

# **RENTAL HOUSING AS A WAY OF FULFILLING THE RIGHT TO HOUSING AND THE CURRENT DIFFICULTIES OF ITS AVAILABILITY**

## **Abstract**

This thesis deals with a few current issues of fulfilling the right to housing by rental housing. Firstly, it aims to find out how sufficient is the valid law. Secondly, it tries and answer the question of whether there is a change in housing – from owning a house or a flat to renting one instead.

In the first chapter, housing as one of the fundamental human needs is outlined and is pointed out to the importance of this subject not only in law but also in human life in general. In the second chapter, I describe the basics of the law most relevant to the explored object, including filling the topic into public (international and constitutional) law context. Followed by the explanation of the key parts of the Czech Civil Code. What is more, the state housing policy as a tool for housing development and the availability of flats is not left behind. I consider that policy as one of the results of the fundamental human right to housing. Although one is not entitled to housing, there are state duties resulting from that fundamental right. Thus, the state is required to establish (legal) conditions for people to be able to aim at fulfilling their right to housing.

The third chapter deals with a few main causes of the so-called “housing crisis”. I am initially interested in several viewpoints: real estate price development, including recent years after the COVID-19 pandemic (see also the attached statistics), and mortgage prices, then building permit proceedings length, ways of real estate investment opportunities, and short-term renting – for instance via the Airbnb service.

I focus on the short-term renting phenomenon as not a purely systemic feature when renting is considered. Hence, I try and look at the relevant law as a whole complex of rules and norms where the public and private law methods of regulation meet. It is emphasized that this matter is internally linked and serves as an example of the need to explore and analyse these problems in a broader picture. In other words, as we spot the fundamentals of a lease in a Civil Code, these rules are naturally influenced and limited by the *ius cogens*, as a public law typical instrument, which is crucial for example to make housing policy progressive.

In the last section, it is explained that we cannot find a hundred percent sure causality between the described issues and the rise of rental housing, however, there is a significant correlation between them. Due to the above-mentioned, the final part of the summary stresses the need to carefully balance public and private law in this matter. I believe none of them should be favoured without a strong reason. This means I advocate properly balanced, not a rushed solution, knowing it is difficult to achieve and might not be perfect.

**Key Words:**

Right to Housing; Rental Housing; Housing Crisis