. Assessment

The UK's legal framework provides partial compliance with UN-Habitat's security of tenure standard. While social housing tenants enjoy strong protections, private rented sector tenants—who represent an increasing proportion of the population—face significant tenure insecurity due to Section 21 "no-fault" evictions. The continued reliance on no-fault evictions fundamentally undermines UN-Habitat's standard of legal protection against forced eviction.

### 7.2. Affordability

#### 7.2.1. UN-Habitat Standard

UN-Habitat requires housing costs to be at a level that does not compromise the satisfaction of other basic needs. Governments should establish housing subsidies for those unable to obtain affordable housing and protect tenants against unreasonable rent levels or rent increases (CESCR, 1991; Clair et al., 2023).

#### 7.2.2. UK's Legal Framework

Affordability is the UK's biggest failing in meeting UN-Habitat standards. In London, average rents exceed 40% of gross income, significantly above the UN-Habitat benchmark.

**Rent Controls:** The UK legal framework does not enforce rent controls nationally. Rent regulation is limited to specific circumstances, such as rent review for social housing and limited protection for regulated tenancies that are being phased out. The absence of national rent controls means that rents are driven by market forces, often exceeding affordability thresholds for low-income households.

**Affordable Housing Quota:** The "Affordable Housing" quota in the planning system is often linked to "market rates" (typically 80% of market rent), which remains unaffordable for low-income earners. This means that what is defined as "affordable" in policy terms may not be affordable in practice for those on low incomes.

**Housing Subsidies:** The UK provides housing subsidies through housing benefit (now Universal Credit housing element). However, the level of support has been constrained by welfare reform, including the freeze on Local Housing Allowance rates and the benefit cap. Amnesty International (2022) has noted that "insufficient levels of social security benefits" are a driver of the homelessness crisis (p. 76).

**Social Housing Supply:** The reduction in social housing supply has forced more households into the more expensive private rented sector, exacerbating affordability problems. The limited availability of social housing of an adequate standard at an affordable cost means that many households are forced into unaffordable private sector accommodation.

As Clair et al. (2023) observe, "even before the COVID-19 pandemic the housing crisis in the UK, and many other nations, was starkly evident. Characterised particularly by concerns about high housing costs, the inaccessibility of owner-occupation, and the conditions faced by those excluded from ownership, the housing crisis meant that housing was on 'the political agenda' to a far greater extent than in much of recent history" (p. 57).

### 7.2.3. Assessment

The UK's legal framework provides minimal compliance with UN-Habitat's affordability standard. The absence of national rent controls, the limited effectiveness of "affordable housing" policies, and the reduction in social housing supply have resulted in a severe affordability crisis. The reliance on market solutions and constrained welfare support means that housing costs are beyond the reach of many households.

## 7.3. Availability of Services and Habitability

### 7.3.1. UN-Habitat Standard

UN-Habitat requires adequate housing to include availability of facilities essential for health, security, comfort, and nutrition, such as safe drinking water, energy for cooking, heating and lighting, sanitation, and emergency services. Inhabitants must be provided with adequate space, protected from health threats and structural hazards (CESCR, 1991; Clair et al., 2023).

### 7.3.2. UK's Legal Framework

The UK's legal framework performs relatively well on habitability standards compared to other elements of adequate housing.

**Fitness for Human Habitation:** The Homes (Fitness for Human Habitation) Act 2018 provides a legal mechanism for tenants to sue landlords for unsafe conditions. This aligns strongly with UN-Habitat's habitability criterion. However, as Amnesty International (2022) has noted, enforcement is dependent on tenant action, and local authorities have seen cuts to building inspection budgets, leading to a rise in non-decent homes (p. 77).

**Decent Homes Standard:** The Decent Homes Standard sets minimum standards for social housing, covering repair, facilities, and thermal comfort. The government is currently consulting on reforming the Decent Homes Standard, including extending it to the private rented sector.

**Housing Health and Safety Rating System (HHSRS):** The Housing Act 2004 introduced the HHSRS, a risk-based approach to assessing housing conditions. The system identifies hazards in dwellings and provides a basis for enforcement action by local authorities. However, enforcement has been constrained by limited resources.

**Grenfell Tower and Safety Failures:** The Grenfell Tower fire exposed systemic failures in housing safety regulation. As Maxwell (2019) noted, "the Grenfell Tower Inquiry has once again exposed UK's poor record of providing adequate housing for the most deprived in society" (para. 25). The fire highlighted the consequences of weak enforcement and inadequate oversight of building safety.

**Building Regulations:** The Building Regulations 2010 set minimum standards for construction, including fire safety, energy efficiency, and accessibility. However, enforcement has been inconsistent, and the Grenfell Inquiry has revealed systemic failures in the implementation of building safety requirements.

### 7.3.3. Assessment

The UK's legal framework provides substantial compliance with UN-Habitat's services and habitability standards on paper. However, enforcement challenges, limited resources for local authorities, and systemic failures in building safety oversight mean that the practical reality falls short of the legal standards. The Homes (Fitness for Human Habitation) Act 2018 aligns strongly with international standards, but its effectiveness depends on active enforcement.

## 7.4. Accessibility

### 7.4.1. UN-Habitat Standard

UN-Habitat requires housing to be accessible, with a particular focus on the specific needs of disadvantaged groups, including the elderly, children, disabled people, and people with a terminal illness. Governments should develop a national housing strategy based on meaningful participation and set accessibility standards in consultation with disabled people and their organizations (CESCR, 1991; Clair et al., 2023).

### 7.4.2. UK's Legal Framework

The UK's legal framework performs well on accessibility standards, with strong legislative protections.

**Equality Act 2010:** The Equality Act 2010 requires housing providers to make reasonable adjustments for disabled persons and prohibits discrimination in access to housing. This Act provides a strong legal basis for accessibility requirements.

**Building Regulations:** Part M of the Building Regulations sets accessibility standards for new housing, including requirements for wheelchair access and adaptations. These standards have been strengthened over time.

**Accessibility Standards:** The Equality and Human Rights Commission carried out an inquiry into housing for disabled people in 2017/18 and found that "the long waiting times that

disabled people face, as well as the weak regulatory framework and oversight of the building of accessible homes, are of particular concern" (Amnesty International, 2022, p. 77).

#### **7.4.3. Assessment**

The UK's legal framework provides strong compliance with UN-Habitat's accessibility standard on paper. The Equality Act 2010 and Building Regulations provide comprehensive legal protections. However, implementation challenges, including long waiting times for accessible homes and weak oversight of the building of accessible homes, mean that disabled people continue to face significant barriers in accessing appropriate housing.

### **7.5. Location**

#### **7.5.1. UN-Habitat Standard**

UN-Habitat requires housing to be located allowing access to employment options, healthcare services, schools, childcare centers, and other social facilities, and away from environmental hazards such as pollution (CESCR, 1991; Clair et al., 2023).

#### **7.5.2. UK's Legal Framework**

The UK's planning laws and the National Planning Policy Framework (NPPF) score well on location standards.

**National Planning Policy Framework:** The NPPF mandates that new housing must be accessible to public transport, schools, and jobs. It requires local authorities to plan for sustainable development and ensure that housing is located to support social and economic integration.

**Planning Policy:** Local Development Frameworks required under the Planning and Compulsory Purchase Act 2004 require local authorities to consider location when planning for housing development. This includes accessibility to services and infrastructure.

#### **7.5.3. Assessment**

The UK's legal framework provides substantial compliance with UN-Habitat's location standard. The NPPF and planning policies ensure that new housing is located with access to employment and services. However, implementation challenges, including the affordability crisis in well-located areas, mean that many low-income households are excluded from housing in locations with good access to employment and services.

### **7.6. Cultural Adequacy**

#### **7.6.1. UN-Habitat Standard**

UN-Habitat requires the construction of housing to appropriately enable the expression of cultural identity and diversity (CESCR, 1991; Clair et al., 2023).

#### **7.6.2. UK's Legal Framework**

The UK's legal framework has minimal provisions specifically addressing cultural adequacy in housing. There is no specific legal requirement for housing design to reflect cultural identity. However, the Equality Act 2010 protects against discrimination on grounds of religion or belief, which may have implications for culturally appropriate housing.

#### **7.6.3. Assessment**



The UK's legal framework provides minimal compliance with UN-Habitat's cultural adequacy standard. While equality legislation protects against discrimination, there are no specific requirements for housing to reflect cultural identity or diversity.

## **8. The Homelessness Crisis and Legal Responses**

### **8.1. The Scale of Homelessness**

Homelessness in the UK has reached its highest level since comparable data collection began in the early 2000s (Amnesty International, 2022). This crisis is driven by multiple factors, including the lack of affordable housing, insufficient levels of social security benefits, and lack of security of tenure (Amnesty International, 2022).

The National Audit Office reported that "evictions are the biggest cause of homelessness" (Amnesty International, 2022, p. 18). In England, Section 21 "no-fault" evictions have been a major contributor to homelessness, enabling landlords to evict tenants without providing a reason.

### **8.2. The Homelessness Reduction Act 2017**

The Homelessness Reduction Act 2017 represents a significant legal response to the homelessness crisis. The Act places a statutory duty on local councils to prevent and relieve homelessness for eligible applicants. Key provisions include:

- **Prevention duty:** Duty to take reasonable steps to prevent homelessness for those at risk of losing their homes within 56 days
- **Relief duty:** Duty to take reasonable steps to relieve homelessness for those already homeless
- **Housing needs assessment:** Requirement to assess applicants' housing needs and develop a personalized housing plan (HRA 2017; Bevan, 2022; Cowan, 2019)

However, the Act has significant limitations. As Amnesty International (2022) has noted, "discriminatory housing policies based on 'priority need' leave many without adequate housing" (p. 76). The "priority need" test means that not all homeless applicants are entitled to the full range of assistance, and some are excluded from the most comprehensive protections.

As Bevan (2022) has argued, the HRA 2017 can be understood "as contributing to rather than obviating the marginalisation and social exclusion of homeless people" (p. 1). The Act's provisions on personalization have been critiqued as operating "as a tool of neoliberal governance rather than one of social justice" (Boyle, 2024, p. 1). Research on the implementation of personalized housing plans has found that authorities used techniques like preformatting housing plans to reduce administrative burden, and the economic conditions in the local housing market reduced the extent of choice applicants could exercise (Boyle, 2024).

### **8.3. The Repeal of the Vagrancy Act**

In June 2025, UN experts welcomed the UK government's decision to repeal the Vagrancy Act, a law that has long criminalized homelessness and rough sleeping in England and Wales. UN experts called this "a long overdue, highly commendable step" and noted that

it "signals a shift away from criminalisation and towards a rights-based approach to homelessness and extreme poverty" (UN News, 2025).

The Vagrancy Act, first introduced in 1824, permitted police to arrest individuals for sleeping rough or begging in public spaces. Its repeal marks a significant shift away from criminalization of homelessness. As UN experts noted: "Nobody should be penalised for not having access to a home. Punishing a person for having no home or shelter is also cruel, inhuman or degrading treatment or punishment, prohibited under Article 7 of the International Covenant on Civil and Political Rights" (UN News, 2025).

#### **8.4. Judicial Responses to Homelessness**

UK courts have played a role in interpreting housing law and homelessness duties. The Supreme Court case *Fatolahzadeh v London Borough of Barnet* (UKSC/2025/0191) considered whether a local authority's offer of accommodation is rendered unlawful by an earlier failure to carry out an adequate housing needs assessment under Section 189A of the Housing Act 1996. The case highlights the complexity of homelessness law and the challenges faced by applicants in enforcing their rights.

### **9. Implementation Challenges and Systemic Weaknesses**

#### **9.1. The Gap Between International Obligations and Domestic Law**

The most fundamental challenge is the gap between the UK's international obligations under the ICESCR and the domestic legal framework. The ICESCR has not been incorporated into UK law, meaning that individuals cannot directly enforce the right to adequate housing in UK courts (Amnesty International, 2022; Maxwell, 2019).

The CESCR expressed concern about this situation in its 2016 concluding observations, urging the UK to better integrate ICESCR rights into its legal framework and provide effective legal remedies for victims of violations (Amnesty International, 2022, p. 74). Amnesty International (2022) has similarly advocated for the incorporation of Article 11(1) of the ICESCR into UK law (p. 76).

As Amnesty International (2022) notes: "Despite the UK's human rights obligations, the architecture of national law and policy has led to thousands being denied meaningful protection from homelessness if they are not considered 'eligible', in 'priority need' and 'unintentionally homeless', and therefore being denied their right to adequate housing. This can largely be attributed to an inherently flawed approach to homelessness law and policy which views housing as a benefit, charity or even a reward instead of a human right that is available to all" (p. 76).

#### **9.2. The Treatment of Housing as a Private Commodity**

The UK treats housing predominantly as a private commodity, not a public right (Clair et al., 2023; Maxwell, 2019). This ideological orientation shapes the legal framework, prioritizing market mechanisms over public provision. As Maxwell (2019) noted: "the problems, as discussed in this blog post, are vast. As such, rationalising a minimum core, finding the vast financial resources required and then trying to traverse the complex problem

of political will, means that implementation of a human right to adequate housing in the UK remains, for now, dishearteningly out of reach" (para. 26).

Clair et al. (2023) observe that housing was "one of the Five Giant Evils in the Beveridge Report, but is arguably the area of the welfare state to have been most significantly undermined by neoliberal decision making" (p. 57). The characterization of housing as a "wobbly" pillar of the welfare state reflects the ongoing tension between housing as a social right and housing as a market commodity.

### **9.3. The "Priority Need" Test and Discriminatory Housing Policies**

The stringent criteria for housing entitlement in England, particularly the "priority need" test, are in conflict with the UK's international human rights obligations (Amnesty International, 2022). As Amnesty International (2022) argues, "the current system in England – where an applicant is disqualified from being provided with housing, based on their inability to meet the priority need criterion – is inconsistent with international human rights standards" (p. 77).

Access to basic shelter and protection from homelessness for all is part of the minimum core obligations of the right to housing (Amnesty International, 2022, p. 76). The denial of access to housing support to most people excluded from public funds impacts not only their right to housing but also their right to health, food, water, sanitation and safety of person (Amnesty International, 2022, p. 77).

The UN Special Rapporteur on the right to adequate housing has emphasized that "Preventing and eliminating homelessness is a 'minimum core obligation [of States] to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights' under the International Covenant on Economic Social and Cultural Rights" (Amnesty International, 2022, p. 76).

### **9.4. Immigration and Housing Eligibility**

Thousands of people in England experiencing homelessness are deemed ineligible for homelessness assistance from local authorities owing to immigration restrictions. As Amnesty International (2022) notes, "such an approach is in conflict with the UK's international obligations which require that no distinction should be made on grounds of nationality or immigration status with respect to the minimum core obligations of the right to adequate housing" (p. 76).

The House of Commons Housing, Communities and Local Government Committee has noted that "No recourse to public funds has been an obstacle to reducing rough sleeping for a long time" and that if the Government is serious about meeting its manifesto commitment to end rough sleeping by 2024, "it must reform the no recourse to public funds policy" (as cited in Amnesty International, 2022, p. 77).

## **10. Recent Policy Initiatives and Reforms**

### **10.1. The Renters' (Reform) Bill**

The UK government has committed to abolishing Section 21 "no-fault" evictions through the Renters' (Reform) Bill, which was published on 17 May 2023. The Bill also proposes the establishment of a Private Rented Sector Ombudsman and a database for residential landlords. However, at the time of writing, the Bill has faced delays and amendments, and its implementation remains uncertain.

### **10.2. Reforming the Decent Homes Standard**

The government is currently consulting on reforming the Decent Homes Standard, including extending it to the private rented sector. The reform aims to update criteria on damp and mould, energy efficiency, and thermal comfort, and to improve safety, comfort, and health in rented homes.

### **10.3. Repeal of the Vagrancy Act**

The UK government's decision to repeal the Vagrancy Act marks a significant shift away from criminalization of homelessness. UN experts welcomed this as "a long overdue, highly commendable step" that "signals a shift away from criminalisation and towards a rights-based approach to homelessness and extreme poverty" (UN News, 2025).

### **10.4. Assessment of Reform Efforts**

While these reform initiatives are promising, they face significant implementation challenges. The gap between policy formulation and implementation remains wide. The abolition of Section 21 evictions is welcome, but the Renters' (Reform) Bill has faced delays, and "a number of the new mandatory grounds for possession are open to abuse" (Amnesty International, 2022, p. 76).

## **11. Findings and Recommendations**

### **11.1. Summary of Findings**

This comparative analysis of the UK's legal framework vis-à-vis UN-Habitat standards reveals significant gaps and deficiencies.

#### **11.1.1. Constitutional Status of Housing Rights**

The UK does not have a codified constitution, and the "right to housing" is not enshrined in domestic statute (Maxwell, 2019). The ICESCR has not been incorporated into UK law, limiting the ability of individuals to enforce housing rights through domestic courts (Amnesty International, 2022; Maxwell, 2019). The Human Rights Act 1998 provides limited protection through Article 8 (respect for home) and Protocol 1, Article 1 (protection of property), but these do not amount to a comprehensive right to housing (Maxwell, 2019).

#### **11.1.2. Legislative Framework Deficiencies**

The UK's legislative framework for housing is extensive but has significant deficiencies:

1. **The Housing Acts (1985 & 2004)** provide piecemeal rights and protections but have been criticized as outdated, complex, and poorly enforced (Maxwell, 2019).
2. **The Homelessness Reduction Act 2017** represents a significant legislative innovation but does not create a universal right to housing, and its application is subject to eligibility

criteria that discriminate against certain groups (Amnesty International, 2022; Bevan, 2022).

3. **The Homes (Fitness for Human Habitation) Act 2018** aligns strongly with UN-Habitat's habitability criterion, but enforcement is dependent on tenant action and local authority budgets have been constrained (Amnesty International, 2022).
4. **Section 21 "no-fault" evictions** fundamentally undermine UN-Habitat's standard of legal protection against forced eviction (Amnesty International, 2022).
5. **The absence of national rent controls** and the limited effectiveness of "affordable housing" policies have resulted in a severe affordability crisis.

#### 11.1.3. Implementation Challenges

Even where laws exist, implementation is weak due to:

1. **The gap between international obligations and domestic law**, with the ICESCR not incorporated into UK law (Amnesty International, 2022; Maxwell, 2019).
2. **The treatment of housing as a private commodity** rather than a public right (Clair et al., 2023; Maxwell, 2019).
3. **The "priority need" test and discriminatory housing policies** that are inconsistent with international human rights standards (Amnesty International, 2022).
4. **Immigration restrictions** that deem thousands of people ineligible for homelessness assistance (Amnesty International, 2022).
5. **Cuts to local authority budgets** that have constrained enforcement of housing standards (Amnesty International, 2022).

#### 11.1.4. Compliance with UN-Habitat Standards

Assessed against UN-Habitat's seven criteria for adequate housing:

| Criterion               | Assessment                        | Key Deficiencies                                                                            |
|-------------------------|-----------------------------------|---------------------------------------------------------------------------------------------|
| Security of Tenure      | Partial compliance                | Section 21 no-fault evictions; weak protection for private tenants                          |
| Affordability           | Minimal compliance                | No national rent controls; "affordable" housing linked to market rates; welfare constraints |
| Services & Habitability | Substantial compliance (on paper) | Weak enforcement; local authority budget cuts; Grenfell failures                            |
| Accessibility           | Strong compliance (on paper)      | Implementation challenges; long waiting times for accessible homes                          |
| Location                | Substantial compliance            | Planning policies strong; but affordability excludes low-income from well-located areas     |
| Cultural Adequacy       | Minimal compliance                | No specific legal requirements for cultural adequacy                                        |

#### 11.2. Recommendations

Based on the analysis, the following recommendations are offered:

##### 11.2.1. Constitutional and Legal Reform

- a) **Recommendation 1: Incorporate the Right to Adequate Housing into Domestic Law**

The UK should incorporate Article 11(1) of the ICESCR into domestic law, providing a justiciable right to adequate housing (Amnesty International, 2022; Maxwell, 2019). This would allow individuals to enforce housing rights through domestic courts and hold the government to account for violations. As Maxwell (2019) argues, this would require rationalizing a "minimum core" of housing rights, shifting the burden to the state to prove it has taken reasonable measures to realize the right.

**b) Recommendation 2: Abolish Section 21 "No-Fault" Evictions**

The UK should abolish Section 21 "no-fault" evictions without equivalent security, as proposed in the Renters' (Reform) Bill. This is essential to meet UN-Habitat's standard of legal protection against forced eviction (Amnesty International, 2022).

**c) Recommendation 3: Legally Redefine "Affordable" Housing**

"Affordable" housing should be redefined to reflect local living wages rather than a percentage of market value (typically 80% of market rent). This would ensure that "affordable" housing is genuinely affordable for low-income households.

**d) Recommendation 4: Establish a National Rent-Regulation System**

The UK should legislate for a national rent-regulation system to protect tenants against unreasonable rent levels or rent increases, as required by UN-Habitat standards (CESCR, 1991).

**e) Recommendation 5: Ratify the Optional Protocol to the ICESCR**

The UK should ratify the Optional Protocol to the ICESCR, allowing the Committee to consider complaints of violations and provide an international remedy for victims who are denied remedies at the national level (Amnesty International, 2022).

**11.2.2. Policy Reform**

**a) Recommendation 6: Abolish the "Priority Need" Test**

The "priority need" test should be abolished, as it discriminates against certain groups and is inconsistent with international human rights standards (Amnesty International, 2022). Access to basic shelter and protection from homelessness for all is part of the minimum core obligations of the right to housing (Amnesty International, 2022).

**b) Recommendation 7: Reform the "No Recourse to Public Funds" Policy**

The "no recourse to public funds" policy should be reformed to ensure that no distinction is made on grounds of nationality or immigration status with respect to the minimum core obligations of the right to adequate housing (Amnesty International, 2022).

**c) Recommendation 8: Strengthen Enforcement of Housing Standards**

Local authorities should be adequately funded to enforce housing standards, including the Homes (Fitness for Human Habitation) Act 2018 and the Housing Health and Safety Rating System (Amnesty International, 2022).

**d) Recommendation 9: Increase Social Housing Supply**

The UK should increase the supply of social housing to reduce the proportion of households in the private rented sector and address the affordability crisis.



### 11.2.3. Human Rights Approach

#### a) Recommendation 10: Adopt a Human Rights-Based Approach to Housing

The UK should adopt a human rights-based approach to housing, recognizing housing as a fundamental human right, not merely a commodity (Amnesty International, 2022; Maxwell, 2019). As Amnesty International (2022) argues: "Adopting a human rights compliant approach towards housing would commit the UK government to putting in place deliberate and concrete measures to progressively realise the right to housing for all. This includes ensuring the availability of necessary resources to make up for the shortfall in affordable housing. Incorporating the right to adequate housing in domestic law will also ensure it is enforceable in domestic courts. Recognising housing as a human right in domestic law and policy will also enhance accountability of the different arms of the state to ensure that all decisions – social, fiscal, legal and political – are consistent with the UK's international human rights obligations" (p. 74).

### 12. Conclusion

This article has undertaken a comprehensive comparative analysis of the UK's legal framework relating to the housing industry against the benchmarks established by UN-Habitat for adequate housing. The analysis reveals a significant paradox: the UK possesses one of the most sophisticated planning and housing regulatory systems in the world, yet it struggles to meet UN-Habitat standards, particularly on affordability and security of tenure.

The UK's Constitution does not recognize a right to housing, and the ICESCR has not been incorporated into domestic law. This fundamental gap between international obligations and domestic law limits the ability of individuals to enforce housing rights through domestic courts (Amnesty International, 2022; Maxwell, 2019). The Human Rights Act 1998 provides limited protection through Article 8 and Protocol 1, Article 1, but these do not amount to a comprehensive right to housing (Maxwell, 2019).

The legislative framework for housing is extensive but has significant deficiencies. The Housing Acts provide piecemeal rights and protections but have been criticized as outdated, complex, and poorly enforced (Maxwell, 2019). The Homelessness Reduction Act 2017 represents a significant legislative innovation but does not create a universal right to housing, and its application is subject to eligibility criteria that discriminate against certain groups (Amnesty International, 2022; Bevan, 2022; Cowan, 2019). Section 21 "no-fault" evictions fundamentally undermine UN-Habitat's standard of legal protection against forced eviction (Amnesty International, 2022). The absence of national rent controls and the limited effectiveness of "affordable housing" policies have resulted in a severe affordability crisis.

Implementation challenges compound these legal deficiencies. The gap between international obligations and domestic law, the treatment of housing as a private commodity, the "priority need" test, immigration restrictions, and cuts to local authority budgets all impede the realization of housing rights (Amnesty International, 2022; Clair et al., 2023; Maxwell, 2019).

The findings of this analysis lead to a clear conclusion: the UK's legal framework is highly evolved in process—planning, safety standards, and accessibility—but critically flawed in substance—affordability and universal tenure security. The primary incompatibility with UN-Habitat is ideological: the UK treats housing predominantly as a private commodity, not a public right (Clair et al., 2023; Maxwell, 2019). While the Homelessness Reduction Act is a global exemplar of reactive support, it does not guarantee proactive, lifelong housing provision.

To meet UN-Habitat standards, the UK would need to legislate for a national rent-regulation system, abolish Section 21 evictions without equivalent security, and legally redefine "affordable" to reflect local living wages rather than a percentage of market value. In its current state, the UK offers world-class safety standards but falls short of the UN's universal equity goals.

The recommendations offered in this article provide a roadmap for legal and policy reform. However, their implementation requires political will, institutional capacity, and sustained commitment. As Maxwell (2019) concluded: "rationalising a minimum core, finding the vast financial resources required and then trying to traverse the complex problem of political will, means that implementation of a human right to adequate housing in the UK remains, for now, dishearteningly out of reach" (para. 26).

The housing crisis in the UK is severe, with homelessness at record levels and affordability reaching crisis proportions (Amnesty International, 2022; Clair et al., 2023). The urgency of action cannot be overstated. The right to adequate housing is not merely a legal obligation under international law, but a fundamental human right essential for human dignity, social cohesion, and sustainable development. The UK's commitment to this right must be translated from policy rhetoric to legal reality.

## References

- Amnesty International. (2022). *An obstacle course: Housing and homelessness in England*. [https://www.amnesty.at/media/9919/amnesty-report\\_an-obstacle-course\\_wohnungs-und-obdachlosigkeit-in-england\\_juni-2022.pdf](https://www.amnesty.at/media/9919/amnesty-report_an-obstacle-course_wohnungs-und-obdachlosigkeit-in-england_juni-2022.pdf)
- Bevan, C. (2022). The Homelessness Reduction Act 2017: Furthering not fracturing marginalisation of those experiencing homelessness. *International Journal of Law in Context*, 18(2), 259-278. <https://doi.org/10.1017/S1744552322000123>
- Boyle, K. (2024). Personalisation under the Homelessness Reduction Act 2017: How personal are personal housing plans? *Journal of Social Welfare and Family Law*, 46(3), 1-20. <https://doi.org/10.1080/09649069.2024.2381993>
- Chynoweth, P. (2008). Legal research. In A. Knight & L. Ruddock (Eds.), *Advanced research methods in the built environment* (pp. 28-38). Wiley-Blackwell.
- Clair, A., Fledderjohann, J., & Knowles, B. (2023). The right to housing. In *A watershed moment for social policy and human rights? Where next for the UK post-COVID* (pp. 57-74). Bristol University Press.
- Cowan, D. (2019). Reducing homelessness or re-ordering the deckchairs? *Modern Law Review*, 82(1), 105-128. <https://doi.org/10.1111/1468-2230.12396>
- Homelessness Reduction Act 2017. (c. 13). <https://www.legislation.gov.uk/ukpga/2017/13/contents/enacted>

- Homes (Fitness for Human Habitation) Act 2018. (c. 34). <https://www.legislation.gov.uk/ukpga/2018/34/contents/enacted>
- Housing Act 1985. (c. 68). <https://www.legislation.gov.uk/ukpga/1985/68/contents>
- Housing Act 2004. (c. 34). <https://www.legislation.gov.uk/ukpga/2004/34/contents>
- Housing and Planning Act 2016. (c. 22). <https://www.legislation.gov.uk/ukpga/2016/22/contents/enacted>
- Hunter, C. (2021). *The two faces of UK housing law*. University of York, York Law School. <https://www.york.ac.uk/law/about/staff/caroline-hunter/>
- Maxwell, D. (2019, February 25). A human right to housing? *Oxford Law Blogs*. <https://blogs.law.ox.ac.uk/housing-after-grenfell/blog/2019/02/human-right-housing>
- Meers, J. (2020). The Homelessness Reduction Act 2017: A critical analysis of its implementation and impact. *York Law School Research Paper Series*. <https://www.york.ac.uk/law/about/staff/jed-meers/>
- Meers, J. (2022). Homelessness prevention and the limits of legal reform. *Journal of Social Welfare and Family Law*, 44(3), 315-333. <https://doi.org/10.1080/09649069.2022.2106624>
- UN Committee on Economic, Social and Cultural Rights (CESCR). (1991). *General Comment No. 4: The right to adequate housing* (Art. 11 (1)). UN Document E/1992/23.
- UN General Assembly. (1948). *Universal Declaration of Human Rights* (217 [III] A). UN. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- UN General Assembly. (1966). *International Covenant on Economic, Social and Cultural Rights* (Treaty Series, vol. 993, p. 3). UN. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>
- UN News. (2025, June 24). *UN experts welcome UK repeal of Vagrancy Act, call for rights-based approach to homelessness*. UN News. <https://news.un.org/en/story/2025/06/1057111>

#### Cases Cited

- Fatolahzadeh v London Borough of Barnet* (UKSC/2025/0191).
- MK, AH v Secretary of State for the Home Department* [2012].
- MN, KN v Hackney LBC* [2013].
- R (C, T, M, U) v Southwark LBC* [2014].
- R (Mahdia) v Islington LBC* [2000].
- R (Refugee Action) v Secretary of State for the Home Department* [2014].
- R (S and J) v Haringey LBC* [2016].