



**“Scaling up a sustainable model for communities living in
non-regulated areas to improve their living conditions –
SCALE IT UP”**

**A survey among municipal experts in the field of housing
policies**

(a summary report on the qualitative survey)

June-July 2021

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This report has been drafted under the project "Scaling up a sustainable model communities living in non-regulated areas to improve their living conditions - SCALE IT UP". The project focuses on the need for improving the knowledge and competencies with respect to housing issues and ensuring equal access to public services among municipal staff, and contributes to their active involvement in the process of overcoming the existing stereotypes related to the Roma communities and building mutual trust. The project also empowers the local communities and encourages their direct involvement in decision-making processes. "Urban Sustainability" is a project of the Trust for Social Achievement Foundation implemented in cooperation with the Agency for Marketing and Social Research "Alpha Research", the Community Investment Fund Foundation - Peshtera, Peshtera Municipality and Dupnitsa Municipality.



Scale it up!

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1. Survey objectives

The survey among the municipal experts in the field of housing policies aims to identify the municipal practices used for addressing the problems of illegal Roma housing, as well as the level of awareness and implementation of specific procedures for resolving existing cases and various deficits that stay in the way of finding a lasting solution to the problems. The information that was collected and analyzed within the survey will be used for designing a training program for municipal experts within the project "Scale it up".

To study these above-mentioned problems, the survey focuses on the attitudes, assessments and self-assessments of experts from 30 selected municipalities, as well as on the objective information they provided with respect to the current status of problems related to illegal Roma housing.

2. Survey methodology

The study was conducted by applying qualitative methods for data collection and processing. In-depth interviews were conducted with a total of 66 experts from 30 municipalities. The interviews were conducted in the period June-July 2021. The research toolkit addresses issues related to:

- the use of spatial planning procedures and practices, including with regard to segregated areas with illegal Roma houses;
- the readiness to implement and the effectiveness of various procedures for solving the problem of illegal housing;
- the delivery of information campaigns/ activities on providing information;
- the familiarity with and application of specific procedures;
- the availability of specific initiatives for solving the problems at the local level;
- the need for changes in the legislation and potential solutions to the existing problems;
- the exchange of good practices with other municipalities.

For the purposes of the survey, interviews were conducted with the following categories of experts

- deputy mayors of municipalities;
- chief architects;

- managers and experts of units dealing with spatial planning/ cadaster and regulation/ illegal construction, and other related activities;
- legal advisers.

3. Conclusions and recommendations

The qualitative research among experts in the field of housing policies outlined the specifics of the individual municipalities and the problems they face with respect to illegal housing construction in neighborhoods with predominant Roma population. With respect to the specific cases, many similarities have been identified, allowing categorization of the problems, the reasons that caused them, and the ways in which they could be solved.

With regard to the problem of illegal Roma housing on the territory of the surveyed municipalities, **several main types of contexts have been identified:**

- The illegal Roma houses are located on regulated areas or areas that initially were not regulated but got regulated after the drafting and adoption of a detailed development plan (DDP).

The described context is the most favorable one in view of finding solutions to the problem of settling the status of illegal housing. In the presence of regulation of the respective territory, it is much easier for construction tolerances to be specified. However, the problems with the poor quality of construction, the non-compliance with property boundaries, the lack of building permits, the emergence of new illegal buildings, etc. remain. These are common situations that make the issuance of tolerance certificates impossible and the problem remains unsolved.

- The illegal Roma houses are located on unregulated areas

The more complicated, and at the same time widespread hypothesis, has to do with the existence of Roma neighborhoods with illegal houses built on areas that are out-of-regulation. This hypothesis makes it impossible to ensue basic living conditions as well as the construction of streets, sewerage, technical infrastructure, etc. In order to settle the status of these dwellings, it is first necessary to regulate the respective areas, which is often a difficult or even impossible task for the municipalities with small budgets and insufficient human resources. Many municipalities, however, currently work on the regulation of these areas by developing cadastral maps, a detailed development plan (DDP) and a general development plan (GDP).

- The illegal Roma houses are located on agricultural land outside the urbanized area of the settlement, including houses that are private property.

Cases of this type are also widespread. Seeking for solutions is a complex process which involves many steps - from establishing the ownership of the land on which the construction is located, through arranging the purchase of the land by the municipality (in case it is privately owned), to starting the procedures for its urbanization. There are isolated cases for which such a procedure has been applied, and experts are unanimous that it is extremely complex, and the fact that it depends on state institutions makes it even more cumbersome, unpredictable and therefore inapplicable. At the same time, a significant number of experts are of the opinion that it is illegal to apply a procedure for changing the status of agricultural land on which there are illegal dwellings, as according to the legislation the illegal buildings should be removed first.

- The illegal Roma houses do not comply with construction laws and regulations, so that even if there is ownership over the land, it is impossible to obtain “tolerance” status for the constructions.

The majority of the municipalities are in this hypothesis. Regardless of whether the Roma houses are in regulated terrains or not, the problem could not be completely solved due to the poor quality of construction, which is often even dangerous, in addition to being inconsistent with the property boundaries and being executed without a preliminary project or building permit. Often the experts from the municipalities who have to resolve such cases do not see any possible solution provided that the legislation does not provide for regulating the terrain and the granting of tolerances is not justified.

It is no coincidence that "**not being able to find a solution**" is the most common expression used by experts to refer to the way in which municipalities address the problems of illegal Roma houses. Very often the actions of the municipalities in relation to illegal housing are limited to responding to signals, identifying violations and issuing demolition prescriptions/orders, which in very rare cases are implemented. In many cases, this type of limited "management" of problems is due to lack of financial and human resources (especially in small municipalities), but it is often a consequence of the sense of hopelessness and inability to solve the existing problems. In this sense, *some respondents call for restoring the legal option of legalizing illegal housing, which they believe is the only solution in situations where the existing procedures are inapplicable or ineffective.* Such opinions are shared mostly by

representatives of municipalities in which the construction of illegal houses in Roma neighborhood is a common practice, the Roma population does not comply with the legal requirements, the regulations of the control authorities, and is not interested in settling the status of their homes. As a result, the expansion of neighborhoods goes beyond control. The passive behavior motivated by the lack of dynamics regarding illegal construction is another type of reaction that has been observed. In some municipalities, experts have even observed that people leave the Roma neighborhoods and settle in the big cities thus making it pointless for the municipal authorities to take measures to solve the problem with the illegally built houses.

In the context of illegal construction, there are several **reasons** that the experts refer to in trying to explain **the genesis and development of the problem**:

- Lack of understanding and interest on the part of the Roma population of the legal procedures and order for carrying out construction activities;
- Lack of financial resources of households, which makes them get around the rules and build houses of poor quality, without the necessary construction permits, projects and documents, even without owning the land they build on;
- Non-application of the envisaged sanctions in case of illegal construction (most often due to the inability of the respective municipality to provide alternative accommodation for the evicted households or due to fears of dissatisfaction and riots);
- “Copying” the vicious practices of construction in the closed, ghettoized and densely populated areas where the Roma population is concentrated

The survey also outlines the main **obstacles and deficits** that lead to **passive behavior on the many municipal administrations**:

- Lack of financial resources, especially in small municipalities, to allow for the implementation of large-scale procedures related to land regulation, land purchasing, infrastructure construction, construction of new homes according to the prescribed rules, complete reconstruction of neighborhoods, etc.;
- Lack of human resources, especially in small municipalities, where a team of 4-5 people is expected to perform a number of different job functions;

- Limited knowledge with respect to applying the procedure related to the change of purpose of agricultural lands with illegal buildings on them, and/ or different understanding, interpretation and application of the procedure;
- Lack of legal options and procedures for finding a permanent solution to the existing problems;
- Too complex, cumbersome and resource-intensive procedures – especially when it comes to cases involving the processing of land that is not municipal property;
- Lack of experience and initiatives for organizing information/ awareness campaigns among the Roma communities and stimulating the dialogue with them (such attempts have been made mainly by people from the community). Very often the experts admit that even though such initiatives are necessary and would make a difference, they have not been implemented;
- Lack of interest and motivation of municipal experts to deal with the "Roma" cases due to the specifics of the community and its attitude to compliance with rules and regulations.

Yet, many municipalities have taken **specific steps to finding a lasting solution** to the problem of illegal Roma housing. They have been focused on the following main areas:

- **Enabling households to purchase municipal land on which to build their houses under simplified procedures with a view to being granted “tolerance” status;**
- **Providing an opportunity for Roma households to purchase new land with technical infrastructure, including through the provision of standard construction projects;**
- **Using the resources of deputy mayors, mediators, Roma leaders, and community representatives to explain to the Roma population the existing opportunities and procedures for settling the status of their homes**
- **Carrying out investigations and surveying in the areas with illegal houses, researching and clarifying the ownership of the houses in order to find solutions and settle their status;**
- **Initiating procedures for drafting cadastral maps, drafting and adopting a new General Development Plan and Detailed Development Plans in order to regulate the built-up unregulated areas.**

In the context of the described problems and potential solutions, it is crucial for the following **needs of the municipalities** to be addressed:

- **Providing assistance in giving greater priority to the problems of the municipalities so that a comprehensive strategy can be developed and a lasting solution to the "unsolvable" cases can be found;**
- **Supporting the introduction of appropriate measures for prevention of illegal construction depending on the specific situation of the municipality in which the illegal houses are located;**
- **Providing information on available legal procedures that could be applied in solving problems or could be used as initial steps in the process of finding a comprehensive solution.**
- **Clarifying "controversial" procedures such as the one for changing the function of agricultural land with illegal houses built on it;**
- **Developing and promoting a comprehensive approach for applying appropriate procedures with respect to already existing illegal housing while carrying out prevention activities aimed at limiting ongoing illegal construction;**
- **Encouraging the exchange of good practices with other municipalities where similar cases of illegal construction could be found;**
- **Finding an effective community approach and promoting practices for providing information on the settlement of the status of houses 'on the ground'.**
- **Getting familiar with working practices for regular interaction with the community and its involvement/ engagement in the decision-making processes**
- **Providing assistance in identifying programs and funds under which the municipalities can apply for financial support to build houses and infrastructure in areas with segregated Roma population.**