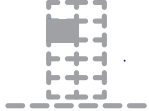
****

**Unfinished & Abandoned Buildings**

**Guidance Note**

The Unfinished & Abandoned Buildings TWiG provides here advice to agencies providing shelter and NFI assistance to IDPs and refugees living in unfinished & abandoned buildings, based on lessons learned by Cluster partners in Iraq and regionally.

**NFI kit distribution**

**household & shelter**

**4. Post-distribution monitor**

Assessing if occupants are happy with the items

**1. Assess vulnerability**

Identifying which households are prioritised for support

**3. Distribution**

Delivering kits; assistance for those with access difficulties

**2. Assess needs**

Understanding household and shelter items required

*Photos:*

Bethany Williams,

Medair (top);

UNHCR (bottom

**+**

**5. Implementation**

Undertaking the works; technical quality assurance

**4. Permissions & contracts**

Planning/building permission; tendering; engaging labour

**3.** **Survey & BOQ**

Assessing safety/adequacy; listing materials required

**6. Satisfaction survey**

Assessing if occupants are happy with the works

**2.b** **Owner absent**

Agreement between local government & occupants

**2.a** **Owner present**

Occupancy agreement between owner & occupants

**1.** **Occupant/building status**

Occupant eligibility and the legality of offering support



1. Adequacy in shelter is defined in the [Sphere Project Humanitarian Charter and Minimum Standards in Humanitarian Response](http://humanitarianlibrary.org/resource/humanitarian-charter-and-minimum-standards-humanitarian-response-0).

An occupant survey should be undertaken to determine the vulnerability and need of assistance of families at each site, to determine the priority of intervention. Proof of ownership of the building must also be determined. If the owner is present, proof can be through: a. title-deed; b. electricity bill; c. support letter from sub-district manager; d. support letter from mukhtar; e. support letter from sub-district/village council. If not present, permission must be sought, such as from d and e.

**2.a** **Owner present: o**ccupancy agreement between owner & occupants [See Annex 2.a for guidance and examples](#Annex_2a)

**6.** **Satisfaction survey**: assessing if occupants are happy with the works [See Annex 6 for guidance and examples](#Annex_6)

In KR-I, ERC in Erbil, BRHA in Dahuk and CDO in Sulaymaniyah should be contacted for all planning and building permissions, as well as for utilities upgrades and hook-ups, such as to electrical and water supplies. A sewage system exists in part of Sulaymaniyah however septic tanks are used in the rest of KR-I. In Centre and South, Government Ministries should be contacted both for permissions and for electrical and water works; whereas municipalities should be contacted concerning sewage, where systems exist. Sphere Project publications should be consulted over standards and indicators agreed appropriate to each governorate. For electricity supply, 4 amps per family is normally used by UNHCR. There are no governmental technical inspections or any systematic materials testing, such as for ready-mix concrete. Technical inspections are normally made by agencies on the basis of scopes of work and bills of quantity.

**5.** **Implementation**: undertaking the works; technical quality assurance [See Annex 5 for guidance and examples](#Annex_5)

**4.** **Permissions & contracts**: planning/building permission; tendering; engaging labour [See Annex 4 for guidance and examples](#Annex_4)

**3.** **Survey & BOQ**: assessing safety/adequacy; listing materials required  [See Annex 3 for guidance and examples](#Annex_3)

**2.b** **Owner absent:** agreement between local government & occupants [See Annex 2.b for guidance and examples](#Annex_2b)

Agreements should be used to document, in a transparent and understandable manner, the duration of the agreement, the amount of rent and utilities to be paid, and the rights and obligations of both parties. Tenure security is also linked to the larger context and relationship between refugees and host community in any given area. Fostering good relations between owner and tenant can result in greater security of tenure and complement any written or verbal agreement.

In addition to permission to use the building (1.), formal permissions must be obtained from the authorities to undertake any works on the building.

A technical building survey should be undertaken by a qualified engineer to determine what works are required in order to make the building safe and adequate1. The structure must be safe, meet national construction standards and be recognised as official construction by authorities. Safety includes smoke detectors, firefighting equipment, fire compartmentalisation and evacuation routes, barriers and balustrades, as well as ramps and access for those with restricted mobility. In case of illegal buildings, exceptional approval may be offered by authorities. Sealing off must be viable economically (roofing, windows and doors). Climatic conditions must be considered. Utilities and services must be checked for safety and sufficiency, including: electrical wiring and fuses; water supply; sanitation facilities; heating facilities, including chimneys; cooking; waste water collection; and refuse containers. Sub-divisions and partitions must be checked.

The appropriate official planning and building permissions must be obtained prior to undertaking works, based upon the Iraqi National Building Codes. Once obtained, tender documents should be prepared describing the works. The formal tendering process and subsequent contracting should follow national, international and agency standards. IDPs may be engaged directly or by the contractor, should this be possible. Registered refugees have a valid work permit.

A survey should be undertaken in order to determine whether both the occupants and owners are satisfied with: the safety and adequacy of their shelter; works undertaken; and compensation offered through the works.

**1. Occupant/building status**: occupant eligibility and the legality of offering support [See Annex 1 for guidance and examples](#Annex_1)

Guidance notes

1 Introduction

These recommendations and guidance notes have been agreed nationally in Iraq between the Shelter/NFI and WASH clusters, involving Government representatives. The Unfinished and Abandoned Buildings Technical Working Group (TWiG) provides here advice to agencies providing supplementary shelter and NFI assistance to both internally displaced populations and refugees living in unfinished and abandoned buildings. The document is based upon the Inter-Agency Shelter Sector Coordination Working Group, *‘Guidelines On The Rehabilitation Of Sub-Standard Buildings’*, Lebanon August 2015, as well as lessons learned from: responses involving unfinished and abandoned buildings by Shelter & NFI Cluster partners in Iraq; guidance offered in similar contexts; and global guidelines and standards on shelter programming and NFI distribution.

**Initial collections of guidance that may be useful for informing your programming**, with navigation also in Arabic using the toolbar option:

[http://humanitarianlibrary.org/channel/iraq-abandoned-and-unfinished-buildings-channel](http://sheltercluster.us9.list-manage1.com/track/click?u=e903630308c1ac052d2c02241&id=ff61b0194d&e=9850394a61).

2 Scope of these guidelines

Rehabilitation and sealing-off address multiple household-level needs faced by displaced and vulnerable households living in sub-standard buildings. They involve the provision of conditional payments to support permanent shelter and household-level WASH improvements in exchange for Occupancy-Free-of Charge (OFC) or reduced rent and increased security of tenure. The intervention addresses the physical aspects of poor living-conditions whilst increasing the household’s security of tenure and reducing their rent-burden thus reducing their economic vulnerability.

• Rehabilitation supports vulnerable households in buildings meeting minimum standards, for example a finished house/apartment or a property rehabilitated by another agency.

• Sealing-off delivers weather-proofing and WASH upgrades are cheaper, emergency interventions that improve living conditions in sub-standard buildings, albeit without rent-free/reduction periods.

3 Terminology

Sub-Standard Buildings include built structures originally intended for human habitation or built structures not originally intended for human habitation but are currently occupied. The term ‘physically sub-standard’ denotes one or a combination of any of the following.

• A lack of adequate privacy and dignity

• A lack of protection from the climatic exposure

• A lack of adequate access to safe water, sanitation and/or unhygienic conditions

• Inadequate connection to municipal infrastructure and services (e.g. electricity, water supply, waste-water collection, solid waste collection)

• Expose the occupants to avoidable health and safety risks

• Lack basic amenities like lighting and safe electrical points

4 Principles

Where works or the distribution of kits consist of activities or items which could lead to invasive repairs or upgrades to buildings (e.g. sealing-off kits), beneficiaries should be assisted to obtain formal permission from building owners before installation of such items. Otherwise there is a risk that beneficiaries will inadvertently breach the terms of their oral or written lease agreement, wherein repairs or upgrades by the tenant without permission from the building owner are often not permitted, thereby putting themselves at risk of eviction. Even in the case of absentee or derelict building owners, Iraqi civil law requires tenants to obtain a court order before undertaking repairs or upgrades themselves, particularly if they seek to secure compensation for the costs incurred in relation to such repairs or upgrades.

These guidelines apply to both occupied and un-occupied units. Occupied is when a household occupied the building before the start of the rehabilitation work, whereas unoccupied applies to when a household moved into the un-occupied unit during the rehabilitation or once the rehabilitation was complete.

Sealing-off assistance for households living in sub-standard buildings. This activity can be implemented through in-kind kits, vouchers, cash, or contractors. Assistance may also include labour support during installation, if required. Recommended standardized assistance packages include a combination of plastic sheeting, different sizes of timber sections, plywood and ironmonger and tools to allow weather-proofing of external openings and installation of light partitions. This activity doesn’t include rental reduction or occupancy-free-of-charge.

• Rehabilitation should be conducted in exchange for a period of free rent or reduced rent that is at least equivalent in value to the rehabilitation works. This is in order to give the beneficiary household a benefit equal to or greater than the cost of the works, and other associated payments made by the implementing agency to the building owner.

• The rent-free or rent-reduction period should begin once the rehabilitation has been completed. For example, beneficiaries in occupied units should benefit from the hosting period once the work has been completed and the housing unit brought up to minimum standards.

• Rehabilitation should address both shelter and household-level water and sanitation needs, as identified by technical assessment.

• Agencies must check the building is structurally sound before undertaking rehabilitation work.

• Rehabilitation involves a “permanent” change to the owner’s asset; therefore it can only be implemented with written approval.

• For accountability, project documentation will be kept by the agency in charge of the rehabilitation for record and future project audits. This includes, technical assessments, BoQs, contracts, proof of ownership, etc.

• The geo-localisation and basic description of the SSB will be shared with partners in charge of the mapping exercise, allowing for better coordination and information sharing.

• Rehabilitated SSB are provided to socio-economically vulnerable families, either with or without the refugee status.

• Rehabilitation should provide at least 12 months of secure tenure for beneficiary households by providing a written occupancy agreement(s) with all parties – agency, owner, and beneficiary household(s).

• Agencies implementing rehabilitation are required to conduct minimum monitoring visits during the rent-free or rent-reduction period, as defined in subsequent sections, in order to ensure that the physical works are completed as agreed and that the property owner adheres to the agreed minimum period of tenure and period of reduced/free rent.

• Agencies should negotiate for utilities to be included, or ensure the occupancy agreements capture the amount and frequency to be paid. In both instances, regular monitoring is required on behalf of the agency to ensure the agreement is being respected

5 Objectives

Rehabilitation works should address the following:

• Fire safety, including evacuation routes, compartmentalisation, detection through smoke alarms and firefighting equipment, such as powder extinguishers.

• Safe access, including barriers/balustrades and stairs, mitigating falling and trip hazards, supporting the young, the old and persons with special needs.

• Improved protection against the elements (e.g. cold, extreme heat, and wet weather).

• Improved privacy, dignity, gender protection and security of beneficiaries, such as through external and internal partitions and door lockable from the inside.

• Improved hygiene and access to water and sanitation facilities, with reduced water usage.

• Basic health and safety hazards must be removed.

• Improved basic electric amenities such as lighting and power points.

• Addressing the differing needs of people with special needs.

• Avoiding creating conflict by ensuring, to the degree possible, that the buildings’ status is not disputed.

• Addressing the most inadequate living conditions (for already occupied buildings).

• Security of tenure for refugee households, through written agreements, for at least 12-months.

6 Standards for location selection

6.1 Location

Buildings should be chosen in locations which:

• Minimise potential social, physical and security risks to beneficiaries.

• Allow easy access by beneficiaries, and support monitoring by the implementing agency.

• Minimise environmental threats to residents and the host community

Where buildings are currently unoccupied, consideration should be given to the following:

• Allow beneficiaries access to markets and potential sources of income.

• Allow beneficiaries access to key services.

• Offer reasonable access to utilities, especially electricity and water.

6.2 Security

• Safe from any immediate threat to security (e.g. ERWs/UXOs and landmines, border proximity, floods)

• Minimizes potential risks to building residents (e.g. barriers and balustrades; smoke alarms, fire extinguishers, fire escape routes, fire compartments)

6.3 Accessibility

• Easily accessible for the provision of assistance during humanitarian crises

• Takes into account seasonal and climate issues

6.4 Environmental

• General and local contamination threats need to be considered

6.5 Infrastructure

• Realistic possibility of connecting the building to existing infrastructure, if available, including water supply, sewer system and solid waste disposal

• Access to electricity is very important, while water and sewage solutions are relatively independent of existing infrastructure

6.6 Access to basic social services

• Transportation, education and health services must be available, but it is recognized that capacity may be overstretched

• General assessment of basic social service capacities and assistance schemes

6.7 Cultural identity

The right of building residents to adhere to their cultural, social, and religious traditions must be granted

7 Standards for building selection

7.1 General aspect

Building selection should be consider the following aspects:

• The socio-economic vulnerability of the beneficiary households

• The feasibility of creating a genuinely adequate living space

• The legality of the existing building

• The impact of the rehabilitation on the host community

7.2 Ownership

Ownership claims should always be verified, as there is always the risk of fraud, specifically in contexts where cadastres are destroyed, incomplete or non-existent.

In order to minimise the risk of legal issues due to carrying out works in buildings, agencies will:

• Verify that building owners have ownership documents, whenever possible.

• In cases where this is not possible, obtain the signature of an authorised representative of the Municipality as a witness (recommended), party or co signatory (possible but not advised due to legal implications) to the agency’s contract or MoU with the building owner. This will provide a level of ‘social’ protection, and may provide legal protection against some types of case, if the ownership of the land or status of the building is disputed.

• Consider inserting a clause in their contracts or MoUs to the effect of the following: “The representative of the Municipality confirms that [agency] has done its due diligence and [the second party to the contract] is the legal owner of the building concerned.”

• For further protection, agencies may choose to seek an affidavit from the Municipality certifying the ownership.

7.3 Condition of the building

• Structure must be safe and must meet national construction standards

• Structure must be recognised as official construction by authorities;

• In case of illegal buildings, permission will be granted base on exceptional approval from authorities;

• Sealing off must be possible (proper roofing, windows and doors)

• Climatic conditions need to be addressed (natural ventilation in warmer climates; winterization in colder climates)

• Access to daily used facilities like electricity, water, heating facilities including adequate chimneys, cooking, waste water collection and refuse container

• Electrical wiring and fuses

7.4 Characteristics of the building

• Concept and design must allow proper separation/privacy of living units and communal areas, taking into consideration cultural, religious or traditional concerns regarding the appropriateness of spaces

• Enclosed spaces must have proper dimensions for their intended use

• Elements for decent living conditions must be in place (e.g. no units without windows)

8 Standards for rehabilitation

Standards relevant to each building should be agreed between the occupants and owners, however the following standards serve as normative guidance.

8.1 Shelter Space

• Due to cold climate during winter period, 4.5 m² per person should be planned for, excluding kitchen facilities, corridor, and bathrooms. Emergency provision may be 3.5m² per person, but only when later expansion to 4.5 m² per person has been planned for and can be achieved.

• Partitions should separate sleeping areas between families and between sleeping and bathroom areas.

• Larger households should be provided with two housing units, or a solution in keeping with the minimum area per person described above

• Separate and secured Rooms i.e. “Housing Unit“ for families of 4-6 persons for privacy reasons. Larger families will receive additional housing units

8.2 Roof

• Sealed with proper drainage (Additional protecting layer on damaged concrete roofs only.)

• Where no other insulation is available, such as under metal roofing with no ceiling, insulation or a separate ventilated roof space should be introduced.

8.3 Walls

• Dry walls

• Internal partitions must be provided to separate sleeping/living areas from bathrooms and kitchens

8.4 Floor

• Dry floors

• Improvements to uneven concrete surfaces should be considered for beneficiaries with limited mobility, or who require mobility aids

8.5 Windows and doors

• There must be a window per room, single glazed with minimum surface area of 1.5 m² per window.

• The window should enable sufficient light to read in daylight and sufficient cross ventilation.

• Doors must be lockable from inside and outside. Locks must be provided.

8.6 Electricity

• Access to electricity (generator, municipality network)

• At least 1 lighting point and 1 socket outlet per housing unit

8.7 Heating

• Constructive arrangement for 1 safe space heating unit per housing unit.

8.8 Kitchen

• 1 cooking ring burner per Household (HH)

• Work surface for food preparation, possibly integrated around kitchen sink

• Optional: cupboard for food and kitchen ware

8.9 Water Supply

• 26 litres of potable water per person per day for all needs including 2-3 litres from total are dedicated for drinking.

• Hot water is optional

• Water storage capacity of 70 litres per person/day

• Water fittings should be specified to minimise water use

• Water saving or self-closing taps (spring or pressure type) shall be used

• Water saving showers and toilets should be considered

• Water tanks should be equipped with float valves (in case of network supply) or float switches (in case of pumped supply) to prevent overflowing

• Leaks at building level will be found and fixed

• If possible the installation will allow grey water to be reused for toilet flushing

8.10 Sanitation

• Toilets: 1 per 15 persons with hand washing basin to be provided < 30m away from toilet.

• Toilet/bathroom located at the same floor of the housing unit(s)

• Toilet/bathroom should be enclosed and private and separate from sleeping or food preparation area to avoid faecal-oral contamination.

• Toilet/bathroom with smooth concrete floor or tiled

• In case of communal toilet, toilet will be gender-segregated.

• All excreta containment measures, except holding tanks, are at least 30 metres away from any groundwater source.

• Shower: 1 per 15 people

• Wastewater: Connection to outlet (cesspit, septic tank, sewerage line)

• Wastewater disposal should be by connection to a septic tank, existing network, improved pit latrine or other recognised means. Note: formal approval is required from the relevant local authority when connecting to an existing network.

• As defined by the WASH Working Group, the maximum distance to the nearest water collection point = 25m from the front door (and no further than 5 minutes’ walk). Water supply should be greater than 35 litres per person per day.

• Water storage tanks should accommodate for provision of at least 70 litres per person per day, taking into account regularity and volume of supply.

• Electrical water heating should be safe and earthed to ground.

• As defined by the WASH Cluster. Floor surfaces within latrines/bathrooms should have adequate drainage and be floored with smooth concrete or tiled in order to allow easy cleaning and improve hygiene.

• Sanitation facilities should be enclosed and private and separated from sleeping or food preparation areas to avoid faecal-oral contamination.

• Wastewater disposal should be by connection to a septic tank, existing network, improved pit latrine or other recognised means. Note: formal approval is required from the relevant local authority when connecting to an existing network.

8.11 Drainage

• The storm water drains has to be kept clear

• Toilet/bathroom with adequate drainage

• Wastewater disposal should be collected either in holding tank or septic tank or connected to existing sewage network

8.12 Solid Waste Disposal

• Access to a waste container < 100 meters from the dwelling.

8.13 Safety

• 1 x 5 to 8 kg fire extinguisher in kitchen

• 1 fire blanket per family room

8.14 Specific needs of PwD

• PwD who use a wheelchair or have limited mobility should be allocated shelters with obstacle-free access, on the ground floor when possible, and with sufficient turning space in the toilet.

• PwD with limited eyesight should have step edges in their shelters painted with a white strip for visibility, if appropriate

• PwD who have difficulty using their hands or arms should be allocated shelters with lever door handles rather than round door knobs

• Low level hand wash sinks should be considered for PwD with limited reach

• PwD may also be referred to a specialist agency for further support

9 Selection of beneficiaries

Beneficiaries for the rehabilitation activities are selected based upon socio-economic vulnerability, and shelter condition. While shelter condition is a key determinant for support, equally important is the ability for the household to secure minimum standard accommodation. As such, agencies should use a combination of shelter conditions and household profile when selecting beneficiaries. All families meeting the criteria are eligible for assistance, regardless of their registration status with UNHCR.

10 Occupancy agreements

Agreements should be used to document, in an understandable and transparent manner, the duration of the agreement, the amount of rent and utilities to be paid, and the rights and obligations of both parties.

Tenure security is also linked to the larger context and relationship between refugees and host community in any given area. Fostering good relations between owner and tenant can result in greater security of tenure and complement any written or verbal agreement. These complementary activities can include obtaining community-level support (such as through municipalities or Mukhtars), supporting mediation of disputes, or encouraging regular dialogue between the two parties.

Some suggested minimum requirements for beneficiary-owner-agency agreements:

• Specify duration of the agreement and the rent to be paid, if any (as minimum requirements to be a legally binding agreement).

• Specify that if the beneficiary leaves, landlord and/or beneficiary must inform the agency and allow the agency to choose another beneficiary HH or accept a replacement tenant who meets the agency’s vulnerability criteria.

• Specify the type, amount, and frequency of utilities to be paid.

• Beneficiary should not tamper with or remove the installations.

• Both parties should respect each other’s privacy, maintain the property and surroundings clean and maintain a peaceful environment.

• Owner to maintain connections to water, electricity and sewage uninterrupted and charge only for the proportional use of these services.

• Clause on non-eviction, and the conditions required to make a lawful eviction

12 Building permissions associated with housing rehabilitation

In KR-I, ERC in Erbil, BRHA in Dahuk and CDO in Sulaymaniyah should be contacted for all planning and building permissions. A sewage system exists in part of Sulaymaniyah however septic tanks are used in the rest of KR-I. In Centre and South, Government Ministries should be contacted both for permissions. Sphere Project publications should be consulted over standards and indicators agreed appropriate to each governorate.

13 Utilities and municipal connections

In KR-I, ERC in Erbil, BRHA in Dahuk and CDO in Sulaymaniyah should be contacted for all utilities upgrades and hook-ups, such as to electrical and water supplies. A sewage system exists in part of Sulaymaniyah however septic tanks are used in the rest of KR-I. In Centre and South, Government Ministries should be contacted for electrical and water works; whereas municipalities should be contacted concerning sewage, where systems exist. For electricity supply, 4 amps per family is normally used by UNHCR.

14 Monitoring and Evaluation

There are no governmental technical inspections or any systematic materials testing, such as for ready-mix concrete. Technical inspections are normally made by agencies on the basis of scopes of work and bills of quantity.

This section concerns the outcome monitoring, rather than the monitoring of the technical works. Social, or outcome, monitoring visits should take place a minimum of four times during the contract period. The suggested frequency is a) within the first month, b) twice during the hosting period, and c) one to two months before the agreement expires. Status of the agreement should be recorded for learning purposes for any future potential programmatic adaptations.

Agencies implementing rehabilitation have a responsibility to monitor the following aspects:

• The reduced/free-rent period is honoured

• Any disputes are identified and resolved

• Occupancy rates are captured

• Beneficiary intentions for after the reduced/rent-free period are captured

• Special needs of the families beyond the scope of the shelter assistance are referred to other agencies and service provided as possible.

15 Reporting to ActivityInfo

Rehabilitation should be reported under the Shelter and NFIs Cluster and, where relevant, under WASH.

Annex 1 **Occupant/building status**: occupant eligibility and the legality of offering support

PDF examples below.

 NRC ‘Urban Accessibility’ (for those with disabilities)

 NRC ‘Right of Use Checklist’

Annex 2a **Owner present**: occupancy agreement between owner & occupants PDF examples below.

 NRC ‘Right of Use Contract’

 NRC ‘Declaration of Understanding’

 NRC ‘Rent-Controlled Lease Contract’

 NRC/UNHCR ‘Cooperation Agreement’

 UN-Habitat KR-I ‘Rehabilitation Agreement’

 UN-Habitat ‘Annex C Written Testimony’

Annex 2b **Owner absent**: agreement between local government & occupants PDF examples below.

Annex 3 **Survey & BOQ**: assessing safety/adequacy; listing materials required PDF examples below.

**** NRC ‘Shelter Vulnerability, Privacy, Safety and Security’

 UN-Habitat ‘Guidelines in Shelter & WASH for Syrian Refugees’

 UN-Habitat ‘Urban Housing Standards 2003’ (Iraq)

Annex 4 **Permissions & contracts**: planning/building permission; tendering; engaging labourPDF examples below.

NRC ‘KR-I Permissions Matrix’

UN-Habitat ‘House Building Regulations’ (Erbil)

Annex 5 **Implementation**: undertaking the works; technical quality assurance PDF examples below.

 UNHCR IP ‘Agreement on Sealing Off Kits’

Annex 6**Satisfaction survey**: assessing if occupants are happy with the works PDF examples below.

Annex 7 **Related information**  Examples below.

 Medair ‘Safety Barrier Project’

 NRC ‘Final Report on FGDs with Landlords in Erbil’

 UN-Habitat Brochure ‘Shelter & Infrastructure Support for Non-Camp Syrian Refugees and Host Communities in Iraq’

 UNHCR ‘TOR on Unfinished Buildings (draft)’

 UNHCR 2014 ‘Renovations referrals’

Annex 8 **Bills of Quantity (BoQs)** MS Excel examples below.

Medair ‘Sample BOQ – safety barriers’

UNHCR ‘BoQ Unfinished Building’

UNHCR ‘Cost Analysis’