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Legislative Policy Requirements and Obstacles of the Government of the Islamic Republic of Iran in Realizing the Right to Adequate Housing

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ABSTRACT

The right to adequate housing, as one of the fundamental social rights, occupies a prominent position within legal systems and state welfare policies. In the Iranian legal system, this right is explicitly recognized under Article 31 of the Constitution of the Islamic Republic of Iran. Nevertheless, the persistence of the housing crisis and the inability of a considerable proportion of citizens to access adequate housing raise a fundamental question regarding the extent to which governmental legislative policymaking has succeeded in realizing this right and the structural and institutional barriers that impede its achievement. The present study aims to explain the requirements and challenges of governmental legislative policymaking in the realization of the right to adequate housing. It employs a descriptive–analytical method and draws upon legal documents, development plan laws, and official reports. The findings indicate that housing policies incorporated into post-Islamic Revolution development plans, although they have undergone discursive and methodological transformations, have generally lacked coherence, continuity, and a sustainable rights-based framework. An examination of programmatic regulations demonstrates that the predominance of broad and generalized approaches, the absence of effective enforcement mechanisms, institutional inconsistency, and policy instability have created a gap between legislation and implementation, ultimately weakening the realization of the right to housing. In this regard, the challenges associated with the realization of this right can be classified into five categories: structural–institutional, economic–financial, legal–legislative, socio-cultural, and executive–managerial challenges, which mutually reinforce one another. The study concludes that the sustainable realization of the right to adequate housing requires a transition from temporary and program-oriented policies toward comprehensive, rights-based, and institutionalized legislation. Accordingly, the enactment of a comprehensive housing law, the strengthening of integrated governance, the reform of financing systems, the diversification of housing models, and the establishment of policy stability and continuous evaluation mechanisms are proposed as the most significant legislative policy requirements in this field.

Keywords: *Right to Adequate Housing, Legislative Policymaking, Development Plans, Social Policy.*

Introduction

The most significant transformations in the structure and function of the state in the modern era may be understood in terms of the role and position of the state in formulating social policies, to the extent that some scholars regard social policymaking as the central issue of the modern state and classify political currents, parties, and ideologies around this axis. In both theory and practice, social policy is a subset of public policy, and its purpose is to promote equality of opportunity for individuals, equality among actors and stakeholder groups, and social cohesion for the comprehensive interests of society. Over the past century, the formulation of social policies for the establishment of social welfare and the expansion of social justice has been one of the major concerns of states. On this basis, welfare programs of every kind, such as social security, health, housing, education, and similar fields, which were once regarded as non-political matters, have increasingly been framed as political issues and linked to the responsibilities of governments (1).

This concern and challenge are especially more pronounced and significant for governments such as the Islamic Republic of Iran, whose consolidation of governmental foundations depends on public support. This is because the equitable distribution of resources and the establishment of social welfare through social policies are considered among the driving forces of political legitimacy. Accordingly, governments seek to ensure their survival and legitimacy through the formulation of social policies (2).

The rapid increase in the rate of urbanization in Iran has led to a rise in potential housing demand in cities, particularly in large urban centers, and has compelled governments to direct a substantial portion of their social policymaking toward providing housing for all members of society, especially low-income groups. In this regard, global experiences have provided the necessary theoretical foundation for state intervention in the housing sector (3).

In this respect, the experiences of different countries around the world are important. Agayi and Karakayacı stated that changing existing policies and moving toward the production of affordable and accessible housing constitute a strategy for reducing housing-related problems in developing countries (4). Han, Kim, and Jin identified the provision of affordable housing through urban renewal projects as a strategy for reducing existing housing challenges in Australia (5). Litvinova and Danilova also argued that governments should play an active role in reducing housing-related challenges and should improve the socio-economic development of their societies through the expansion of housing construction (6). Heffernan and De Wilde introduced state interventions in the development of group self-build housing as a solution to this problem in developing societies (7). Mariadas and Abdullah also stated that government policies and programs play a major and central role in controlling housing prices in Malaysia (8). In Iran, the provision of adequate housing, given housing-market conditions, the level of housing need, and the governing administrations' approaches to the allocation of space and facilities, is varied and constitutes one of the determinants of household quality of life. Under Article 31 of the Constitution of the Islamic Republic of Iran, having housing proportionate to need is the right of every Iranian individual and household, and the government is obliged, while giving priority to those who are more in need, to provide the grounds for the implementation of this principle. After the Islamic Revolution, general guidelines and housing-supply policies were anticipated in economic, social, and cultural development plans, and have so far been placed on the agenda of the respective governments within the framework of six approved development-plan laws, with efforts made toward their implementation (9).

In general, there are three distinct views regarding the role of the state in housing programs: state supervision, the enabling approach, and the market-supply approach or the provision of conditions for transferring housing to the market. Until the early 1970s, common housing policies in developing countries included urban renewal, the construction of low-cost housing, and the granting of housing-construction loans. At present, housing-policy design in Western countries has shifted from general subsidies that stimulate new construction toward policies that more specifically include low-income households and households with special needs (10).

After the Islamic Revolution, the housing sector underwent important discursive and institutional transformations within the framework of development plans. In the First Development Plan, housing was transformed from a "universal right and need" into an instrument of governance and population control, such that access to formal housing was largely conditional upon state employment and the individual's visibility within the structure of the state. From the Second Development Plan onward, with the emergence and strengthening of revolutionary foundations alongside state institutions, such as the Foundation of Martyrs and the Housing Foundation, housing policy entered a phase in which the identity-based and value-oriented characteristics of applicants, including connection to martyrs, percentage of disability, and history of presence at the war front, became determinative. At the same time, the banking system became one of the principal authorities setting the limits of access to housing and facilities. In the Third Development Plan, the government's approach shifted toward downsizing and transferring responsibilities to the private sector and cooperatives. The main emphasis was placed on mass housing production, small-sized housing units, and strengthening the role of non-governmental builders, while banks continued to play a central role in determining the conditions under which applicants could benefit from facilities. The Fourth and Fifth Development Plans were accompanied by the predominance of the Islamic–revolutionary identity discourse, such that institutions such as the Islamic Republic of Iran Broadcasting, the Housing Foundation, and the Foundation of Martyrs became the main authorities setting the boundaries of welfare and housing policies. The priority given to the construction of religious spaces, such as mosques, over housing, the renewal of deteriorated urban fabrics, and the elimination of informal settlements were among the prominent features of this period. In the Sixth Development Plan, greater emphasis was placed on defining and distinguishing efficient formal housing from inefficient informal housing, urban regeneration, the organization of marginal settlements, and the provision of housing for low-income urban and rural groups. The Housing Foundation, the Imam Khomeini Relief Foundation, and the State Welfare Organization were consolidated as the main authorities for determining the eligibility of applicants for supportive housing. Finally, the Seventh Development Plan (2023–2027), with a comprehensive economic–social approach, emphasizes increasing housing supply, supporting low-income groups, controlling prices and speculation, renewing deteriorated urban fabrics, using modern technologies, encouraging private-sector participation, and creating sustainable financial resources. Nevertheless, challenges such as limited financial resources, price control, the complexity of renewing deteriorated urban fabrics, and weak institutional coordination have made the achievement of this plan's objectives conditional and difficult.

Accordingly, the present study, with the aim of explaining the requirements and obstacles of governmental legislative policymaking in realizing the right to adequate housing, uses a descriptive–analytical method and draws upon legal documents, development-plan laws, and official reports.

Housing Policies in Development Plans after the Revolution

Housing policies in development plans after the Islamic Revolution have taken shape within a context marked by a set of structural, social, and economic challenges, including the consequences of the imposed war, the rapid growth of urbanization, accumulated housing shortages, weakness in financial and executive institutions, and the absence of a coherent legal framework for realizing the right to housing. Therefore, legislative policymaking on housing in Iran can be analyzed as a discontinuous process affected by emergency conditions, economic fluctuations, and changing governance discourses.

The First and Second Development Plans: A Compensatory and Reconstruction-Oriented Approach

In the First and Second Development Plans, housing policies, rather than having a development-oriented and structural nature, were characterized by a compensatory, reconstruction-oriented, and crisis-reduction approach. The main focus of this period was responding to urgent needs arising from war-related destruction, the return of displaced persons, and controlling the consequences of rapid urban population growth.

In the First Development Plan (1989–1993), the government played a dominant and direct role in the housing-supply process. The transfer of state lands, the provision of low-interest facilities, support for mass construction, and the use of low-cost construction technologies were the most important legislative instruments of this period. Although these policies were able to accelerate the initial supply of housing and reconstruction, they lacked institutional sustainability and long-term functionality due to shortages in government financial resources and the weakness of the housing-finance system (11).

The Second Development Plan (1995–1999) represented an attempt to move beyond reconstruction toward stability and development. During this period, housing policies became more structured and emphasized reducing direct state intervention and increasing the participation of the private sector and cooperatives. Strengthening the Housing Bank, increasing the ceiling of facilities, expanding land preparation, and paying attention to land management were among the strengths of this plan. Nevertheless, the absence of a comprehensive land and housing taxation system, weak institutional coordination, and failure to curb speculation meant that low-income groups' access to the formal housing market remained limited (12).

The Third Development Plan: A Shift toward the Enabling and Regulatory Model

The Third Development Plan (2000–2004) is considered a turning point in the transformation of housing policymaking after the Revolution. In this plan, the government officially distanced itself from the interventionist model and direct construction and moved toward an enabling, guiding, and regulatory model for the housing market. Strengthening the finance system, developing the mortgage market, reforming the structure of the Housing Bank, supporting professional mass builders, and attracting the participation of construction-investment companies were among the most important legislative axes of this period.

Attention was also given to the renewal of deteriorated urban fabrics, the development of new towns, and the improvement of construction regulations with the aim of creating balance between supply and demand. Nevertheless, weak financial infrastructure, limited banking resources, and the absence of effective tax instruments meant that a significant portion of this plan's objectives was not fully realized. Despite these limitations, the Third Development Plan succeeded in consolidating the theoretical foundations of the enabling model in Iranian housing policymaking (12).

The Fourth Development Plan: A Comprehensive but Unimplemented Framework

The Fourth Development Plan (2005–2009) presented the most comprehensive and scientific framework for housing policymaking. With an integrated approach, this plan sought to manage land policies, finance, urban development, construction regulations, and the housing market simultaneously and coherently. Reducing state ownership and direct management, strengthening the regulatory role of the state, developing rental housing, controlling land prices, and using regulatory tax instruments were among the innovations of this plan. Nevertheless, shifts in the approach of the governments of the time, the non-implementation of anticipated financial instruments such as the secondary mortgage market and land and property taxes, and the absence of a comprehensive housing database meant that a substantial portion of the Fourth Development Plan's capacities was not realized (9).

The Fifth Development Plan: The Predominance of a Project-Oriented Approach

In the Fifth Development Plan (2011–2015), housing policies were strongly influenced by the Mehr Housing Project. Although at the legislative level there was emphasis on enabling, reforming the land system, and developing the mortgage market, the government's focus on implementing large-scale projects and the heavy financial commitments resulting from Mehr Housing caused structural policies to lose prominence. Inflation and the sharp increase in land prices also reduced the effectiveness of financial instruments, and housing policymaking during this period acquired a reactive and project-oriented character (13).

The Sixth Development Plan: The Gap between Legislation and Implementation

The Sixth Development Plan (2017–2021) was formulated with the aim of restoring the role of the government to policymaking, supervision, and regulation. The development of the mortgage market, the imposition of taxes on vacant houses, reform of the rental system, and transparency in the property market were among the most important provisions of this plan. Nevertheless, severe economic fluctuations, sanctions, inflation, and weak institutional coordination prevented the effective implementation of these policies, and the housing crisis intensified in the final years of the plan (14).

The Seventh Development Plan: The Continuation of Structural Challenges

In the Seventh Development Plan (2024–2028), despite emphasis on increasing supply and improving affordability, the historical focus on homeownership and the neglect of rental housing have continued. The absence of effective supportive policies for tenants, the lack of an operational definition of housing affordability, and insufficient attention to homelessness and the relationship between housing and the population crisis are among the serious shortcomings of this plan (15).

The housing market is affected by macroeconomic variables such as inflation, exchange rates, and financial instability. In the presence of an inefficient housing-finance structure, these conditions lead to a continuous decline in household purchasing power and render banking facilities and legislative supports ineffective. During this period, the rise in existing inflation and related factors created difficulties for achieving the plan's objectives.

Evaluation of the Success of Legislative Models in Housing Policymaking

Programmatic regulations in Iran's development-planning system are among the most important instruments of legislative policymaking in the housing sector and have played a significant role in directing executive decisions and resource allocation. One of the most important strengths of these regulations is their creation of a binding framework for the government, such that the quantitative objectives, executive obligations, and strategic orientations determined in the plans have created a degree of continuity and relative stability in macro-level housing policies and have moved them beyond the level of temporary decisions.

In addition, programmatic regulations, by defining the roles and responsibilities of different agencies, provide the capacity for cross-sectoral coordination in an intersectoral field such as housing and, from a legal perspective, make it possible to align policies related to land, finance, urban management, and infrastructure services. The strategic and long-term orientation of these regulations, including emphasis on increasing production, organizing the land market, controlling speculation, developing rental housing, and supporting low-income groups, has functioned as a "policy compass" and has partly reduced the severe fluctuations caused by changes in governments. Furthermore, development plans have had significant capacity in determining housing-finance mechanisms, including the allocation of banking facilities and the creation of specialized funds and financial instruments, and have made possible the periodic monitoring and evaluation of government performance through quantitative indicators and time-bound objectives.

Despite these capacities, an examination of the experience of formulating and implementing development plans shows that the legislative model based on programmatic regulations faces serious legal weaknesses and gaps. The first weakness is generality and ambiguity in programmatic provisions, such that many obligations have remained without an executive mechanism, enforcement guarantee, or responsible institution and have therefore not been capable of realization in practice (16). The second weakness is the lack of effective enforcement guarantees, particularly in comparison with permanent laws, which has caused many programmatic provisions to become merely declaratory and has prevented the realization of objectives such as the development of rental housing, control of speculation, and sustainable financing.

Another important weakness is the inconsistency of programmatic regulations with sectoral and permanent laws, which in some cases has led to overlap or conflict and has weakened institutional coherence in housing policy. In addition, the absence of an integrated and comprehensive perspective has caused housing policies in development plans to be directed mostly toward short-term and quantitative objectives, without sufficient attention to the structural roots of the housing crisis, such as the land-ownership system, regulatory taxes, financial instruments, and the role of local governments. The repetition of similar provisions without evaluating the performance of previous plans, the limited time horizon of five-year plans in the face of rapid market transformations, and ultimately the neglect of the right to housing as a fundamental social right are among the other basic gaps in this model.

Overall, although programmatic regulations have been able to provide a binding and guiding framework for housing policymaking, their legal and executive weaknesses have meant that this model alone has been unable to provide the conditions for the sustainable realization of the right to adequate housing. The need to move beyond a purely program-oriented approach toward stable, rights-based legislation grounded in enforcement guarantees therefore remains a fundamental necessity.

Requirements of Legislative Policymaking by the Government of Iran in Realizing the Right to Adequate Housing

Adequate housing is one of the most basic human needs and one of the fundamental rights recognized both in international human rights instruments and in the Iranian legal system. Based on the principles of social justice and human dignity, governments are obliged to provide conditions under which all citizens have access to adequate, safe housing proportionate to human dignity. In Iranian law, Article 31 of the Constitution recognizes housing proportionate to need as the right of every Iranian individual and family and obliges the government, while prioritizing needy groups, to provide the grounds for realizing this right. Nevertheless, the experience of several decades of housing policymaking shows that the practical realization of this right has faced challenges such as the dispersion of laws, weak institutional coordination, limited financial resources, the dominance of a property-ownership-oriented approach, and policy instability (9, 13).

An examination of the trajectory of housing policies in Iran shows that although development plans and executive policies have paid attention to the provision of housing for different groups, especially low-income groups, these policies have often failed to lead to the sustainable realization of the right to adequate housing because of weaknesses in legislative design, the absence of a comprehensive legal framework, and the inefficiency of executive mechanisms. On the other hand, demographic changes, the expansion of urbanization, the growth of informal settlements, and the widening gap in access to housing have further revealed the need to rethink legislative policies and strengthen the role of law in guiding housing policies (17).

Within this framework, realizing the right to adequate housing requires the adoption of a comprehensive approach in legislative policymaking: an approach that recognizes housing as a claimable right while also anticipating the institutional, financial, and supervisory mechanisms necessary for its realization. Accordingly, a set of legislative and policy requirements must be considered so that the country's legal and policymaking system can respond more effectively to the housing issue (12). The most important requirements of legislative policymaking by the Government of Iran in the path toward realizing the right to adequate housing are explained and analyzed below.

Formulation of a Comprehensive and Framework Housing Law

One of the most important requirements for realizing the right to adequate housing is the formulation of a comprehensive and framework law in the housing sector that can organize the existing dispersion of regulations and policies related to this field. At present, a significant part of housing policies is regulated through scattered laws, bylaws, and development plans, which has led to weak coordination and reduced policy efficiency. A comprehensive housing law must be formulated with a rights-based approach, and the "right to adequate housing" must be recognized within it as an enforceable right. It is also necessary for the indicators of adequate housing, including economic accessibility, security of tenure, physical quality, access to urban services, and compatibility with social and cultural needs, to be clearly defined. Such an approach is also consistent with human rights standards in the field of housing. In addition, a comprehensive housing law must specify the responsibilities of different agencies, institutional coordination mechanisms, and effective enforcement guarantees for the implementation of housing policies in order to prevent overlap in functions and executive inefficiency (11, 12).

Strengthening Integrated Governance and Reforming the Institutional Structure

One of the important challenges of housing policymaking in Iran is the multiplicity of decision-making institutions and the absence of effective coordination among them. Over recent decades, various institutions have played roles in the fields of land, urban planning, urban services, and housing finance, sometimes causing parallel work and policy conflict (18).

In this regard, the establishment of a single national authority for policymaking, regulation, and monitoring of housing policies can help create coherence in decision-making. Such an institution could be responsible for formulating macro-level strategies, coordinating among agencies, and evaluating the performance of housing programs. At the same time, sufficient powers and resources must be delegated to local administrations and municipalities so that housing policies can be implemented in accordance with the specific conditions of each city and region (9).

Reforming the Housing-Finance System and Diversifying Resources

Another important requirement in legislative policymaking for housing is reforming the finance system and reducing its dependence on the banking network. In many countries, advanced housing-finance systems are based on the mortgage market, securitization, and capital-market participation, whereas in Iran, housing finance is mainly provided through short-term banking facilities that do not meet the broad needs of households (14).

In this regard, developing primary and secondary mortgage markets, designing long-term financial instruments, and using the capacity of the capital market can help increase financial resources in the housing sector. In addition, the use of regulatory taxes, such as taxes on vacant houses, capital-gains taxes in the land and housing sector, and taxes on idle lands, can both reduce speculation in the housing market and create sustainable financial resources for the implementation of supportive policies.

Transition from Ownership-Centrism to Diverse Models of Residence

Housing policies in Iran have traditionally focused on expanding homeownership, whereas the experience of many countries shows that an efficient housing system must include a diverse set of residential models, including rental housing, social housing, and supportive housing. Within this framework, legislative policymaking must move away from exclusive concentration on homeownership and pay attention to the development of a professional and sustainable rental system. Reforming rental laws, providing legal protection for tenants, and creating financial incentives for investment in the rental-housing sector can help create balance in the housing market. Moreover, the development of social housing for low-income and vulnerable groups is one of the important instruments for realizing social justice in the housing sector (19).

Aligning Housing Policies with Social and Demographic Transformations

Demographic and social transformations in recent decades have significantly changed patterns of housing demand. Increased urbanization, internal migration, the growth of marginal settlements, and changes in household structure are among the factors that housing policies must address. In this context, purely physical or coercive approaches to informal settlements have generally failed to produce sustainable results. By contrast, policies aimed at empowering residents, improving urban services, and socially integrating these settlements into the formal structure of the city can help improve quality of life and reduce urban inequalities (1).

Strengthening the System of Monitoring, Transparency, and Accountability

The effectiveness of housing policies depends to a large extent on the existence of effective supervisory mechanisms and transparency in decision-making and resource-allocation processes. In the absence of such mechanisms, the possibility of corruption, rent-seeking, and abuse in the allocation of land and financial resources increases, and public trust in housing policies declines (12).

In this regard, anticipating measurable indicators for evaluating the performance of housing programs, establishing transparent information systems in the field of land and housing, and strengthening supervisory institutions can help increase the accountability of executive agencies and enhance policy efficiency.

Creating Policy Stability and Continuous Evaluation

One of the important problems of housing policies in Iran is the frequent and temporary changes made to programs and projects. The implementation of different projects without accurate evaluation of their outcomes has led to the waste of resources and reduced policy effectiveness. Therefore, the housing policymaking system must be shaped on the basis of stability and continuity in programs, and continuous evaluation of project performance must be considered part of the policymaking process. Using past experiences, drawing on expert studies, and avoiding the repetition of ineffective policies can lead to institutional learning and the gradual improvement of the housing policymaking system (13, 15).

Challenges Governing the Government's Legislative Policies in Realizing the Right to Housing

Structural and Institutional Challenges

One of the most fundamental obstacles to realizing the right to housing in Iran is the weakness of the institutional structure and the absence of an integrated governance system in this field. The multiplicity of policymaking, decision-making, and executive institutions, including the Ministry of Roads and Urban Development, municipalities, the Housing Foundation, non-governmental public institutions, banks, and high councils, has led to dispersed responsibilities, overlapping functions, and the absence of a clear decision-making hierarchy. This situation not only prevents the formation of a coherent and long-term national strategy in the housing sector but has also resulted in the production of parallel and sometimes contradictory policies, significantly increasing executive costs, project delays, and inefficiencies in public decisions. Within such a structure, no single institution is ultimately accountable for realizing the right to housing, and responsibilities are distributed among different agencies in a scattered and non-transparent manner (3).

Furthermore, the absence of an integrated and stable regulatory system has caused housing policies to be more subject to short-term political considerations and changes in governments than to institutional and long-term planning. In practice, each government or executive institution, based on its own interpretation of legal duties, has designed and implemented independent projects—projects that often lack institutional annexes, cross-sectoral coordination, and compatibility with macro-level development policies. This institutional rupture has weakened the possibility of accumulating experience, organizational learning, and the gradual reform of policies, while reinforcing the cycle of repeated policy errors (20).

On the other hand, the unbalanced relationship between the national and local levels in housing policymaking is another manifestation of this structural challenge. The concentration of decision-making at the national level, without delegating appropriate powers and resources to local administrations, has, on the one hand, reduced the flexibility of policies in responding to diverse urban and regional conditions and, on the other hand, created the grounds for conflict between local and central institutions. This institutional conflict has caused delays and executive resistance in the implementation of housing laws and programs and has reduced the effectiveness of legislative policies.

Overall, the weakness of the institutional structure, the absence of a single policymaking authority, the lack of horizontal and vertical coordination among institutions, and the dominance of sectoral and temporary approaches have caused legislative housing policies in Iran to lack the necessary coherence, stability, and implementability. As long as a coherent institutional framework with a clear division of labor, a defined accountability system, and effective coordination mechanisms among agencies is not established, the realization of the right to housing will continue to face serious structural obstacles.

Economic and Financial Challenges

Economic and financial challenges play a decisive and fundamental role in the failure of legislative housing policies. The instability of government financial resources, the strong dependence of the public budget on fluctuating and unpredictable revenues, chronic budget deficits, and the structural limitations of the financial system have seriously weakened the possibility of sustainable and long-term planning for the implementation of housing policies and projects. Under such conditions, the government's legislative commitments in the housing sector often remain at the level of documents and plans and, at the implementation stage, encounter shortages of resources, project stoppages, or reductions in the scale of interventions. This situation, particularly in supportive housing projects, has led to policy instability and reduced public confidence in the effectiveness of state interventions (16).

On the other hand, the inefficient structure of the housing-finance system is one of the most important obstacles to realizing the right to housing. Excessive reliance on the banking network, together with the absence of long-term mortgage facilities proportionate to households' repayment capacity, has caused housing loans to play only a limited role in increasing actual access to housing. The weakness of the capital market in attracting long-term resources, the absence of a secondary mortgage market, and the lack of diversity in modern financial instruments have limited the effective participation of the private sector and non-bank financial institutions. As a result, the housing-finance system, rather than having a developmental and supportive character, has turned into a short-term and inefficient mechanism that is unable to cover the needs of low- and middle-income groups (9).

This structural inefficiency is intensified under conditions in which the housing market faces severe and continuous price fluctuations. The high sensitivity of the housing market to macroeconomic variables such as inflation, exchange rates, and financial instability has led to a continuous decline in household purchasing power and has rendered banking facilities and legislative supports ineffective. In such an environment, instead of functioning as a consumer and social good, housing has become an instrument for preserving capital value and speculative activity, which has deepened class-based gaps in access to housing (16).

Overall, the dominance of unstable economic conditions and financial constraints over housing policymaking has caused legislative policies to remain more a function of macroeconomic conditions than instruments of regulation, support, and redistribution. As long as structural reforms in the financial system, diversification of housing-finance resources, and relative macroeconomic stability are not achieved, the practical realization of the right to housing will continue to face serious and persistent challenges.

Legal and Legislative Challenges

In the legal dimension, the most important obstacle to realizing the right to housing is the weakness of the legislative system and the absence of effective enforcement guarantees for laws and regulations. Although the right to housing is recognized in upstream documents, including the Constitution and development plans, these commitments often have a general, aspirational, and programmatic nature and are rarely formulated as a claimable and binding right for citizens. Consequently, the government and responsible institutions do not bear a clearly defined and enforceable legal obligation regarding the realization of this right, and the possibility of filing claims or making effective judicial demands by individuals and stakeholder groups is seriously limited. This gap between the formal recognition of the right to housing and the absence of the legal instruments necessary for its implementation is one of the main factors behind the inefficiency of legislative policies in this field (21).

In addition, the dispersion, conflict, and inflation of laws and regulations related to housing have weakened the coherence of the legal system and created confusion in the implementation process. The multiplicity of laws, bylaws, and sectoral regulations, together with overlapping institutional functions and the absence of a “framework housing law” capable of coherently regulating principles, objectives, responsibilities, and executive mechanisms, has created the conditions for discretionary interpretation of regulations and unequal application of the law. Under such circumstances, the implementation of housing policies becomes dependent more on the will of executive institutions and temporary considerations than on a transparent and stable legal framework (22).

On the other hand, the absence of clear legal indicators and criteria for defining and measuring “adequate housing” is another fundamental weakness of the legislative system in this area. The lack of clear quantitative and qualitative criteria in areas such as security of tenure, access to infrastructure services, and environmental quality has severely limited the possibility of effective monitoring, performance evaluation of agencies, and their legal accountability. As a result, the realization of the right to housing has turned into a general and interpretable concept whose degree of realization or violation is difficult to measure in practice, thereby deepening the gap between the text of the law and executive reality (10).

Overall, weak enforcement guarantees, the dispersion and conflict of laws, the absence of a comprehensive housing law, and the lack of clear legal indicators have caused the legislative housing system in Iran to be unable to effectively perform its regulatory, binding, and supportive role. Until the right to housing is elevated from the level of general and programmatic commitments to a claimable right with clear institutional responsibilities and effective enforcement guarantees, the practical realization of this right will continue to face serious legal obstacles.

Social and Cultural Challenges

Social and cultural transformations, especially extensive internal migration, rapid urbanization, the expansion of marginalization, and the formation of informal settlements, have exerted increasing and continuous pressure on the housing market. These transformations have fundamentally changed patterns of housing demand and have created new needs to which existing legislative policies have often responded with delay and inconsistency. As a result, housing laws and programs have been unable to respond to the actual conditions of low-income groups, internal migrants, and vulnerable groups, and the gap between social need and legal and policy frameworks has deepened further (23).

On the other hand, the expansion of informal and marginal settlements indicates the failure of formal policies to provide accessible and affordable housing for a significant proportion of the urban population. Dominant legislative approaches have often focused on coercive policies, neglect, or temporary interventions rather than accepting this social reality and attempting to organize, empower, and improve living quality in these areas. This has not only failed to solve the problem but has also reproduced spatial inequality, intensified social exclusion, and consolidated unsustainable patterns of settlement (24).

Moreover, the predominance of an ownership-oriented culture in society and at the policymaking level is one of the important obstacles to realizing diverse and inclusive approaches in the housing sector. Excessive emphasis on homeownership as the main objective of policies has pushed alternative and complementary forms, such as stable rental housing, social housing, and tenant-support policies, to the margins. This approach is inconsistent with the economic and social realities of a large part of society that lacks the ability to enter the ownership market and, in practice, restricts equitable access to housing (17).

Overall, the inconsistency between social and cultural transformations and legislative housing policies, together with the dominance of an ownership-oriented perspective and insufficient attention to the diversity of residential needs, has reduced the effectiveness of supportive policies and intensified inequality in access to housing. As long as housing legislation is not redesigned on the basis of a precise understanding of demographic dynamics, new patterns of urban life, and recognition of diverse forms of housing provision, the practical realization of the right to housing at the social level will continue to face structural and persistent challenges.

Executive and Managerial Challenges

Finally, executive and managerial weaknesses play a decisive role in the failure of legislative housing policies. The absence of integrated management in the design, implementation, and monitoring of national housing projects, together with the multiplicity of responsible institutions and the lack of effective coordination among them, has caused approved policies to face delays, duplication, and waste of resources at the implementation stage. Weak operational planning, the absence of realistic schedules, and the lack of a coherent link between legislative objectives and executive capacities have caused many housing projects to fall short of their initial objectives or to be implemented at a quality below the anticipated standards (25).

On the other hand, the weakness of the monitoring and performance-evaluation system is one of the serious gaps in the management of housing policies. The absence of clear indicators for measuring project progress, lack of transparency in reporting, and absence of effective accountability mechanisms have limited the possibility of timely correction of implementation deviations. Under such conditions, policies and projects continue without fundamental revision even when they are inefficient or affected by structural errors, and their financial and social costs gradually increase (26).

Furthermore, administrative corruption, rent-seeking, and inefficiency in the allocation of land, facilities, and other housing-related resources have seriously undermined social justice and the effectiveness of supportive policies. Lack of transparency in the processes of land transfer and allocation of privileges has created conditions for the benefit of particular groups and the exclusion of the target groups of supportive policies, reducing public trust in state interventions in the housing market. This issue not only weakens the effectiveness of legislative policies but also challenges their social legitimacy (18).

Alongside these factors, managerial instability and frequent changes in policies, programs, and priorities constitute another fundamental obstacle to realizing legislative housing objectives. Continuous managerial turnover, repeated modifications to projects, and changes in approaches with each decision-making period have eliminated the possibility of long-term planning, institutional learning, and coherent performance evaluation. As a result, housing policies have become trapped in a cycle of repeated initiation, suspension, and redesign, which itself reproduces previous failures.

Overall, the weakness of integrated management, inefficiency of the executive system, lack of effective monitoring and accountability, the spread of corruption, and policy instability have deepened the gap between legislative policies and actual outcomes in the housing sector. Without institutional and managerial reforms, the strengthening of transparency, policy stability, and the improvement of executive capacity, even the most advanced housing laws and programs will be unable to realize the right to housing in practice.

Conclusion

The present study, focusing on the “requirements and obstacles of legislative policymaking by the Government of the Islamic Republic of Iran in realizing the right to adequate housing,” showed that the failure of housing policies in Iran does not stem from the absence of legal recognition of this right, but rather from the deep gap between legislation, implementation, and socio-economic realities. An examination of the transformations of housing policies in development plans after the Islamic Revolution indicates that although housing has always been presented as one of the main axes of the state’s social policy, the legislative policymaking model in this field has generally been discontinuous, reactive, and affected by temporary conditions, and has rarely been grounded in a rights-based, sustainable, and institutional framework.

The analysis of development plans shows that housing policies have moved from compensatory and reconstruction-oriented approaches in the first decades after the Revolution toward enabling, regulatory, and then project-oriented models and direct state intervention. Nevertheless, these discursive and institutional changes have rarely led to institutional accumulation and sustainable structural reforms and, in many cases, have been disrupted by changes in governments and economic conditions, returning to earlier models. The result of this process has been the formation of a cycle of unstable policies, repetition of similar legislative provisions, and deepening of the crisis of access to housing.

The findings of the study show that the challenge of realizing the right to housing in Iran can be analyzed in five interconnected categories. At the structural and institutional level, the absence of integrated governance, the multiplicity of parallel institutions, the lack of a single policymaking authority, and the unbalanced relationship between national and local levels have weakened the coherence and effectiveness of legislative policies. In the economic and financial dimension, resource instability, inefficiency of the housing-finance system, dependence on the banking network, and severe market fluctuations have limited the possibility of fulfilling legislative commitments and rendered supportive policies ineffective.

In the legal and legislative dimension, although the right to housing is recognized in upstream documents, generality, the absence of effective enforcement guarantees, the dispersion of laws, and the lack of clear legal indicators for defining “adequate housing” have reduced this right to a declaratory and non-claimable level. At the social and cultural level, the inconsistency of legislative policies with demographic transformations, internal migration, the expansion of informal settlements, and the dominance of an ownership-oriented culture have reproduced inequality in access to housing and marginalization. Finally, executive and managerial weaknesses, including policy instability, inefficiency of the monitoring system, corruption, and rent-seeking in resource allocation, have deepened the gap between the text of the law and practical outcomes.

The overall result of these challenges indicates that legislative housing policymaking in Iran, rather than being designed on the basis of the “right to housing” as a fundamental social right, has been subject to short-term economic, political, and executive considerations. The sustainable realization of the right to housing requires a transition from purely program-oriented, project-oriented, and temporary policies toward comprehensive, rights-based, institutionalized legislation grounded in enforcement guarantees; this will not be possible without simultaneous reform of institutional, financial, legal, and managerial structures.

To improve the effectiveness of housing policies and move closer to realizing the right to adequate housing, targeted and structural measures must be placed on the agenda in the field of legislative policymaking. In this regard, several key proposals can be put forward:

1. Formulating a comprehensive housing law that clearly defines the right to adequate housing and specifies the responsibilities of different institutions and its enforcement guarantees.
2. Reforming the housing governance structure through institutional coordination and the delegation of sufficient powers and resources to local administrations for the effective implementation of policies.
3. Diversifying the housing-finance system through the use of capital-market instruments, development of the mortgage market, and application of regulatory taxes in the land and housing sector.
4. Developing diverse residential models, including rental housing and social housing, in order to reduce the concentration of policies on ownership and increase low-income groups' access to adequate housing.

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Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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