

# REGULATION FOR THE MANAGEMENT OF MOBILITY OF USERS

## **Art 1 (Object)**

The present regulation regulates the mobility of users occupying Council housing accommodation (ERP) in conformity with the rules of the Regional Law nr. 24/2001, and in particular art. 28 of the above cited law.

## **Art. 2 (Scopes)**

The mobility of users of ERP accommodation is conceived:

- to satisfy the need for better living and health conditions;
- to solve situations of serious housing and social conditions;
- to promote permanent lodging in erp accommodation for all those who need health and social assistance;
- to optimise the use of the erp patrimony;
- to carry out programs for recovery and restructuring of degraded erp patrimony;
- to promote transfer into public and/or private housing for those who have lost the requisites for permanence in relation to income;
- to assure transfer to other erp accommodation for those occupying accommodation for sale and for which they have not exerted pre-emption right.

## **Art. 3 (Conditions for mobility)**

The conditions which will be evaluated for mobility are the following:

- unsuitability of the present accommodation for the needs of the family unit, more particularly with reference to under-use, overcrowding, promiscuity etc;
- unsuitability of the accommodation in presence of persons with physical disabilities;
- unsuitability of the accommodation for deterioration or because unsafe;
- occupation of accommodation included in plans for building restructuring;
- necessity to be nearer to the place of work, or health and assistance centres;
- social problems;
- proved problems of cohabitation which may however be resolved by moving into other accommodation;

- unsuitability of the accommodation owing to excessive cost of services and charges or excessive rent;
- occupation of accommodation included in plans of intended sale and for which the assigned family unit has not exerted pre-emption right;
- occupation of accommodation for which the assigned family unit has lost requisites for permanence.

#### **Art. 4** **(Means for activating mobility)**

Needs for mobility can be evaluated through:

1. requests presented by assignees;
2. cases identified directly by the Council, by ERP or by institutes and social services;
3. plans for building restructuring, sale and change from ERP to public and/or private renting sector.

These needs are satisfied according to the criteria in the present regulation by means of:

- a) open classifications made by the Council or by the managing institutes;
- b) direct participation of the Council or managing institutes;
- c) plans of mobility in presence of:
  - plans for restructuring of accommodation or building occupied;
  - plans for the sale of occupied accommodation;
  - termination of contract of rent owing to the loss of income requisites or of requisites for permanence;
- d) consensual exchanges;
- e) inter-council mobility

#### **Art. 5** **(Management of requests for mobility)**

Requests to change accommodation may be presented at any moment and must refer only to the entitled components of the family unit, **excluding guests, persons or subjects in stable cohabitation not yet authorised by the Council for the purposes of the modification of the assigned family unit.**

Requests must indicate and document the conditions for which mobility is requested.

Requests will be evaluated by the Council by checking the requisites required for permanence in erp for all the components of the entitled family unit and evaluating

the effective housing difficulties, according to parameters and points as specified in attachment nr. 1 of the present regulation.

The aforesaid attachment will be periodically revised by the Council in accordance with the social parties and it will be possible to modify it in relation to the changed needs of applicants.

Only requests by applicants possessing requisites for permanence in erp will be accepted.

Requests by applicants having obtained assignment less than one year before will not be accepted, excepts clauses as specified in art. 8 of the present regulation.

In the same way requests by assignees who find themselves in extremely overcrowded accommodation due to the presence of guests or **cohabiting persons or due to the presence of subjects in stable cohabitation not yet authorised by the Council for the above purpose will not be accepted.**

On the basis of the requests received, a classification will be made by the chief official of the competent department and updated every three months with the new requests received or with instances of modification of the requests already presented.

New requests and those modifying previous situations will be inserted at the end of the relative point category. In the case of equal point conditions, a draw will be held only for new and modified requests.

## **Art. 6 (Management of the classification)**

The assignees placed in the classification will be convened, every four months in the Council of Ferrara and every six months in the County Councils, on the basis of the number of lodgings available.

The refusal of suitable accommodation, inasmuch as it is in line with living standards and satisfies the conditions of difficulty required by the assignee, implies cancellation from the classification for three years.

Only in the Chief Town, users who have no points in classification will not be convened.

Users who obtain change of accommodation may not present a further request to move for a period of five years.

Users must move into the new accommodation with the entire entitled family unit: the accommodation they leave must be re-consigned empty of people and things and in good condition.

When the family unit which at the moment of moving does not possess the requisites for permanence in the erp, it cannot obtain the change of accommodation.

In particular, those who are in arrears cannot obtain the right to mobility unless they pay all outstanding debts or **agree with the Council on a leave plan for delayed payment**, or reimburse all damages caused in the accommodation they leave.

Requests for mobility from assignees who have enlarged the original family unit will be taken into consideration if the request is motivated by promiscuity even when the difficulty depends on the concession of the aforesaid enlargement.

### **Art. 7** **(Lodgings available for mobility)**

Lodgings available for mobility are usually:

- a) those remaining available
- b) the restructured lodgings to be assigned to users waiting for plans for building recovery to be completed

The number of lodgings which remain available for mobility is individuated as follows:

- in the Chief Town 10% of the lodgings recovered monthly;
- in the Councils of the province all the lodgings available when the six-monthly management of classification is revised.

Whenever the Council, during assignment, sees the need for and opportunity of a better rationalisation of erp patrimony, the recovered lodgings are used mainly for mobility even outside the six-monthly revision.

The lodgings which have been individuated but not used for mobility must be made available for assignment within 30 days of convocation of assignees.

The lodgings will be proposed to users in their actual state, with no further maintenance or intervention for recovery on the part of the Council.

In the case in which the assignee needs to carry out directly works of restructuring, previous approval of the Council will be necessary.

The Council approval will specify the kind of works, the documents required by law to be presented and a fair reimbursement to be defined according to the terms specified in art. 10 of the regulation for use of accommodation and common areas.

### **Art. 8** **(Activation of mobility)**

The Council may activate mobility to eliminate conditions of extreme under-use of erp accommodation, for reasons of restructuring and for plans for intended sale of the occupied accommodation or of the building of which the accommodation is part, or for the following serious reasons:

- conditions of serious danger and/or deterioration of the occupied accommodation or of the building in which it is situated;
- serious cases of infirmity or physical handicap which occurred unexpectedly and which cannot be solved;
- **high rent of the occupied accommodation compared with the particular social and economic situation of the assigned family unit, even in the presence of serious arrears;**
- proved problems of cohabitation which may be resolved only by moving to other accommodation.

The activation of mobility will be effected according to the rules and criteria for management set out by the present regulation.

### **Art. 9 (Mobility caused by extreme under-use)**

In order to grant an optimal utilisation of ERP patrimony, the Council intervenes in situations of serious under-use of occupied accommodation with proposals of mobility to erp accommodation suited to the composition of the entitled family unit and in good state of maintenance.

The Council evaluates the situations cited above by means of:

- requests presented by the assignee;
- management controls effected during the rent period

The terms for managing mobility will be in line with the present regulation and in accordance with the interested parties.

In the case in which the proposed change of accommodation is not accepted, the minimum rent is no longer granted.

### **Art. 10 (Mobility for motives of restructuring)**

In the case of mobility for motives of restructuring, the Council must guarantee the assignee transfer to other accommodation, providing formal guarantee regarding the date of completion of work and the possibility, on request of the assignee, of returning to the original accommodation or to remain in the new one if the accommodation belongs to erp and is in line with housing standards.

The costs of moving are charged to the Council, including those of new contracts for supply of services.

Whenever the assignee rejects the proposal to change for motives of restructuring, forfeiture of assignment is activated.

Failure to move for motives of restructuring is considered as explicit condition for termination of rent contract.

**Art. 11**  
**(Mobility in cases of intended sales)**

In line with programs for alienation of erp accommodation which have been planned according to art. 37 of LR nr. 24/01 exclusively for the need of more rational and economic management of public patrimony, and defined by the Councils, also by common assent, in agreement with the parties instituted by the Province, before putting the occupied accommodation on sale by auction the Council implements plans of mobility. These plans are intended to provide adequate housing solution in erp for the assignees who are not interested in purchasing the accommodation, in order to safeguard their rights.

The Council will be responsible for the transfer of the said assignees to other erp accommodation individuated on the basis of present availability and guaranteeing priority over any other request for change under any circumstance.

For those who accept transfer prior to auction, the Council will guarantee the benefits already existing for mobility deriving from plans of restructuring.

To the assignee who exercises the pre-emption right after auction, the Council will promote transfer to other erp accommodation or to other rented accommodation searching in the private market and in the sector of permanent or temporary lease.

**Art. 12**  
**(Mobility to the sector of rented accommodation)**

In order to guarantee a service which is more in line with new housing strategies as specified in the Regional Law nr. 24/2001, the Council may promote mobility to rented accommodation sector by utilising ACER.

Taking into account the market offer, this type of mobility is meant to satisfy housing needs of those who find themselves in the following conditions:

- assignees who occupy accommodation intended for sale;
- assignees who have lost requisites for permanence;
- components of the assigned family unit who intend to form a new family unit (young couples, etc..);
- users looking for quality standards which are not available in erp patrimony

In order to effect such mobility, the following accommodation will be used:

- accommodation individuated by ACER on the private market to propose to interested parties for rent agreement;

- accommodation inserted in permanent and temporary renting managed by the Council according to the Regional Law nr. 24/2001 and for which the Council will fix a rent.

Assignees may apply for any type of contract rent (permanent, temporary or private).

Priority will be given to those included in plans for intended sale.

Whenever requests are superior to the number of lodgings available, they will be listed in chronological order and a draw will be made for requests presented on the same date.

### **Art. 13 (Exchanges by mutual consent)**

Exchanges by mutual consent between users of erp accommodation are permitted.

Exchanges by mutual consent are authorised by the Council upon joint request of the same assignee. These exchanges are made in the respect of housing standards and only when assignees hold requisites for permanence in erp.

In order to resolve conditions of housing problems, the Council itself proposes mobility under the form of exchanges between assignees included in the classification.

Exchanges by mutual consent are permitted between users living in different administrative districts.

### **Art. 14 (Mobility between different Councils)**

Mobility between different Councils for erp assignees is admitted on the County level: needs to change accommodation in Councils outside the county may be authorised following agreement between the Council of origin and that of destination.

Mobility at the county level is effected:

- by the Councils which have defined integrated and co-ordinated procedures for the management of erp patrimony and which have individuated a common subject to manage this patrimony;
- by the Councils which have prepared mobility programs specifically oriented to that effect through the Assembly decided by the Province and individuate a subject for its realisation.

Due information about inter-county mobility will be given to the interested assignees when request is presented.

Requests for change of accommodation in Councils different from those of residence will be inserted in an inter-council classification to be compiled and

managed on the basis of criteria and conditions as specified in the present regulation for council classification.

Exchanges by mutual consent between assignees of the entitled Councils to be effected according to criteria and conditions as specified in the present regulation are also possible in the field of inter-council mobility.

### **Art. 15 (Right to information)**

The Council will actively promote any initiative which guarantees the right of the assignee to be informed about the management of mobility according to the rules of the present regulation.

It will also guarantee the adequate forms of direct participation, or through Trade Unions or other Organisations which represents the interests of the assignees.

In particular it will activate:

- advertising initiatives
- notice of essential information through the media
- information desks

Whenever plans for restructuring, for sale and for the rationalisation of erp accommodation are defined, the Council will seek agreement with the social representatives.

The Council will treat the forms of advertising in a particular way in order to divulge the rules and management of mobility, adopting the means it retains most effective.

### **ATTACHMENT NR. 1**

Unsuitableness of the occupied accommodation

a) for presence in the family unit of persons of or over 70

points 4

(points are allocated if the accommodation is situated from the second floor upwards without lift)

b) for presence in the family unit of person with physical invalidity of or over 2/3

points 6

(points may be required for inadequate structures of the accommodation such as floor, internal disposition, sanitary facilities etc..)

Accommodation included in plans for restructuring or housing re-classification

points 2

Situations of under-use

a) three or more persons less than required by standards

points 12

b) one or two persons less than required by standards

points 10

Situations of overcrowding

a) three or more persons more than required by standards

points 10

b) one or two persons more than required by standards

points 8

(points in a) and b) may not be requested whenever overcrowding is due to the presence in the family unit of persons in stable cohabitation not yet authorised for the purpose of modifying the assigned family unit.

(Points may be allocated in the cases of enlargement of the entitled family unit following family re-joining due to birth of children, marriage, taking in of ascendants and affines in ascendant line)

Non functional accommodation in relation to the composition of the family unit

points 6

(Points may not be assigned when the lack of functionality of the accommodation is due to the presence in the family unit of persons in stable cohabitation not yet authorised for the purpose of modifying the assigned family unit, guests or cohabiting persons.

(Points may be allocated in the cases of enlargement of the entitled family unit following family re-joining due to birth of children, marriage, taking in of ascendants and affines in ascendant line)

Accommodation too far from social and health assistance structures

points 2

(points may be requested by persons over 60 residing in the villages under the Chief Town administration)

Moving nearer to relatives for reasons of assistance

points 5

Need for larger accommodation for cohabitation with relatives for reasons of assistance

points 6

(points may be requested by persons over 70 or with physical invalidity of or over 2/3 living alone. Points may be requested also by elderly couples, if at least one of the two is over 70 or with invalidity of or over 2/3).