

TENANT SELECTION CRITERIA FOR
PUBLIC HOUSING:

A DESCRIPTION AND ANALYSIS

Canada Mortgage and Housing Corporation
Société canadienne d'hypothèques et de logement

Canadian Housing Information Centre
Centre canadien de documentation sur
l'habitation

M. MACPHERSON, E. LIPMAN,
SOCIAL HOUSING DIVISION,
CANADA MORTGAGE AND HOUSING
CORPORATION

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FOREWORD

For the past thirty years, Canada's major instrument for directly addressing the shelter problems of its poorest people has been public housing. By the end of 1978, close to 183,000 units of this kind of housing had been committed by the Federal and provincial governments. A further 10,500 units in the private market stock were being rented on a similar basis to public housing. An additional 12,110 such units were being provided via the non-profit and cooperative housing stock.

The benefits conferred upon individuals by access to this stock are substantial: rents which are based on income after several deductions have been allowed.

In a 1976 study, the Ontario Economic Council calculated that the imputed subsidy to a mother-led household with two children could range as high as \$2,249 a year.

The key to whether a prospective applicant obtains access to public housing is how he or she does on the "point rating system". This system is thus, in many ways, central to the effectiveness of the public housing program as a whole. Its application (or misapplication) over time determines the overall pattern of public housing occupancy.

Fundamental questions are now being raised about the future of public housing, and indeed, of all housing production subsidy programs for low income people; it seemed timely to examine in some detail just what kind of point rating system is currently in place across Canada.

The point of view adopted in examining the different point rating scales is how they address the growing concern with "affordability" and the reduced concern with purely physical housing deficiencies.

The paper which follows is intended to be primarily factual with a necessary minimum of evaluative comment. It is base data for an assessment of this system, not a complete assessment in itself.

Changes of detail may have occurred since the material for the paper was first assembled. Readers are invited to comment on this or other aspects of the report.

C.D. Crenna
Executive Director
Corporate Planning Division and
Policy Development

I. INTRODUCTION

Recent studies have argued that the housing requirements of most Canadians have been well served over the years by the private housing market, operating within a framework of public regulation and support.

Even the tumultuous market changes of the last decade have been accompanied by greater access to home-ownership and a smaller claim, on average, for shelter, against the incomes of renters.

At the same time, and in spite of government incentives and regulation, it is found that housing markets, like other markets, seek "equilibrium". This condition paradoxically produces the inequitable distribution of even the most basic goods and services of society, among them, housing. A major part of housing policy faces this paradox, and inasmuch as it seeks to deliver a threshold minimum of housing to those excluded from normal markets, it is a part of social policy as well as economic development policy.

The basic principles of the housing policy oriented to social goals are:

- to ensure that households meet minimum threshold levels of shelter as measured by affordability, adequacy, space and community services;
- to ensure that housing markets work well and that an environment conducive to well-functioning markets is created; and
- to recognize that markets will not be able to do the full job, particularly for low income families, with the result that assistance is provided to households unable to attain minimum threshold standards of shelter.

A series of thresholds of adequacy can be defined based on Canadian conditions and norms. The Survey of Housing Units (SHU) provides a convenient base for establishing standards.

The standard for adequacy with respect to space increases with household size: 350 square feet for one person; 480 square feet for two persons; 620 square feet for three persons; 750 square feet for four persons; 880 square feet for five persons; 1010 square feet for six persons; and 1150 square feet for seven or more persons.

The standard with respect to the physical condition of the housing unit is based upon major and minor faults. Major faults include: sagging roof; sloping walls; poor foundation; poor roof; loose bricks; lacking toilet facilities; lacking piped water. Minor faults include: share toilet facilities; broken windows; poor paint; etc.; and two minor faults may comprise a major fault. Faults are weighted to obtain an aggregate weight on the condition of the dwelling.(1)

The affordability of housing for any one household is judged to be excessive when shelter cost (net cost of "housing services") exceeds 30% of gross household income.

When dwelling physical inadequacies and inappropriate uses (lack of space) are added to the question of affordability, a picture of the housing problem emerges:

- 155,000 households live in an inadequate and/or unsuitable dwelling and would have to spend over 30%

(1) Space standards are acknowledged to be normative and are set considerably below what is generally accepted by the population at large. Similarly under the affordability standard, acceptable shelter costs are set more than 100% above what is on average paid.

Adequacy standards are garnered from national surveys conducted by Statistics Canada and do not necessarily conform to local building codes and regulations.

of their income to obtain suitable and adequate shelter;

- 82,000 of the above 155,000 households would have to move to obtain affordable, suitable and adequate shelter while the remaining 73,000 households live in units which could be improved;
- 283,000 households live in suitable and adequate shelter but are paying over 30% of their income to obtain suitable and adequate shelter;
- 486,000 households live in unsuitable and inadequate shelter and could pay less than 30% of their income to reside in suitable and adequate shelter.

Current housing policy is sustained in part by a sizeable stock of subsidized rental dwelling units. Admission to these units is needs tested and tenants are allocated units on the basis of a rating of the priority of their need. However, needs and the priority of needs amongst applicants comes under a variety of different jurisdictions. This paper is a study of the tenant selection criteria employed across Canada, and their relationship to the above indicators of problems which now exist.

II. ORIGINS OF THE POINT RATING SYSTEM

After the conclusion of the Second World War, the attention of Canadians turned to domestic concerns. One of these was a critical housing situation, particularly in the urban areas. There, many households had doubled up for lack of accommodation and "slum" areas, where the poorest families lived, had become too obvious to ignore.

Demand for housing was exceptionally high and controversy over the intervention of government, the allocation of housing units, and the use of subsidies was strong. Economic uncertainty restrained the supply of new units on the market.

The Federal Advisory Committee on Reconstruction in 1944 had recommended that 50,000 housing units should be constructed in the first year after the end of the war, of which one-third should be low income units. The Dominion Government directly built a large number of rental homes for returning veterans but was having difficulty stimulating private production. It was also under pressure from municipalities, where the problems were the greatest, to support the production of low-income housing.

In the face of this pressure, and apparently to meet it with a controllable response, the Federal Government turned to a partnership arrangement with the provinces. The Dominion Government would finance and construct, in partnership with a province, publicly owned housing projects for "low income families". Although municipalities were expected to initiate requests for public housing, and assist in site selection, their role beyond this was limited.

The administration and management of a publicly owned housing project was put into the hands of a Local Housing Authority consisting of individuals from the community selected as trustees by the partnership. The authority was to be "representative of the municipality and conversant with local problems". However,

appointments to the housing authority were controlled by the partnership, through the province.

While the "partners" claimed to have no desire to concern themselves with the day-to-day responsibilities of the Authority, stringent rules were laid down regarding the operation of the projects. A very detailed manual was prepared by CMHC for the "guidance" of local authorities in managing the property of the partnership. While stressing the importance of good judgement in tenant selection, a system for selecting tenants was provided. It assigned values to various indicators of housing "need" and preference in admission to the project was to be given "to the applicant having the highest points compatible with the ability to pay". This scale became known as the point rating system.

The intended client group of publicly owned housing was stated to be those families "who otherwise could not afford current rentals charged on the open market". But the point rating system revealed a different emphasis. Adequacy of the present accommodation, which was judged by a home visit, qualified the applicant for up to 30% of the total points available. Inadequate space was judged by whether the family had been forced to separate to find sufficient accommodation. Up to 27% of the points available could be given for this item. Dependent children accounted for up to 11% of the points.

Eviction, depending upon how close it was to the date of application could give up to 23% of the points available. Finally the rent-to-income ratio of the family in its current dwelling rendered only up to 9% of the total points available, and that maximum only when the ratio exceeded 50%.

Helping to further select the eligible group was:

- the definition of family, which favoured stable nuclear families,

- maximum and minimum entry incomes,
- fully recovery rents; (by 1960 only one-quarter of the Ontario public housing stock was on a geared-to-income basis),
- the limited stock of public housing.

These factors combined with the selection rating bias tended to favour working class families with children who simply could not find decent accommodation.

With a few exceptions, the early public housing program was used to fill a gap in private production, which was not rectified until the introduction of Federal mortgage insurance in 1954.

The success of the 1954 amendments to the NHA in promoting private market activity took pressure off the demand for more publicly built accommodation. The boost in overall housing quality resulting from new construction, renovations and urban renewal, took away many of the desperate living conditions which plagued the cities just after the war.

By the early 1960's, however, as interest rates and housing costs began to rise, the economic problems of the poor and the elderly began to receive wider public attention. In Ontario, for example, the first public housing units for the elderly were designated in 1959.

The new economic and political utility of publicly owned housing construction became clear first in Ontario, where the Provincial Government acted to create a housing agency in 1964.

The revision of the NHA in that same year permitted provincial and municipal ownership of public housing projects financed with federal loans. The Federal government was also prepared to share payment of project operating losses for up to fifty years. Other

provinces soon set up their own housing agencies to coordinate and take control of housing within their territory.

After having developed the initial guidelines on tenant selection for local housing authorities, the Federal government did not subsequently pursue the matter in detail. It tended to leave the area, particularly after 1964, to provincial and local authorities, with the general proviso that public housing would be directed to households in the lower third income grouping of any particular community.

III PRESENT SYSTEMS

To review tenant selection criteria presently used, point rated application forms from all provinces have been examined. These represent a strong sample of the selection systems used across the country, but do not apply in all cases. For example, Newfoundland has two municipal housing authorities; only the selection criteria from the St. John's authority have been used here.

The sometimes disparate elements from each set of criteria have been assembled into four categories; adequacy, space, affordability, and other. This has been done to facilitate comparison between jurisdictions, client groups and also with the definitions of need above.

The weighting of categories for each jurisdiction and by client type is detailed in Appendix "A". The following sections compare the average weighting of categories between client type, and the weighting within client type between provinces.

1. Comparison between Families and Senior Citizens

Average percent of total points (all provinces)

	Family	Senior Citizens
Adequacy	19.8	19.4
Space	15.6	10.9
Affordability	23.8	38.1
Other	40.9	31.5

The treatment of adequacy by family and senior citizen ratings is almost uniform. Differences between the average percent of total points allocated by each group are marginal (19.8% vs. 19.4%). Since all of the provinces surveyed for both families and seniors allotted

approximately one-fifth of their total points for adequacy, the condition of the housing unit is obviously important to each group.

There is a small difference in the treatment of space by each group; it is slightly more important for families than for senior citizens (15.6% vs. 10.9%). It is interesting to note that while all provinces surveyed gave points to families for inadequate space, only 50% of the provinces allowed points for senior citizens. With this information, it seems that the difference in the percent of total points is significant and that having a family together in a unit with sufficient space for everyone is an important concern.

Affordability is an important category for both senior citizens and families since it represents a large block of the total points. It appears to be more important for seniors than families, since a larger percentage of their total points is allotted for affordability. This difference can be explained by the fact that while both families and senior citizens receive points for rent-to-income ratios and income level, seniors also are assessed for the value of assets held.

The items that do not fit into the adequacy, affordability and space categories are combined here under "other". They are numerous and contribute to make it the most significant single category. The major contributing factor to the difference in family and senior citizens weightings (40.9% vs. 31.5%) is that a substantial number of points are included in the family ratings for dependents. Other differences include points that are given for recreational space and location from employment for families countered by points for lack of public transportation for seniors.

The components of need as defined in the introduction of this paper account for approximately 60% of family points and 70% of the senior citizens points. Possible reasons for this difference include:

- "Dependent's points: Points are given to dependents in all (10/10) of the provincial family ratings studied but only 25% (2/8) of the senior citizens ratings. Family ratings therefore have a greater emphasis on points by the "dependents" category; since dependents are not included in the definitions based on the 1974 survey less family points would match than senior citizen points.
- Asset points are included in the "affordability" category of need. Since 37.5% (3/8) of the provinces surveyed for senior citizens give points for assets whereas 0% (0/10) of the family ratings do, a greater percentage of senior citizen points will match SHU, (where affordability is considered to be a component of need) than family points.

In general, comparing senior citizens and family rating systems points out that the "other" category accounts for the largest single category in both groups. If the "other" category is ignored, affordability becomes the most important category for both groups but senior citizens show more emphasis on it than families. Families show a slightly greater emphasis on space than seniors.

2. Comparison Among the Provinces

(a) Family

(i) Adequacy

The percentages of the total points given for adequacy vary between 14.8% in Manitoba and 28.7% in New Brunswick.

There is no consistent relationship between the low percentage of total points given in Manitoba and the number of factors covered in the adequacy evaluation. While Alberta judges adequacy using three factors only and allots 20.7% of their total points, Manitoba in fact looks at a full range of factors but gives only a few points in each category.

The different weightings of adequacy factors become more clear by observing the different point breakdowns across the country. Nova Scotia has a heavy emphasis on disrepair points -- not only does it take up almost one-third of the province's points for adequacy but it also takes up the highest percentage of points for disrepair in any province. Prince Edward Island also has a definite emphasis on points for "other" adequacy factors - many of these points are given at the discretion of the home assessor.

Points for disrepair and inadequate bathroom facilities were given consistently by all the provinces.

(ii) Space

Saskatchewan allots 32.7% of its total points for space and this is the highest allotment across the country. Quebec, Manitoba, New Brunswick and Nova Scotia all contribute less than 10% of their total points for space with Manitoba being the lowest at 3.7%.

Overcrowding seems to be the major concern in the space category, since it receives points consistently across the provinces and in some cases it accounts for 100% of the space assessment. Sharing accommodation is a low priority concern and receives points in only one of the ten provinces.

(iii) Affordability

Total points allotments for affordability range from the minimum in Newfoundland of 8.8% to the maximum in Quebec of 55%.

Both Newfoundland and Saskatchewan put a very low emphasis on affordability (8.8% and 9.9%), counting points for rent-to-income ratios and nothing for income, and instead have very high proportions of their points allotted to space and "other" categories (approximately 70% in each case).

Some other provinces only look at rent-to-income points and ignore points for income alone (e.g. B.C., Alta., Ont., N.B., N.S.) but a substantial amount of their total points are accounted for using rent-to-income only.

With over half of its total points accounted for in the affordability category, Quebec allots only a very small proportion of points to space (4%), the smallest proportion of all the provinces for "other" (25%), and a moderate amount for adequacy (16%).

(iv) "Other"

The substantial amounts of points given for "other" factors make it represent the most significant single category. Quebec allots the lowest proportion of its total points at 25%. This can be accounted for by the fact that "dependents" is the only factor looked at in this category.

Nova Scotia allots 55.5% of its total points under "other" with the majority of the points being given for dependents. However, this breakdown is not absolutely comparable to the others since Nova Scotia combines points for income with points for dependents.

There are several inconsistencies in this category. One of them concerns eviction where points are sometimes given instead of points for adequacy (B.C., Man., Ont., N.B., N.S., P.E.I.) and sometimes on top of points for adequacy (Alta., Sask., Nfld.). As well, substantial points for abnormal financial commitments are given in three of the ten provinces (B.C., Ont., and P.E.I.) but no points are given in any of the other provinces for this characteristic.

Dependents is the most consistent element in the "other" category, where points are given in all of the provinces.

(b) Senior Citizens

(i) Adequacy

The percentages of the total points given for adequacy vary between 12.5% in British Columbia and 33% in New Brunswick.

The low percentage in B.C. cannot be accounted for by the fact that B.C. does not consider a full range of factors contributing to adequacy; in fact quite a range of factors are considered. But they are simply given low points in comparison with the other categories in the province, especially affordability where B.C. allots 43.7% of the total points.

The exact breakdown of the New Brunswick points is unknown since a senior citizen accommodation review was not available at the time this study was done. However, if it is anything like the New Brunswick family breakdown of points for accommodation, a full range of factors are looked at with substantial points for each factor.

Alberta looks at the smallest range of factors for adequacy (3) but is among the top three provinces in the proportion of total points allotted for adequacy. Points for disrepair and inadequate bathroom facilities were given consistently by all the provinces.

(ii) Space

Total point allotments for space range from the minimum in Alberta of 17.1% to the maximum in Saskatchewan of 32.7%. Interestingly, half of the Alberta space points come for overcrowding, a category which receives much smaller proportions in the other provinces if any are given at all. Saskatchewan points are given for overcrowding and separation with 83.3% of the adequacy points going for separation (i.e. over 27% of the total points).

Only three of the eight provinces consider a full range of factors for space and many of the provinces give no points at all.

(iii) Affordability

9.1% in Saskatchewan represents the minimum proportion of total points allotted for affordability across the country while 53.6% in P.E.I. represents the maximum.

P.E.I. gives substantial points for rent-to-income ratios, income levels and asset levels. Besides P.E.I., only two other provinces look at all these factors when assessing affordability, these provinces being Manitoba and New Brunswick (proportions of total points allotted are 52.2% and 30% respectively). P.E.I. emphasizes the goal to provide affordable housing very clearly by giving much smaller proportions to the "other" and adequate categories (28.6% and 17.9%) and no points for space.

IV CHANGES IN THE STRUCTURE OF THE POINT RATING
SYSTEMS AND RELATIONSHIP TO THE SHU DEFINITIONS
OF NEED

Originally, the stimulus for the development of publicly owned housing was overcrowding and slum conditions in the cities. The point rating system used for early public housing selected a target population primarily on the basis of space and adequacy needs. Families with children were favoured by the selection criteria and the definition of eligible families. Full recovery rents limited the utility of such housing for those with severe affordability problems. Stock was also very limited.

More recently, publicly owned housing has reflected its links to social policy through tenant selection criteria weighted more in favour of those with affordability problems.

A comparison of the original point ratings and present point ratings clearly shows this change in emphasis.

	Original	Present	(average S.C. and Family)
Adequacy	30%	20%	Adequacy
Space & Dependents	38	13	Space
Rent-Income	9	31	Affordability
Eviction	23	36	Other (including eviction)

The proportion of the total points allotted for adequacy has dropped by 10% and a substantial drop has also occurred in the proportion of points allotted for space. The rise in the point allocation for affordability represents the most substantial of any of the changes that have taken place -- a rise from 9 to 31% represents a definite change in emphasis.

Comparison of public housing tenant selection criteria now in use with definitions of need derived from the 1974 Survey of Housing Units (SHU) is somewhat limited by the lack of detail of those definitions, (e.g. does income include revenue computed from assets?). It is also limited by the fact that the definitions are not rated as to their priority. In most cases we can see that the three SHU-based concerns are covered; however, SHU-based need assessments are not geographically detailed enough that a test of provincial differences in criteria weighting could be judged. This would probably be a fruitless exercise anyway; it would be quicker to seek an explanation for weighting variation from provincial officials. Nor are SHU-based definitions client specific. If, because of the social policy emphasis of housing policy, we assume that affordability is the major concern warranting admission to publicly owned housing, then the upgrading of affordability weighting as noted above is significant.

As noted in Section III of this paper, "other" considerations, beyond those strictly defined by the SHU Survey of Housing Units form, on average, the largest criteria category. "Other" includes factors appropriate to living conditions and good property management considerations. In Manitoba, for instance, applicants are judged on a scale of A-E on their skills at managing their premises, their temperance and the home atmosphere. Other "hidden" criteria might include credit checks and references to determine whether the applicant will be a reliable tenant.

Housing authorities may look upon certain applicants or applicant groups as special cases or give them priority over other applicants. For many years in Ontario, welfare recipients and single parent families were limited to a small percentage of units in any one multiple housing project, because of the social disruptions and dissatisfactions which could ensue. This kind of hidden factor obviously may throw all other criteria aside even though it is not explicit.

In Newfoundland and Saskatchewan employees of the housing authority, veterans or spouses of deceased veterans and long established residents of the community, may be given extra points or special consideration by the housing authority. Though the housing manuals of each province recommend that these not be dominant standards for selection, such persons are clearly looked at in a different light than other applicants. Some of the other hidden factors which might affect an applicant's status include possession of illegitimate children, legal status of the family or police records. The treatment of moral rectitude by local housing authorities is a difficult thing to assess.

There may be other judgmental factors which are important to the functioning of a project as a community and as a community resource. Examples of these would be where a tenant was selected due to the potential benefits he or she might bring to the residents of the project; or where units were used as emergency housing for those dispossessed through fire or some other domestic catastrophe.

Two final points: a chronological rating is often included as a technique to ensure fairness of selection amongst otherwise equal applicants, and the rating systems surveyed herein may not enjoy a full use in every community. Their function may be seen at some projects as ancillary to good judgement on known need.

V CONCLUSIONS

1. The point rating systems presently in use are probably adequate for the objectives they were set up to serve. They tend to reflect the increasing concern with affordability and provide a healthy measure of discretion for property management considerations. One assumes that the most severe local problems and needs are taken into account when tenants are selected.

The differences between the separate family and senior citizen selection systems probably balance out. (The difficulty of providing sufficient family, as opposed to senior citizen housing, is not a problem which can be resolved by adjustments to the tenant selection criteria.)

There are ways to make the selection process fairer to the applicant, to provide him or her with an appeal process, and even to broaden the housing opportunities available to him, but these are beyond the scope of this paper.

2. There is a discrepancy between the point systems used and the Survey of Housing Units derived need indicators. The point rating systems include criteria which are not included in the SHU definitions and give these considerable weight. Their removal would probably make the tenant selection process crude and the property management function difficult under the circumstances of the present programs.

Provincial criteria would require substantial detailed changes to meet the SHU-based requirements.

3. If the SHU-based definition represents Federal priorities and the point rating systems represent provincial priorities for tenant selection, we could say generally that the various governments

have similar objectives. However, the provincial criteria include pragmatic elements which the clinical SHU-based definitions lack, and the precise client groups identified by each would be different.

APPENDIX "A"

Analysis of Point Rating Systems in Detail

APPENDIX "A"

ANALYSIS OF POINT RATING SYSTEMS IN DETAIL

In preparing these charts, the point rating systems were inspected, and all the items which received points on each system was listed. These lists were then broken down into categories assimilating the Survey of Housing Units categories of adequacy, space and affordability as closely as possible. Items that did not relate directly to any of these categories were classified as "other".

Due to time pressure for this project, there are some gaps in the data where point rating systems could not be collected quickly enough. For the most part however, the information is complete and current, and these charts allow us some insight on the various weightings and peculiarities of the point systems across the country.

FAMILY
CHART I - ADEQUACY

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	NFLD.
	IPTS.	IPTS.	IPTS.	IPTS.	IPTS.	IPTS.	IPTS.	IPTS.	IPTS.	IPTS.
	%	%	%	%	%	%	%	%	%	%
Disrepair	5	23.8	5	29.4	5	21.7	4	25.0	5	21.7
Inadequate kitchen	5	23.8	6	35.3	5	21.7	3	15.0	5	21.7
Inadequate bathroom	5	23.8	6	35.3	5	21.7	9	45.0	5	21.7
Light/air	2	9.5	3	13.0	2	8.7	4	17.4	3	13.0
Heat	2	9.5	3	13.0	2	8.7	2	10.0	3	13.0
Electricity	2	9.5	3	13.0	2	8.7	2	10.0	3	13.0
Other	2	9.5	3	13.0	2	8.7	2	10.0	3	13.0
Total	21	100.0	17	100.0	20	100.0	16	100.0	23	100.0
Condemned	(30)	(16.8%)	(20.7%)	(20.9%)	(14.8%)	(18.4%)	(16%)	(28.7%)	(21.1%)	(20.3%)

(Maximum 40% for adequacy and space).

NOTES 1. Vertical % refers to percent of the total points for adequacy.

2. Horizontal (%) at the bottom refers to the percent of total application points in each province.

FAMILY
CHART II - SPACE

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	NFLD.
	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.
	5	7	6	5	5	4	6	12	8	6
	25.0	50.0	16.7	100.0	25.0	100.0	100.0	100.0	100.0	16.7
Overcrowding										
Sharing		4	28.6							
Separation	15	3	21.4	30	83.3	(25)			(10)	30
Total	20	100.0	14	100.0	36	100.0	5	100.0	20	100.0
(%)		(16.0%)	(17.1%)	(32.7%)	(3.7%)	(16.0%)	(4.0%)	(7.5%)	(16.7%)	(31.9%)

(Maximum 40% for adequacy and space).

NOTES 1. Vertical % refers to percent of total points for space.

2. Horizontal (%) at the bottom refers to the percent of total application points in each province.

3. Points shown in brackets under "separation" have not been counted when calculating the total. This is because the point rating assessment forms specify that points should be given for separation or something else and the points have been counted under the other category.

FAMILY
CHART III - AFFORDABILITY

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	Nfld.
	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.
% Income for Rent	20	30	10	20	20	20	10	30	15	10
30%	(5)	(6)	(4)	(16)	(5)	(12)	(4)	(12)	(9)	(4)
40%	(15)	(12)	(8)	(20)	(15)	(20)	(8)	(24)	(15)	(8)
50%	(20)	(18)	(10)	(20)	(20)	(20)	(10)	(30)	(15)	(10)
MAX.	20	30	10	20	20	20	10	30	15	10
Income (P.A)										
\$3000				(30)		(30)			(15)	
\$4000				(20)		(20)			(15)	
\$5000				(10)		(10)			(13)	
\$6000				(5)		(10)			(9)	
\$8000 +						(5)			(1)	
MAX.				30	60	35	1636		15	100
TOTAL	20	30	10	50	20	55	100	30	30	10
(%)	(6%)	(36.6%)	(9.1%)	(37.0%)	(16%)	(55%)	(12.5%)	(16.7%)	(30%)	(8.8%)

NOTES 1. Vertical % refers to percent of total points for space.

2. Horizontal (%) at the bottom refers to the percent of total application points in each province.

3. In Alberta, income is treated differently in that the higher your income, the more points are subtracted from your total (according to chart as shown in Appendix "I", Section 03 of the Alberta Housing Manual).

4. Nova Scotia combines points for income with points for dependents - they are not included here but instead under dependents ("other" category).

5. The points shown in brackets have not been included in the calculation of the total. They are shown simply to illustrate gradation.

FAMILY
CHART IV - OTHER

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	NFLD.
	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.
Eviction	(30)	10	47.6	25	61	(25)	(30)	(60)	(40)	25
Recreational Space	2	3.1			2	3.2	2	4.9		2
Previous Residency	10	15.6			10	16.1				
Location from										
Employment										
Intangibles										
Abnormal Financial										
Commitment	15	23.4			15	24.2			10	33.3
Waiting Period 1 yr.	(1)				(1)		(3)	(2)	(2)	
2	(2)				(2)		(6)	(4)	(5)	
3	(4)				(4)		(9)	(6)	(5)	
5	(10)				(10)		(15)	(10)	(5)	
MAX.	10	15.6		25	41.7	10	16.1	15	36.6	10
Dependent	(1)				(1)		(2)	(52)	(3)	(2)
2	(2)				(2)		(6)	(54)	(6)	(6)
3	(4)				(4)		(9)	(54)	(9)	(9)
5	(10)				(10)		(15)	(60)	(15)	(12)
MAX.	10	15.6	6	28.6	12	29.3	15	25.0	10	16.1
Health (aggravated										
by illness)	15	23.4	5	23.8	20	33.3	15	24.2	5	20
Other	2	3.1			2	4.9				
TOTAL	64	100	21	100	41	100	60	100	25	100
(%)	(51.2%)	(25.6%)	(37.2%)	(44.4%)	(49.6%)	(25%)	(51.3%)	(55.5%)	(30%)	(38.9%)

NOTES: Family - Chart IV "Other"

1. Vertical % refers to percent of the total points for "other".
2. Horizontal (%) at the bottom refers to the percent of total application points in each province.
3. The points shown in brackets have not been included in the calculation of the total. In the waiting period and gradation categories, they are shown and illustrate gradation (e.g. increasing points for longer waiting period or more dependents. For eviction some point rating assessment forms specify that points should be given for eviction or something else - the points have been counted under the other category.
4. "Intangibles" include housekeeping and incompatability points (rating may be judgemental).
5. Nova Scotia combines points for income with points for dependents - they are included here in "dependent" category.
6. Manitoba requires residence in the province for at least 6 months at date of application or 5 points are deducted.

TOTALS - FAMILY

	B.C.		ALTA.		SASK.		MAN.		ONT.		P.Q.		N.B.		N.S.		P.E.I.		NFLD.*	
	PTS.	%	PTS.	%	PTS.	%	PTS.	%	PTS.	%	PTS.	%	PTS.	%	PTS.	%	PTS.	%	PTS.	%
Adequacy (Condemned)	21	16.8	17	20.7	23	20.9	20	14.8	23	18.4	16	16.0	23	28.7	38	21.1	52	20.0	23	20.3
	1(30)												1(33)		1(60)		1(40)			
Space	20	16.0	14	17.1	36	32.7	5	3.7	20	16.0	4	4.0	6	7.5	12	6.7	8	20.0	36	31.9
Affordability	20	16.0	30	36.6	10	9.1	50	37.0	20	16.0	55	55.0	10	12.5	30	16.7	30	30.0	10	8.8
Other	64	51.2	21	25.6	41	37.2	60	44.4	62	49.6	25	25.0	41	51.3	100	55.5	30	30.0	44	38.9
Total	125	100.0	82	100.0	110	100.0	135	100.0	125	100.0	100	100.0	80	100.0	180	100.0	100	100.0	113	100.0

Maximum points for Adequacy are used here in arriving at the total. Points for condemned accommodation are shown in brackets though they are not counted in the total. Generally a household would receive points for Adequacy or Condemned accommodation.

* Nfld. family scores follow St. John point ratings system.

FAMILY - TOTALS
NOTES

1. The category:

"adequacy" account for - disrepair
inadequate kitchen
inadequate bathroom
light/air
heat
electricity
other physical characteristics

"space"

- overcrowding
sharing
separation (due to lack of
accommodation)

"Affordability"

- rent/income (%)
income

"other" - location (distance) from employment
intangibles (housekeeping
incompatibility)
abnormal financial commitments
previous residency period
recreational space
eviction
waiting period
dependents
health
other

2. It appears that different points are given to a condemned accommodation and a building that has received maximum points for inadequacy. This is only because of the difference between the provincial breakdowns and this breakdown that follows the SPOS definitions. Generally the provinces match points for a condemned accommodation with maximum points for an inadequate accommodation (province may include health, overcrowding, etc. inadequacy category - does not match SPOS definition).
3. Nova Scotia combines points for income with points for dependents - it is included here in the dependent category (under "other").
4. The maximum number of points you can get in Alberta is 82. Income is treated a little differently in that the higher your income, the more points are SUBTRACTED from your total (according to chart as shown in Appendix 1, Section 03 of the Alberta Housing Manual).
5. In Nfld., extra points can be acquired by virtue of problems with incompatibility, housekeeping or difficulty to maintain your present accommodation based on the JUDGEMENT of the interviewer.

SENIOR CITIZENS
CHART I - ADEQUACY

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	Nfld.
	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.
	1	2	3	4	5	6	7	8	9	10
Disrepair	5	29.4	5	21.7	4	20.0	5	25.0	5	20.0
Inadequate kitchen	6	35.3	7	30.4	6	30.0	1	10	5	14.3
Inadequate bathroom	5	25.0	6	21.7	6	30.0	5	25.0	10	28.6
Light/air	3	15.0	3	13.0	2	10.0	3	15.0	5	14.3
Heat	5	25.0	3	13.0	2	10.0	5	25.0	5	14.3
Electricity	1	1	1	1	1	1	1	1	4	16.0
Other Physical	1	1	1	1	1	1	1	1	4	16.0
Characteristics	2	10.0	1	1	2	10.0	1	1	1	1
Total	20	100.0	17	100.0	20	100.0	33	100.0	25	100.0
Condemned	(25)	(2.5%)	(20.7%)	(20.9%)	(17.4%)	(13.3%)	(33%)	(19.4%)	(17.9%)	(17.9%)

* (Maximum 40% for adequacy and space).

NOTES 1. Vertical % refers to percent of the total points for adequacy.

2. Horizontal (%) at the bottom refers to the percent of total application points in each province.

3. In New Brunswick, 33 points is the maximum number available for inadequate accommodation (exact breakdown unknown).

SENIOR CITIZENS
CHART II - SPACE

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	NFLD.
	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.
Overcrowding	5	7	6	5	5	116.71				
Sharing	8	4			10	133.31	(10)			
Separation (due to lack of accommodation)	15	3	30	183.31	15	150.01				
Total	28	14	36	100	30	100	100	100	100	100
(%)	(17.5%)	(17.1%)	(32.7%)	(0%)	(0%)	(20%)	(0%)	(0%)	(0%)	(0%)

NOTES 1. Vertical % refers to percent of total points for space.

2. Horizontal (%) at the bottom refers to the percent of total application points in each province.

3. In New Brunswick, points are given for sharing accommodation or something else (rent/income). The points in brackets are shown here but counted under rent/income ("affordability" category).

SENIOR CITIZENS **CHART III - AFFORDABILITY**

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	Nfld.
	PTS.	%	PTS.	%	PTS.	%	PTS.	%	PTS.	%
% Income for Rent	(5)	(6)	(4)	(10)	(5)	(6)	(12)	(12)	(5)	(5)
30%	(15)	(12)	(8)	(20)	(15)	(10)	(24)	(24)	(15)	(15)
40%	(20)	(18)	(10)	(25)	(20)	(10)	(30)	(30)	(25)	(25)
50%	20	128.6	30	100	25	100	20	128.6	25	33.3
MAX.										
Income (P.A.)										
Single \$ 1000	50			20	50		12	30	25	
3000	40			10	40		8	15	25	
6000	20			20	20		20	5		
MAX.	50			20	50		12	30	25	
Couple										
\$ 3000	50			20	50		12	20	25	
6000	30			30	30		5		25	
7000	20			20	20				25	
MAX.	50			20	50		12	30	25	
TOTAL MAX.	50	171.4		20	133.3	50	71.4	40.0	50.0	33.3
Assets										
Single \$ 2000				15			8		25	
4000				10			6		20	
8000							3		6	
MAX.				15			8		25	
Couple										
\$ 2000				15			8		25	
4000				15			6		25	
8000				15			3		15	
12000				10			2		5	
MAX.				15			8		25	
TOTAL MAX.				15			8	26.6	25	33.3
TOTAL	70	143.7	30	36.6	10	9.1	60	152.2	70	146.7
								30	133.3	75
								60	133.3	53.6

NOTES: Senior Citizen - Chart III "Affordability"

1. Vertical Z refers to percent of the total points for "affordability".
2. Horizontal (Z) at the bottom refers to the percent of total application points in each province.
3. Z Rent/Income - Points shown in brackets are included to illustrate the gradation (i.e. more of income spent for rent, more points).
4. The points shown in large brackets () are also for illustrative purposes. Only the total MAX. is included in the calculation of the final total for affordability.

SENIOR CITIZENS
CHART IV - OTHER

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	Nfld.
	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.
Health	15	135.7	5	123.8	1	114.3	15	150.0	1	15
Resident Status	10	123.8	1	1	1	1	1	15	117.6	15
Lack of Public	1	1	1	1	1	1	1	10	111.8	20
Transpo, etc.	5	111.9	1	1	1	1	1	1	1	1
Eviction	1	1	2	4.9	1	1	1	1	1	1
Intangibles	(25)	10	147.6	25	161.0	(20)	1	1	1	1
Waiting Period	1	1	1	1	1	1	1	25	167.6	(60)
1 yr.	(2)	1	1	1	1	1	1	1	1	1
2 yr.	(4)	1	1	1	1	1	1	1	1	1
3 yr.	(6)	1	1	1	1	1	1	1	1	1
5 yr.	(10)	1	1	1	1	1	1	1	1	1
MAX.	10	123.8	1	1	1	1	1	1	1	1
Dependents	1	1	1	1	1	1	1	1	1	1
MAX.	1	1	6	128.6	12	129.3	1	1	1	1
OTHER	2	4.8	1	2	4.9	5	114.3	1	1	1
TOTAL	42	1100	21	1100	41	1100	35	1100	30	1100
(%)	(26.2%)	(25.6%)	(37.2%)	(30.4%)	(20%)	(37%)	(47.2%)	(28.6%)		

NOTES 1. Vertical % refers to percent of total points for "other".

2. Horizontal (%) along the bottom refers to the percent of total application points in each province.

3. Eviction - Points are generally given for eviction or adequacy. The points shown in brackets are not included in the calculation of the total since they have already been counted for adequacy.

4. Waiting Period - Points shown in brackets are not counted when calculating the total. They have been shown to illustrate the gradation.

5. Intangibles - Includes housekeeping, incompatibility, difficulty to maintain present accommodation but can maintain unit, agreeability to double accommodation (sharing) and greater than one flight of stairs to residence. (Points may be judgemental.)

6. New Brunswick - 12 points are given for other. These are points given at the discretion of the interviewer.

7. Manitoba requires residence in the province for at least 6 months at the date of application or 5 points are deducted.

TOTALS - SENIOR CITIZENS

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	Nfld.
	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.	PTS.
	%	%	%	%	%	%	%	%	%	%
Adequacy (Condemned)	20	17	23	20	20	33	33	35	25	
	(25)				(25)			(60)		
Space	28	14	36		30					
	(17.5)	(17.1)	(32.7)		(20.0)					
Affordability	70	30	10	60	70	30	30	60	75	
	(43.7)	(36.6)	(9.1)	(52.2)	(46.7)	(30)	(30.0)	(33.3)	(53.6)	
Other	42	21	41	35	30	37	37	85	40	
	(26.2)	(25.6)	(37.2)	(30.4)	(20.0)	(37)	(37.0)	(47.2)	(28.6)	
Total	160	82	110	115	150	100	180	140		

Maximum points for adequacy are used here in calculation of the total. Points for condemned accommodation are shown in brackets though they are not counted in the total. Generally a household would receive points for adequacy or condemned accommodation.

SENIOR CITIZENS - TOTALS
NOTES

1. The category

- "adequacy" accounts for - disrepair
inadequate kitchen
inadequate bathroom
light/air
heat
electricity
other physical characteristics
- "space" - overcrowding
sharing
separation (due to lack of accommodation)
- "Affordability" - rent/income (%)
income
assets
- "other" - health
resident status
lack of public transportation, etc.
eviction
intangibles (housing, incompatability,
difficulty of maintain present unit, 1 flight, etc.)
dependents
waiting period
other

2. It appears that different points are given to a condemned accommodation and a building that has received maximum points for inadequacy. This is only because of the difference between the provincial breakdowns and this breakdown that follows the SPOS definitions. Generally the provinces match points for a condemned accommodation with maximum points for an inadequate accommodation (province may include health, overcrowding, etc. Inadequacy category - does not match SPOS definition).

COMPARITIVE WEIGHTS (PERCENTAGES)
FAMILY/SENIOR CITIZENS

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	NFLD.								
Adequacy	16.8	12.5	20.7	20.9	14.8	17.4	18.4	13.3	16.0	28.7	33.0	21.1	19.4	(20.0)	17.9	20.3		
Space	16.0	17.5	17.1	17.1	32.7	3.7	16.0	20.0	4.0	7.5	6.7	(20.0)	(20.0)	(20.0)	31.9			
Affordability	16.0	43.7	36.6	36.6	9.1	9.1	37.0	52.2	16.0	46.7	55.0	12.5	30.0	16.7	33.3	30.0	53.6	8.8
Other	51.2	26.2	25.6	25.6	37.2	37.2	44.4	30.4	49.6	20.0	25.0	51.3	37.0	55.5	47.2	30.0	28.6	38.9

Senior Citizens

Family

	HIGH	LOW	AVERAGE			
Adequacy	28.7	33.0	14.8	12.5	19.8	19.4
Space	32.7	32.7	3.7	17.1	15.6	10.9
Affordability	55.0	53.6	8.8	9.1	23.8	38.1
Other	55.5	47.2	25.0	20.0	40.9	31.5

SUMMARY
FAMILY AND SENIOR CITIZENS

Adequacy

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	Nfld.	H.	L.	A.
Family	16.8	20.7	20.9	14.8	18.4	16.0	28.7	21.1	*(20)	20.3	28.7	14.8	19.8
Seniors	12.5	20.7	20.9	17.4	13.3	-	33.0	19.4	17.9	-	33.0	12.5	19.4
	* Maximum % for Adequacy and Space 40%												

Adequacy Includes

disrepair
inadequate kitchen
inadequate bathroom
light/air
heat
electricity
other physical characteristics

Space

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	Nfld.	H.	L.	A.
Family	16	17.1	32.7	3.7	16.0	4.0	7.5	6.7	*(20)	31.9	32.7	3.7	15.6
Senior Citizens	17.5	17.1	32.7	0.0	20.0	-	0.0	0.0	0.0	-	32.7	17.1	10.9
	* Maximum % for Adequacy and Space 40%												

Space Includes

overcrowding
sharing
separation due to lack of accommodation

Affordability

	B.C.	ALTA.	SASK.	MAN.	ONT.	P.Q.	N.B.	N.S.	P.E.I.	Nfld.	H.	L.	A.
Family	16	36.6	9.1	37.0	16.0	55.0	12.5	16.7	30.0	8.8	55.0	8.8	23.8
Senior Citizens	43.7	36.6	9.1	52.2	46.7	-	30.0	33.3	36.6	-	53.6	9.1	38.0

Affordability Includes - % rent/income

income
assets (applies to senior citizens only)

APPENDIX "B"

Admission to Public Housing in
Other Countries

APPENDIX "B"

ADMISSION TO PUBLIC HOUSING IN OTHER COUNTRIES

Source: C.S. Ascher, The Administration of Publicly -
aided Housing, International Institute of
Administrative Studies, Martinus Nijhoff, The
Hague, 1971.

ADMISSION TO PUBLIC HOUSING IN OTHER COUNTRIES

Source: C.S. Ascher, The Administration of Publicly - aided Housing, International Institute of Administrative Studies, Martinus Nijhoff, The Hague, 1971. (Chapter II).

Establishment of Eligibility. - Since the expenditure of public funds (or extension of public credits) is involved, there is normally a national act granting authority. These national acts usually set some limitations upon the purposes of the expenditure. (Finland: "only for socially appropriate and economically necessary purposes". Ireland: "for persons who in the opinion of the authorities are in need of and are unable to provide adequate and suitable housing accommodations from their own resources".¹)

As in other fields of action in the modern "administrative state", the national act usually sets only broad limitations and authorizes implementing decrees or regulations by an administrative organization. (Finland: 28 of the Constitutional Act is the "basic norm concerning administrative rules".) In Finland, a presidential Housing Decree of 1968 has delegated these powers to a National Housing Board. Upon drafts for governmental bills and administrative rules, the Board takes the advice of a "non-professional collegiate body: the Housing Commission". Its members are appointed by the Government and represent relevant ministries, leagues of municipalities, associations of tenants, the building industry (construction, engineering, enterprises) and social scientists (demography, social policy).

In Venezuela, the act of Congress creating the Banco Obrero specifically gives the "Executive" of the Bank the power to adopt implementing regulations. The only limitation in the national Act is that the Bank can deal only with a person who has no home of his own.

It is common in most reporting countries that the national state - either by law or ministerial regulations - sets only broad standards and delegates the establishment of detailed criteria of qualification to local authorities. Thus the UK Housing Act of 1957 requires the local elected housing authorities to give a "reasonable preference" to people living in overcrowded and insanitary housing and to those living in "unsatisfactory" housing conditions.²

In the United States, the National Housing Act (amended frequently since 1937) limits eligibility to a "family", as defined in the Act, to a "family of low income", as defined in the Act, to a family of low income who would not "be likely to interfere with other tenants in such a manner as to materially diminish their enjoyment of the premises".

¹Until the Housing Act of 1966, public housing in Ireland was to be for "agricultural labourers" and "persons of the working class".

²As in Ireland, earlier national acts prescribed public housing for "the working classes", but this qualification was removed in the Housing Act of 1949.

The local housing authorities are given flexibility in determining the qualifications for eligibility, but there are two mandatory requirements in the national law. The LHA must adopt regulations affording priorities to specified categories (see below, on pp. 29 et seq.) and it must promulgate definitions, guides and standards for applying the locally defined policies. It results that each LHA may define "family income" independently, with varying deductions and exclusions, so that a family with a certain gross income may be eligible in one city, but not eligible in another. The relevant ministry (now called the Department of Housing and Urban Development) issues from time to time a Low-Rent Management Manual recording the minimum requirements "considered consistent with fulfilling Federal responsibilities under the Housing Act". The Supreme Court of the United States has held that these provisions are mandatory on the LHA, apart from any previous contract between the national state and the LHA, because of the Ministry's "wholly independent rule-making power".

In addition, the relevant division in the national ministry, the Housing Assistance Administration, issues a Low-Rent Management Handbook, which lists "guide lines" (in the vocabulary of Washington) "intended to furnish advisory and guidance material to local authorities". This is not binding on LHA's. There has been disputation reaching the Supreme Court whether and how the successive "Circulars" supplementing the Manual and Handbook are mandatory.

In Spain, the qualifications for eligibility vary with the public agency providing the housing. For the patronato of a ministry, the applicant must be a civil servant of that ministry, posted to the community in which the housing is built. For municipally built housing, residence in the area is usually required. If the housing is built for slum clearance, only slum dwellers may apply; "in fact, they are sometimes bound to accept it, even if they have not asked for it".

In Poland, the report states that there is no independent local administration; the administrative machinery is at three levels, hierarchically subordinated. For housing, the state organ is the Ministry of Communal Economy. The activities of its competent sections are deployed to the echelons of voivodeships (provinces) and districts. (The five largest cities have the legal standing of provinces.) The principle of "double subordination" governs in Poland: vertical subordination (ministry, provincial organ, local organ); and horizontal subordination, to the local peoples' council and to its presidium, which is the executive organ of the territory. Matters of housing are entrusted to local offices of the administration of communal affairs and housing. The stated purpose is to assure uniformity throughout the country. The report speaks of the "complex juridical mosaic in the Polish system of housing legislation".

Participation by Citizens in Establishment of Rules. - Where the rules establishing qualifications are voted by a local elected organ, several reports point out that the citizen, the potential applicant, is "represented" by his elected councilman. The Finnish report (see p. 18, above) notes the

presence on the National Housing Board's Advisory Commission of members who may be said to "represent" the citizen interest. In Ireland a National Association of Tenants Organizations (NATO), which claims to represent tenants of local authority houses, makes representations nationally and locally. Ireland is not the only country where a recourse of a citizen against administrative action is the question addressed to the minister on the floor of a House of Parliament. The report from the United States notes that in 1970 there are fifteen local housing authorities the governing boards of which (usually appointed by the mayor) included tenants; the number is increasing. In September, 1970, the US national ministry, the Department of Housing and Urban Development, issued a "directive" to the 2,700 Local Housing Authorities "endorsing" and encouraging the appointment of tenants to an LHA governing board, "when desired by the community" (where, it said, the "basic responsibility" for appointment "lies"). In Yugoslavia, as will appear at several points in this general report, there is widespread public discussion of rules and decisions touching access to public housing. Like all "normative acts" of communal assemblies, they must be open for debate by the voters. Views are expressed by political organizations, labor unions, groups of tenants. Where the rules are established by workers' organizations which control the housing, there must equally be opportunity for prior discussion by the workers.

TENOR OF QUALIFICATIONS

Income. - There is evidence in the national reports of sharp differences in the purpose of public provision of housing. There is no governing ceiling of family income reported in Ireland, Sweden: the criterion is the inability otherwise to get good housing. In the United Kingdom, income is rarely used as a criterion by the local authority. In some countries there are flat maxima of income, in others the maximum is a multiple of the rent to be paid. In Venezuela there is no absolute limit of family income of an applicant in the Implementing Regulations of the Banco Obrero. If he applies to rent with an option to purchase, he must "be earning his living".

The Polish report states that social considerations play a much greater role than (capitalist) economic considerations in the administration of housing. For the existing stock of housing taken over by the state, no criteria of income are reported. For new construction by the state, there are income limits of Zl. 800 to 1,000 per month per person. The new state housing policy proclaimed in 1965 is based on the production of housing by the involvement of the funds of the people in cooperative housing. New housing provided by industry is, in principle, available only to workers whose financial position does not permit them to join a cooperative (or where no cooperative society exists).

In Belgium, there are Royal Orders fixing maximum family income, but these are tied, not to rent, but to the retail consumer price index.

In the United States, the opposition of the organs of "free enterprise" in the 1930's forced the proponents of public housing to accept a formula that public housing could be

available only to those for whom private enterprise could not provide adequate housing. Thus from the beginning the national law set limits on income for access to public housing (and on the cost of the dwelling). Until 1959, the national law specified that the family's income must not exceed five times the rent. The law now provides that housing be limited to "families of low income," leaving it to the local housing authorities to define "income" and to decide whether to tie maximum income as a multiple of rent. The result has been varying provisions in local regulations, allowing deductions (for the expense to a blind man for a seeing-eye dog) and exemptions (earnings of a boy working after school hours). The argumentation on this score is Talmudic. One result, already noted, is that a family with a stated gross income will be eligible in one city, but not in another.

Other country reports also note varying definitions of family income: shall it or shall it not be deemed to include the income of secondary wage-earners? Should it include tax-free income?

Another limitation noted in the United States is that a family may not own more than a few thousand dollars of assets other than household effects, which could presumably be liquidated so as to enable the family to pay more for shelter. This requirement was in the national law until 1961; it is still in the regulations of many local authorities. In Finland an applicant for a government loan who owns an inadequate dwelling must first sell it at the current price before moving into the new dwelling. In Belgium, an applicant may not be admitted to social housing if he owns another dwelling.

Size of Family in Relation to Size of Dwelling. - The significance of this criterion is two-fold. On the one hand, a prime purpose of public provision of housing is to relieve overcrowding: too many persons in too few rooms may need public aid to achieve more adequate space, so that young children need not sleep with their parents nor teenage children of opposite sex share the same bedroom. On the other hand, scarce public funds should not be used to provide too much space for too few. The Finnish report sets forth a table relating the permitted size of dwelling to the number of persons in the household; also the maximum permitted floor area per person in square metres for different sizes of family. In Hungary, a tenant may under some circumstances have a dwelling with more room than the established minimum requirement for which he must pay a supplementary rent. He may need it for his work.

Housing Conditions. - Living in a substandard dwelling is almost universally reported as a criterion of eligibility. As appears below, it is in many countries the justification for a priority in allocation. In Ireland a "dangerous" structure is one declared by the sanitary authority to be likely to be dangerous to person or property; or a dwelling may be declared "unfit for human habitation" by the housing authority (i.e., the local municipality). There are some twelve criteria to be dealt with, listed in the report. "When a question of unfitness for human habitation arises, this is dealt with at a public hearing by the manager (of the municipality) acting in a quasi-judicial capacity.

Occupiers, owners, etc., and technical officers of the Authority appear before the manager". His decision takes into account the estimated cost of rendering the dwelling fit. This is an administrative device to provide an objective basis for the exercise of discretion. Could it be used practically if there were many cases?

In Poland the shelter of applicants who claim to be badly housed is checked, sometimes by a visit to the dwelling; and the application is judged by a commission composed of active trade-unionists and of social organizations.

In one or two reporting countries, excessive distance of travel to work of the principal wage-earner is taken into account in establishing eligibility (Finland, Germany); in one report, excessive distance of childrens' travel to school is also regarded as a reason to resist transfer.

Reference to Other Public Agencies. - The cleavage in provisions for the consultation of other public agencies may reflect differences of goals or values of the society. (See p. 16, above.) In Belgium, the applicant must present a certificate of the Tax Administrator stating his income as reported for taxation. Every Belgian receives an identity card from the commune's registry office at the age of twelve. If he changes his domicile, he must either present it for endorsement or, if he moves to another commune, obtain a new one. Perhaps obligatory reference to the tax collector may seem normal to a housing applicant in this country, which considers itself and is considered a democratic society.

May the housing authority consult the records of the police, either of the applicant or of his family (possible juvenile delinquency) or the records of the social service or welfare agencies? No, says the report from Ireland. In Belgium, the report says that there are no relevant dossiers maintained by social welfare agencies. In Finland, "entries in the police records can have no effect, for the police are not usually asked for information and such a circumstance need not be reported" by the applicant. In the United Kingdom, the LHA usually sends an official to visit the applicant before a tenancy is offered, partly to check the statements in the application: "This is important because other public authorities will not normally divulge confidential information about applicants".

In Sweden, "information is given regularly by or gathered from other municipal agencies, e.g., social welfare agencies". In the United States, the Low-Rent Management Manual issued to LHA's by the national ministry (see p. 19, above) requires that "procedures provide ... for only such verification as (is) necessary for determining eligibility" and that "applicants be the primary source of information". They shall be asked to furnish only easily available documentation. "The Authority shall utilize other sources to obtain required information only to the extent necessary."³

³In several countries (Finland, United States), the employer of the applicant is asked to certify his salary or wages.

On the other hand, the role of the welfare agency in France is to assure that a citizen knows his rights and to help him with the paperwork of his application. In Yugoslavia the prescripts of some communes give the center for social work the right to be a party in the procedure, so that it may apply on behalf of the candidate to the competent organ to allot an apartment.

Social Factors: "Jouissance en bon père de famille". - Nearly all reports reveal that the housing authority may take into account whether the applicant's previous conduct shows that he "would be likely to interfere with other tenants in such a manner as to materially diminish their enjoyment of the premises", in the words of the US Low-Rent Management Manual. (HUD Circular, December 1968.)

In Finland, the officials want to keep a certain standard for new housing, so that "very unsocial families are taken care of through other measures of society". If the reason for a previous eviction was, for example, the use of narcotics, alcoholism disturbing to others, or a "generally irregular and 'disreputable' mode of life, this will receive weighty consideration in the selection". In Portugal, the good conduct of the applicant and his family will be investigated whenever doubts arise. Nevertheless, only serious reasons will eliminate the candidacy. In Germany, investigations are made, particularly of occupants of squatter camps (Wildsiedlungen).⁴ While there are no provisions of statute in France, the internal regulations of the publicly-aided building societies (Offices et sociétés d'HLM) frequently establish such criteria. In Hungary, persons whose good care of the premises does not seem assured are usually given an old dwelling. In some countries not covered by this study, there have been special colonies in which such families are educated to good social conduct and may then be "graduated" into public housing (Denmark). In Venezuela, the investigation is limited to the applicant, not to other members of the family. In Ireland, there are rules of regard to "character, industry and occupation of applicant", but the national reporter says that he has been privy to more than 20,000 lettings and cannot recall that any applicant has been deprived of housing for lack of these qualities.

Moral Rectitude. - In Germany, immoral conduct, cohabitation of unmarried couples (if it is known) may lead to rejection. In the United Kingdom, the Central Housing Advisory Committee of the Ministry of Housing and Local Government (the Cullingworth Committee) in 1969 reported on "Council Housing Purposes, Procedures and Priorities". It said:

Unmarried mothers, cohabitantes, 'dirty' families and 'transients' tended to be grouped together as 'undesirable'. Moral rectitude, social conformity, clean living and a 'clean' rent book on occasion seemed to be essential qualifications for eligibility, at least for new houses.

⁴Several field studies by qualified social scientists have shown that morale is higher in squatter colonies than in public housing. There is more sense of self-reliance and more mutual aid. In Germany and Hungary free land and financial aid are made available to Gypsies to encourage them to end their nomadic practices.

In Finland, cohabitation of an unmarried couple is not generally approved. But an illegitimate child is no burden, "perhaps vice versa".

In the United States prior to 1968, housing authorities in twelve provinces (states) categorically denied eligibility to an applicant with an illegitimate child. In 1967, a US court of first instance (the "District Court") invalidated the rule of the housing authority in Little Rock, Arkansas, saying:

An indiscriminate denial of access to public housing to families unfortunate enough to have or acquire one or more illegitimate children would be to deprive of the real or supposed benefits of the program many of the very people who need it most - the poorest and the most ignorant of the poor.

Other law suits in other cities sought the abrogation of this criterion on the ground that it violated the right of equal protection of the law guaranteed by the Fourteenth Amendment to the US Constitution. Most of these suits were withdrawn when the LHA modified its rules. As a result, the national Housing Assistance Administration in HUD issued a (mandatory) circular to LHA's in December 1968, as part of its Low-Rent Management Manual:

A local Authority shall not establish policies which automatically (emphasis added) deny admission or continued occupancy to a particular class, such as unmarried mothers, families having one or more children born out of wedlock, families having police records or poor rent-paying habits, etc.

Even before the promulgation of this circular, a National Commission on Urban Problems appointed by the President of the United States concluded that the vast majority of LHA's "accept all technically eligible applicants unless there is overwhelming evidence that the family will cause serious threat to the safety and welfare of other tenants".

In France morality is not of itself a criterion for allocation of a dwelling.

Residence. - Even if there is no requirement in national law or regulation, most reporting countries permit local housing authorities to establish requirements of a prior period of residence in the municipality or province as a criterion of eligibility. In Helsinki the period is ten years, the longest reported. In Budapest the applicant must have lived or worked there for five years. In the Paris region, the Interdepartmental Technical Service (ss p. 36, below) requires residence in the commune in which the applicant wishes to live. The internal regulations of French publicly aided societies (HLM) may include residence requirements. In Ireland various LHA's prescribe residence of one to five years. In Portugal the applicant must have worked for more than two years in the locality or in a previously defined larger zone. In Yugoslavia housing provided by the communes is available only to applicants who have lived or worked in the commune for two years (or longer, in some communes). In the United Kingdom and the United States some LHA's maintain prescriptions of residence, although in the United States

recent decisions of the US Supreme Court render them of doubtful validity.⁵ In some of the reporting countries this practice may be linked with internal migration of rural families to the cities and the inability or reluctance of the city to devote public funds to their housing. In the United Kingdom the suspicion is voiced that the requirements of two years' local residence may operate against immigrants from Asian and Caribbean units of the Commonwealth, thus evading laws against racial discrimination.

The influence is felt among member countries of the treaties creating the European Coal and Steel Community, providing for the free migration of workers in those industries. In the coal basins of Belgium, publicly aided societies for social housing must allot one-half of their dwellings to coal miners. Societies receiving financial aid from ECSC must give priority to coal and steel workers.

In its recent report (1969) on Council Housing Purposes, Procedures and Priorities, the UK subcommittee of the Central Housing Advisory Committee (the Cullingworth Committee) expressed the view that there should be a statutory obligation on every LHA to accept all applicants as eligible, without regard to place of residence, income or any other characteristic.

The effect of residency requirements on the mobility of labour is beyond the scope of the present study.

"Tied" Housing. - In Yugoslavia, public financial aid for housing has been largely provided through the work-enterprise, whether an industry or a state bureau,⁶ which has been accorded in its annual budgets sums to provide a stated number of dwellings for its employees. The methods of allocation of such housing are discussed below. This housing is available only to those who have worked in the enterprise for two to three years. The working organization or government organ as lessor may bring action for eviction "in the event of willful departure from work or because of the termination of employment due to the fault of the tenant"; or if he has been transferred, has received new quarters at his new place of work and continues to use the old apartment "irrationally".

In Hamburg there is publicly subsidized housing provided by enterprises for their staff. The lease usually provides that if employee gives up his position, he must move out. But to prevent malpractice by the enterprise, the law now requires a clause in the contract of lease that after five

⁵For instance, *Shapiro v. Thompson*, 394 United States 618 (1969), held invalid the imposition of residence requirements for eligibility for public welfare benefits. Access to publicly aided housing was not directly involved, but the principle of the case seems applicable to housing as well as welfare grants.

⁶In the years 1960-65, state loans for housing construction were financed by a 4 percent income tax on salaries and wages. The tax now flows to a system of credit institutions.

years the landlord cannot demand eviction on the ground that the tenant has left his employment.

French law specifically forbids tying the contract of work to the lease. In Spain, in publicly sponsored housing provided by an employer for its workers, the tenant who no longer works for the employer must vacate the house at once, unless he is rendered unable to work by a labour accident. Upon a worker's death, his family must vacate within six months.

Again, the social and economic consequences of tying housing to employment, the effect upon the mobility of labor, are beyond the scope of this study.

Another form of "tied" housing has already been mentioned in passing (p. 17, above): the use of publicly financed housing to attract to the community the needed medical doctor, school teacher, so that he can live close to his area of public service. Belgian housing for immigrant coal miners may also be "tied". In the United Kingdom some local authorities allot council housing to employees of particular firms, in areas that are trying to attract industry. The UK reporter notes that the tenant may be in danger of eviction when he wishes to leave that firm's employment. The difficulty also faces other tenants in "tied" housing, e.g. the police, prison service, farmers. "While most local authorities deal sympathetically with their housing applications, they are at a disadvantage when they retire or wish to change their jobs".

Discrimination. - In several countries there are reports of national constitutional clauses or laws prohibiting discrimination because of race, color, religion, national origin, sex, in education, employment, housing.

In the large cities of the United States such as New York and Chicago, up to nine-tenths of the tenants of public housing are of racial minorities. A US Commission on Civil Rights reported in 1963 that "at the end of World War II virtually all public housing was segregated". In 1962 an Executive Order of President Kennedy announced a national policy against discrimination in housing. In the Civil Rights Act of 1964, the Congress prohibited racial discrimination in nationally aided housing programs. We have already noted that the selection of sites is itself an important factor (see p. 11). In a legal suit brought by Negro tenants and applicants in the United States District Court (of first instance), it appeared that in four of its estates, the Chicago Housing Authority limited the proportion of Negro tenants to 7 percent or less, in response to exhibitions of violent hostility by whites in those neighborhoods. The court directed the Housing Authority to modify its rules of tenant assignment and site selection.

A first step to avoid almost automatic segregation has been to require that all applicants be put on a "community-wide" list, so that the applicant in principle may be allotted an apartment wherever a vacancy occurs. To deal with discrimination, the Housing Assistance Administration of HUD in 1968 incorporated in the Low-Rent Management Manual two acceptable plans for LHA's under this principle. Under the

first, the "eligible applicant must accept the vacancy offered or be moved to last place" on the list of eligible applicants. Under the other plan, the eligible applicant is offered a "free choice" under which the applicant may reject three offers of "suitable vacancies" before he is placed at the bottom of the list.

The national regulations require the LHA to keep records of applications and assignments and of complaints received on the ground of discrimination. The regulations require HAA to investigate complaints, which may be made either to the LHA or HUD, and to seek local informal solutions. The sanctions are the termination of national assistance to the LHA or the initiation of a law suit by the Attorney General of the United States to enforce national rights. Like similar stringent sanctions, these would be difficult to invoke. (See p. 65, below.) For these reasons, proponents of the rights of the poor argue that "litigation may be the only way in which an interested party can call attention to the persistence of segregation of the races and discrimination in selection and assignment of tenants".

In the United States there are constitutional provisions that have been construed by the courts to render discrimination illegal. If it is a goal of public aid to housing to promote integration of races (see p. 11, above), it is not clear in the United States by what administrative practices this result can be achieved without perhaps impairing the citizen's constitutional right of free association, however deplorable his prejudices.

France faces the need to integrate the immigrants who come to work in French industry. Heretofore many have settled in insanitary squatter colonies in the outskirts, sometimes under the smokestacks of the factory. As in other industrialized Northern European countries, many come without their families. France naturally attracts workers from its French-speaking former area and protectorates in North Africa, the region called in Arabic the Maghreb; therefore the French authorities speak of the Maghrébins.

In the French Ministry of Equipment and Housing, there is a Group for Research and Studies on Construction and Housing (GRECOH) which includes a Center for Applied Housing Studies. This group presented a preliminary socio-demographic report in January 1969, based on two colonies on the outskirts of Paris. One, the "Cité des Canibouts" in Nanterre, had a foreign population predominantly North African. The other, "La Cure" at Fontenay-le-Fleury, had a largely European foreign population. Both colonies consisted of substandard housing which was to be torn down. The study included an inquiry about 200 foreign families and 100 French families living in these colonies, and interviews with property managers, shopkeepers, directors of schools and social services for these families.

The purpose of the study was to try to determine the maximum percentage of foreigners to be admitted into a housing estate that would permit their integration and living with the French population. The preliminary study reveals that the desired integration cannot be achieved in a substandard slum without adequate community services. The school

teachers at Canibouts resigned en masse in protest against the setting in which they must teach. The youth clubs, after three years, lost their leaders because the French parents refused to let their children mix with foreigners.

The study revealed that the Maghrébin families averaged 4.3 children, the French 2.5; the Maghrébins were more overcrowded, of lower income and cultural level. In 1965, 34 percent of the births registered were of Algerian parents.

The preliminary study concluded that proper cohabitation and desired integration would be achieved if the foreign population did not exceed 10 percent (15 percent if the foreigners' patterns of living were like those of the French). A second study was to be undertaken for the Ministry by the Center for Applied Housing Studies.

On 4 March, 1970, the Secretary of State for Housing in the Ministry promulgated circular 70-28, addressed to prefects, departmental directors and heads of services, concerning the allocation of housing for families coming from insanitary dwellings in areas proposed for urban renewal. Article II of this circular states that measures are to be taken to avoid segregation; the circular cites the "first studies" which show the proportion of "special categories" of the population to be rehoused should in no case exceed 10 to 15 percent; otherwise serious problems arise in the use of common spaces and of schools and socio-cultural facilities. The addressees of this circular are to be alert to provide the socio-educational facilities to help the new tenants in their adaptation to a new socio-economic mode of life.

Since the bulk of publicly assisted housing is provided by the HLM societies, complicated exchanges are envisaged whereby the societies will allot 10 percent of their flats to foreign families.

France recognizes that it must compete with other industrialized European countries in attracting Mediterranean labor. Community of language helps, but is not enough. Good wages are not enough if the immigrant must live in barracks or a squatter colony. A special mixed corporation was created in 1957, the National Society to Construct Workers' Housing (Société Nationale de Construction de Logements pour les Travailleurs - SONACOTRA). It pays special attention to single workers, providing them with a foyer-hôtel with a cheerful single room in a building with leisure-time common rooms, restaurant, handicraft shops, etc.

SONOCOTRA receives subventions from the state, from the Fund for Social Action for Foreign Workers, from employers; it receives contributions in kind (land) from municipalities. An employer who subscribes a stated sum per room or dwelling is assured of the right to nominate the occupant for 25 years, with no responsibility for management. But the lodging is not tied to the work-contract; if he quits the job, the occupant may retain his room.

By 1966, SONACOTRA and its regional and local affiliates had housed 13,000 workers. It was their hope to double the number by 1969.

The Belgian reporter states that the regulations formally forbid all discrimination - racial, political, philosophical - but he cannot affirm with certainty that it has never operated. He suggests that there are some forms of "spontaneous" discrimination: persons who do not apply for social housing because of their ignorance of its advantages or because of a fear or certitude that their applications will be rejected out of hand.

PRIORITIES

Establishment. - As in setting qualifications, national organs leave the administration of priorities largely to other bodies. The national law will protect some specific categories deemed socially important. If the supply of housing is short, applicants in these categories may absorb all new shelter. If there is further housing available, it is usually left to the "landlord" agency (whether LHA or housing society HLM) to select among the eligible applicants by some procedure that will be accepted as objective by the unsuccessful applicants. These procedures are often subject to review by a higher administrative organ.

In Finland a National Housing Board determines the income limits nationally, but the city council may lower them. In Helsinki the municipal board in 1955 set up a commission on housing distribution which allocates city-owned dwellings to tenants. It is this commission that set up the requirement for ten years' residence. It is a committee of this commission that decides to which applications to accord priority on the ground of "urgency".

In Venezuela the national act establishing the Banco Obrero provides that it shall give priority to those who are married and to those who have the greatest number of dependent relatives.

In Ireland the national parliament has prescribed that the applicant "must be in need of and be unable to provide adequate and suitable accommodation from his own resources". This qualification, says our national reporter, "in turn casts a duty on housing authorities to prepare schemes of letting priorities".

In the United States the definitions of eligibility in the national statute - few as they are - have been set forth on p. 18, above. The law adds that LHA's shall adopt admission policies that "give full consideration" to their "responsibility for rehousing of displaced families, and to the applicant's status as a serviceman (soldier) or veteran". These clauses are generally accepted by LHA's as establishing priorities.

Tenor of Priorities. - In many countries the destruction of his dwelling for a public purpose gives the applicant a high priority. In Hungary the occupant need not even file an application, so absolute is the priority. If the occupant expresses a preference to be rehoused in an old building for which the rent has not been raised since 1948, this request will always be taken into account. In Yugoslavia the occupant obtains no priority rank with the housing authorities because it is the legal obligation of the expropriating agency to assure access to new shelter, the

cost of which is calculated in the cost of the expropriation. If the expropriating body does not make advance arrangements with those to be displaced, it may face at least six months delay in administrative procedure, administrative appeal and possible court litigation. The same obligation rests upon the expropriating authority in France.

In the United Kingdom a LHA must rehouse tenants displaced by slum clearance schemes but not where the clearance is for general housing purposes. The statutory obligations vary and the interpretation of the statutory obligations vary along authorities.

Other categories of priority are reported, reflecting the values of the society war veterans, "repatriates" from deportation or from a former colony, the disabled, the ill (usually certified by a medical officer of health), occupants of dwellings ordered to be demolished as unfit (usually certified by a public authority), those receiving public assistance,⁷ and "urgent" applicants. In Hungary there is a priority for distinguished workers and technical or managerial personnel directly responsible for production.

If the priority applicants have not absorbed the available housing, the authority must use discretion in selecting among the other eligible applicants. In rural areas in the United Kingdom, "it is quite common for the (elected) councillor representing a small town or village to advise... on the respective merits of individual applicants". Thus "an element of political patronage is unavoidable, especially if council housing is in short supply". (See p. 13, above.)

In Spain, the categories of priority vary among the several institutions that provide housing, taking into account their different purposes. Thus, for houses provided by the Obra Sindical del Hogar, workers may apply, whether they belong to a syndicate or are autonomous. The number of houses to be distributed in each province is classified into three groups. One-fifth is for "large families" (under Spanish law, with four or more children); one-tenth for workers intending to be married within a year of the allocation of the house. Extra applicants in these priority categories will be considered in the allotment of the remaining seven-tenths of the houses.

Two main administrative devices are reported to determine the selection of non-priority applicants: strict chronological order and a "point" system that weighs comparatively the multiple possible bases of eligibility.

Chronological Order of Application. - The administrative simplicity of chronological priority has its attraction. Indeed, a US national intermediate court of appeal suggested to the New York City Housing Authority that a system "by lot

⁷In Poland. In the United States, courts have intervened to forbid LHA's from excluding categorically applicants receiving public welfare grants.

or on the chronological order of application" would be a fair and reasonable way to choose among equally eligible candidates. US administrators are accustomed to such simplistic pronouncements by jurists who have not been forced to confront a list of more than 135,000 waiting applicants. Indeed, the court relied for precedent on an earlier case dealing with the administration of licenses to sell liquor. The court recognized, however, that the "due process" assured by the US Constitution was a flexible concept, and suggested that a chronological processing based upon an objective scoring system (commonly called a "point" system) would be acceptable.⁸

In most national reports it appears that the time priority is not deemed a helpful administrative device, except in selecting among applicants of otherwise equal claim to eligibility. According to most reports, time is only one factor (Belgium, Hungary, Sweden, Yugoslavia). In the United Kingdom the national report says that "this method is only possible when there is no substantial backlog of applications and the waiting time is likely to be no longer than one or two years".

Some countries do not keep application lists in force for more than one or two years - there are changes in the available housing supply and in the circumstances of the applicants (see p. 40, below). In Yugoslavia, applications are accepted only to the number of additional dwellings included in the next year's housing plan of the enterprise or community.

Weighted "Point" System. - In Hungary applicants are classed in four categories: occupants of dangerous dilapidated housing; those having no dwelling; those needing a larger dwelling; others. In Ireland some authorities adopt a "points system" of which elements are

Unfitness of present house, with maximum number of points for accommodations that are totally unfit;

Overcrowding, with points according to the relative substandardness of the sleeping accommodations;

Lack of adequate accommodations for those unable to provide them from their own resources, maximum points to those without separate water supply, toilet or adequate cooking facilities;

Compassionate or medical grounds, particularly pulmonary tuberculosis, maximum points awarded on the advice of the chief medical officer;

Discretionary points, e.g., length of period of waiting.

⁸The HUD-HAA Low-Rent Management Manual requires of the LHA that each application be "dated, time-stamped and referred to a central tenant selection and assignment office", but the LHA may nevertheless take into account other factors affecting preference.

In Yugoslavia each organization supplying housing (work enterprise, veterans' association, association of retired persons, commune) may establish its own point system. The commune of Stari Grad in Belgrade, in article 6 of its Decision Governing Admission to Dwellings, has set up 13 indicators, according to each of which the candidate may score from 2 to 40 points. If he is a war veteran or victim of Fascist terror, 10 percent is added. The Fund for Housing Needs of Retired and Disabled Persons (of the Communal Social Security Society of Belgrade) in article 17 of its rules, allows points according to the candidate's existing housing, his family situation, state of health, length of residence in Belgrade. He scores additional points if he puts his present dwelling at the disposal of the Fund (14 points if it is in categories I or II, one point if it is in category VII or VIII).

The point systems used in areas of housing shortage in the United Kingdom are reported as "often extremely complicated". The points schedule of one of the larger cities in the United Kingdom is, with permission, presented as Annex I of this volume - there are some twenty items, each of which may warrant from two to thirty points.

In Belgium, the national reporter considers that all systems of points lack flexibility and may result in eliminating applicants of the highest social concern. The multiple scores may result in more priority applicants than the number of dwellings available; one would then need a system for priority among priorities. (One applicant may have a large family, occupy a dwelling condemned as uninhabitable - and be a miner.) The reporter adds his judgment that the number of families entitled to priority who present their applications for social housing is relatively small, whether because of ignorance, inadequate income, or other reasons. (See p. 29, above.)

In the United States the Philadelphia Housing Authority has eliminated entirely priority based on date of application, because in its view this process discriminates against those most in need of housing. Families who feel that they can afford to wait for an appropriate apartment in a preferred location are ultimately admitted. Those whose needs are immediate, confronted by a long waiting period, are forced to find housing elsewhere. The LHA in 1970 was in process of enacting a point system, which, it believed, would eliminate "the arbitrary nature of the selection process". Many other LHA's in the United States follow the limited grounds of priority fixed in the national statute or regulations.

Poland has not used a point system since 1960. The Portuguese reporter states that allocation is governed by strict application of the regulations.

In the United Kingdom the Cullingworth Committee reported that more than one-quarter of the sampled LHA's treated their selection schemes as confidential. The Committee's view was that all schemes should be published as a statutory duty and should be readily available to applicants and to the public.

The United Kingdom report notes that smaller authorities use a "merit" scheme whereby each applicant's needs are assessed individually. This permits the intervention of the elected councillor who has personal knowledge of an applicant (see p. 30, above). It avoids the rigidities of points schemes, but presents its "own problems of consistence and impartiality". In particular the scheme is "open to charges of prejudice and nepotism". In terms of personal human relations, it is the opposite pole from a computerized system, used by the big authority in the United States.

The Commission on Housing Distribution of Helsinki decided not to institute a point system because of the instability of the numbers and types of dwellings coming available and of the structure of the group of applicants. "Different weight must be given to the factors affecting the choice in different circumstances". To set up a point system in these circumstances, in the opinion of our national reporter, would require the decision-makers to call upon mathematicians and statisticians. He adds that when, as in Helsinki, there are ten to thirteen applicants for each dwelling "we cannot speak of administrative discretion, but rather of random selection" and the best result would be obtained by "random sampling, e.g., by stratified sampling".

Publication of Names. - In Yugoslavia, the communal assembly of Stari Grad (Belgrade) proposes to build 400 apartments by 1972 for badly housed citizens whose needs cannot be met through other organizations (work enterprise, association of retired persons, association of veterans). With the help of the Center for Social Work, political organizations, work organizations, neighborhood groups, the competent commission of the communal assembly established a list of 400 candidates, with explanation of their needs and present housing. This list was published and discussed in election districts and in workers' organizations. There was public objection to three candidates on the list. The public proposed a further 82 candidates, to be listed after the first 397 candidates.

Even where publication is not prescribed, it is done without exception because, in the words of the Yugoslav national reporter, it "represents one of the imperatives of our political and economic system, especially ... when apartments are distributed out of the resources of working organizations". All the workers in the enterprise are concerned about objectivity, because the resources used represent the effort of all the workers. As a further check on objectivity, the responsible body, after allotment, must publish the names of candidates who got the flats.

In Spain, the rules governing the Housing Agency of the Sindicatos provide that the list of approved applications must be made public. A rejected applicant may appeal within fifteen days of publication to the Provincial Housing Agency of the sindicatos, which makes a summary review of the previous hearings of the social and economic sections of the sindicato and of its legal advisers. Its decision is final.

In Portugal, the service providing the housing need not write a candidate of a circumstance that renders him ineligible; it would necessarily be known to the candidate.

But the final list of accepted candidates and their alternates is public. Candidates may always consult the dossiers to see if there has been a violation of their own rights, as a basis for an appeal.

In Budapest the establishment of the list is entrusted in each district to the members of the elected local council, which makes a careful investigation of each candidate, with the cooperation of tenants' committees. The resulting proposals are submitted to a commission designated by the executive committee of the local council. The commission may include representatives of various social organizations. In turn, it submits to the executive committee of the local council a detailed proposal including an explanation of its reasons. This list is posted publicly for 30 days to permit the people to make their observations.

In Ireland the LHA publishes monthly a list of categories of housing available - apartments suitable for small families, larger families of varying composition. A candidate can assess for himself whether there is early likelihood of a flat for which his family would be eligible, but no names are published.

In Poland the list of names of those to whom housing is allotted is approved in each locality by a local Commission for the Coordination of Distribution of Housing. These lists are brought to public attention by posting to permit possible objections or suggestions by the people. The allocation of housing is linked to a planned system whereby the local authority must prepare an annual or multiannual program of new construction. The candidate is thus given written notice of the year in which he may expect to be accommodated.

In Finland there is no continuous waiting list. A candidate must apply freshly at the beginning of each year. If "reserve" candidates are to be appointed, they have the right by law to examine the list to see whether they appear on it.

In the United States the national Low-Rent Management Manual seems to impose no requirement upon the LHA to allow an applicant to discover the status of his application, the sources of information detrimental to his application, or the reasons for a finding of ineligibility for a denial of admission. But in fact, most LHA's make available to applicants a copy of the approved waiting list; an applicant, upon his request, may receive notice of his position on the list.

May it be noted that administrative problems of a different order present themselves in dealing with 400 applicants in Stari Grad, Yugoslavia, and 135,000 applicants in New York City. Perhaps there is merit in the UK reporter's suggestion that the administration of public housing in a metropolis be broken down so that an "area officer" has the power to make decisions for a universe of 5,000. But then the efforts to prevent discrimination may be thwarted because the applicant is not offered a choice of housing in the total community, rather than in the central city ghetto where he now lives. (See pp. 11 and 26 et seq., above.)

Housing Exchange Office. - In Sweden, about 100 municipalities, including the largest, have established a municipal housing exchange office. The national law authorizes the Government to order the establishment of such an office if the municipality fails to act, but thus far this power has not been exercised. The agency is usually an independent branch of the local government, responsible directly to the council. It has a board, appointed by the council, and a staff. Dwellings built by the municipality or by enterprises owned or controlled by the municipality are regularly let through the exchange. (About one-half of rental housing built in 1968.) Cooperative societies, which provided about 30 percent of dwellings in 1968, may have their own waiting lists but may agree that their allocations shall be approved by the exchange. Private builders receiving a state loan or buying or renting land from the municipality (about 20 percent of dwellings in 1968) are required to receive applicants from the exchange. An applicant to the exchange who has his own dwelling is often requested to give the exchange the right to dispose of the dwelling. In the Stockholm metropolitan region the several municipal exchanges are themselves coordinated. The exchanges are reported to be well managed and to have a good reputation. Their activity is controlled by their own boards, but also by "politically responsible" organs. Each is free to establish its own scheme of priorities, point system, etc. The complaints of applicants are said to be less of "unfair consideration" than of long delay, which is the result of the housing shortage.

A reporter to the UN Economic Commission for Europe, at a seminar in Warsaw in 1968 on the Management, Maintenance and Modernization of Housing presented the case for metropolitan administrative units for housing "in order that an overall regional balance might be achieved". Such a larger authority "could operate also as a regional exchange bureau. A precedent for this exists in the West Midlands Regional Exchange Bureau, for which the housing manager at Birmingham acts as registrar. The administrative work involved is not heavy and the service is greatly appreciated" (ST/ECE/HOU/38, p. 349).

In the metropolitan region of Paris, where the housing shortage is most acute, the municipal services of the various communes receive the applications of their inhabitants, which are checked by the Mairie and the Prefecture of the département. But the Prefecture sends an extract of the application to an interdepartmental technical center, which receives all the applications from the whole region, classifies them, takes into account the various priorities and distributes them among the societies for housing at moderate rental (HLM) which are the chief organs that provide housing. In the greater region of Stockholm, the municipal housing agencies are now coordinated to avoid duplication of work and multiple registration.

ADMINISTRATIVE DISCRETION AND CONTROL OF ALLOCATION

A universal dilemma in administration is the balance between efficient conduct of public services with limited resources and regard for the human needs of the citizen, to whom the administrator's decision may seem almost an issue of life or death. If his application is rejected, may the applicant

know who gave bad evidence against him? If the referant knows that he may be questioned, will he give unfavorable information - will he tell the LHA what it needs to know?⁹ Is the applicant entitled to plead his case in a personal confrontation - a "hearing"?

When and to Whom May the Rejected Applicant Appeal? - In Helsinki the members of the Commission on Housing Distribution are under no obligation to see an applicant. He may express his views between 9 a.m. and noon at the housing bureau to the head of the bureau who is also the secretary of the commission. The city council has discussed the minimal level of personal dealings. The secretary of the commission points to the lack of time and asserts that the decision should be based upon the dossier. The applicant may not attend the session of the commission at which the selection is made. He cannot appeal against the decision, but he may lodge a complaint with the commission, the city board or the attorney general.

A letter addressed to the chairman of the commission will reach him. But a letter addressed to "the commission" will reach the secretary, who will use his discretion whether to present it to the commission. The Finnish national reporter (with experience in high administrative office and in housing) notes that "the procedures applied in housing distribution are somewhat one-sided". And we are dealing here with a universe of only a few thousand apartments.

In Poland decisions are made in the first instance by the local sections of the administration of Communal Affairs and Housing. The applicant may appeal in writing within seven days of receipt of the notice of decision to a commission of three persons not employed by the housing administration, appointed by the presidium of the peoples' council of the locality. Both the administration of first instance and the commission of review permit the personal participation of the complainant and other concerned, such as the housing manager. We shall consider the Polish appeals procedures further in chapter V in a general discussion of administrative procedures common to decisions on admission, control of conduct, and eviction (see pp. 57-8, below).

In Yugoslavia the enterprise providing the housing, whether factory or public office, establishes its own rules for allocation of housing, after full discussion among the workers. The assembly of the workers may delegate the selection to a committee, but complaints against its decisions are directed to the assembly. For municipally supplied housing, the recourse is to the municipal council itself. Under the Yugoslav principles, these decisions are

⁹The Irish national reporter, who has been privy to more than 20,000 lettings, cannot recall any case where an applicant has been denied housing for lack of qualifications of character and industry (see p. 23, above). In the United States it is the practice to ask for a reference from the applicant's previous landlord. Your general reporter was over some years privy to the selection of more than 1,000 applicants and cannot recall more than three or four previous landlords who gave the applicant a bad reference.

acts of basic self-government, and therefore there is no administrative or judicial appeal against them.

In the United Kingdom there is no formal arrangement for appeal by an applicant against the decision of the LHA not to rehouse him. As noted above, complaints are usually presented to a local municipal councillor or a Member of Parliament. The UK reporter says that "the Government's decision to establish an "ombudsman" for local government may in future provide the necessary possibility of appeal against administrative malpractice". The British expectation that an ombudsman would protect an individual applicant in a protest about the circumstances of his own rehousing may well be considered by reference to the Polish report and its description of a comparable official, the prokurator. As will appear below in chapter V, a qualified observer, after a month's visit to Poland, reported: "Through the prokuratura itself has the right to participate in administrative proceedings, nobody can recall an instance when this actually occurred" (see pp. 64-5).

In the United States some LHA's have provided formal procedures for administrative review of refusals. The New York City Housing Authority has maintained a Tenant Review Board composed of eight members and staff of the Authority. A staff interviewer may determine eligibility, but if he has any doubt he must refer the case to the chief of Tenant Selection Division, with the possibility of further appeal to the tenant review board (see p. 14, above). In 1967 (with a waiting list of 135,000 names) the cases of 36 rejected applicants were referred to the board. Why so few?

Since 1962, a growing national concern in the United States with the poor and poverty has led the national government to set up an Office of Economic Opportunity (OEO), providing national funds for better training, employment, education, housing for the poor, and to promote voting by minority groups. OEO has financed offices for legal advice in urban slums, free or for a token fee intended to further the applicant's self-respect. OEO has made grants to prestigious law faculties for special research and action about poverty and the law. At the School of Law of Northwestern University, Chicago, the National Institute for Education in Law and Poverty publishes a Clearing House Review not only of adjudicated cases but of pleadings and briefs filed in court. A comparable institute at the Law School of the University of California has drafted a "Tenants' Bill of Rights", which is in the hands of officials in HUD responsible for promulgation of the Low-Rent Management Manual. The Vanderbilt Law Review presented in 1969 a special report on Public Housing, of 109 pages, in the preparation of which five students were engaged for most of a year.¹⁰ They received responses

¹⁰Neil Cohen, John K. Johnson, Jr., Gary D. Lander, Finley Taylor, and John G. Webb, III, Public Housing (1969), Vanderbilt Law Review, pp. 875-994. Nashville, Tennessee, Vanderbilt University Law School. Readers in other countries, where journals of legal comment are usually the organ of a national professional society with a distinguished board of senior scholars, should be aware that dozens of law schools in the United States sponsor law journals which are edited and largely written by boards of students, with minimal faculty supervision, and which are the media through which important articles are published. Other examples of the growing literature are: National Institute for Education in Law and Poverty, Handbook on Housing Law (2 vols.). Chicago, The Institute (rev. ed., 1969) Price US \$20. Included in this handbook: National Housing and Development Law Project, Earl Warren Legal Institute, Berkeley, California, Guide to Federal Housing, Redevelopment and Planning Programs.

from eight LHA's to a questionnaire survey of management practices, paralleling a field study of five other cities conducted by the US national reporter for this comparative study. Your general reporter has been greatly aided by the information and analysis provided in this comprehensive report, supplementing our US national report. The Vanderbilt monograph, in turn, cites 17 articles published within the past ten years in ten law journals and the proceedings or reports of three conferences or seminars on the law of housing for the poor published since 1967. Two numbers of the Northwestern University Clearing House Review list 15 articles and other documents published in 1969 alone. Ninety US law schools now offer special seminars on poverty and the law.

Other long-standing voluntary societies have been active in providing legal bases for tenants' rights, such as the NAACP Legal Defense and Educational Fund, Inc., and its related National Office for the Rights of the Indigent, both inspired by the National Association for the Advancement of Colored People (more than fifty years old) and the American Civic Liberties Union. These separate but related corporations have been created to enable donors to claim deduction from their income tax for contributions to a "legal" or "educational" non-profit association.

The thrust of this new concern among lawyers is to bring to focus on the rights of tenants in public guarantees of the US Constitution long asserted in other political, economic and social conflicts. These guarantees are totally apart from the common law of landlord and tenant. The Bill of Rights - a series of amendments added to the Constitution soon after its adoption - in the First Amendment assures the right of freedom of speech and association. Thus a public housing authority cannot expel a tenant as a "trouble-maker" after she has organized an association of tenants.¹¹ The more important rights are those guaranteed by the Fourteenth Amendment, adopted after the Civil War. This prohibits action by a state denying a citizen "due process of the law". It requires the states to assure "equal protection of the law". These rights are the foundation not only of national housing laws and of their interpretations by the courts, but also of the guarantees of "civil rights", expressed in President Kennedy's Executive Order of 1962, which in turn served as the basis for the Civil Rights Act of 1964 which provides, in Title VI, that "No person ... shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance". Pursuant to this Act, HAA has issued regulations to insure that LHA's adhere to a policy of non-discrimination.

It was under these constitutional provisions that 31 applicants brought suit against the New York City Housing Authority, asserting that they had filed 51 applications with the Authority, that none had been advised in writing

¹¹The eviction notice was couched in neutral terms. The new generation of lawyers dedicated to the rights of the poor demanded a hearing and review to put on the record the "non-visible" grounds of the decision. See p. 53, below.

of the disposition of the applications. They complained further that, despite repeated demands, they had never been given the regulations and criteria governing the procedures for admission; that the applicant was not informed that he had been declared ineligible and that a waiting list of approved applicants was not available. These and other alleged defects in procedure, they charged, deprived them of due process of law under the Fourteenth Amendment by increasing "the likelihood of favoritism, partiality and arbitrariness" of the Authority, and by depriving them "of a fair opportunity for admission to public housing and to obtain a review of any action taken by the Authority".

The issue before the court was not whether the allegations were true, rather whether the plaintiffs should have the full opportunity to prove their allegations in a trial, because if they were proved, it would follow that the plaintiffs had suffered a "deprivation of a right, privilege or immunity secured by the Constitution and laws" under a long-forgotten but recently resurrected Civil Rights Act of 1871 (to implement the Fourteenth Amendment). The US intermediate Court of Appeals held that the plaintiffs were entitled to a trial on the merits.¹²

We shall revert to the application of these constitutional guarantees in the discussion of the procedures for eviction in chapter V, below. It seems necessary in an international comparative study to explain, perhaps at undue length, the forces in US society that have recently generated fresh energy for the protection of housing tenants in the light of constitutional principles perhaps not asserted elsewhere. They have also led a new generation of lawyers to turn to the courts rather than administrative organs for remedy.

CHANGES IN ELIGIBILITY, BEFORE OCCUPANCY

In Portugal, eligibility is determined when the list is confirmed; subsequent changes are not taken into account. In Belgium and France, Germany, Finland and Sweden, an application is valid for only one year, in Ireland and Portugal for two years. If the application is renewed, changes in eligibility will appear.

In countries that weigh changes after application, before occupancy, increase in family income is a factor. In Poland it is relevant to houses built by peoples' councils (municipalities); in Yugoslavia to houses built specifically for the poor. In Ireland the factor is irrelevant. In the United States there are no national governing rules. There is usually a fresh interview at the time of signing the

¹²The plaintiffs had applied for dwellings in estates financed by the State of New York, but it seems logical that the same constitutional protections would apply all the more if the estates were financed by the national government. It was alleged that the point scoring system used for applications for national housing (presumably pursuant to the HUDD/HAA Manual) was not used for estates financed by the State or the City of New York, *Holmes v. New York City Housing Authority* (1968), 398 Federal Reporter, Second Series, 262.

lease, if a long period has elapsed since application or allocation; changes in eligibility may then appear.

Finding a Suitable Dwelling Elsewhere will disqualify a candidate in those countries that responded to this question.

Obligation to Report Changes. - In Hungary it is a penal offence to fail to report relevant changes in status. The law in Portugal requires notice by registered letter. In Sweden the applicant is supposed to notify the Housing Exchange of any change in his position. The Swedish reporter notes that the applicant usually reports any change that affects his position positively; it is less usual that he reports a negative change (e.g., that he has found a suitable dwelling).

In the United Kingdom "authorities normally revise their waiting lists at regular intervals by asking applicants to restate their needs and any changes in their circumstances". In France, the applicant must furnish a certificate from the tax authorities annually.

APPLICANTS' SENSE OF FAIR TREATMENT

The methods available for this comparative study did not permit direct access to applicants or associations representing applicants/tenants. One national reporter, himself head of the housing ministry, said that no complaints had reached him. This response would be susceptible to diverse interpretations. Another reporter, similarly placed, was aware that complaints would not be addressed to him, but to a political personality (see p. 13, above). Several reporters emphasized the importance of the publication of lists to assure satisfaction among applicants. They will accept long waits because of the known housing shortage so long as they feel sure that there is no "queue jumping".¹³ A director of housing thought that complaints were minimized by flexibility in the administrative rules to meet the needs of the disadvantaged rejected. Another reporter assessed his system thus:

A consequence of the system generally also is that it is easier for persons employed by the commune, banking establishments or builders to obtain a rented dwelling than for others, although the demand for a dwelling would be the same.

The efficacy of the administrative process is examined in detail in chapter VII at pp. 72 et seq., below.

¹³Is there any relationship to the habits of a populace to gain access to a public tram or bus? A traveler will note the readiness of some peoples naturally to form a queue. Others will crowd around the door and argue their claims to priority before the busman.

APPENDIX "C"

SAMPLE APPLICATION FORM FOR ADMISSION TO PUBLIC
HOUSING.

APPENDIX "C"

Application Form For Admission to
Public Housing



3 3291 00236 0069

9. PRESENT LIVING ACCOMMODATIONS:

(a) Do you occupy a self contained unit, complete with kitchenette and bathroom? Yes ☐ No ☐

(b) If you share living quarters with others, which of the following are shared?

Bathroom ☐ — by how many people?

Kitchen ☐ — by how many people?

Fridge ☐ — by how many people?

Living room ☐ — by how many people?

(c) Is the building you are now occupying slated for demolition?

Yes ☐ No ☐

(d) What is the condition of your present living quarters?

Very good ☐ Fair ☐ Poor ☐ Very Poor ☐

10. Give additional information, if necessary, which might help consideration of your application.

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OFFICE USE ONLY

	Max. Points	Score
Health Factors:	10	
Broken Home	5	
Physical or mental handicap	5	
Residence in Manitoba of less than six months	-5	
TOTAL	100	
Suitability: (A - E)	A	
State of Furniture		
Management of premises		
Temperance		
Home Atmosphere		
Waiting Period: (1 Pt. a M. after 4 M. on file)	25	

Investigation Date

Per

APPLICATION FOR ACCOMMODATION

(Confidential)

I DECLARE THE ABOVE INFORMATION TO BE CORRECT

I understand that this application does not constitute an agreement on the part of or its agent to provide me with rental accommodation.

I acknowledge that this application becomes the property of upon delivery by me to it or its agent.

I further acknowledge the right of or its agent at any time prior to the execution and delivery to me of a lease hereby applied for, to withdraw, revoke or cancel, without penalty or liability for damages or otherwise, any acceptance or approval of this application previously made or given.

I HEREBY AUTHORIZE YOU TO CONDUCT A PERSONAL INVESTIGATION.

I declare the information contained herein to be correct.

Dated at Manitoba, this

day of 19.....

APPLICANT'S SIGNATURE

Please return to: