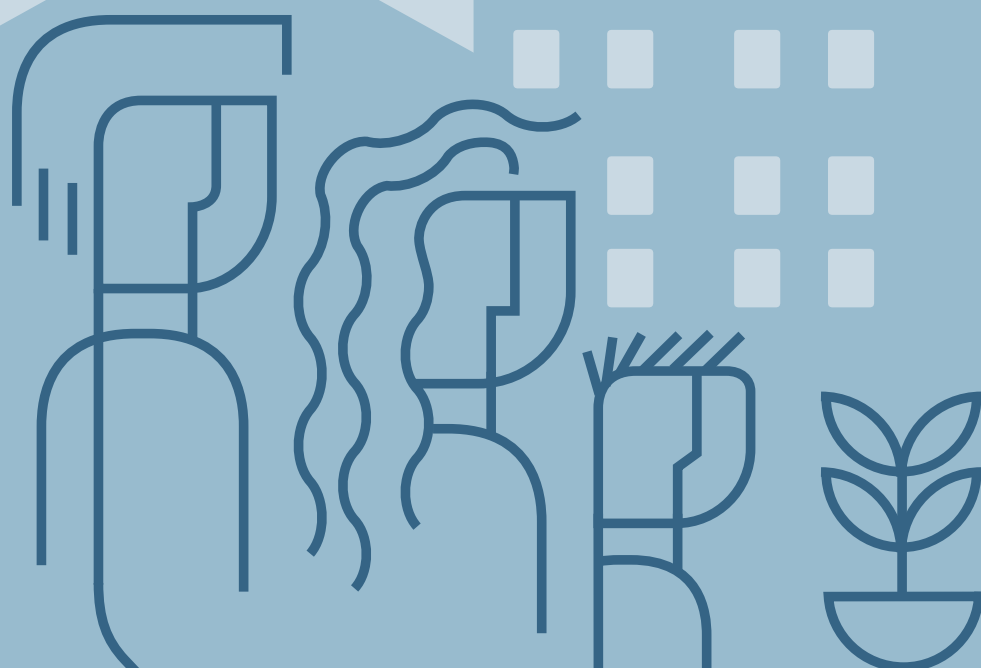


Sarah Coupechoux
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The Enforceable Right to Housing in France

*The paper is part of the project titled
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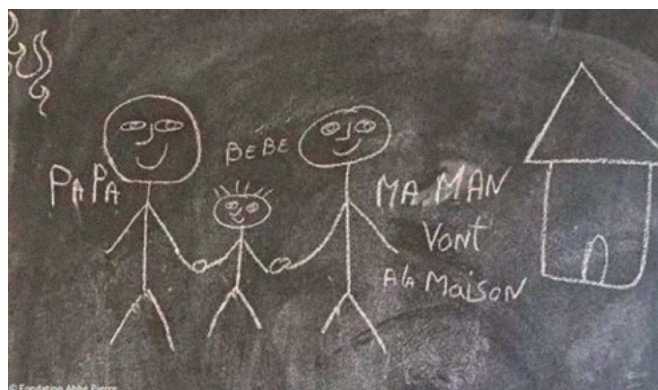
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Sarah Coupechoux

The Enforceable Right to Housing in France

Thanks to the enforceable right to housing, Nicolas, Amélie and their young son Paul will finally be able to live in affordable accommodation that suits their family situation. When they moved to Paris, the couple found it difficult to find accommodation, even though they both worked. One day, an acquaintance introduced them to someone who finally agreed to rent them an apartment. The accommodation was not suitable, as there was no bedroom, but they had no choice but to accept as their income did not allow them to pay a higher rent. A few months later, however, Nicolas and Amélie discovered that this person was not the real landlord. They had been tricked! They were evicted by the court, even though the judge had given them a few months' notice. Fortunately, Nicolas and Amélie have the support of social services and an association. They put together a dossier and asked the government to rehouse them as a matter of urgency. A few months later, they were allocated social housing at a rent that corresponded to their income. In a few months' time, they will finally be able to move into a three-room apartment and Paul will be able to discover his new school.

This is a story of a real family from Paris, the first names have been changed. Find out more about the legal situation and the "Enforceable Right to Housing in France" in our Best-Practice-Paper by Sarah Coupechoux.



*"Dad, Baby, Mum go home." Drawing by a child whose family is supported by the "Fondation pour le Logement des Défavorisés."*²

¹ Dad, Baby, Mum go home. Drawing by a child whose family is supported by the Fondation pour le Logement des Défavorisés.

² The Fondation pour le logement is a French non-profit organisation well known for its commitment to people in housing exclusion. It funds civil society projects but also supports households in housing need itself.

Abstract

The enforceable right to housing (DALO), introduced by the law of 5 March 2007, offers households in France a last resort when they face serious housing difficulties. It places an obligation on the State to achieve results and a responsibility to house eligible households as a matter of priority and urgency. While the State is solely responsible for this right, local authorities and social landlords are obliged to contribute to its implementation through the housing stock for which they are responsible. In the event of non-compliance, the State can be ordered to pay fines to a housing fund and to compensate the households concerned. This law, the only one of its kind in Europe, recognises housing as a fundamental right and places the State at the centre of housing policy for the most vulnerable households.

Housing in France

On 1 January 2024, there were 38.2 million homes in France³. The vast majority of these are main residences, where most of France's 30 million households live. As the housing market evolves, the number of primary residences tends to decrease, mainly in favour of vacant homes and second homes.

*5.4 million social housing units
but also
350,000 homeless people*

While homeowners are in the majority (57%) in France, the number of tenants remains high (40.3%) compared to other European countries, and is tending to increase.

Finally, France has the distinction of having a large social housing stock, which accounts for 15.9% of main residences. The originality of the French model lies in the way it is financed, partly based on household savings, and in its universal approach. Although access is subject to means-testing, 72% of the French population is eligible for social housing in France. There are in fact four categories of social housing in France, aimed at households with different incomes and with proportionally varying rents. The cheapest housing is available to people with very low incomes, below the minimum wage of 1400 euros. The most expensive housing is eligible for more advantaged households, where a single person can earn up to 3600 euros per month.⁴

Figures on housing exclusion in France

However, France is no exception in Europe and is suffering from a profound housing crisis, with purchase and rental

prices rising steadily over the last 20 years. Like other European countries, and despite its large stock of social housing, France suffers from a shortage of affordable housing and is struggling to house the poorest households. Rising prices on the private market are forcing households to turn to social housing, which remains the only affordable option for those on the lowest incomes.

*2.7 million households
are waiting to
be allocated a home*

The consequences are dramatic for households and 12.3 million people have been made vulnerable by this crisis⁵ and 4.2 million of them are homeless or in housing exclusion⁶. Demand for social housing has never been higher, and there are now 2.7 million households waiting to be allocated a home. The quality of the building stock is of course a key issue, and much remains to be done to provide satisfactory renovation solutions. In France, more than 1 million people still live in substandard housing and 3.5 million suffer from energy poverty. Despite major social policies, 350,000 people in France are homeless and more than 2,000 children sleep rough every night.

Faced with these difficulties, especially for the most vulnerable people, associations and citizens' movements joined forces in 2007 to demand recognition of the State's responsibility in the face of housing exclusion and the adoption of a historic law. While the right to housing has been recognised by the Constitutional Council as an objective with constitutional value⁷, the aim is to make the right to housing enforceable. From now on, anyone in need can hold the State responsible if their fundamental right to housing is not respected.

A right won at the last minute by homeless associations

In 2006, as the political parties enter a pre-election year, the associations and the "Haut Comité pour le Logement" (High Committee for Housing)⁸ have long been calling for the right to housing to be made enforceable. In its successive reports, the High Committee has been working for several years on the conditions for its implementation, and the associations have formed a collective to exert as much influence as possible on the programmes of the candidates in the presidential elections due to be held in May 2007.

While the candidates are talking about the possibility of retaining the right to housing during their forthcoming term

³ National Institute of Statistics and Economic Studies (INSEE)

⁴ More informations: Logement PLS, PLAI, PLUS et PLI : quels plafonds de ressources Aide-Sociale.fr

⁵ Report on the State of inadequate housing in France, Fondation pour le Logement des Défavorisés, 2025

⁶ Including people living in hostel, slums, in someone else home, unsustainable or overcrowded housing, travelers living in poor conditions, or in shelters for migrant people. More informations: REML2025_CAHIER_4-Les_chiffres_du_ma_l_logement.pdf

⁷ Constitutional Council, decision no. 94-359 of 19 January 1995

⁸ Independent administrative authority

of office, homelessness and housing exclusion⁹ are still at the heart of French people's concerns. That's when the association "Les enfants de Don Quichotte" decided to set up tents along the Canal Saint Martin in Paris to accommodate homeless people. The association invited citizens and journalists to come and join the people in need and spend a night with them outside, in order to understand what life rough sleeping is like. Media and public opinion seized on the event, and on the evening of 31 December 2006, during his New Year's address, President Jacques Chirac announced that the law on affordable housing would be passed before the end of his term of office. The law was drafted, passed without a single dissenting vote¹⁰, and hastily promulgated on 5 March 2007, two months before the presidential elections.

*The right to housing:
a remedy for
the most vulnerable*

The most vulnerable people, a government priority

The DALO law is primarily aimed at the most vulnerable people whose living conditions require the State to provide housing as soon as possible. The aim was not to turn the courts into a one-stop shop for housing applications. Rather, the aim was to provide for the opportunity to turn to a guarantor for the right to housing: to the State. And to demand a solution from the State to put an end to what are often unacceptable living conditions.

*The State as
the guarantor for the
right to housing*

Of course, not everyone who is looking for accommodation can claim a right to housing from the authorities. That's why the law lays down a number of conditions for qualification. The first condition is that the household is unable to find housing on its own. If the household's incomes enable it to find accommodation in the private sector in the area where it lives, it can not initiate a DALO procedure. It is also necessary that the household meets the conditions for access to social housing. This means that they must meet the income criteria, but also that they must be legally resident in France. As the mechanism of the law is an appeal, the household must be in good faith and have taken prior steps to find accommodation. They must therefore have applied to the relevant authorities for social housing.

Finally, the household must prove that it is in urgent need of housing. The law contains a list of situations of housing exclusion that give rise to the possibility of using the DALO. In order to benefit from the DALO, households must fulfil one of the following criteria:

- Be homeless: this criterion refers to people who are homeless, living on the streets, in squats or in makeshift settlements such as shanty towns;
- Be threatened with eviction from their home: this criterion applies to people who have rental debts or whose landlords wish to repossess their home in order to sell it or live in it, as provided for by law;
- Live in temporary accommodation, hostels or transitional housing;
- Live in unfit or dangerous accommodation;
- Live in overcrowded or inadequate accommodation with a child or disabled person;
- Live in accommodation that is not adapted to their disability;
- Be waiting for an abnormally long time for allocation and needing emergency accommodation. This period varies from one area to area and ranges from 3 to 10 years.

The law also provides for the possibility of applying to the State for a place in a shelter if the applicant's situation so requires, or if their residence status does not allow them to access social housing. In this case, the time limits set by the law are shorter.

Making the State responsible

In order to have their right to housing recognised, the person concerned must submit a file to a local commission called the "Commission de médiation". This commission is made up of representatives of the local State, local authorities, private and public landlords and associations. This committee examines the person's file in order to determine whether there is an urgent need to provide it with housing, taking into account its situation and the local housing market (availability of supply, rent levels, etc.). It makes its decision within three months and, if the decision is favourable, the State must offer the person housing within six months. This is an obligation which the State cannot escape.

The accommodation offered by the authorities must meet the needs of the household. It must be suitable for the composition of the family (with a sufficient surface area and number of rooms), but it must also be close to work or schools if necessary. Households do not have right to choose accommodation offered to them as long as it effectively meets their needs. If they are unjustifiably refused, they may lose their right to housing.

If the State does not respect the deadlines set by law for allocating housing, the household can appeal to the administrative court to declare that no offer has been made. In this case, the State can be ordered by a judge to pay

⁹ According to the ETHOS typology available ETHOS Typology on Homelessness and Housing Exclusion

¹⁰ Law no. 2007-290 of 5 March 2007 establishing the enforceable right to housing and various measures to promote social cohesion

a monthly penalty until it fulfils its obligation. The penalty is paid into a fund for the social support of people with housing problems. The State may also be ordered to compensate the person directly, according to a scale set by law, for failing to fulfil its obligation.

The State must offer housing within six months

In 2015, the European Court of Human Rights¹¹ has condemned France for failing to meet its obligations, because a household had been left without an offer for several years, despite having had its right to housing recognised.

More resources for the State to enforce the law

The government has a number of means at its disposal to ensure compliance with the law. In France, the State partly finances the production of social housing. As such, it has some part of the stock available to accommodate priority households. The State therefore has the possibility of offering all of this housing to people who have applied to the DALO. However, other funding bodies, in particular social landlords and local authorities, must also contribute to the allocation of housing for these households. The law stipulates that a proportion of 25% of their allocations must be earmarked for them.

The government also has the option of using private housing through a scheme known as “intermediation locative”. This scheme allows associations to rent accommodation to private landlords to house people in difficulty and provide them support. The State contributes to the funding of this scheme and to the security of the landlords. It therefore also has the possibility of accommodating households recognised as having priority.

Between 2007 and the end of 2023, 1,359,859 applications for housing were submitted to the local committees. A third of these households were recognised as being in an emergency situation, and 300,000 were housed. However, 96,000 are still waiting for a home.

Implementation requires commitment on the ground

Although this law has undoubtedly encouraged the State to remain committed to the housing policy for the most vulnerable, its implementation poses a number of challenges. On the one hand, its application and interpretation depend largely on the mediation commissions, which are responsible for recognising the urgency of the situations

presented to them. However, depending on the area, the tightness of the housing market and the availability of housing, the commissions tend to filter applications in order to limit the impact on public finances. Their practices are gradually transforming the obligation to provide results into an obligation to provide means.

Commissions tend to filter the applications

People concerned can, of course, contest the decisions of the commissions in front of the administrative court, but access to justice for these people, who are already living in a difficult social situation, remains a major challenge. In order to the law to be applied, the social services have had to be trained in how to compile files. For their part, associations have been set up to help people access their rights, so that they can take their case to the appropriate court and force the State to act. Access to justice can take a long time, which can be discouraging when people are living in complicated situations.

Conclusion

The law on the enforceable right to housing is unique in Europe and the world. It establishes the State as the guarantor of this right for the most vulnerable people. Thanks to this law, households living in unfit conditions can be allocated housing. They will be allocated housing within a reasonable time, and may be entitled to compensation if the State fails to offer them housing suited to their needs. The right to housing gives people in great difficulty a mean of redress and an authority to turn to in order to assert their right to housing.

Government's commitment to assume its responsibilities in the face of the housing crisis

The housing crisis currently facing Europe is the result of an economic approach to housing, which sees housing as a financial asset rather than a universally recognised fundamental right. If public policy is to change its approach and to limit the financialization of housing, we need a paradigm shift. This law recognises housing as a fundamental right, essential to life, and guaranteed by the State. Recognising the right to housing and making it enforceable is a strong signal of the government's commitment to assuming its responsibilities in the face of the housing crisis. It is a practical tool in the fight against inequality, and an excellent political lever. It is essential that European governments commit to this approach and have the political courage to guarantee the right to housing for the growing number of households experiencing housing exclusion and homelessness.

¹¹ ECHR 9 Apr. 2015, Ms T. v France, no. 65829/12

About the Author



Sarah Coupechoux is a European Policy Manager with an extensive background in housing rights and social justice. Since 2009, she has been affiliated with the Foundation for housing disadvantaged people, a major French organisation dedicated to addressing homelessness and housing exclusion.

Coupechoux's academic and professional background includes a Master's degree in International Law from the Sorbonne, which has informed her approach to social policy through a legal and human rights perspective. She is recognised for her advocacy within EU policy frameworks, aiming to enhance housing security and influence legislation against homelessness and exclusion.

The Enforceable Right to Housing in France

- The enforceable right to housing (DALO), introduced by the law of 5 March 2007, offers households in France a last resort when they face serious housing difficulties. This law, the only one of its kind in Europe, recognises housing as a fundamental right and places the State at the centre of housing policy for the most vulnerable households.
- DALO places an obligation on the State to achieve results and a responsibility to house eligible households as a matter of priority and urgency. While the State is solely responsible for this right, local authorities and social landlords are obliged to contribute to its implementation through the housing stock for which they are responsible.
- In order to have their right to housing recognised, the person concerned must submit a file to a local commission called the “Commission de médiation”. Between 2007 and the end of 2023, 1,359,859 applications for housing were submitted to the local committees. A third of these households were recognised as being in an emergency situation, and 300,000 were housed. However, 96,000 are still waiting for a home.

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