

Special Rapporteur on the right to adequate housing

Subject: Input for SR Housing – Localizing the Right to Housing

21 September, 2026

To the attention of the Special Rapporteur on adequate housing

Pursuant to the official Call of the Special Rapporteur, Streetlawyer Association as a Hungarian civil society organization (in Hungarian: Utcajogász Egyesület, seat: 1084 Budapest, Auróra utca 11., registered by court under No. 19-02-0003636, webpage: www.utcajogasz.hu) hereby submits a written input regarding the Hungarian legislation.

The submission's purpose is to inform the report of the Special Rapporteur on the right to adequate housing to be presented at the 64th session of the Human Rights Council, in February/March 2027

1. Streetlawyer Association

a. Introduction

Streetlawyer Association (SLA) is a Hungarian non-governmental organisation that provides low threshold, free legal aid to people living in homelessness, poverty, or insecure and inadequate housing conditions. Since our founding in 2010 our main activity has been a weekly personal legal counsel held in a public square in central Budapest, but we also provide legal assistance by phone and email¹. The organisation grew out of cooperation between volunteer lawyers and A Város Mindenkié (The City Is for All) organisation, a grassroots movement in which people experiencing homelessness and housing poverty worked together. During our operation, we seek to involve clients in decisions about their own cases to strengthen their legal knowledge and ability to advocate for themselves.

SLA mainly deals primarily with problems concerning housing and social rights. Our work includes access to municipal housing, municipal and private tenancies, evictions, address registration, social benefits, discrimination and judicial enforcement. We give legal counsel to clients, prepare applications, legal submissions, and provide representation before courts and public authorities. We undertake strategic litigation where an individual case reveals a wider legal or institutional problem. In addition, we analyse legislation and administrative practice, prepare proposals for legal reform, and produce easy to understand guides and training materials. Recurring problems identified

¹ More about the organisation: <https://www.utcajogasz.hu/en/providing-legal-aid-2010>

through individual cases are examined through legal research, litigation and policy advocacy.

b. SLA's work concerning municipalities

We frequently deal with municipal tenancies, as a significant proportion of our clients live in social housing. In our TranspaRent project², the organisation examined the municipal housing systems of the Budapest Metropolitan Municipality and the 23 district municipalities. The research covered local government housing decrees, calls for housing applications, procedures, tenancy agreements and decision-making practices. We conducted consultations with municipal staff and interviews with people applying for municipal housing. The findings were published in a detailed problem map and were later used to prepare practical guidance for municipalities on drafting more effective housing regulations.

Since then, we have worked together with several Budapest district municipalities under formal and informal cooperations. In 2023 and 2024, SLA cooperated with the municipalities of Budapest Districts VI, VIII and IX in a programme that combined legal aid, the review of local housing and social regulations and training for municipal social workers³. The training sessions focused on practical legal issues concerning debt management, tenancy, enforcement and eviction procedures. Cooperation with these municipalities continued through further programmes. SLA regularly comments on proposed municipal housing and social regulations and participates in professional consultations when municipalities make these processes available. In some cases, municipalities have incorporated the organisation's proposals into their regulations. In 2020 the Budapest Metropolitan Municipality accepted several recommendations concerning procedural guarantees, eviction prevention and protection against eviction without alternative accommodation⁴. SLA has continued to review draft municipal housing regulations and to propose changes aimed at the protection of tenants.

c. Civil and international cooperation

SLA is a member of the Housing Coalition, a network connecting Hungarian organisations engaged in housing research, advocacy, service provision and community organising. We contribute legal and casework experience to the Coalition's joint policy proposals, including the Municipal Housing Minimum published before the 2024 local elections⁵ and the Housing Minimum prepared for the 2026 parliamentary elections⁶. We also contribute to the Coalition's current work on proposals for reforming Hungarian housing legislation.

² Introduction of the project, problem map and legal guidance in Hungarian: <https://www.utcajogasz.hu/transparent-projekt>

³ Website article about the collaborative work in Hungarian:

<https://www.utcajogasz.hu/hirek/sikerrel-zarult-az-utcajogasz-es-harom-budapesti-onkormanyzat-egyuttmukodes>

⁴ Website article in Hungarian:

<https://www.utcajogasz.hu/hirek/elertuk-hogy-fovaros-modositsa-kilakoltasokrol-szolo-rendelettervezetet>

⁵ Housing Minimum 2024 policy proposal in Hungarian: <https://lakhatasiminimum.hu/lakatasi-minimum-2024a/>

⁶ Housing Minimum 2026 policy proposal in Hungarian: <https://lakhatasiminimum.hu/>

At European level, SLA participates in FEANTSA's Housing Rights Watch network⁷ and its Street Lawyers Working Group⁸.

2. Housing in the Hungarian legal system

a. Right to adequate housing

The Fundamental Law of Hungary⁹ does not recognise an enforceable right to adequate housing. Article XXII states that the State shall provide legal protection for homes and that Hungary shall strive to ensure decent housing conditions and access to public services for everyone. The State and local governments are further required to contribute to creating decent housing conditions, including by striving to ensure accommodation for all persons without a dwelling. These provisions establish state objectives, but they do not give individuals an enforceable entitlement to adequate housing or support when they are at risk of losing their home. A person facing eviction, unaffordable housing costs or homelessness cannot rely on the Fundamental Law to require a public authority to provide adequate and affordable housing. At the same time, the criminalisation of the so-called 'habitual dwelling' is also enshrined in the same Article of the Fundamental Law, making Hungary the only jurisdiction in the world, where criminalisation of poverty is embedded in the constitution.

In its landmark ruling No. 42/2000. (XI. 8.), the Hungarian Constitutional Court (HCC) found that no right to housing is provided under the constitution and only if life is in danger should shelter be provided. Despite subsequent amendments to the constitutional framework, the HCC's decision has not been displaced and the approach it adopted remains the prevailing one in the Hungarian case law.

This domestic framework does not meet Hungary's obligation under Article 11 of the International Covenant on Economic, Social and Cultural Rights to recognise the right of everyone to an adequate standard of living, including adequate housing. Although Hungary has ratified the Revised European Social Charter, it has not accepted Article 31, nor has it acceded to the collective complaints mechanism designed to ensure compliance with the Charter.¹⁰ The absence of an enforceable right and of clear national standards weakens accountability and leaves broad discretion to national and local decision-makers.

b. Responsibility for housing in the legal system

Responsibility for housing is divided between the State and local governments. The State determines the obligations concerning tenancy, social assistance, enforcement proceedings and the operation of local governments. The Act on Local Governments¹¹ identifies housing and care and rehabilitation for homeless persons and the prevention of homelessness, as local government responsibilities.

⁷ More on Hungary's state of housing rights: <https://www.housingrightswatch.org/country/hungary>

⁸ More on the Street Lawyers Working Group: <https://www.feantsa.org/street-lawyers-working-group>

⁹ The official translation of the text of the Fundamental Law is available at: <https://nit.jog.gov.hu/jogszabaly/en/2011-4301-02-00>

¹⁰ Hungary's country profile in relation to the Social Charter: <https://www.coe.int/en/web/european-social-charter/hungary>

¹¹ Act CLXXXIX of 2011 on The Local Governments of Hungary, section 13, in Hungarian: <https://nit.jog.gov.hu/jogszabaly/2011-189-00-00>

The Housing Act¹² provides that tenancy agreements concerning properties owned by a local government may be concluded under the conditions laid down in a local government decree. These decrees can determine eligibility criteria, allocation procedures, different forms of rent, the duration of tenancy agreements and several rights and obligations for the tenants. Local governments therefore have considerable influence over access to the limited local government-owned housing stock.

Our experiences show that this broad local discretion results in significant differences between municipalities. Applicants may encounter different eligibility requirements, documentation rules, income thresholds and allocation procedures depending on where they live. Procedures are often difficult to understand, while the reasons for decisions and the available remedies may not be transparent. These barriers especially affect people who have limited access to information, lack a registered address or cannot obtain all the documents required by a call for housing applications.

At the same time, the availability of affordable rental housing is limited. The local government-owned housing stock represents only a small share of the national housing stock and has declined substantially since the 1990s¹³. The number of dwellings allocated on social grounds is even lower. National housing policies have primarily promoted home ownership and have often provided limited assistance to households with the lowest incomes or to people who cannot access mortgage financing. In the private rental sector, high rents, deposits and insecure tenancy arrangements create further obstacles for people living in poverty.

There is no nationally financed housing allowance that guarantees meaningful support across the country. Since the national housing maintenance allowance was abolished in 2015,¹⁴ assistance with housing costs has largely been provided through locally regulated support granted by local governments, known in Hungarian law as *települési támogatás*. The Social Act allows local governments to provide such support for regular housing expenses and housing-related costs,¹⁵ but its conditions and amount are determined locally. This leads to territorial inequalities and places the greatest pressure on local governments with limited resources and high levels of poverty.

Local governments act both as public authorities and as landlords of local government-owned houses. They adopt the decrees governing access to these properties and make individual decisions concerning applications, tenancy agreements, costs, termination and eviction. This dual role makes procedural guarantees especially important.

c. Eviction procedures and strategic litigation research

Hungarian law does not establish a general prohibition on evicting a person from a local government-owned dwelling when the eviction would result in homelessness. Nor does it

¹² Act LXXVIII of 1993 on certain rules related to the Rent and the Sale of Flats and Premises, section 3, in Hungarian: <https://njt.jog.gov.hu/jogszabaly/1993-78-00-00>

¹³ https://www.ksh.hu/stadat_files/lak/hu/lak0004.html

¹⁴ Act XCIX of 2014 on the Foundation of the Central Budget of Hungary for the Year 2015 amended the Social Act, with effect from 1 March 2015. The amendment abolished the centrally financed housing maintenance benefit, which had previously been governed by sections 38 and 39 of the Social Act.

¹⁵ Section 45 of the Social Act

consistently require an individual assessment of the proportionality of eviction or the provision of adequate alternative accommodation. Invocation of Article 8 of the European Convention of Human Rights has been usually ignored by the domestic courts. The European Court of Human Rights has repeatedly held that a person facing the loss of their home must be able to have the proportionality of the measure examined by an independent tribunal. In 2026, SLA compiled a compendium on the ECHR's case law relating to evictions, aiming to provide a basis for professional dialogue between various law enforcement bodies, while also offering practical assistance to legal practitioners involved in property eviction proceedings in their day-to-day work¹⁶.

SLA considers eviction prevention to be a central responsibility of both the State and local governments. We propose that a responsible housing policy and legal system should require early intervention, effective repayment arrangements, access to housing-related financial support and cooperation between housing departments, social services and legal-aid providers. Eviction from a local government-owned dwelling should be used only as a last resort. Where eviction cannot be avoided, no person should be made homeless without an individual assessment and the provision of adequate alternative accommodation.

Local governments need sufficient resources and a clear legal framework to maintain and expand affordable housing, prevent housing loss and protect tenants. At the same time, national minimum standards are necessary to ensure that access to housing and protection from homelessness do not depend primarily on a person's place of residence.

Hungary also lacks an adequate legal and financial framework for a nonprofit affordable rental housing sector. Local governments and civil society organisations have attempted to develop individual solutions to the housing crisis, whether in the form of a housing agency¹⁷ or a complex project which, in addition to renovating a property, also aims to raise tenants' legal awareness¹⁸, but these initiatives remain limited in scale and often depend on temporary funding. The Housing Coalition's Housing Minimum 2026 proposes the legal recognition of affordable housing providers, long-term public financing, financial guarantees and rules that enable public and privately owned dwellings to be used for affordable rental housing.

3. Local Regulation under the Local Identity Act

The Act on the Protection of Local Identity serves as a negative example in the field of local measures, as by introducing it, the State has placed a tool for exclusion in the hands of local governments rather than providing housing solutions.

The legislation entered into force on 1 July 2025, following a constitutional amendment that recognised a local community's right to protect its identity. It was presented as a response to rapid population growth, large-scale property purchases and changes that could alter the character of a settlement or make housing less accessible to existing

¹⁶ The compendium, in Hungarian: https://www.utcajogasz.hu/sites/default/files/media/file/2026/02/eieb_utcajogasz_2026_1.pdf

¹⁷ The Housing Agency of the Municipality of Budapest: <https://budapest.hu/eselyteremto-budapest/elerheto-lakhatas/lakasugynokseg>

¹⁸ On the E-Co-Housing project, in which SLA was also involved, as legal awareness trainers: <https://habitat.hu/sites/ecohousing/>

residents. It gave municipalities legal tools to decide who may settle in their territory and under what conditions. The Act does not introduce uniform restrictions across the country, instead, each municipality can adopt a local decree and choose from three main instruments: granting the municipality and certain local residents rights of first refusal in property sales, prohibiting or attaching conditions to the registration of a new address, and requiring newcomers to pay a contribution. Municipalities can combine these instruments and determine further substantive and procedural conditions for the applicants.

The Act gives municipalities broad discretion while failing to define the content of the “right to local identity” or to provide clear criteria for determining when that right is in danger. Although local conditions must formally be *reasonable*, the legislation does not establish a meaningful legal test for assessing their proportionality. This creates uncertain legal conditions and allows local political majorities in the municipal assembly to determine who is considered a desirable member of the community.

The first year of implementation has confirmed these concerns. Municipalities have adopted conditions based on income, assets, employment, social security status, educational qualifications, criminal record and the size of the available living space. Some regulations also require applicants to attend a personal interview. Although these criteria do not always refer directly to a protected characteristic, they may disproportionately exclude people with low incomes and Roma people and create a serious risk of indirect discrimination.

Municipalities cannot normally prevent a person from physically moving to a settlement, but they may prevent that person from registering an official address there. This may separate a person’s actual home from their registered address and create further administrative barriers. People without a registered address at their actual place of residence may have difficulties receiving official letters or accessing local healthcare, education and social services. These consequences are especially serious for people already living in poverty or insecure housing.

In 2026, several government offices challenged restrictive local government decrees through legality-supervision procedures. However, their approaches have not been consistent. Similar conditions have been considered discriminatory in some counties but not in others. The Commissioner for Fundamental Rights has also identified concerns¹⁹ relating to human dignity, equality and the prohibition of discrimination. The European Commission has warned that local identity regulations may further increase the marginalisation and residential segregation of Roma people²⁰. These findings show that the problems do not stem from isolated errors by individual municipalities, but from the fact that the original legislation is discriminatory.

¹⁹ The report of the Commissioner for Fundamental Rights on the Act on the Protection of Local Identity in Hungarian: <https://www.aibh.hu/-/2670755-337> (AJB-619/2026.)

²⁰ The European Commission’s Country Report on Hungary, 2026 https://economy-finance.ec.europa.eu/economic-surveillance-eu-member-states/country-pages-including-country-reports/country-report-hungary_en

4. Proposals to legislators and the government

Together with the organisations within the Housing Coalition, SLA is calling for a reform of Hungarian housing legislation. We believe it is important for the state to recognise the fundamental right to adequate housing and make access to housing a central aim of social policy. This requires a new Housing Act that reflects present-day housing conditions and provides a legal framework for both public and private tenancies. These reforms should form the basis of a responsible national housing policy that recognises housing poverty and allocates public resources to people who are affected by housing poverty.

5. Rule of law and human rights environment

SLA considers it important to shed light also on the institutional framework within which social and housing rights can be effectively vindicated. While the institutional framework in place before 2010 was itself not conducive to strengthening housing and social rights, the Orbán government, which came to power in 2010, systematically dismantled the rule-of-law safeguards underpinning the system. As part of this process, institutions responsible for protecting fundamental rights, including the Constitutional Court and the Commissioner for Fundamental Rights (Ombudsperson), lost much of their independence, undermining the effective protection of fundamental rights. Sovereignist arguments have also become increasingly prominent within the Constitutional Court, as well as in the Government, often at the expense of Hungary's obligations under international treaties.

The new government that took office in the summer of 2026 has begun reforming the country's constitutional and public-law institutions. It remains to be seen, however, how the system for the protection of fundamental rights will evolve.

In case of any further questions, SLA would be pleased to provide more information to help the completion of the report.

Yours faithfully,
Streetlawyer Association