



ASSESSING HOUSING, LAND AND PROPERTY ISSUES: A GENERIC QUESTIONNAIRE

Purpose	<ul style="list-style-type: none"> ▪ Every displaced person is likely to experience a violation of his/her HLP rights at some stage during displacement. HLP-related issues can present obstacles to and opportunities for the effective delivery of humanitarian assistance, protection of human rights and the achievement of solutions. It is therefore important to ensure adequate assessment of HLP-related challenges. ▪ The following list of generic questions could be used to inform the design of an HLP-specific assessment or the HLP section of a more general assessment (e.g. Rapid Needs Assessment). ▪ The results of such assessments would be aimed at identifying needs and informing the development of programmes to contribute to the protection of HLP rights in conflict/displacement and natural disaster contexts.
How to use this document	<ul style="list-style-type: none"> ▪ The questions should be adapted as necessary to fit local/regional/national contexts. They should also be revised according to the type interviewees (e.g. IDPs, community leaders, authorities). ▪ The questions are divided into the different phases of displacement for easy reference, although there is an overlap between these phases in reality. ▪ Some of the issues covered by the questions are cross-cutting (e.g. gender). ▪ It is not recommended to assess HLP issues without understanding the basics around the HLP regulatory frameworks and institutions in a country (including potential historical HLP-related grievances).
Additional information and support	<ul style="list-style-type: none"> ▪ For guidance on ensuring due diligence in HLP-related programming, please see: <ul style="list-style-type: none"> ○ Tenure Verification Process for Humanitarian Actors Land ○ Rights and Shelter: The Due Diligence Standard ○ Voluntary Guidelines on Responsible Governance of Tenure ▪ For support with the design of HLP-specific assessments or an HLP section in general assessments, please contact the current Global HLP AoR Coordinator.

Please note that this is a working document that will be updated and revised as needed. Any suggestions and comments are welcome and can be shared with the current Global HLP AoR Coordinator.

HLP SITUATION DURING EMERGENCIES OR PROTRACTED DISPLACEMENT

- Are displaced populations being refused access to and use of land (for settlement or livelihoods) or housing (through purchase/lease/rent/occupancy) in the area of displacement? If yes, by who? For what reason?
- Who owns the land used for the **settlement of displaced populations**? Did they grant their informed consent for the settlement to be located there? Have displaced populations been informed about their rights and responsibilities over the assigned shelter/plot in the camp/settlement/collective centre? Are the camp/settlement/plot boundaries clearly delineated? Have the rights, responsibilities, boundaries, and duration been recorded/documentated? Do displaced populations know which entity to approach in case anyone challenges their stay? Are there tensions with the surrounding host communities? If yes, what causes these tensions?
- Are displaced populations being asked to pay a land 'tax or rent'? Does the host community also have to pay these?
- What is the quality of **private housing rented** by displaced populations? How is their security of tenure? Are rental agreements verbal or documented? If verbal only, is there a specific reason why (e.g. landlords refuse to avoid payment of tax over rental income)?
- Are there any **social/affordable housing programmes** managed by the government (or cooperatives) that displaced populations could benefit from? If yes, are there any eligibility criteria that would automatically exclude displaced populations? Any other challenges that displaced populations may experience in trying to access such programmes?
- Have any displaced populations sought **shelter with host families**? How are the conditions of housing? What kind of agreements have been made – are the rights and responsibilities of all parties clearly identified/understood by the parties? Has a duration been agreed upon?
- Are **tenants at risk of eviction**? What is/are the cause(s) of eviction? Inability to pay rental fees? Tensions with host communities? Land ownership claims by private parties? What mechanisms are available for them to resolve these disputes?
- Have any displaced persons sought **shelter in abandoned/public/unfinished buildings**? Who officially owns or administers the building? How are the living conditions? Security of tenure?
- Do displaced people **who rely on farming** have access to suitable (arable and environmentally sound) agricultural land? If not, why? If yes, how is their security of tenure?
- Do displaced persons **who are herders or pastoralists** have access to pasture, fodder, corral, and water for their livestock? If not, why? If yes, how is their security of tenure?
- Do displaced women experience additional challenges in accessing shelter/housing/land (e.g. refusal to rent housing to single women/female-headed households)? How does their security of tenure inform government assistance packages?

Available support to protect HLP rights (other than humanitarian shelter assistance)

- What type of support, if any, is available to IDPs with regards to the protection of their HLP rights? Do they have access to administrative or legal assistance? Are there any finance-related or other obstacles to access (administrative or legal) assistance?

Conflict resolution

- What kind of HLP disputes are taking place? Are these between displaced populations? Are these between displaced and host communities? Or are these internal to host communities? How do these micro-level disputes relate to possible broader conflicts in the area/country?
- What actors are mandated to resolve HLP-related disputes? What is the role of the judiciary, competent ministries or agencies, administrative authorities, local leaders or traditional/customary/religious structures? Has their capacity weakened as a result of the influx of displaced populations? Do they enjoy social legitimacy or confidence on the part of both host and displaced communities? Are their decisions being respected? Has a dedicated mechanism been set up to deal with competing HLP claims?
- Are mechanisms for dispute resolution and/or restitution easily accessible? Are the procedures to apply for support difficult to navigate? Are there requirements/conditions that returnees will struggle to meet (e.g. personal ID documents, years of residency)? Do returnees have access to (legal) assistance to access/apply to these mechanisms/support programmes? Do displaced populations have unique barriers to access to these mechanisms?

HLP SITUATION IN AREA OF ORIGIN

This set of questions are for gathering key information about the HLP situation in the area of origin. Understanding this situation as soon as possible after displacement has occurred, is important to prevent HLP-related issues from becoming obstacles for future returns or enjoyment of HLP rights. The HLP situation in areas of origin may also cause pull factors and result in premature returns and it is, therefore, essential to monitor this.

- What was the tenure situation of the populations before their displacement? Did they rent housing/land? Did they own housing/land? Did they have any documents confirming their tenure situation (e.g. rental agreement, title deed)? If yes, in whose name were these documents? If yes, did they manage to safe keep such documents?
- Do displaced populations have any information about the current state of their housing, land and/or property in their place of origin? If yes, how did they obtain this information?
- Is there significant damage to/destruction/degradation/pollution of housing/land in the place of origin? Occupation (by other vulnerable individuals, military/armed/opportunistic/criminal elements)? Illegal sales? Looting? Presence of mines and UXOs? Destruction of HLP-related registers/cadastres? Are displaced populations still being charged for the use of services/utilities in connection with abandoned HLP?
- Are HLP governance institutions (formal, customary, and informal) still operational? If so, do they retain legitimate in the eyes of different stakeholder groups?

HLP ISSUES IN THE CONTEXT OF RETURN AND REINTEGRATION

General

- What are the perceived/potential/concrete obstacles to return to and re-occupy abandoned HLP in the place of origin? Damage and destruction? No Build Zone declared? Secondary Occupation? Land grabbing/Illegal sales? Landmines and explosive remnants of war? Lack of essential services and infrastructure?
- Do returnees have access to documentation and evidence of their HLP rights before displacement? If not, do they possess alternative means of documenting their rights? In cases of entirely undocumented rights, are community leaders or others present to testify as to local housing/land rights?
- What additional obstacles are female returnees likely to face in their attempt to re-occupy abandoned HLP in place of origin? Discriminatory inheritance practices? Lack of (HLP-related) documentation in their name? Do these challenges vary if they have children, are married (monogamous/polygamous), single, divorced, widowed, or have been abandoned?
- Do (potential) returnees have to obtain permission from national, regional or local authorities (or an armed non-state actor) to re-occupy their house and/or land? If yes, what challenges do (potential) returnees experience in obtaining such authorization?

Dispute resolution

- Can an increase in HLP-related disputes be expected? If yes, what type of disputes? Are there competing claims over ownership/usage? Boundary disputes?
 - Who are these conflicts between (family members, neighbours, return and host communities etc.)?
 - How do these micro-level disputes relate to possible broader conflicts in the area/country?
- What actors are mandated to resolve HLP-related disputes? What is the role of the judiciary, competent ministries or agencies, administrative authorities, local leaders or traditional/customary/religious structures? Has their capacity weakened as a result of conflict and displacement? Do they enjoy social legitimacy or confidence on the part of returnees and other affected communities? Are their decisions being respected? Has a dedicated mechanism been set up to deal with competing HLP claims?
- Are mechanisms for dispute resolution or restitution easily accessible? Are the procedures to apply for support difficult to navigate? Are there requirements/conditions that returnees will struggle to meet (e.g. personal ID documents, years of residency)? Do returnees have access to (legal) assistance to access/apply to these mechanisms/support programmes?

Shelter assistance-related questions

- Are there permits required to repair/rebuild/construct buildings? Beyond administrative permits, do specific institutions have the power to give/refuse permission to people to (re)build?

Livelihood assistance-related questions

- Are any environmental, livelihood, and social impact assessments and other permits required for these projects?
- Have farmland, pastures, forests, fisheries, etc. been degraded, damaged, or destroyed as a result of the conflict? What resources would be needed to restore these? What institutions would need to be involved to (re) establish effective management over these resources?
- How were rights to farmland, pastures, forests, fisheries, etc. allocated? Were they commons or allocated to individuals? Households? Family groups? Did these rights overlap in space?
- What is the state of commercial, business, and manufacturing properties and assets? (damage, equipment, adequate preservation and sanitation if food is prepared/sold)
 - Is the tenure for these properties and assets clear (are there registers for market stalls, lease agreements for storefronts) or are these contested?

Available support to protect HLP rights (other than humanitarian shelter assistance)

- What type of support, if any, is available to returnees with regards to reclaiming their HLP rights? Any land allocation programmes? Any social/affordable housing programmes? Is it possible to apply for compensation for damaged/destroyed housing/land?

ADDITIONAL RESOURCES

- [Forced Evictions Assessment Questionnaire](#) (OHCHR)
- [Questionnaire on women and adequate housing](#) (OHCHR)
- [Housing, Land and Property: Situation Assessment and Action Tool](#) (Global Protection Cluster)
- [Rapid Land Tenure Assessment: Guidelines for post-disaster Response Planning](#) (IFRC, 2015)
- [The Land Governance Assessment Framework](#) (World Bank)
- [A Preliminary Assessment of Housing, Land and Property Right Issues Caused by the Current Displacement Crisis in Iraq](#) – Annex 1: Questionnaire (pages 42 – 46) (IOM)
- [Housing, Land and Property Issues and the Response to Displacement in Libya](#) – Annex C: Methodological tools for assessing and planning responses to housing, land and property issues related to displacement (pages 116 – 128) (UNHCR)
- [Global Shelter Cluster Guidance on HLP](#)