

Matriculation number 0001169378

**ALMA MATER STUDIORUM
UNIVERSITÀ DI BOLOGNA**

DEPARTMENT OF LEGAL STUDIES - DSG

SECOND CYCLE DEGREE IN LEGAL STUDIES

**Artificial Cities: The Right to Dwelling and
Social Exclusion in Contemporary Italy**

Master Thesis in Human Rights, Environmental and Social Justice

Supervisor

Prof. Annalisa Verza

Submitted by

Teresa Rosalia Matilde Massone

Table of Contents

Introduction	3
Chapter 1 – The Right to Housing: A Socio-Legal Framework	6
1.1 (Re)framing the Right to Housing	6
1.2 The Right to Housing in the Italian Constitution	8
1.2.1 Dwelling in Italian Constitutional case law	10
1.2.2 Historical Trajectories: the Politics of Dwelling	12
1.3 From Law in the Books to Dwelling in Law	15
1.4 Housing and Urban Space: From Social Rights to Spatial (In)equality	17
Chapter 2 – Structural Tensions in the Right to Housing in Contemporary Italy	21
2.1 The Transformation of Housing Policies in Italy	21
2.2 Housing Poverty as a Structural Condition	26
2.3 Vulnerability and Selective Access to Housing Protection	32
2.4 Homelessness as a Limit Case of the System	35
2.4.1 Defining Homelessness	36
2.4.2 Handling Homelessness: Fragmentation of Public Responsibility and Subsidiarity	39
Chapter 3 – Reconstructing Access to Rights: Field Insights from Housing Exclusion in Bologna	45
3.1 Bologna’s Social Support Infrastructure for the Homeless	45
3.2 Residence, Homelessness, and Access to Rights	52
3.2.1 Residence as a Legal Status and Gateway to Rights	53
3.2.2 “Neverland”: The Legal Fiction of Residence without Housing	55
3.2.3 Third-sector Practices: Avvocato di strada ODV	57
Conclusions	64
Bibliography	67
Legislation	70
International and European Instruments	70
National and Regional Legislation	70
Case Law	71
Italian Constitutional Court	71
Corte di Cassazione	71
Tribunals	71
Institutional and Policy Documents	72
Sitography	73

Introduction

In recent decades, legal scholarship has produced increasingly sophisticated reflections on the relationship between law and space, a relationship that may be regarded as constitutive insofar as law necessarily presupposes a “where” in which it takes effect and is grounded.¹ The “where” can no longer be understood as exclusively coinciding with the national scale, as processes of decentralisation and privatisation of state functions have redistributed key domains of governance and economic organisation towards the urban level.² Urban space, understood here as the city as a material and institutional environment, thus becomes the primary site in which law, politics, and economic relations are concentrated and operationalised. It is therefore the main locus with which legal and political analysis must inevitably engage, both to understand how law and politics are articulated within it and, crucially, how it shapes the conditions of those who inhabit it.

In this regard, contemporary cities are often shaped by logics of investment, extraction, and control. As a result, the possibility of remaining in urban space in stable ways has become progressively more precarious, a transformation particularly reflected in the current housing crisis. Access to housing has become arduous, while stability within housing remains fragile and uncertain. In Italy, like in many other European countries, rents in the private market have reached unaffordable levels, and the state has contributed to the dismantling of what remains of public housing.³ At the same time, a public-private governance of housing has consolidated, treating inhabitation as a field for the valorisation of space and the extraction of profit, with a large part of the third sector and banking-origin philanthropic foundations playing a central role.⁴ Together with touristification, precarious labour conditions, and shrinking welfare systems, such processes are reshaping how urban space is accessed and inhabited.

These developments require a shift in the analytical focus. The research therefore begins from a simple but foundational question: what does it mean to inhabit urban space under contemporary conditions? Addressing this question involves engaging with the right to housing in terms of affordability and supply. Yet it also requires moving beyond these traditional approaches, as the current housing crisis cannot be reduced either to a lack of

¹ Bernardini, Maria Giulia; Giolo, Orsetta, *Abitare i diritti: Per una critica del rapporto tra giustizia e spazi urbani*, Pacini Giuridica, Pisa, 2021, p. 7.

² Bernardini, Maria Giulia; Giolo, Orsetta (eds.), *Abitare i diritti*, cit.

³ Cencetti, Manu, *Sgomberi Dolci. La violenza contro chi vive in campi rom, baraccopoli e occupazioni abitative*, Eris, 2026, p. 6.

⁴ Cencetti, Manu, *Sgomberi Dolci*, cit.

housing stock or to barriers of economic access. Rather, it reflects an increasing instability of urban life, where everyday practices and social relations are disrupted.

For this reason, many scholars and jurists have turned to the notion of dwelling.⁵ Dwelling does not simply refer to occupying a physical space, but to the possibility of developing forms of belonging within a given environment. In this sense, dwelling refers to the material conditions of inhabitation, but also to the social and institutional conditions that enable individuals to reside in a place, to remain there meaningfully over time, as well as to leave and return without losing recognition within that environment.⁶ Approaching the issue through the lens of dwelling makes it possible to move beyond a purely formal understanding of housing rights and instead examine whether existing legal and social structures effectively sustain human forms of inhabitation.

The Italian context brings this set of issues into sharper relief. Although the Italian legal system does not explicitly recognise a constitutional right to housing, constitutional jurisprudence and legal scholarship have linked dwelling to dignity, substantive equality, health, and the social function of property.⁷ Even so, the legal and institutional arrangements governing access to dwelling remain heavily mediated by legislative discretion, welfare provisions, administrative procedures, and market dynamics.

From this perspective, the notion of “artificial cities,” utilized within this thesis, becomes analytically useful. It refers to urban environments structured through selective mechanisms of visibility and recognition, where the possibility of inhabiting the city depends on the capacity to translate presence into administratively legible categories in order to obtain protection and rights. This condition raises a broader question about the social and political organisation of contemporary urban space: what remains of the “city” when it is no longer structured around those who inhabit it, and for whom is it ultimately produced?

Within this framework, homelessness emerged throughout the research not as an exceptional condition external to the housing system, but as one of its most revealing limit cases. The phenomenon intersects with broader processes of marginalisation affecting those who live at the edges of the urban order, variously labelled as “irregular,” “illegal,” or “nomadic,” and more broadly rendered socially and politically *disposable* within capitalist logics of value.⁸ These subjects are excluded from the circuits of formal production, legality,

⁵ Olivito, Elisa, *Il diritto costituzionale all'abitare: spinte proprietarie, strumenti della rendita e trasformazioni sociali*, Jovene, Napoli, 2017.

⁶ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit.

⁷ see for example Italian Constitutional Court, judgment no. 217 of 25 February 1988.

⁸ Cencetti, Manu, *Sgomberi Dolci*, cit., p. 5.

and consumption, and increasingly exposed to criminalisation in securitised urban space. However, the phenomenon should also be understood as a heterogeneous and internally differentiated condition, closely connected to wider forms of housing precarity and encompassing a continuum of lived situations. The absence of stable dwelling precisely coincides with weakened forms of institutional recognisability affecting access to healthcare, welfare, legal protection, residence registration, and administrative existence itself.⁹

Consequently, the thesis turns to explore how these dynamics operate in practice. The empirical dimension of the research was developed through the observation of legal assistance practices concerning residence registration and access to rights for homeless individuals in Bologna, particularly within the activities of Avvocato di Strada ODV, where the author operated full time between 2025 and 2026. This experience not only provided first-hand material, but progressively transformed the direction of the research itself, shifting attention from formal legal recognition towards the everyday administrative conditions through which access to rights is negotiated in practice.

Rather than being approached as an isolated local case, Bologna is treated throughout the thesis as a particularly revealing urban context. Long associated with traditions of progressive municipal governance and welfare provision, the city has simultaneously become shaped by dynamics common to many contemporary European urban centres: rising housing costs, touristification, studentification, fragmented welfare governance, and the growing reliance on emergency-based and third-sector forms of intervention.¹⁰ The coexistence of extensive welfare infrastructures and expanding forms of housing precarity makes Bologna particularly significant for analysing the tensions between formal rights, administrative recognition, and effective access to dwelling.

The thesis is structured as follows. Chapter 1 reconstructs the socio-legal framework of the right to dwelling, examining its constitutional foundations, historical trajectories, and relationship with urban space and socio-legal theory. Chapter 2 analyses the transformation of housing policies in Italy and examines housing poverty, vulnerability, and homelessness as interconnected outcomes of broader institutional and urban dynamics. Chapter 3 focuses on the governance of homelessness in Bologna, with particular attention to residence registration and the role of third-sector actors in reconstructing access to rights for people experiencing homelessness.

⁹ Avvocato di Strada, *Senza tetto, non senza diritti. Rapporto di ricerca su residenza anagrafica e persone senza dimora*, Bologna, 2019.

¹⁰ Sabatini, Francesca, *Deconstructing Homelessness: Alternative Narratives on and by Marginalized and Homeless Groups in the City of Bologna*, *Conjunctions*, 11(2), 2024, p. 5.

Chapter 1 – The Right to Housing: A Socio-Legal Framework

1.1 (Re)framing the Right to Housing

The right to housing is one of the sites where the relationship between individuals and public institutions becomes visible in its most immediate and concrete form. At its core, this relationship turns on a prior question: what does it mean to inhabit a place? In this sense, the term “house” may appear too narrow, as it captures only the material dimension of living space. The notion of “dwelling,” on the other hand, more adequately reflects the complexity of inhabiting. While inherently connected to a physical structure, it does not coincide with it: one may dwell in a place without owning a house, and conversely, one may own multiple houses but truly inhabit only one.¹¹ The very etymology of dwelling, linked to the idea of remaining or staying in a place, points to a form of presence that unfolds over time and within a network of social relations. Ultimately, “dwelling allows us to think not only in terms of house (understood as the material structure), but also of home (as the site and outcome of social relations) and of real estate (as a form of property and financial investment).”¹²

The breadth of what dwelling entails may help explain the apparent absence of a unitary right to housing in human rights law. More specifically, in the European context, the right has developed along multiple paths through the expansion of other existing fundamental rights.¹³ This is evident in the jurisprudence of the European Court of Human Rights (ECtHR), where housing protection emerges indirectly, most notably through Article 8 of the European Convention on Human Rights (ECHR), within the broader safeguard of private and family life.¹⁴ Here, the notion of the home operates as the central legal proxy through which the Court recognises aspects of dwelling, reflecting an indirect form of protection rather than the articulation of an autonomous right to housing.

A similar understanding emerges in international and European sources. The right to housing was first recognised in the Universal Declaration of Human Rights (1948), where Article 25 includes it within the broader right to an adequate standard of living. The provision states that “everyone has the right to a standard of living adequate for the health and

¹¹ Filandri, Marianna; Olagnero, Manuela; Semi, Giovanni, *Casa dolce casa? Italia, un paese di proprietari*, Il Mulino, Bologna, 2020.

¹² Filandri, Marianna; Olagnero, Manuela; Semi, Giovanni, *Casa dolce casa?*, cit.

¹³ Nugnes, Francesca, *Povertà abitativa e Costituzione: nuovi itinerari di ricerca*, Giappichelli, Torino, 2024.

¹⁴ European Convention on Human Rights, Art. 8.

well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services (...).¹⁵ The United Nations Committee on Economic, Social and Cultural Rights, in General Comment No. 4 (1991), links adequate housing to the right to an adequate standard of living and to the continuous improvement of living conditions.¹⁶ Likewise, Article 31 of the Revised European Social Charter explicitly frames housing as a fundamental *social right*.¹⁷ These sources confirm the composite nature of housing protection, rather than its consolidation into a single, clearly defined entitlement.

Seen in this light, the right to housing cannot be reduced to mere access to shelter. It concerns the conditions that make inhabiting possible, linking material necessity to the effective exercise of rights and participation. Housing thus operates as a foundational condition through which legal subjectivity acquires practical significance. As philosopher Stefano Rodotà has argued, dignity and citizenship are not self-executing or purely abstract principles, but depend on stable material conditions in order to take legal effect.¹⁸ From this perspective, the absence of a stable place to live does not simply entail economic deprivation, but undermines the very substance of civil, political, and social rights, rendering their formal recognition largely ineffective.

Within the Italian constitutional debate, a significant strand of scholarship has developed along this line, treating housing as a “right of reality”: a right whose protection depends on positive measures and redistributive choices rather than on mere non-interference.¹⁹ As Jessie Hohmann states, it is “a right that requires a sensitive mix of state provision, respect for autonomy, and the facilitation of the flourishing of widely differently situated individuals, families and communities.”²⁰ Elisa Olivito goes further, introducing housing as a *litmus test* for constitutional guarantees, an analytical lens through which the realisation of substantive equality, dignity, and social solidarity can be assessed in practice.²¹ Housing is thus not treated as a self-standing policy domain, but as an indicator of how constitutional commitments are translated into living conditions.

Against this background, the shift from housing to dwelling is not merely terminological. The concept of dwelling, encompassing a complex set of personal, familial,

¹⁵ Universal Declaration of Human Rights (UDHR), Art. 25.

¹⁶ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: *The Right to Adequate Housing* (Art. 11(1) ICESCR), 1991.

¹⁷ Revised European Social Charter (RESC), Art. 31.

¹⁸ Rodotà, Stefano, *Il diritto di avere diritti*, Laterza, Roma-Bari, 2012.

¹⁹ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit.

²⁰ Hohmann, Jessie, *The Right to Housing*, in Moos, Markus (ed.), *A Research Agenda on Housing*, Edward Elgar, Cheltenham, 2021, p. 4.

²¹ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit.

social, and cultural needs, is not just descriptively richer, but normatively preferable as a framework for understanding and protecting housing in Italy.²² The *right to dwelling* ultimately highlights the inherently relational and contextual character of housing, framing it as a condition that connects individuals to the wider spatial, social, and institutional environment in which lives unfold.²³

1.2 The Right to Housing in the Italian Constitution

In the Constitution of the Italian Republic, the term *dwelling* (“abitazione”) appears only in two provisions: Article 14, which concerns the inviolability of the home, and Article 47(2), where the Republic is tasked with encouraging access to home ownership through the protection of popular savings.²⁴ Due to such limited textual presence, some literal interpretations have argued that the Constitution does not establish a constitutional right to housing.²⁵ Rather than signalling the absence of constitutional protection, this textual silence may however point to a distinctive form of protection in which housing emerges as a mediated and structurally conditional social right. This approach is rooted in the broader principles and institutional arrangements that shape the constitutional social order.

First of all, Article 42 of the Italian Constitution guarantees the right to private property.²⁶ In the Italian constitutional framework, property is not conceived as an absolute and unrestricted individual entitlement. While it ensures benefits for its holder, it must also serve the interests of the community as a whole. For this reason, the Constitution provides that the law determines the modes of acquisition, enjoyment, and limits of property in order to ensure its social function and to make it accessible to all. The Italian legislature thus attributes a “social function” to property, with the aim of reconciling individual interests with those of the broader community. This principle is concretely implemented through the imposition of limits in both the public interest (for example, expropriation) and private interest, as well as through obligations imposed on the property owner.²⁷

Such delimitation is particularly relevant in the field of housing, where legal rules concerning rent regulation, evictions, land use, and urban planning require balancing the

²² Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit., p. 2.

²³ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit.

²⁴ Constitution of the Italian Republic, Arts. 14 and 47(2).

²⁵ Salerno, Giulio, *Art. 47*, in Crisafulli, Vezio; Paladin, Livio (eds.), *Commentario breve alla Costituzione*, CEDAM, Padova, 1990, p. 321.

²⁶ Italian Constitution, Art. 42.

²⁷ Italian Constitution, Art. 42.

interests of those property owners with the broader social need for access to housing.²⁸ The way property is regulated directly affects the extent to which housing can be treated as a matter of collective concern rather than as a purely private asset. Against this background, it is also significant that Article 47(2) does not refer generically to property ownership or to the ownership of houses, but specifically to the ownership of a *dwelling*. This formulation suggests that the constitutional text attributes particular value to property when it serves as the place where a person's life unfolds, rather than as an additional asset or speculative investment.²⁹

More recent and now widely accepted interpretations consider the apparent “absence” of an explicit right to housing to be coherent with the broader structure of the Constitution itself. Instead of expressly codifying such a right, the Constitution relies on its personalist and solidaristic foundations—especially those articulated in Articles 2 and 3—to extend constitutional protection to the material conditions required for the effective enjoyment of fundamental rights.³⁰

Article 2 recognises and guarantees the inviolable rights of the person, both as an individual and within the social formations in which their personality develops.³¹ Article 3 establishes the principle of equality, and assigns the Republic the task of removing economic and social obstacles that limit freedom and equality and hinder the full development of the human person as well as the effective participation of all individuals in social life.³² Within this framework, these provisions provide the constitutional basis for public intervention in housing matters: they justify policies aimed at alleviating housing hardship among vulnerable groups, as well as regulatory measures that may limit private autonomy when necessary to promote greater equality in access to housing.³³

A further essential connection can be identified between the right to housing and the right to health, recognised under Article 32 of the Constitution as a “fundamental right of the individual and an interest of the community.”³⁴ The relationship between these rights is particularly evident in practice. For instance, access to free medical care within the public

²⁸ Manganaro, Francesco, *The Right of Property in the Italian Legal System and in the European Convention of Human Rights: A Conflict to Be Resolved*, Ius Publicum Network Review, 2013, p. 10.

²⁹ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit., p. 9.

³⁰ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit., p. 13.

³¹ Italian Constitution, Art. 2.

³² Italian Constitution, Art. 3.

³³ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit., p. 13.

³⁴ Italian Constitution, Art. 32.

health system is often linked to the existence of a registered residence.³⁵ Moreover, adequate housing conditions play a significant role in improving both physical and mental well-being. In this sense, the protection of housing can also be understood as an important component of the broader constitutional commitment to safeguarding individual health and collective welfare.

Housing does not therefore appear as a constitutionally neutral matter left entirely to market dynamics. Rather, it emerges as a social right that encompasses dimensions of freedom, dignity, and participation, and that both requires and presupposes public intervention.³⁶ This interpretative evolution has also been accompanied by a broader reconceptualisation of housing within constitutional scholarship. Scholars have increasingly moved away from a property-centred understanding framed as a “right to a home” and towards the more inclusive notion of a “right to dwelling.”³⁷

This perspective emphasises housing as a lived condition, that is, as something that depends not only on the availability of a physical space but also on the conditions that make inhabiting possible. For this reason, its realisation cannot be conceived as automatic, but requires continuous institutional mediation. This shift reflects the inherently mediated nature of social rights like the one to dwell, whose practical effectiveness depends on legislative choices, administrative implementation, and the capacity of institutions to translate normative commitments into concrete conditions of access to and stability in housing.³⁸

1.2.1 Dwelling in Italian Constitutional case law

The case law of the Italian Constitutional Court plays a central role in progressively delineating the constitutional relevance of a right to dwelling, clarifying its nature and limits. It is precisely the apparent textual weakness of the constitutional foundation that explains the gradual, indirect, and at times oscillating character of the jurisprudential path through which the right to dwelling has been reconstructed.

Constitutional jurisprudence began to outline the contours of the right to housing in the early 1980s, initially framed in relation to broader constitutional guarantees.³⁹ Among the different possible interpretations, the Constitutional Court has generally adopted what can be

³⁵ Avvocato di strada, *Il diritto alla casa*, available at <https://www.avvocatodistrada.it/materiali/sentenze-e-leggi/diritto-alla-casa/> (last accessed: 17/03/2026).

³⁶ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit., p. 10.

³⁷ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit.

³⁸ Nugnes, Francesca, *Povertà abitativa e Costituzione*, cit.

³⁹ fio.PSD, *Housing Rights in Italy*, available at: <https://www.fiopsd.org/wp-content/uploads/2020/05/Diritto-Abitare-ENG.pdf> (last accessed: 17/03/2026).

described as a “weak” interpretation of the right to dwelling.⁴⁰ Under this approach, public authorities may introduce measures aimed at facilitating access to housing for individuals in situations of need. By contrast, the Court has rejected “strong” interpretations that would recognise a subjective right to obtain a dwelling in ownership, considering such a claim incompatible with a free-market system in which the State does not hold a monopoly over housing resources.⁴¹ The Court has also excluded an intermediate interpretation that would guarantee the stability of an already acquired right of use or enjoyment of housing. Constitutional case law stops short of recognising a concrete entitlement to be provided with housing, limiting itself to legitimising public intervention rather than imposing enforceable obligations.

The first decision of the Constitutional Court in which a reference to the right to housing can be identified is judgment no. 252/1983, where housing was recognised as a primary good for the individual.⁴² The Court did not, however, recognise this interest as an autonomous inviolable right, deferring to a form of legislative discretion so extensive as to be, in practice, almost immune from judicial review.⁴³

Subsequently, in judgments no. 49/1987, no. 217/1988, and no. 404/1988, the Court strengthened the constitutional relevance of housing, recognising a general duty on the community to prevent individuals from becoming homeless. In judgment no. 217 of 25 February 1988, the Court characterised housing as a social right guaranteed by Article 47, and linked access to adequate housing to the broader responsibilities of the welfare state, as part of the protection of human dignity.⁴⁴ The Court also acknowledged “the acute tension between the recognition of a fundamental social right, that of housing, and the real situation, marked by a worrying lack of its effective implementation.”⁴⁵

Despite these decisions, through which constitutional jurisprudence attempted to define the right by linking it to Articles 2, 3, and 47 of the Constitution and thus placing it within the sphere of inviolable personal rights, the essential content of the right to dwelling has never been clearly defined. Private property remains largely shielded from direct

⁴⁰ Scagliarini, Silvia, *Diritti sociali nuovi e diritti sociali in fieri nella giurisprudenza costituzionale*, Associazione GdP, 2012, p. 12.

⁴¹ Baldassarre, Antonio, *Diritti sociali*, Enciclopedia Giuridica Treccani, 1989, p. 772; Giorgis, Andrea, *Il diritto costituzionale all’abitazione. I presupposti per un’immediata applicazione giurisprudenziale*, Giappichelli, Torino, 2012.

⁴² Italian Constitutional Court, judgment no. 252/1983, para 4.

⁴³ Olivito, Elisa, *Il diritto costituzionale all’abitare*, cit., p. 32.

⁴⁴ Italian Constitutional Court, judgment no. 217 of 25 February 1988, paras. 4.2 and 5.2 of the section *Considerato in diritto* (legal reasoning).

⁴⁵ Italian Constitutional Court, judgment no. 217/1988, para. 5.2.

obligations in practice: property owners are not required to enter into contracts with individuals in need of housing, although economically disadvantaged persons may apply for state support for the purchase of a first home. This also suggests that, within the Italian constitutional framework, the realisation of the right to housing is considered to depend on the resources available to the community, leaving the legislature and political authorities with considerable discretion in determining whether and how it should be implemented.⁴⁶

After an initial openness toward recognising the greater importance of satisfying social rights, even at the expense of financial equilibrium, the Court later developed the so-called principle of “gradual implementation.” According to such principle, a balance must be struck between the realisation of social rights and the scarcity of available financial resources. This approach was adopted by the Constitutional Court in judgment no. 252/1989 and later confirmed in judgment no. 121/1996, which stated that the right to housing is a right that tends to be realised in proportion to the resources available to the community.⁴⁷ Ultimately, such a jurisprudential framework leaves significant space between constitutional recognition and practical implementation.

1.2.2 Historical Trajectories: the Politics of Dwelling

The constitutional ambiguity surrounding the right to housing also finds a clear reflection in the historical development of Italian housing policies. Throughout the 20th century, housing policies in Italy were characterised by a progressive loss of relevance, to the point of almost disappearing from the national agenda.⁴⁸ As we will address, despite representing a material precondition for the effective enjoyment of fundamental rights and for participation in social life, policies remained largely inadequate in addressing housing poverty, particularly in its most extreme forms, such as homelessness.⁴⁹ As already mentioned, such marginality cannot be explained solely in administrative or financial terms, but reveals a deeper constitutional tension that touches upon dignity and substantive citizenship.⁵⁰

The first organic attempt to address housing needs dates back to the Luzzatti Law of 1903, which introduced a system of subsidised credit for the construction of affordable

⁴⁶ fio.PSD, *Housing Rights in Italy*, cit.

⁴⁷ Italian Constitutional Court, judgment no. 252 of 1989; Italian Constitutional Court, judgment no. 121 of 1996.

⁴⁸ Nugnes, Francesca, *Povert  abitativa e Costituzione*, cit., pp. 113-115.

⁴⁹ Nugnes, Francesca, *Povert  abitativa e Costituzione*, cit.

⁵⁰ Italian Constitution, Art. 2 and Art. 3.

housing, and established the *Istituti autonomi per le case popolari* (IACP).⁵¹ The intervention was still grounded in a liberal rationale. Rather than assuming a direct role in housing provision, the State acted as a facilitator, relying on private actors and intermediary institutions, such as savings banks and charitable organisations, to carry out construction and management.⁵² This approach, while formally oriented toward social aims, revealed an enduring contradiction: public support tended to benefit relatively more stable and integrated social groups, leaving the most vulnerable behind. Access to subsidised housing, in fact, often required a minimum level of stability, such as regular income, administrative registration, and the ability to navigate bureaucratic procedures, which systematically excluded the most marginalised individuals.

As a result, those in conditions of extreme poverty, precarious employment, or social marginality were less likely to meet eligibility criteria or to successfully access available housing programmes. Conversely, lower-middle-class households and relatively stable workers were better positioned to benefit from these measures. This dynamic has been described in sociological literature as the “Matthew effect”, whereby social policies end up reinforcing the position of those who are already relatively advantaged, rather than redistributing resources toward those most in need.⁵³

In the housing sector, this translated into a persistent gap between the intended beneficiaries of public policies and their actual recipients: while the programmes were theoretically targeted at the poorest segments of the population, their concrete effects disproportionately favoured clerical workers, public employees, and lower-middle-income groups. This mismatch between formal objectives and practical outcomes would become a recurring feature of Italian housing policy, shaping its selective and mediated character over time.⁵⁴

The Second World War dramatically worsened the situation. As Nugnes recalls, “45 million inhabitants were forced to live in 35 million rooms, without even taking into account the occupation of shacks, caves and basements for residential purposes.”⁵⁵ The destruction of the housing stock, combined with rapid processes of urbanisation and rural exodus, generated an unprecedented housing need.⁵⁶

⁵¹ Law no. 254 of 31 May 1903 (so-called Luzzatti Law). IACP were public entities responsible for the construction and administration of social housing stock. They were later restructured at the regional level (e.g. ATER, ALER) following the decentralisation of housing competences.

⁵² Nugnes, Francesca, *Povert  abitativa e Costituzione*, cit., pp. 116–117.

⁵³ Tosi, Antonio, *Le case dei poveri*, Mimesis, Milano, 2017, p. 19, note 2.

⁵⁴ Tosi, Antonio, *Le case dei poveri*, cit.

⁵⁵ Nugnes, Francesca, *Povert  abitativa e Costituzione*, cit., p. 120, translation the author.

⁵⁶ Minelli, Anna R., *Le politiche per la casa: centro e periferia*, Amministrare, 2, 2004, p. 219.

It was within this context that a more expansive phase of public intervention emerged in the post-war period with the INA-Casa plan (Law no. 43/1949), conceived as a response to both the acute housing shortage and the broader demands of economic reconstruction.⁵⁷ Financed through public resources and compulsory contributions from workers and employers, both private and public, the programme led to the construction of over 300,000 dwellings and functioned as a form of “productive welfare”, supporting employment and industrial development. The plan was implemented over two consecutive seven-year periods, from 1949 to 1963, reflecting its central role in post-war reconstruction.⁵⁸

At the same time, however, the plan embodied a structurally ambivalent model. While addressing housing needs, it privileged access to homeownership, as many dwellings were designed to be “redeemed” by their occupants. Instead of just providing permanent social housing that the State would always own, the plan was designed so occupants could redeem (purchase, claim ownership of) their units.⁵⁹ In doing so, it contributed to transforming housing from a social good into a patrimonial asset, reinforcing a model centred on small-scale ownership, in line with Article 47 of the Constitution. The focus of housing policies shifted from fighting poverty to promoting development, considering housing a catalyst for national economic progress.⁶⁰ The lack of integrated urban planning however favored the emergence of isolated neighborhoods, lacking essential services, which were destined to become spaces of functional and symbolic segregation, where economic and popular housing became synonymous with poverty and marginalization.⁶¹

Subsequent legislative efforts attempted to integrate housing policy with broader urban planning strategies, but with limited redistributive success. Law no. 167/1962 introduced the *Piani di edilizia economica e popolare* (PEEP), aiming to regulate land use and reduce costs for social housing construction.⁶² However, as Olivito has shown, the underlying mechanisms governing land acquisition and expropriation failed to counteract the logic of land rent.⁶³ Public intervention itself contributed to increasing land values, allowing landowners to capture the benefits of public investment rather than redistributing them. At the same time, the rising cost of urban land pushed social housing developments toward peripheral areas, fostering processes of spatial segregation and weakening the integrative function that such

⁵⁷ Law no. 43 of 28 February 1949 (INA-Casa Plan).

⁵⁸ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit., p. 121.

⁵⁹ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit.

⁶⁰ Storto, Giancarlo, *La casa abbandonata. Il racconto delle politiche abitative dal Piano decennale al Programma per le periferie*, Officina Edizioni, 2018.

⁶¹ Secchi, Bernardo, *Il racconto urbanistico*, Einaudi, 1984, p. 88.

⁶² Law no. 167 of 18 April 1962.

⁶³ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit., p. 132.

policies were meant to achieve.⁶⁴ In this respect, the attempt to align housing provision with the constitutional principle of the social function of property remained largely unfulfilled.

Law no. 457 of 1978 marked the last comprehensive cycle of structural investment in public housing, combining new construction with urban regeneration.⁶⁵ It also represented the moment in which housing policy, while still formally connected to redistributive objectives, began to lose its centrality within the broader architecture of the welfare state. From the 1980s onward, the housing framework progressively lost coherence, paving the way for the marginalisation and fragmentation that would characterise later housing governance.⁶⁶

Taken together, these historical trajectories reveal a persistent pattern in which housing, rather than being developed as a fully-fledged social right, has been consistently mediated in the Italian context through indirect instruments such as credit, incentives, and property-based solutions. Access to dwelling has thus depended less on enforceable entitlements than on policy choices, institutional arrangements, and the allocation of resources. Trajectories that highlight the inherently conditional and mediated character of housing within the Italian constitutional framework, and, at the same time, exposes a structural gap between its normative recognition and its concrete realisation. It is precisely this gap that makes it necessary to move beyond formal legal frameworks and examine how the right to dwelling operates in practice.

1.3 From Law in the Books to Dwelling in Law

The right to housing highlights a central socio-legal tension between formal recognition and practical accessibility. Socio-legal scholarship has long cautioned against treating rights as self-sufficient textual constructs. A right may in fact be formally recognised yet remain inaccessible in practice, since its operation depends on institutional arrangements, enforcement mechanisms, underlying power relations and, as already mentioned, resources.⁶⁷ In the Italian context, where the legal and constitutional contours of the right to dwelling remain only partially defined, this tension becomes even more pronounced. Precisely because of its still-evolving normative status, it becomes essential to move beyond formal recognition and examine how, and to what extent, this right is actually realised in practice.

⁶⁴ Olivito, Elisa, *Il diritto costituzionale all'abitare*, cit., p. 131.

⁶⁵ Law no. 457 of 5 August 1978.

⁶⁶ Nugnes, Francesca, *Povert  abitativa e Costituzione*, cit., p. 124.

⁶⁷ Pound, Roscoe, *Law in Books and Law in Action*, *American Law Review*, 44, 1910, p. 12.

Nico Moons shifts attention from the formal structure of legal norms to the conditions of their operation. As he notes, legal rules address socially embedded actors rather than abstract individuals, and their effects can only be understood in relation to the social contexts in which they function.⁶⁸ This position contrasts with an instrumentalist view of law, according to which legislation serves as a primary tool for shaping behaviour and producing desired outcomes. The latter approach assumes a direct link between legal rules and their effects, based on the idea that law alone can generate social change.⁶⁹ A socio-legal perspective, by contrast, questions this assumption and situates the effectiveness of law within its social context.

This line of reasoning can be traced back to early socio-legal thinkers such as Eugen Ehrlich and Roscoe Pound, who rejected the idea that law is exhausted by formal legal rules. Ehrlich, in particular, described law as emerging from social practices and associations, arguing that relevant norms often arise within society rather than from formally enacted provisions.⁷⁰ Legal rules do not operate on their own but derive their meaning and effect from the contexts in which they are applied. The distinction between “law in the books” and “law in action” clarifies this point: the former refers to formal legal rules as codified, while the latter captures forms of normativity that develop outside formal legal institutions.⁷¹

The relationship between the city and the right to dwelling, in this sense, is inseparable: only an approach that takes into account the social and collective dimensions of law allows us to grasp the tensions that emerge within urban spaces and that find in housing one of their clearest expressions. On this basis, the gap between law in the books and law in action can be treated as a methodological premise. The analysis must therefore move beyond the formal recognition of housing-related guarantees and consider the conditions that shape their actual operation. The right to housing may fail not only through direct violations, but also when institutional and material conditions prevent its effective exercise despite its formal recognition.⁷²

From an Ehrlichian perspective, the effectiveness of legal norms in the field of the right to dwelling must be assessed in light of a range of contextual factors. These include, in particular, the quality of access to justice, the persistent difficulties law encounters in

⁶⁸ Moons, Nico, *The Right to Housing in Law and Society*, Routledge, 2020, p. 73.

⁶⁹ Moons, Nico, *The Right to Housing in Law and Society*, cit., p. 72.

⁷⁰ Moons, Nico, *The Right to Housing in Law and Society*, cit., p. 74.

⁷¹ Medico, Francesco, *Nel prisma del diritto all'abitare: primi appunti per un'analisi costituzionale critica*, *Federalismi.it*, 11, 2023, p. 114.

⁷² Pound, Roscoe, *Law in Books and Law in Action*, cit., p. 12; Moons, Nico, *The Right to Housing in Law and Society*, cit.

promoting substantive equality and addressing discrimination, as well as the role of so-called semi-autonomous social fields (SASF), where social norms and practices interact with, and sometimes diverge from, formal legal rules.

SASFs consist of social groups, ranging from families and neighbourhoods to institutions and organised associations, that generate and sustain their own patterns of conduct through internal forms of regulation and social control.⁷³ While these normative orders are not formally recognised as law, they nonetheless shape behaviour and create expectations that individuals experience as binding. In this sense, they resemble what Ehrlich described as the “inner orders” of society, within which much of social regulation takes place independently of formal legal systems.⁷⁴

A proper understanding of legal effectiveness therefore calls for a bottom-up approach. Interestingly enough, Moons presents squatters as a first example.⁷⁵ The occupation of empty buildings, whether driven by necessity or by a broader critique of housing policies, reflects both a response to immediate need and a form of social participation. Squatting thus emerges not only as a survival strategy, but also as a practice of self-organisation and empowerment, even when it takes place in violation of the law. These considerations show that the effectiveness of the right to dwelling ultimately depends on the conditions under which it is realised in practice, conditions that are often unevenly distributed and become particularly visible in urban contexts.

1.4 Housing and Urban Space: From Social Rights to Spatial (In)equality

The relationship between the city and the right to dwelling is inherently difficult to disentangle. Limiting the analysis to the individual claim to a housing unit, without considering the wider urban dynamics within which that claim takes shape, risks reducing the issue to a decontextualised doctrinal exercise. The urban dimension, by contrast, is the space in which rights are concretely claimed, denied, and negotiated.⁷⁶ Law structures space, often shaping its accessibility and use, while space, in turn, influences the construction of law,

⁷³ The concept was first used by Moore, Sally Falk, *Law and social change: the semi-autonomous social field as an appropriate subject of study*, *Law and Society Review*, 7, 1972, p. 720-746.

⁷⁴ Moore, Sally Falk, *Law and social change: the semi-autonomous social field as an appropriate subject of study*, cit.

⁷⁵ Moons, Nico, *The Right to Housing in Law and Society*, cit., p. 83.

⁷⁶ Medico, Francesco, *Nel prisma del diritto all'abitare*, cit., p. 114.

determining whether its effects are, at different times, inclusive or marginalising.⁷⁷ Urban space has thus become a key terrain for understanding how law and politics are articulated, and how they shape the lives of those who inhabit it.⁷⁸

In this sense, the right to dwelling calls for attention to a set of spaces, architectures and relationships. It is precisely in the streets of our cities that the different interests surrounding everyday life intersect and often clash: capital and labour, rent and income, centre and periphery, national citizens and migrants, tourists and residents, private interests and public needs.⁷⁹ Within these spatial and social arrangements, participation takes shape, and the possibility of living with dignity is either sustained or undermined.⁸⁰

The partition of space is therefore never merely technical or functional, but political and juridical.⁸¹ The spatial dimension of law becomes especially evident when one considers how urban space may be designed to regulate conduct and filter unwanted presences. A particularly revealing example is that of the so-called “hostile architecture”: benches designed to prevent sleeping, barriers that obstruct prolonged use of public space, and other forms of urban design intended to discourage the presence of homeless persons, marginal groups, or non-conforming uses of common areas.⁸² Urban design can shape behaviour and produce exclusion in silence. The effect is to transform public space into a selective environment in which certain bodies and forms of presence are subtly but effectively repelled.

Closely connected to this topic is the contemporary language of urban decorum. Far from being a neutral vocabulary of order and cleanliness, the use of decorum can reduce the appearance of marginality in public spaces by regulating who is allowed to remain visible in it. In this respect, urban decorum and hostile design share a common logic, the one to contribute to the “invisibilisation” of “vulnerability” by treating certain forms of presence as inappropriate, or incompatible with the dominant image of the city. The regulation of

⁷⁷ Alietti, Alfredo, *Giustizia spaziale, periferie e vulnerabilità sociale: un nesso problematico?*, in Bernardini, Maria Giulia; Giolo, Orsetta (eds.), *Abitare i diritti: Per una critica del rapporto tra giustizia e spazi urbani*, Pacini Giuridica, Pisa, 2021, p. 7.

⁷⁸ Alietti, Alfredo, *Giustizia spaziale, periferie e vulnerabilità sociale*, cit., p. 8.

⁷⁹ Medico, Francesco, *Nel prisma del diritto all'abitare*, cit., p. 112.

⁸⁰ Tatarano, Giuseppe, *Accesso al bene «casa» e tutela privatistica*, in Lipari, Nicolò (ed.), *Tecniche giuridiche e sviluppo della persona*, Laterza, Roma-Bari, 1974, p. 407.

⁸¹ Nitrato Izzo, Valerio, *Vedere come una città e le trasformazioni dello spazio giuridico urbano*, in Bernardini, Maria Giulia; Giolo, Orsetta (eds.), *Abitare i diritti: Per una critica del rapporto tra giustizia e spazi urbani*, Pacini Giuridica, Pisa, 2021, p. 40.

⁸² Nitrato Izzo, Valerio, *Vedere come una città e le trasformazioni dello spazio giuridico urbano*, cit., p. 42-45.

“decency” often becomes a means of exclusion, justified through a frequently questionable appeal to “security.”⁸³

Rather than representing isolated techniques of spatial control, these practices reflect broader transformations in the organisation and governance of urban space. In this sense, they can be read as concrete expressions of a shift in the underlying principles that structure the modern city itself: the transition from the “constitutional city” to the “neoliberal city.”⁸⁴ Urban space is in fact no longer structured primarily by principles of equality and solidarity, but is often reorganised according to market logics and competitive dynamics, with significant implications for the distribution of rights.⁸⁵ Neoliberal urbanisation is a political project that reshapes the city in ways that prioritise capital accumulation over social needs.⁸⁶ As a result, urban space becomes a key site of socio-spatial inequality, where access to housing, services, and opportunities is increasingly determined by one’s economic position.

Here, the crisis of the “social city” becomes particularly evident, as the weakening of redistributive mechanisms contributes to a growing fragmentation of urban space. At the same time, the “political city” is also in crisis, as segments of the urban population remain excluded from effective participation in decision-making processes. Even the dimension of the “civil city”, traditionally associated with the space of freedom, appears constrained by regulatory practices, security measures, and forms of spatial control that limit access and visibility. The contemporary city thus emerges not as a universally accessible space of rights, but as a selectively regulated environment: an artificial city.⁸⁷

Henri Lefebvre’s formulation of the “right to the city” provides a crucial theoretical framework for understanding these dynamics. Living in France during a period of intense post-war urbanisation, Lefebvre developed an urban thought in response to the capitalist transformation of the city and within the broader social and political context that would culminate in the movements of 1968. Lefebvre argues that capitalist urbanisation has transformed the city from a collective work (*œuvre*) into a commodity (*produit*) governed by exchange value.⁸⁸ Against this process, he formulates the right to the city as a political and

⁸³ Nitrato Izzo, Valerio, *Vedere come una città e le trasformazioni dello spazio giuridico urbano*, cit., p. 48.

⁸⁴ Giolo, Orsetta, *I diritti contro la città. Spazio urbano, soggettività e sfera pubblica*, in Bernardini, Maria Giulia; Giolo, Orsetta (eds.), *Abitare i diritti: Per una critica del rapporto tra giustizia e spazi urbani*, Pacini Giuridica, Pisa, 2021, p. 66.

⁸⁵ Giolo, Orsetta, *I diritti contro la città. Spazio urbano, soggettività e sfera pubblica*, cit.

⁸⁶ Harvey, David, *Il capitalismo contro il diritto alla città. Neoliberalismo, urbanizzazione, resistenze*, Ombre Corte, 2016.

⁸⁷ Giolo, Orsetta, *I diritti contro la città. Spazio urbano, soggettività e sfera pubblica*, cit., pp. 66-68.

⁸⁸ Lefebvre, Henri, *Le droit à la ville*, Anthropos, Paris, 1968; English translation: *The Right to the City*, Blackwell, Oxford, 1996.

social claim through which urban inhabitants seek to reclaim urban life itself. This right is grounded in two core principles explicitly defined in the text: the right to appropriation, understood as the full and active use of urban space and clearly distinguished from private property, and the right to participation in the decisions that produce and organise urban space.⁸⁹

The right to the city also entails access to centrality and the rejection of spatial segregation. Its ultimate aim is the transformation of everyday life, since the city is the primary site where social relations and power are produced and contested. As social theorist David Harvey suggests in his interpretation of Lefebvre's work, the French sociologist envisioned a city that would be less alienating and, as a result, "conflictual and dialectical, open to becoming, to encounters (both fearful and pleasurable), and to the perpetual pursuit of unknowable novelty."⁹⁰

However, urban sensibility cannot be grasped solely at the level of abstract theory or planning principles shaped by pre-1968 fervour; rather, it must emerge from lived experiences of urban transformation. These experiences include forms of social distress and "the despair that flows from the glum desperation of marginalization, police repressions and idle youth lost in the sheer boredom of increasing unemployment and neglect in the soulless suburbs that eventually become sites of roiling unrest."⁹¹ The right to dwelling ultimately emerges as one of the most concrete and contested dimensions of a broader struggle over the right to the city.

⁸⁹ Lefebvre, Henri, *Le droit à la ville*, cit.

⁹⁰ Harvey, David, *Rebel Cities: From the Right to the City to the Urban Revolution*, Verso, London, 2012.

⁹¹ Harvey, David, *Rebel Cities: From the Right to the City to the Urban Revolution*, cit.

Chapter 2 – Structural Tensions in the Right to Housing in Contemporary Italy

Building on the analytical framework developed in Chapter 1, this chapter shifts the focus from the normative formulation of the right to housing to its institutional configuration. Rather than asking whether housing is recognised as a right, the analysis examines how access to dwelling is concretely organised, mediated, and limited within the Italian context.

From this standpoint, housing poverty, vulnerability, and homelessness are not approached as separate or exceptional conditions. They are analysed instead as interconnected outcomes of a broader institutional configuration that governs access to housing. What is at stake is not simply the inability of policies to address need, but the ways in which policy arrangements themselves contribute to producing and distributing housing precarity.

2.1 The Transformation of Housing Policies in Italy

The more recent transformation of housing policies in Italy cannot be understood simply as a reduction of public intervention, but rather as a redefinition of the role of the State in the housing field. As we have seen, programmes such as the INA-Casa Plan had exemplified a model of direct intervention, in which the State actively financed and organised the construction of housing. The intervention was strongly oriented toward promoting homeownership and did not generate a sufficiently large stock of public rental housing for lower-income groups.⁹² The welfare system aims at protecting citizens from the effects of industrialisation, but also functions as a support to the market, sustaining the consumption capacity of the middle classes.⁹³

If the post-war period had already been marked by a structural inadequacy of public provision, the decades that followed made this insufficiency even more explicit, shifting the regulation of access to housing towards indirect, fragmented, and market-oriented forms.⁹⁴ From the late 1970s onwards, instead of building and allocating housing, public authorities started intervening through regulatory and financial measures.⁹⁵ This transformation unfolded

⁹² Gainsforth, Sarah, *L'Italia senza casa*, Laterza, Bari-Roma, 2023, p. 27.

⁹³ Gainsforth, Sarah, *L'Italia senza casa*, cit.

⁹⁴ Nugnes, Francesca, *Povertà abitativa e Costituzione*, cit.

⁹⁵ Nugnes, Francesca, *Povertà abitativa e Costituzione*, cit.

alongside persistent forms of housing deprivation and conflict. From the 1950s onwards, housing struggles emerged as a central site of collective mobilisation, in which access to housing became intertwined with practices of self-organisation and urban contestation.⁹⁶

By the late 1960s and early 1970s, these struggles became intertwined with broader student, worker, and neighbourhood mobilisations, making housing a central site of political contestation. Radical movements explicitly framed housing not as a commodity but as a collective right, denouncing rent and property relations as mechanisms of inequality. Experiences such as those documented in *Lotta Continua*, an extra-parliamentary radical left organisation, articulated a critique of both market dynamics and institutional responses, anticipating tensions that would later re-emerge within formal housing policies.⁹⁷

At the same time, the conditions underpinning housing demand were undergoing significant change. The diffusion of smaller and more unstable households, population ageing, and the spread of insecure employment increased the demand for flexible and affordable housing solutions.⁹⁸ The growing expectation that families would compensate for limited public support further displaced housing needs into the private sphere.⁹⁹ By the 1980s, these developments exposed the limits of a policy framework still largely oriented towards standard family structures and stable employment.

As Antonio Tosi observed, housing policies progressively ceased to address housing needs as such and were instead displaced into broader programmes of urban transformation. In the following years, public investment in housing declined significantly, while the limited resources were redirected towards integrated urban programmes centred on urban renewal and regeneration, rather than on the expansion of affordable housing provision.¹⁰⁰ Law no. 179/1992 marked a turning point by promoting urban renewal, introducing funding schemes and planning instruments oriented towards area-based projects.¹⁰¹ This passage has been described as an “elusive exchange”, whereby housing needs were incorporated into wider urban policy agendas without being effectively addressed as a structural issue.¹⁰²

⁹⁶ Quirico, Monica, *Lotta Continua and the Italian Housing Movement in the 1970s: Ancient History or Present Challenges?*, *Radical Housing Journal*, 3(1), 2021, pp. 149.

⁹⁷ Quirico, Monica, *Lotta Continua and the Italian Housing Movement*, cit.

⁹⁸ Caruso, Nadia, *Housing Policies in Italy: From Social Housing to Neo-Liberalism*, in *Policies and Practices in Italian Welfare Housing. Turin, up to the Current Neo-Liberal Approach and Social Innovation Practices*, Springer, Cham, 2017, p. 34.

⁹⁹ Filandri, Marianna; Olagnero, Manuela; Semi, Giovanni, *Casa dolce casa?*, cit.

¹⁰⁰ Tosi, Antonio, *Le case dei poveri*, cit.

¹⁰¹ Law no. 179 of 17 February 1992, *Norme per l'edilizia residenziale pubblica*.

¹⁰² Caruso, Nadia, *Housing Policies in Italy: From Social Housing to Neo-Liberalism*, cit., Chapter 2.

A further transformation occurred in 1998 with the decentralisation process, through which substantial competences in the housing field were transferred from the State to the Regions. Legislative Decree no. 112 transferred to regional and local authorities key responsibilities in public residential housing, including the definition of intervention strategies, the allocation of financial resources, the design of programmes, and the determination of access criteria and rent levels.¹⁰³ The central government retained only a limited coordinating role. The process was consolidated by the reform of Title V of the Constitution (Constitutional Law no. 3/2001), which redefined the distribution of legislative powers, leaving to the State primarily residual competences, including the regulation of private rental contracts under civil law.¹⁰⁴ The outcome was a territorially differentiated system characterised by uneven institutional capacities and heterogeneous policy regimes.

Within this evolving framework, the reform of rent regulation introduced by Law 431/1998 replaced the system of strong rent controls with a dual contractual framework combining market-based and regulated elements.¹⁰⁵ Alongside standard open-market contracts, in which rents are freely determined, the reform introduced “agreed rent” schemes intended to ensure affordability in exchange for fiscal incentives. However, in practice, the latter have remained relatively marginal to this day, while short-term and transitional contracts have become widespread, contributing to a less secure rental sector.¹⁰⁶

From the 2000s, the rental sector remained limited and costly, while housing demand became complex and differentiated as a result of ongoing demographic and socio-economic transformations.¹⁰⁷ The long-term rise in real estate values contributed to widening the gap between housing costs and households’ economic capacity, progressively restricting access to the housing market, particularly for new entrants in conditions of labour precariousness.¹⁰⁸

At this time, public intervention did not manage to reverse these dynamics. On the contrary, measures such as Law No. 21/2001 and subsequent policy developments prioritised financial support to households and the activation of mechanisms facilitating access to the private market.¹⁰⁹ More broadly, the policy trajectory of the 2000s reflects an attempt to reorganise the housing sector through negotiated arrangements, hybrid instruments, and the

¹⁰³ Law Decree no. 112 of 31 March 1998 and Constitutional Law no. 3 of 18 October 2001.

¹⁰⁴ Nugnes, Francesca, *Povert  abitativa e Costituzione*, cit., p. 138.

¹⁰⁵ Law no. 431 of 9 December 1998, *Disciplina delle locazioni e del rilascio degli immobili adibiti ad uso abitativo*.

¹⁰⁶ Gainsforth, Sarah, *L’Italia senza casa*, cit., p. 76.

¹⁰⁷ Caruso, Nadia, *Housing Policies in Italy: From Social Housing to Neo-Liberalism*, cit.

¹⁰⁸ Caruso, Nadia, *Housing Policies in Italy: From Social Housing to Neo-Liberalism*, cit.

¹⁰⁹ Law no. 21 of 8 February 2001, *Misure per ridurre il disagio abitativo*.

growing involvement of non-public actors, without restoring a structural commitment to direct provision.

The financial crisis of 2007–2008 intensified pre-existing structural tendencies in housing systems, exposing their fragility through the contraction of credit, rising household indebtedness, and growing structural housing insecurity.¹¹⁰ In the aftermath of the crisis, the accelerating financialisation of real estate, combined with the expansion of international tourism and the increased mobility of populations, contributed to the emergence of a national housing crisis.¹¹¹ Faced with shrinking resources, local authorities increasingly turned to strategies aimed at attracting external investment, promoting urban transformation and tourism as sources of revenue. Urban space has been progressively treated as a financial asset, while land development has become a key instrument for sustaining municipal budgets.¹¹²

However, reliance on market mechanisms has not ensured adequate levels of services or the effective provision of social rights. On the contrary, the very urban transformations promoted under this model tend to generate additional demands for infrastructure and services, producing rising costs that local authorities struggle to sustain. Municipal budgets thus become dependent on volatile and contingent revenues linked to real estate development, creating a structurally unstable and self-reinforcing cycle.¹¹³

A similar dynamic can be observed in the growing dependence on tourism: as local finances rely more heavily on tourist taxes, municipalities are incentivised to promote rather than regulate tourist flows. Yet, accommodating these flows requires continuous public investment in infrastructure, even as residents are progressively displaced from central urban areas. In this way, the economic benefits of urban transformation are being privatised, while their social and infrastructural costs are redistributed across the broader community.¹¹⁴

Housing hardship has therefore become the object of renewed forms of contestation. Since the early 2010s, a new generation of housing movements has emerged, giving visibility to the contradictions of the housing system and advancing claims around the right to housing.¹¹⁵ Yet, despite the proliferation of local struggles and forms of mobilisation, housing has not been re-established as a central issue within the national political and policy

¹¹⁰ Caruso, Nadia, *Housing Policies in Italy: From Social Housing to Neo-Liberalism*, cit., p. 38.

¹¹¹ Tulumello, Simone, *The struggle for problematising housing in Italy: Reflections from Naples, Turin and beyond*, *Radical Housing Journal*, 5(1), 2023, p. 24.

¹¹² Gainsforth, Sarah, *L'Italia senza casa*, cit., p. 98.

¹¹³ Gainsforth, Sarah, *L'Italia senza casa*, cit.,

¹¹⁴ Gainsforth, Sarah, *L'Italia senza casa*, cit., p. 101.

¹¹⁵ Tulumello, Simone, *The struggle for problematising housing in Italy*, cit., p. 24.

agenda.¹¹⁶ Fragmented institutions, territorially uneven regimes, and dispersed forms of mobilisation have constrained the articulation of housing as a universal right.

The most recent developments surrounding the 2026 “Piano Casa” promoted by the Giorgia Meloni government only appear to guide the long-term transformation of Italian housing policy away from direct public provision and towards market-oriented forms of intervention.¹¹⁷ Although publicly presented as an ambitious response to the housing crisis, centred on the creation of 100.000 housing units over the next decade, the decree does not establish a new large-scale programme of public housing construction. Rather, its stated objective is the expansion of an “affordable” and “sustainable” housing supply through mechanisms of valorisation, redevelopment, and cooperation with private actors. The plan is explicitly directed towards categories such as students, young workers, temporary employees, young couples, and separated parents, while substantially overlooking households already living in conditions of acute housing deprivation, including families in public housing waiting lists, people facing eviction, and low-income tenants.¹¹⁸

The structure of the decree further reflects this orientation. Public funding allocated to municipalities and public housing agencies is directed not only towards the recovery of public residential housing, but also towards broader forms of “social housing,” without guaranteeing that renovated units will actually be assigned according to existing waiting lists or social need criteria.¹¹⁹ At the same time, the plan facilitates the rapid sale of public housing assets, while the revenues generated are destined primarily to support public debt amortisation rather than being reinvested into the expansion of social housing itself.¹²⁰ Parallel legislative initiatives have also been criticised for easing eviction procedures, reinforcing the perception that the government’s intervention prioritises the circulation and profitability of housing assets over housing security.¹²¹

More broadly, the decree relies heavily on integrated housing programmes, financial incentives, and partnerships with private real-estate actors, while leaving largely untouched some of the central mechanisms currently driving housing exclusion, including rent inflation,

¹¹⁶ Tulumello, Simone, *The struggle for problematising housing in Italy*, cit.

¹¹⁷ Decree-Law no. 66 of 7 May 2026.

¹¹⁸ Il Fatto Quotidiano, *Dietro gli alloggi promessi, nel Piano casa di Meloni vendite ai privati e pochi fondi per le famiglie*, available at: <https://www.ilfattoquotidiano.it/2026/05/06/piano-casa-decreto-legge-analisi-notizie/8375767> (last accessed: 20/05/2026).

¹¹⁹ Il Fatto Quotidiano, *Gli assessori di 30 città rimandano il Piano casa*, cit.

¹²⁰ Il Fatto Quotidiano, *Gli assessori di 30 città rimandano il Piano casa*, cit.

¹²¹ CGIL, *Piano Casa: deludente, tardivo, inadeguato e affidato prevalentemente al mercato privato senza ripari da logiche speculative*, 2026.

speculative pressures, and the expansion of precarious rental arrangements.¹²² In this sense, the new Piano Casa does not represent a return to housing as a universal public responsibility, but a consolidation of a model in which the State increasingly acts as coordinator and guarantor of real-estate investment, while structural housing insecurity is managed through selective and market-compatible interventions. It is within this tension, between marketisation and the retreat of public intervention, that the question of the right to dwelling in Italy must be situated.

2.2 Housing Poverty as a Structural Condition

The transformations outlined above have not remained confined to the level of policy design, but have materialised in increasingly widespread forms of housing deprivation. Today, Italy ranks seventh among EU countries in terms of the share of people at risk of poverty or social exclusion, reaching 23.1% in 2025, suggesting that socio-economic vulnerability remains a persistent condition affecting broad segments of the population.¹²³ These dynamics are particularly visible in urban contexts, where the private dimension of dwelling can be said to have become predominant, as if the city were nothing more than a collection of houses and buildings.¹²⁴

Although poverty is inherently multidimensional, it has precisely come to manifest itself most acutely in the housing sphere.¹²⁵ Housing poverty itself encompasses a wide range of conditions and varying degrees of deprivation. It includes situations such as overcrowding, high costs of access to and maintenance of housing, living in areas lacking adequate services, and occupying dwellings informally or without legal entitlement. It also extends to residing in structurally inadequate housing, as well as to more extreme forms of deprivation, including the complete absence of a home. The notion of “housing poverty” therefore functions as an umbrella concept, capturing diverse forms of housing-related hardship, including situations where deprivation has not yet fully materialised, but is highly likely to occur.¹²⁶

The core issue lies not in an absolute shortage of housing, but in a structural mismatch between housing as a social need and housing as an investment asset. As housing becomes

¹²² CGIL, *Piano Casa: deludente, tardivo, inadeguato e affidato prevalentemente al mercato privato*, cit.

¹²³ Caritas Italiana, *La povertà in Italia secondo i dati della rete Caritas. Report statistico nazionale 2025*, Palumbi, Teramo, 2025.

¹²⁴ Gainsforth, Sarah, *L'Italia senza casa*, cit., p. 5.

¹²⁵ Nugnes, Francesca, *Povertà abitativa e Costituzione*, cit., p. 5; Council of Europe, Commissioner for Human Rights, *The right to affordable housing: Europe's neglected duty*, 2020.

¹²⁶ Nugnes, Francesca, *Povertà abitativa e Costituzione*, cit.

increasingly oriented toward capital accumulation, its production, allocation, and valuation are shaped less by use value than by expectations of return. This shift lies at the heart of the contemporary housing crisis.¹²⁷ Traditional modes of access such as renting and homeownership through mortgages are increasingly failing to ensure effective access to housing. Or, as Sarah Gainsforth observes, they no longer work for those who need a house to live in.¹²⁸ Prices and rents tend to reflect expectations of capital appreciation rather than household incomes, progressively detaching housing from both the real economy and actual housing needs.¹²⁹

A useful way to capture the growing disjunction between housing costs and economic capacity is the *housing cost overburden rate*, which measures the proportion of individuals whose housing expenses exceed 40% of their disposable income. In 2025, this rate reached 5.0% in Italy, indicating that a significant share of the population experiences structural difficulty in sustaining housing costs (see Figure 1).¹³⁰

While the rate may appear low overall, it captures only the most severe cases. It therefore overlooks wider forms of housing insecurity, including those who are excluded from the housing market altogether or who adapt their living conditions to avoid exceeding this threshold. Crucially, the indicator measures affordability rather than availability: it identifies situations in which access to housing is formally secured but financially unsustainable. As such, it reflects a condition of constrained inclusion and should be interpreted as a partial measure of the most acute forms of housing insecurity.

¹²⁷ Gainsforth, Sarah, *L'Italia senza casa*, cit., p. 6.

¹²⁸ Gainsforth, Sarah, *L'Italia senza casa*, cit.

¹²⁹ Gainsforth, Sarah, *L'Italia senza casa*, cit.

¹³⁰ Eurostat, *Housing cost overburden rate* (dataset tespm140, 2025), available at: <https://ec.europa.eu/eurostat/databrowser/view/tespm140/default/table>, (last accessed: 12/04/2026).

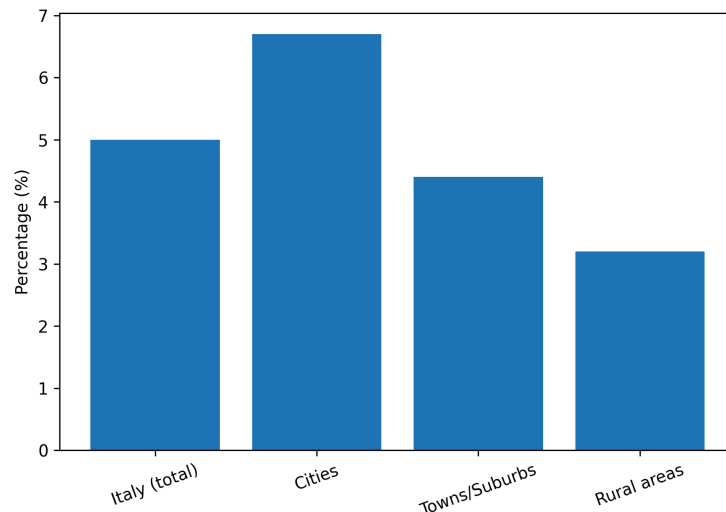


Figure 1. Housing Cost Overburden Rate in Italy (2025).

Source: Eurostat (2025), *Housing cost overburden rate* (dataset *tespm140*), available at: <https://ec.europa.eu/eurostat/databrowser/view/tespm140/default/table> (last accessed: 12/04/2026). Author's elaboration.

As shown in Figure 1, the distribution of the burden is also highly uneven across space. In the same year, the housing cost overburden rate was significantly higher in cities (6.7%) than in towns and suburbs (4.4%) or rural areas (3.2%).¹³¹ This disparity confirms that housing insecurity is not uniformly distributed, but is instead concentrated in urban contexts, where market pressures, investment dynamics, and the commodification of housing are most intense. These figures therefore suggest that the contemporary housing crisis is primarily a problem of affordability.

However, in many urban contexts, access to housing is also very much constrained by the decreasing availability of dwellings for long-term residential use. This apparent scarcity requires careful qualification as it does not derive from an absolute shortage of housing stock, but from its progressive reallocation toward non-residential or investment-oriented uses. According to recent data from the Italian National Institute of Statistics (ISTAT), approximately 27% of the national housing stock is not occupied by usual residents, while only about 73% is effectively used as primary residence (see Figure 2).¹³² The actual extent of non-occupied housing is likely to be even higher than reported, as existing figures do not fully account for the range of situations that do not fit standard occupancy categories.

¹³¹ Eurostat, *Housing cost overburden rate* (dataset *tespm140*, 2025), cit.

¹³² Openpolis, *Le abitazioni vuote in Italia*, December 2023 (elaborazione su dati ISTAT), available at: <https://www.openpolis.it/le-abitazioni-vuote-in-italia/> (last accessed: 12/04/2026). The category of “non-occupied dwellings” includes second homes, temporarily vacant properties, and investment units.

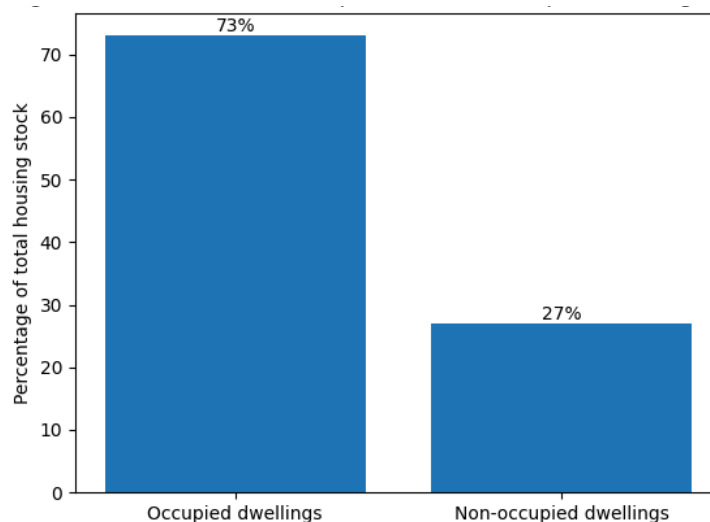


Figure 2. Distribution of occupied and non-occupied dwellings in Italy.

Source: *Openpolis, Le abitazioni vuote in Italia, December 2023 (based on ISTAT data)*, available at: <https://www.openpolis.it/le-abitazioni-vuote-in-italia/> (last accessed: 12/04/2026). Author's elaboration.

The expansion of short-term rentals further intensifies this trend, particularly in urban areas, by converting residential units into tourist accommodation and reducing the stock accessible to residents. In this sense, scarcity should not be understood as a natural or inevitable condition, but as a socially produced outcome. Housing units may exist in quantitative terms, yet remain inaccessible either because they are economically unaffordable or because they are withdrawn from the residential market altogether. The result is a dual mechanism of exclusion, operating simultaneously through price and availability.

These two dimensions are mutually reinforcing. The reduction in the supply of housing available for long-term residence contributes to rising costs, while higher expected returns further incentivise the conversion of housing into an investment asset. This circular dynamic plays a central role in the production and reproduction of housing inequality, particularly in urban contexts.

The growing disjunction between housing costs and economic capacity is further confirmed by broader income and credit dynamics. In Italy, wages have not kept pace with the increase in property values. While the real estate sector continues to grow, access to housing has become more difficult for an increasing number of households. Only 35.8% of Italian families currently consider their income sufficient to cover essential expenses, while the share of those who regard it as barely adequate or inadequate is rising (18.5%).¹³³

¹³³ Nomisma, *18° Rapporto sull'Abitare*, 2026, available at: <https://www.nomisma.it/press-area/pubblicato-il-18-rapporto-sull-abitare/>

Besides, despite a significant rebound in mortgage lending, with newly issued mortgages increasing by 30.8%, the proportion of households accessing mortgages remains limited, reflecting selective lending practices.¹³⁴ Nevertheless, since the credit system tends to grant loans primarily to those who already possess financial resources, the expansion of mortgage lending has disproportionately benefited higher-income groups.¹³⁵

For the majority of renting households, renting does not therefore represent a strategic choice, but rather a necessity driven by insufficient resources.¹³⁶ However, renting cannot be regarded as a stable or adequate solution to housing needs. As already mentioned, the recent expansion of short-term tourist rentals, often mediated by platforms such as Airbnb or Booking, significantly reduces the stock of housing available for long-term residential use.¹³⁷ For instance, it has been shown that a 1% increase in Airbnb listings in a specific area of Italy leads to an average increase of 6.7% in house prices and 5.7% in rents.¹³⁸

Recent estimates precisely indicate a steady increase in the number of dwellings used for short-term rentals in Italy. Italy became the second-largest Airbnb market in Europe in 2018. As of September 2025, there were 37,652 active Airbnb listings in the only city of Rome, indicating a significant scale of short-term rental activity.¹³⁹ Data from Inside Airbnb indicates that approximately 89.9% of those listings correspond to entire homes or apartments, suggesting that short-term rental platforms are predominantly used for the commercial exploitation of full housing units rather than for occasional or shared hosting.¹⁴⁰ This form of real estate and financial valorisation entails substantial costs, as it appropriates value from the city, a resource produced collectively.¹⁴¹

¹³⁴ Nomisma, *18° Rapporto sull'Abitare*, cit.

¹³⁵ Filandri, Marianna; Olagnero, Manuela; Semi, Giovanni, *Casa dolce casa?*, cit.

¹³⁶ Nomisma, *18° Rapporto sull'Abitare*, cit.

¹³⁷ Gainsforth, Sarah, *L'Italia senza casa*, cit., p. 6.

¹³⁸ Tortuga, *Policy Brief-AirBnb e il mercato immobiliare italiano*, 2023, available at: https://www.tortuga-econ.it/2023/07/11/airbnb_mercato_immobil-iare_italiano/, (last accessed: 16/04/2026).

¹³⁹ Inside Airbnb, *Rome*, available at: <https://insideairbnb.com/rome/>, (last accessed: 09/04/2026).

¹⁴⁰ Inside Airbnb, *Rome*, cit.

¹⁴¹ Gainsforth, Sarah, *L'Italia senza casa*, cit., p. 13.

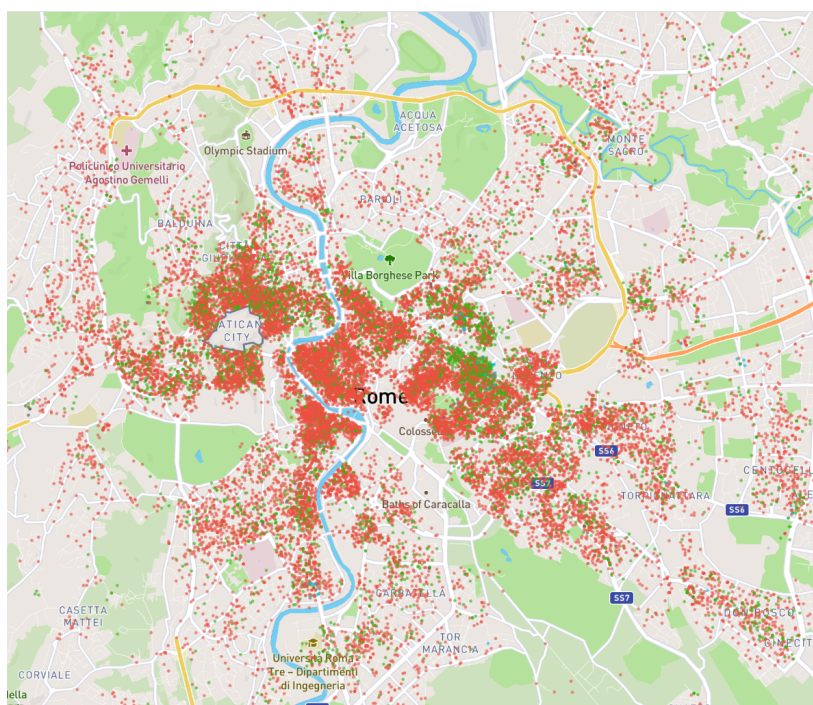


Figure 3. Spatial distribution of Airbnb listings in Rome, September 14, 2025.

Source: *Inside Airbnb, Rome*, available at: <https://insideairbnb.com/rome/> (last accessed: 09/04/2026).

Ultimately, the increase in rents and property values benefits existing homeowners, while simultaneously making access to housing more difficult for younger generations and households without initial wealth, due to higher costs and a reduced capacity to save or invest. The result is a system in which access to housing increasingly depends on pre-existing resources, contributing to the reproduction of inequality and the progressive exclusion of large segments of the population from adequate housing conditions.¹⁴²

This is compounded by the exceptionally high cost of land itself, which tends to favour high-end real estate developments and the production of luxury-oriented housing, such as upscale student accommodation. The dynamic is closely linked to the progressive disposal of public land and housing assets, meaning land and buildings owned by the state or local authorities, including social housing and other real estate previously available for collective or social use.¹⁴³ Their sale not only deprives public authorities of key tools to regulate and stabilise the housing market, but also actively contributes to processes of urban gentrification. In this sense, urban space is reshaped for wealthier users, leading to the gradual displacement of lower-income groups and of the middle classes as well.¹⁴⁴

¹⁴² Gainsforth, Sarah, *L'Italia senza casa*, cit., p. 6.

¹⁴³ Gainsforth, Sarah, *L'Italia senza casa*, cit., p. 12.

¹⁴⁴ Gainsforth, Sarah, *L'Italia senza casa*, cit.

What emerges is not a series of isolated dysfunctions, but a systemic configuration in which housing deprivation is continuously produced and reproduced through the very mechanisms that govern access to and use of housing.

2.3 Vulnerability and Selective Access to Housing Protection

Martha Fineman's Vulnerability Theory provides a powerful analytical framework for understanding how processes of deprivation, such as those discussed above, are structured and reproduced within the housing system. According to the American jurist and legal philosopher, "vulnerability" should be understood as a universal condition, rather than as a characteristic of specific disadvantaged groups. This implies that all individuals depend on social institutions for resilience, and that what distinguishes them is not their degree of vulnerability, but their unequal ability to accumulate and access what Fineman defines as "assets of resilience."¹⁴⁵

This shift in perspective moves the analysis away from identifying "vulnerable subjects" and toward examining how institutional arrangements structure access to resources and support.¹⁴⁶ Housing, in this sense, can be understood as a key asset of resilience, whose unequal distribution directly affects individuals' capacity to cope with social and economic risks. Fineman formulates the theory precisely to "argue for a more responsive state and a more egalitarian society."¹⁴⁷ On this basis, the State cannot confine its role to addressing exceptional situations of disadvantage, but must actively organise access to resources in ways that enable individuals to build and access resilience. The provision of essential resources, such as housing, appears not as a residual or conditional form of assistance, but as a structural obligation.

Vulnerability is increasingly mobilised within housing policy and welfare frameworks as a category through which access to protection is articulated. However, as anticipated by Fineman's critique, policy agendas tend to mobilise this language in ways that individualise housing need, framing it in terms of personal trajectories and responsibility. This means that, rather than addressing the structural factors that produce housing insecurity, policy interventions are often targeted at specific "vulnerable" profiles and organised through

¹⁴⁵ Fineman, Martha Albertson; Woodruff, Ralph W., *Afterword: Vulnerability and Resilience*, Retfærd. Nordic Journal of Law and Justice, n. 36 (84), 2013, p. 84.

¹⁴⁶ Fineman, Martha Albertson; Woodruff, Ralph W., *Afterword: Vulnerability and Resilience*, cit.

¹⁴⁷ Fineman, Martha Albertson, *The Vulnerable Subject: Anchoring Equality in the Human Condition*, Yale Journal of Law & Feminism, n. 20, 2008.

standardised and conditional forms of protection.¹⁴⁸ As a result, these risk reinforcing the very conditions of dependency and marginalisation they are intended to address.¹⁴⁹ In this sense, housing progressively loses its character as a structural social need and is reframed as a set of individual situations, which are difficult to translate into generalised and stable public obligations.¹⁵⁰

Inevitably, as the very term “vulnerability” may carry ambivalent implications, its practical deployment calls for closer attention to language. Several scholars have highlighted its deficit-oriented and potentially stigmatizing connotations, noting that labelling individuals or groups as “vulnerable” risks obscuring their agency and reinforcing hierarchical distinctions between subjects.¹⁵¹ Furthermore, vulnerability appears difficult to reconcile with traditional understandings of citizenship, which tend to privilege autonomy, independence, and self-sufficiency.¹⁵² Ultimately, and more fundamentally, framing inequality in terms of vulnerability may displace attention from structural relations of power, again reducing complex dynamics of exclusion to individual conditions.¹⁵³

At the same time, it is important to strike a balance between the universal and context-specific dimensions of vulnerability, recognising it as a shared human condition while remaining attentive to how unevenly it is experienced.¹⁵⁴ Doing so avoids both overly abstract interpretations and the risk of “over-vulnerabilisation” associated with rigid classifications.¹⁵⁵ Vulnerability should therefore be understood not as a classificatory device, but as a notion capable of identifying the social, institutional, and relational conditions that expose individuals to serious risks of rights violations.¹⁵⁶ Its value lies not in replacing equality or autonomy, but in clarifying the contexts in which their concrete realisation is at stake.

¹⁴⁸ Verza, Annalisa, *Vulnerability, justice and care*, Oñati Socio-Legal Series, 12(1), 2022, p. 222.

¹⁴⁹ Verza, Annalisa, *Vulnerability, justice and care*, cit.

¹⁵⁰ Olagnero, Manuela, *Discorsi sull'abitare. Come e a chi parlano le nuove politiche abitative*, la Rivista delle Politiche Sociali, 4, 2018.

¹⁵¹ Brown, Kate, ‘Vulnerability’: *handle with care*, Ethics Soc. Welf, 2011, p. 319; Urquiza Haas, Egon; Sánchez García, Marta, *Encounters with vulnerability: the victim, the fragile, the monster, the queer, the abject, the nomadic, the feminine, the shameful, and the rest*, Grad. J. Soc. Sci., 11, 2015, p. 151; Wisner, Ben et al., *At Risk: Natural Hazards, People's Vulnerability and Disasters*, Routledge, 2004, p. 13.

¹⁵² Brown, Kate, *The governance of vulnerability: regulation, support and social divisions in action*, International Journal of Sociology and Social Policy, 2017, p. 670.

¹⁵³ Cole, Alyson, *All of Us Are Vulnerable, But Some Are More Vulnerable than Others: The Political Ambiguity of Vulnerability Studies, an Ambivalent Critique*, Critical Horizons, 17(2) 2016, p. 274.

¹⁵⁴ Verza, Annalisa, *Vulnerability, justice and care*, cit., p. 225.

¹⁵⁵ Verza, Annalisa, *Vulnerability, justice and care*, cit.

¹⁵⁶ Pariotti, Elena, *Vulnerability and Human Rights: Which Compatibility?*, International Journal for the Semiotics of Law - Revue internationale de Sémiotique juridique, 36(4), 2023, pp. 1404-1406.

This is most clearly revealed when the analysis focuses on the institutional and social arrangements through which vulnerability is structured. As Judith Butler has argued, vulnerability is not only a universal condition, but is also differentially distributed through the legal, administrative, and social systems that sustain life.¹⁵⁷ From this perspective, institutions do not merely respond to vulnerability, but actively shape the conditions under which it is produced and experienced.¹⁵⁸

Building on this insight, scholars like Isabella Scheibmayr have conceptualised vulnerability as an analytical framework through which it becomes possible to examine how institutions themselves distribute exposure to harm and access to support.¹⁵⁹ Organizations and governance structures are not neutral or purely reactive structures, but form part of the infrastructures that organise vulnerability.¹⁶⁰ In the housing field, these infrastructures take the form of allocation mechanisms, administrative procedures, informational channels, and institutional intermediaries through which access is concretely realised. Access to housing protection thus depends on the ability to navigate a complex institutional environment, requiring time, knowledge, continuity, and procedural capacity.¹⁶¹

Such a selective structure is particularly evident in the case of public residential housing, which constitutes the core instrument of direct provision within the Italian housing system. Public intervention in the Italian housing sector is organised through differentiated mechanisms, including public residential housing (ERP) for low-income groups and forms of social housing (ERS) targeting intermediate segments.¹⁶² These instruments are formally designed to provide access to housing for those excluded from the market. Eligibility is formally restricted to Italian and EU citizens, as well as to non-EU nationals holding a long-term residence permit or a residence permit of at least two years, who must also demonstrate stable employment. Applicants are required to prove residency or primary work activity within the municipality of application, must not own adequate housing, must not have previously benefited from public housing, and must fall below specific income thresholds.¹⁶³

The housing exclusion of the poor thus appears as a programmatic form of exclusion. While it may stem from a mismatch between the conditions of the poor and the established

¹⁵⁷ Butler, Judith, *The Force of Nonviolence*, Verso, London, 2021.

¹⁵⁸ Scheibmayr, Isabella, *Organizing Vulnerability*, Gender, Work & Organization, 2024.

¹⁵⁹ Scheibmayr, Isabella, *Organizing Vulnerability*, cit.

¹⁶⁰ Scheibmayr, Isabella, *Organizing Vulnerability*, cit.

¹⁶¹ Scheibmayr, Isabella, *Organizing Vulnerability*, cit.

¹⁶² Oxfam Italia, *Disuguaglianze abitative in Italia*, Oxfam Italia, 2025, p. 11.

¹⁶³ Oxfam Italia, *Disuguaglianze abitative in Italia*, cit.

structure of housing policies, it cannot be understood merely as an unintended consequence or a perverse effect; rather, it is embedded within their very design.¹⁶⁴ The poor have not been the primary beneficiaries of most Italian social housing policies. Historically, in Italy just as in many other countries, social housing has been directed less toward those in greatest need than toward more stable segments of the working population.¹⁶⁵

Eligibility criteria, while formally intended to identify need, presuppose conditions of administrative stability, legal regularity, and economic continuity that are unevenly distributed among the population. As a result, access is filtered through requirements that tend to exclude individuals in more precarious or informal conditions. Ultimately, institutional arrangements actively structure access to housing protection, contributing to the organisation of vulnerability.¹⁶⁶

Moreover, the selectivity is further intensified by the limited scale of public provision. The public housing stock in the country amounts to approximately 900,000 units, housing around 2.2 million individuals and representing only 2.6% of the total national housing stock.¹⁶⁷ This proportion is significantly lower than in most other European countries. The insufficiency of supply is also reflected in waiting lists exceeding 300,000 applications, indicating a persistent and structural gap between demand and available resources.¹⁶⁸ Within such conditions of structural scarcity, access to housing protection becomes not only selective, but also increasingly competitive, reinforcing profound exclusionary dynamics.

2.4 Homelessness as a Limit Case of the System

Within this framework, homelessness does not appear as a separate or exceptional phenomenon, but as the extreme outcome of the same mechanisms that structure access to housing protection. When the institutional conditions required to access and maintain housing are not met, individuals are progressively displaced along the continuum of housing insecurity until access breaks down entirely. Homelessness thus marks the point at which selective access becomes exclusion, revealing the limits of a system in which the right to housing is mediated through institutional filters rather than guaranteed as a universal condition.

¹⁶⁴ Tosi, Antonio, *Le case dei poveri*, cit., p. 22.

¹⁶⁵ Tosi, Antonio, *Le case dei poveri*, cit.

¹⁶⁶ Scheibmayr, Isabella, *Organizing Vulnerability*, cit.

¹⁶⁷ Oxfam Italia, *Disuguaglianze abitative in Italia*, cit. p. 12.

¹⁶⁸ Oxfam Italia, *Disuguaglianze abitative in Italia*, cit.

2.4.1 Defining Homelessness

Defining the phenomenon of homelessness is a complex and inevitably discretionary task.¹⁶⁹ For some, the loss of a home is directly linked to housing conditions and market exclusion.¹⁷⁰ Others believe homelessness should be framed through a broader set of social, economic, and personal factors.¹⁷¹ Homelessness is in fact generally understood as a condition of severe deprivation, affecting multiple interrelated spheres of life.¹⁷² First, it involves a material dimension, characterised by the inability to independently meet basic needs such as shelter, food, and hygiene. Second, it affects the affective and relational sphere, often marked by the absence of stable social ties and supportive networks. Third, it has significant implications for health and psychophysical well-being. Finally, homelessness impacts the sphere of citizenship and rights. Deprivation across these dimensions not only negatively shapes individual life trajectories but may also, in certain contexts, act both as a cause and a consequence of persistent social, and spatial, marginalisation.¹⁷³

In European research and policy discourse, the most widely used analytical framework to assess homelessness is the ETHOS typology (European Typology of Homelessness and Housing Exclusion), developed by the European Federation of National Organisations Working with the Homeless (FEANTSA). The ETHOS framework defines a “home” through three essential dimensions: the availability of a physical space, legal security of tenure, and the possibility of maintaining social relations.¹⁷⁴ Housing deprivation can therefore be understood as arising from the loss of one or more of these elements.

On this basis, ETHOS does not treat homelessness as a singular condition, but distinguishes four categories, namely rooflessness, houselessness, insecure housing, and inadequate housing, through which housing deprivation is conceptualised as a continuum.¹⁷⁵ The relevance of ETHOS precisely lies in its capacity to capture the multiple ways in which the relationship between individuals and housing can break down. By extending the analytical focus beyond those living on the street, it makes visible forms of housing

¹⁶⁹ Gottardi, Maria; Benassi, Davide; Di Quinzio, Sara; La Scala, Marta; Morselli, Chiara; Zajczyk, Francesca, *I dormitori: luoghi di convivenza e condivisione*, in Nuvolati, Giampaolo (eds.), *Enciclopedia Sociologica dei Luoghi*, vol. IV, Ledizioni, Milano, 2021, p. 86.

¹⁷⁰ Tosi, Antonio, *Le case dei poveri*, cit., p. 108.

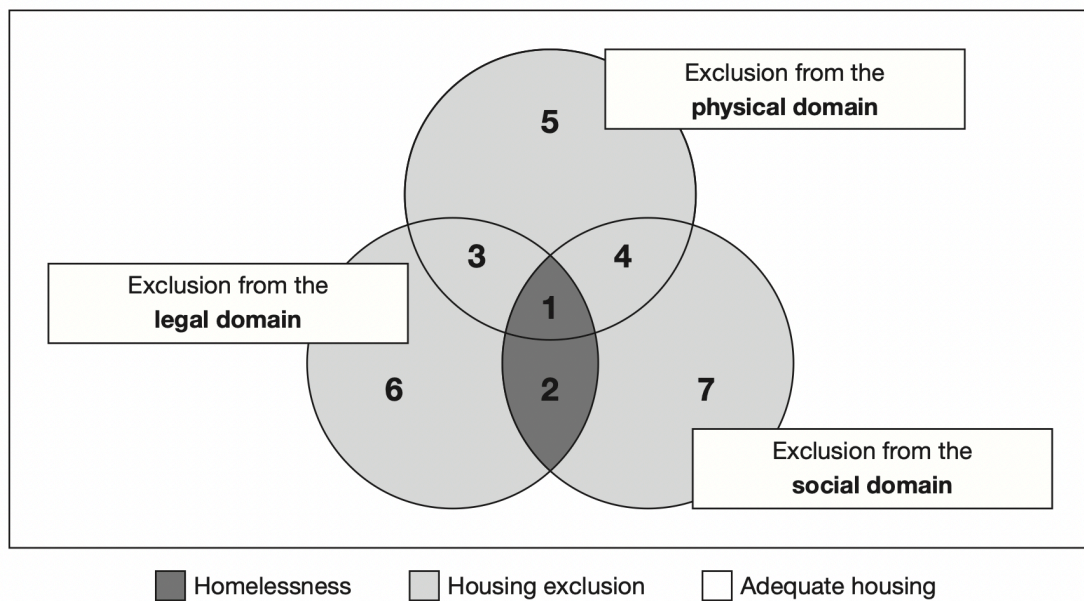
¹⁷¹ Tosi, Antonio, *Le case dei poveri*, cit.

¹⁷² Gottardi, Maria et al., *I dormitori*, cit., p. 87.

¹⁷³ Gottardi, Maria et al., *I dormitori*, cit., p. 88.

¹⁷⁴ FEANTSA, *ETHOS – European Typology of Homelessness and Housing Exclusion*, Brussels, 2005.

¹⁷⁵ FEANTSA, *ETHOS*, cit.



deprivation that remain less immediately observable but are nonetheless structurally significant.

Figure 4. The ETHOS framework: homelessness as the intersection of exclusion from physical, legal, and social domains.

Adapted from: Amore, Kate; Baker, Michael; Howden-Chapman, Philippa, The ETHOS Definition and Classification of Homelessness: An Analysis, European Journal of Homelessness, 5(2), 2011, p. 24 (based on Edgar, 2009, p. 16).

Figure 4 illustrates the ETHOS framework, mapping homelessness as the intersection of exclusion from these domains, thereby highlighting the multidimensional character of the phenomenon. The boundary between “housed” and “homeless” is therefore not fixed, but contingent and often porous. On the basis of the classification provided, homelessness includes people living on the street, but also those without a home in a broader sense, such as individuals residing in shelters, temporary accommodation, or other institutions without stable housing prospects.¹⁷⁶ It further extends to forms of insecure and inadequate housing, including situations of precarious tenure, overcrowding, or dwellings unfit for habitation.¹⁷⁷

Nevertheless, housing deprivation is not only represented by economic hardship.¹⁷⁸ The absence of stable housing rather constitutes a key dimension of what may be understood as “social” and “political” poverty, as the latter limits access to fundamental rights and

¹⁷⁶ Busch-Geertsema, Volker; Johnson, Guy; O’Sullivan, Eoin, *Defining Homelessness*, in *Research Handbook on Homelessness*, Edward Elgar, Cheltenham, 2024, pp. 12–13.

¹⁷⁷ Busch-Geertsema, Volker; Johnson, Guy; O’Sullivan, Eoin, *Defining Homelessness*, cit.

¹⁷⁸ Italian Constitution, Arts. 3, 24, 31, 32, 34, 36, 37, 38.

constrains full participation in social and civic life, ultimately undermining the functioning of democratic principles.¹⁷⁹ For instance, people experiencing homelessness typically lack a stable and certified residence, which is required for registration in the municipal population registry (*anagrafe*). Such registration is a prerequisite for accessing a wide range of services linked to fundamental rights, particularly healthcare and social assistance.¹⁸⁰ Without it, access to legal aid for the exercise of the right to defence is restricted, enrollment in employment lists managed by public job centres is prevented, limiting access to work, and, more fundamentally, the acquisition of identity documents is hindered, ultimately affecting the ability to exercise political rights like voting.¹⁸¹

Importantly, recent evidence suggests that housing insecurity is no longer confined to traditionally marginal groups. The most comprehensive national estimate, produced by ISTAT and based on individuals using shelters and support services in 158 municipalities, identified approximately 50,724 people experiencing homelessness in Italy in 2014.¹⁸² Although dated, this remains the only systematic national survey and is widely considered to underestimate the phenomenon, as it does not capture individuals outside formal service networks.

More recent data provide a partial but complementary picture. The 2021 permanent population census, for the first time, included individuals registered as “roofless” or “homeless” in municipal records, identifying 96,197 persons.¹⁸³ However, as noted by fio.PSD (Federazione Italiana Organismi per le Persone Senza Dimora), a national network of organisations working in the field of homelessness in Italy, these figures are based on administrative criteria and therefore do not fully reflect the actual extent or characteristics of severe marginalisation. Similarly, a point-in-time count conducted by ISTAT and fio.PSD in 2026 across 14 metropolitan cities identified 10,037 individuals experiencing homelessness in a single night, illustrating both the diversity of forms that homelessness can take and the difficulty of capturing the phenomenon in its entirety.¹⁸⁴

Despite methodological differences, these data consistently indicate a growing and differentiated phenomenon. Reports point to an increase in homelessness, alongside a changing social profile, with a rising presence of younger individuals, migrants, and even

¹⁷⁹ Nugnes, Francesca, *Povert  abitativa e Costituzione*, cit., p. 8.

¹⁸⁰ Italian Constitution, Arts. 32 and 38.

¹⁸¹ Italian Constitution, Art. 4, 24, 35, 48.

¹⁸² ISTAT, *Le persone senza dimora in Italia. Anno 2014*, Roma, 2015.

¹⁸³ ISTAT, *Censimento permanente della popolazione e delle abitazioni. Popolazione residente e dinamica demografica. Anno 2021*, Roma, 2022.

¹⁸⁴ ISTAT; fio.PSD, *Il conteggio delle persone senza dimora nei 14 Comuni centro di area metropolitana*, Roma, 2026.

people in employment who are unable to secure stable housing.¹⁸⁵ As observed in the Italian case, and in line with broader European trends, rising housing costs and restricted access to affordable housing have expanded precarious living conditions even among those formally included in the housing market.¹⁸⁶ Homelessness thus emerges not only as the absence of housing, but also as a condition linked to unstable and inadequate forms of dwelling.

At the same time, a tension persists between administrative definitions and lived experiences of homelessness. The construction of typologies is not neutral: classification of housing situations can often reflect broader institutional and normative assumptions about access, legitimacy, and exclusion.¹⁸⁷ Frameworks such as ETHOS therefore do not merely describe reality, but also contribute to shaping how homelessness is measured, interpreted, and addressed in policy terms. While they provide an essential reference for comparability and visibility across contexts, they inevitably rely on criteria that privilege measurable conditions, such as the absence of registered residence or access to formal accommodation.¹⁸⁸ As a result, less visible forms of housing deprivation still remain unaccounted for in policy agendas. Individuals temporarily hosted by relatives or living in informal arrangements may fall outside official statistics, despite experiencing severe instability.¹⁸⁹ Homelessness thus appears as a narrower phenomenon than it actually is, shaped as much by definitional boundaries as by material conditions.

2.4.2 Handling Homelessness: Fragmentation of Public Responsibility and Subsidiarity

In Italy, responses to homelessness are shaped by a fragmented and multi-level system of governance, in which responsibilities are distributed across the State, Regions, municipalities, and a wide range of third-sector actors. Consistent with the broader housing sector, the central government retains a limited role in setting general guidelines and allocating funding, while responsibility for intervention primarily lies with municipalities, which organise and deliver services at the local level.¹⁹⁰

¹⁸⁵ FEANTSA; Fondation Abbé Pierre, *Eighth Overview of Housing Exclusion in Europe*, Brussels/Paris, 2023.

¹⁸⁶ Wetzstein, Steffen, *The global urban housing affordability crisis*, Urban Studies, 54(14), 2017; Arundel, Richard; Ronald, Richard, *The false promise of homeownership: Homeowner societies in an era of declining access and rising inequality*, Urban Studies, 58(6), 2021.

¹⁸⁷ Amore, Kate; Baker, Michael; Howden-Chapman, Philippa, *The ETHOS Definition and Classification of Homelessness: An Analysis*, European Journal of Homelessness, 5(2), 2011, p. 25-26.

¹⁸⁸ Amore, Kate; Baker, Michael; Howden-Chapman, Philippa, *The ETHOS Definition*, cit.

¹⁸⁹ fio.PSD, *Persone senza dimora*, available at: <https://www.fiopsd.org/persone-senza-dimora/> (last accessed: 29/04/2026).

¹⁹⁰ Constitutional Law no. 3 of 18 October 2001.

However, homelessness, as a multifactorial phenomenon, requires coordinated responses across multiple policy domains and actors. In the absence of clearly defined essential levels of provision and adequate financial resources, interventions remain uneven and discontinuous. At the regional level, measures addressing severe marginalisation are often limited in both duration and scope, while municipalities, individually or in association within territorial districts, bear primary responsibility for service provision.¹⁹¹

In practice, this results in the absence of a coherent policy framework specifically targeting homelessness. Existing interventions are predominantly structured around emergency responses, such as shelters and temporary accommodation, reflecting a residual and assistance-based approach.¹⁹² These services address immediate needs but are rarely embedded within pathways leading to stable housing. As a result, homelessness is governed less as a housing issue than as a social emergency.

Although Law No. 328 of 8 November 2000 sought to reorganise social services within an integrated framework and promoted forms of co-programming and co-design, its impact remained limited.¹⁹³ While it introduced specific measures for people experiencing homelessness and provided short-term funding for integration projects, it did not establish long-term instruments or strategies.¹⁹⁴ Moreover, its integrative ambition was further constrained by the reform of Title V of the Constitution, reinforcing the decentralised and uneven nature of interventions.¹⁹⁵

This institutional configuration contributes to a broader interpretative framework in which homelessness is treated as a temporary and exceptional condition. As a result, interventions tend to manage situations of acute need rather than address the underlying causes of housing exclusion, framing it as the outcome of individual difficulties or short-term crises.¹⁹⁶ As Margherita Grazioli argues, this emergency-based perspective depoliticises housing issues by obscuring their structural roots. She instead proposes to conceptualise the housing question as a long-term “crisis of habitability”, defined as the set of processes that produce both the inaccessibility of housing and the erosion of its social meaning for broad segments of the population.¹⁹⁷

¹⁹¹ Gottardi, Maria et al., *I dormitori*, cit., p. 88.

¹⁹² Grazioli, Margherita, *Oltre l'emergenza abitativa. Crisi di abitabilità: il caso di Roma*, *Rivista Geografica Italiana*, n. 2, 2024, p. 28.

¹⁹³ Law no. 328 of 8 November 2000; Nugnes, Francesca, *Povert  abitativa e Costituzione*, cit., p. 144.

¹⁹⁴ Law no. 328 of 8 November 2000, Arts. 22(2)(a), 28.

¹⁹⁵ Nugnes, Francesca, *Povert  abitativa e Costituzione*, cit., p. 144.

¹⁹⁶ Grazioli, Margherita, *Oltre l'emergenza abitativa*, cit., p. 28.

¹⁹⁷ Grazioli, Margherita, *Oltre l'emergenza abitativa*, cit., p. 29.

An important attempt to systematise interventions at the national level was made with the *2015 Guidelines for Combating Severe Adult Marginalisation*, which identify 32 types of services, broadly divided into day-time and night-time provision.¹⁹⁸ While these services range from basic assistance to more structured forms of support, they largely reflect the persistence of an emergency-oriented approach. What remains lacking is a structured and long-term strategy capable of integrating these interventions into multidimensional policies supported by coordinated social, healthcare, and employment services.¹⁹⁹

At the same time, the Guidelines introduce a significant conceptual shift by moving away from the traditional “staircase” model.²⁰⁰ Under the latter approach, individuals typically enter the system through low-threshold services, such as emergency shelters with minimal access requirements, and then progress through a series of stages: from initial accommodation to more structured residential settings, transitional housing, and eventually independent living.²⁰¹ Access to each subsequent level depends on meeting specific requirements that demonstrate increasing independence, and social and economic integration of the person, reflecting a gradual progression towards autonomy from support services.²⁰² Here, shelters function as the primary entry point into pathways aimed at exiting homelessness, culminating in what is often framed as the “ultimate goal” of access to independent housing.²⁰³

In contrast, the Guidelines promote approaches such as *Housing First* and *Housing Led*, which reverse this logic by treating housing as the starting point rather than the end goal.²⁰⁴ Originally developed in the United States and later adopted across Europe, *Housing First* is based on the premise that stable housing provides the foundation for rebuilding autonomy and enabling social reintegration.²⁰⁵ From this starting point, individuals can then be supported through tailored social and healthcare services.²⁰⁶

This shift reflects a broader change in the way homelessness is addressed, moving towards a model in which public authorities are called upon to coordinate interventions

¹⁹⁸ Ministero del Lavoro e delle Politiche Sociali, *Linee di indirizzo per il contrasto alla grave emarginazione adulta in Italia*, Roma, 2015, p. 20.

¹⁹⁹ Nugnes, Francesca, *Povertà abitativa e Costituzione*, cit., p. 143-144.

²⁰⁰ Nugnes, Francesca, *Povertà abitativa e Costituzione*, cit., p. 145.

²⁰¹ Gottardi, Maria et al., *I dormitori*, cit., p. 90.

²⁰² Nugnes, Francesca, *Povertà abitativa e Costituzione*, cit., p. 145.

²⁰³ Nugnes, Francesca, *Povertà abitativa e Costituzione*, cit.

²⁰⁴ Gottardi, Maria et al., *I dormitori*, cit., p. 90.

²⁰⁵ Raitakari, Suvi; Juhila, Kirsi, *Housing First Literature: Different Orientations and Political-Practical Arguments*, European Journal of Homelessness, n. 1, 2015, p. 146.

²⁰⁶ Gottardi, Maria et al., *I dormitori*, cit., p. 93.

across different policy domains.²⁰⁷ This approach precisely places the individual at the centre, focusing on strengthening personal capacities as a basis for overcoming marginalisation. Such coordination operates along two dimensions: vertically, by integrating the roles of national, regional, and municipal levels of government; and horizontally, by involving not only other public administrations but also private actors, particularly those within the third sector.²⁰⁸

It is therefore a strategy consistent with the Italian constitutional framework of Articles 2 and 3, which emphasise both the protection of fundamental rights and the promotion of substantive equality.²⁰⁹ *Housing First* in fact allows the person to be understood not merely as a recipient of material assistance, but as a subject whose capacities and autonomy must be supported. The innovative aspect of this model lies in its integration within a continuum of housing-related services, in which individuals are not expected to passively comply with predefined pathways, but are actively involved in shaping their own trajectory.²¹⁰

However, the application of *Housing First* already raises specific concerns in the Italian context. The 24-month timeframe established under the National Recovery and Resilience Plan (PNRR) appears misaligned with the requirements of long-term reintegration. Individuals who fail to achieve sufficient stability within this period risk being excluded from support and returning to homelessness.²¹¹ This introduces a form of implicit selectivity, differentiating between those who are able to achieve autonomy within the prescribed timeframe and those who are not. As such, it risks reinforcing exclusionary logics and resonates with critiques that interpret *Housing First*, when implemented under restrictive and time-bound conditions, as potentially aligned with broader neoliberal approaches to social intervention.²¹²

These limitations are compounded by structural constraints within the welfare system. For instance, the availability of social and support services remains insufficient in relation to growing needs, a gap that is also reflected in recent data. According to the 2026 count conducted across 14 metropolitan cities, the number of beds available in night-time accommodation facilities (6,678 places) falls significantly short of the total number of people

²⁰⁷ Nugnes, Francesca, *Povert  abitativa e Costituzione*, cit., p. 146.

²⁰⁸ Nugnes, Francesca, *Povert  abitativa e Costituzione*, cit.

²⁰⁹ Italian Constitution, Arts. 2 and 3.

²¹⁰ Nugnes, Francesca, *Povert  abitativa e Costituzione*, cit., p. 147.

²¹¹ Presidenza del Consiglio dei Ministri, *Piano Nazionale di Ripresa e Resilienza (PNRR)*, Missione 5, Roma, 2021. The PNRR is the Italian national recovery plan funded under the EU Next Generation EU programme.

²¹² Raitakari, Suvi; Juhila, Kirsi, *Housing First Literature*, cit., p. 145.

experiencing homelessness identified both in facilities and on the street (10,037 individuals), albeit with notable variation across municipalities.²¹³

In this regard, the principle of subsidiarity has been shaping intervention further. Under Article 118(4) of the Italian Constitution, public authorities are in fact required to support the autonomous initiative of citizens in pursuing activities of general interest.²¹⁴ Beyond allocating competences across levels of government, subsidiarity serves as a guiding principle for the involvement of non-public actors in welfare provision, thereby promoting collaboration with civil society.

Building on this subsidiarity-based structure, the PNRR has recently introduced targeted investments in services for people experiencing homelessness, structured around two other types of interventions. The first consists of *housing temporaneo* projects, which provide transitional accommodation combined with support services aimed at fostering autonomy.²¹⁵ The second includes *stazioni di posta*, multi-service centres designed to offer basic assistance, such as food, hygiene facilities, and temporary shelter, alongside orientation and access to social and healthcare services.²¹⁶ Although this has enabled innovative and bottom-up responses, it also reflects the weakness of public provision, as outcomes depend heavily on local capacities rather than on a coordinated national strategy.²¹⁷

Moreover, the responsibility on non-profit actors, including voluntary organisations, often takes the form of substitution rather than, as it should, the articulation of a public competence. This risks shifting their role from expressions of democratic participation to surrogates for missing public policies. In this process, the responsibility of the State and public institutions is progressively weakened, while the burden of protecting fundamental rights is increasingly transferred to actors operating under conditions of legal and financial uncertainty.²¹⁸ A dynamic that contributes to territorial inequalities, as the availability and quality of services vary significantly across local contexts.

Finally, a highly “specialised” character of the solutions offered to the issue of homelessness can be observed in the Italian system.²¹⁹ This specialisation operates both in

²¹³ ISTAT; fio.PSD, *Il conteggio delle persone senza dimora*, cit.

²¹⁴ Italian Constitution, Art. 118(4).

²¹⁵ Presidenza del Consiglio dei Ministri, *Piano Nazionale di Ripresa e Resilienza*, cit.; Ministero del Lavoro e delle Politiche Sociali, *Avviso pubblico 1/2022 – PNRR, Missione 5, Componente 2, Investimento 1.3*, Roma, 2022.

²¹⁶ Presidenza del Consiglio dei Ministri, *Piano Nazionale di Ripresa e Resilienza*, cit.; Ministero del Lavoro e delle Politiche Sociali, *Avviso pubblico 1/2022 – PNRR*, cit.

²¹⁷ Nugnes, Francesca, *Povertà abitativa e Costituzione*, cit., p 155.

²¹⁸ Nugnes, Francesca, *Povertà abitativa e Costituzione*, cit., p 143.

²¹⁹ Tosi, Antonio, *Le case dei poveri*, cit., p. 23.

terms of pathways, which remain separate from those available to the general population, and in the nature of the housing provided, which often departs from the model of ordinary dwelling. These approaches, explicitly oriented toward “vulnerable” groups, carry an inherent risk of reduction, reflected in poor quality, insecurity, and the absence of those elements that constitute adequate dwelling.²²⁰ More fundamentally, these specialised solutions signal a displacement of the issue itself, as housing deprivation is shifted from the domain of housing policy to that of social assistance.

Marc Bernadot describes this dynamic through the concept of *logement-contrainte* (constrained housing), highlighting both the populations it targets and its underlying function.²²¹ These forms of provision are directed toward groups constructed as undesirable or socially superfluous, and are not primarily intended to promote integration. Rather, they operate as instruments of control, managing and containing populations considered problematic instead of enabling their inclusion. In this sense, the responses to homelessness do not simply address housing exclusion, but may also contribute to its institutionalisation.²²²

²²⁰ Tosi, Antonio, *Le case dei poveri*, cit.

²²¹ Bernadot, Marc, *Déplacer et loger les indésirables. Sociologie du logement contraint*, in Laflamme, Valérie (ed.), *Le logement précaire en Europe. Aux marges du palais*, L'Harmattan, Paris, 2007.

²²² Tosi, Antonio, *Le case dei poveri*, cit., p. 23.

Chapter 3 – Reconstructing Access to Rights: Field Insights from Housing Exclusion in Bologna

The city of Bologna offers a particularly significant field of observation. Since 2021, the Municipality has been governed by a centre-left administration under Mayor Matteo Lepore. While long regarded as a model of progressive urban governance, it has in recent years been shaped by dynamics common to many European cities, including rising housing costs, touristification, selective welfare provision, and an increasing reliance on emergency responses to homelessness.

Within this framework, housing policy has progressively aligned with logics of urban competitiveness and real-estate valorisation, taking the form of investment-led redevelopment and the conversion of public assets into higher-cost residential uses, including student housing and mixed-use projects oriented towards more profitable segments of demand. These processes are reinforced by the internationalisation of the University of Bologna and the growing presence of mobile student and professional populations, which has attracted both national and international real-estate investment. In parallel, the expansion of short-term rentals has reduced long-term housing availability, contributing to rising rents and the displacement of lower-income residents from central urban areas.

Bologna therefore provides a particularly instructive case for examining how homelessness is governed at the local level. Building on the theoretical framework developed in Chapters 1 and 2, this chapter analyses the local system of homelessness governance in practice, focusing on the interaction between municipal structures, legal frameworks, and third-sector actors. The empirical dimension is informed by the author's role as a civil service operator at the Avvocato di Strada association in Bologna between May 2025 and May 2026. This position enabled direct observation of legal assistance practices concerning individuals experiencing homelessness and of the administrative procedures related to fictitious residence registration. These observations are used to examine how legal norms are applied in practice and to highlight the gap between formal entitlements and their effective accessibility.

3.1 Bologna's Social Support Infrastructure for the Homeless

According to the 2022 census, Bologna records one of the highest numbers of homeless people among Italian cities. Even if the ISTAT data were not specifically designed to measure

homelessness, at the time, more than 500 individuals without stable housing were identified.²²³ One of the only city-specific studies available, dating back to 2012, had estimated more than one thousand homeless individuals in Bologna.²²⁴ The more recent count identified 597 people experiencing homelessness in January 2026, including those in designated accommodation facilities and those sleeping rough in public space.²²⁵ Importantly, individuals in conditions of housing precarity who are neither in shelters nor on the streets are excluded from these estimates and therefore remain statistically invisible.

Beyond the quantitative dimension of homelessness, critical scholarship has also highlighted how contemporary urban governance has been regulating the visibility and spatial distribution of poverty within the city. In particular, homelessness governance in the city of Bologna combines welfare provision with mechanisms of spatial regulation and urban control.²²⁶ One significant example is represented by the urban DASPO (*Divieto di Accesso alle aree urbane*), a measure originally linked to public-order management in sporting contexts and progressively extended to ordinary urban spaces. In practice, it has frequently been used to restrict access to particular areas of the city for individuals considered “undesirable,” including homeless people, thereby functioning as a mechanism of spatial exclusion.²²⁷ Similar dynamics emerge in the recurrent use of forced evictions connected to redevelopment projects, tourist expansion, and the growth of short-term accommodation infrastructures such as B&Bs and holiday rentals.²²⁸

At the same time, the governance of homelessness is formally concentrated in the Municipality of Bologna, while operational coordination is entrusted to ASP (*Azienda Pubblica di Servizi alla Persona*), a public-law entity established under the regional reform of social services following Law No. 328/2000.²²⁹ ASP functions as an intermediary structure between policy design and service implementation, ensuring the organisation and regulation of the local welfare system targeting severe adult marginalisation.

²²³ ISTAT, *Censimento permanente della popolazione e delle abitazioni*, cit.

²²⁴ ISTAT; fio.PSD; Ministero del Lavoro e delle Politiche Sociali, *Le persone senza dimora*, Roma, 2012.

²²⁵ ISTAT; fio.PSD, *Il conteggio delle persone senza dimora*, cit.

²²⁶ Sabatini, Francesca, *Deconstructing Homelessness*, cit., p. 5.

²²⁷ Avvocato di Strada, *Daspo urbano*, available at: <https://www.avvocatodistrada.it/daspo-urbano/> (last accessed: 12/05/2026).

²²⁸ Martino, Anna, *Sfratti a Bologna: problema casa e inchieste*, BolognaToday, 24 October 2025, available at: <https://www.bolognatoday.it/cronaca/sfratto-bologna-problema-casa-inchieste.html> (last accessed: 12/05/2026); Maestroni, Michele, *Airbnb a Bologna: mappa degli annunci e prezzi degli affitti brevi*, BolognaToday, available at: <https://www.bolognatoday.it/dossier/economia/airbnb-bologna-mappa-annunci-prezzo.html> (last accessed: 12/05/2026).

²²⁹ Law no. 328 of 8 November 2000; see also Emilia-Romagna Region, Regional Law no. 2 of 12 March 2003.

The ASP's Service for the Prevention of Severe Adult Marginalisation (*Contrasto alla grave emarginazione adulta*) constitutes the core municipal structure addressing homelessness. Its mandate is to respond to extreme social vulnerability through a housing-led approach that combines emergency reception with territorial and community-based interventions. In operational terms, ASP regulates access to the system: it manages entry into shelters and transitional housing, coordinates emergency accommodation, and oversees individualised support pathways. It also ensures access to low-threshold services and basic forms of social assistance, particularly for individuals outside stable housing trajectories.²³⁰

A key operational component of this continuum is represented by the InStrada outreach services. These operate directly in public space through mobile units, fixed low-threshold points, and territorial outreach interventions. Their function centres on continuous engagement with people living in street situations. They provide immediate material support (food, clothing, hygiene kits, harm-reduction materials), while also performing monitoring, relational work, and mediation with institutional services. InStrada thus functions as the interface between street-level presence and access to the formal welfare system, ensuring continuity between outreach, shelter, and social services.²³¹

While individuals formally registered in the municipality can generally rely on ordinary territorial welfare services, dependent on the neighbourhood of registration, non-residents and those without residence registration are primarily channelled towards the ASP low-threshold *Servizio Sociale a Bassa Soglia* (SSBS).²³² This service constitutes the main entry point into the system for people experiencing extreme social and housing marginalisation. It targets adults without stable accommodation, including those living on the streets, individuals temporarily present in the city without registration, and persons discharged from hospitals or detention facilities without adequate support networks.

SSBS combines immediate reception functions with structured social work interventions, including initial assessment, case management, and the development of personalised pathways towards housing stability and social inclusion. In this sense, it operates not only as a filtering and orientation device within the broader welfare architecture, but also

²³⁰ ASP Città di Bologna, *Servizio per il contrasto alla grave emarginazione adulta*, available at: <https://www.aspbologna.it/it/servizio-per-il-contrasto-alla-grave-emarginazione-adulta> (last accessed: 12/05/2026).

²³¹ ASP Città di Bologna, *InStrada*, available at: <https://www.aspbologna.it/it/instrada> (last accessed: 12/05/2026).

²³² ASP Città di Bologna, *Servizio Sociale a Bassa Soglia*, available at: <https://www.aspbologna.it/it/servizio-sociale-bassa-soglia> (last accessed: 12/05/2026).

as its final and crucial component: the point at which situations of extreme exclusion are either taken into the institutional circuit or remain outside it.²³³

Despite the articulation of this support infrastructure, access to institutional assistance remains highly selective. Administrative, territorial, and procedural criteria may leave significant portions of the homeless and housing-precarious population outside formal systems of support. The municipal framework primarily targets situations corresponding to the most visible and severe forms of homelessness, particularly rough sleeping. Individuals living in unstable, overcrowded, temporary, or informal housing arrangements thus remain excluded from institutional recognition and intervention. ASP itself frames its interventions around the first levels of severe exclusion identified by the ETHOS typology, namely “roofless” and “houseless” conditions.²³⁴

This produces a structural gap between the populations formally recognised within homelessness services and the much broader spectrum of urban housing precarity generated by rising rents, informal living arrangements, precarious labour conditions, and unstable migration statuses.²³⁵ Recent institutional analyses promoted by the Emilia-Romagna Region likewise identify increasing housing costs, the expansion of short-term rentals, long-term public disinvestment, and the growing financialisation of housing as central drivers of Bologna’s contemporary housing crisis.²³⁶

Broader welfare and third-sector monitoring further confirms the extent to which situations of housing exclusion exceed narrower categories. For instance, annual monitoring data conducted by Caritas Diocesana, one of the principal Catholic charitable and welfare organisations in the area, reveals a far broader and more heterogeneous population than that captured through street counts or shelter statistics alone. Through a much wider ETHOS-based analysis, in Bologna, 3,580 housing-related interventions were provided by Caritas in 2024.²³⁷

²³³ ASP Città di Bologna, *Servizio Sociale a Bassa Soglia*, cit.

²³⁴ Bologna Ti Da, *Chi sono le persone senza dimora?*, available at: <https://www.bolognatida.it/news/chi-sono-persone-senza-dimora> (last accessed: 12/05/2026).

²³⁵ CIDAS, *CIDAS al fianco di ASP Città di Bologna per il contrasto alla grave emarginazione adulta*, available at: <https://www.cidas.coop/2024/11/04/cidas-al-fianco-di-asp-citta-di-bologna-per-il-contrasto-alla-grave-emarginazione-adulta/> (last accessed: 12/05/2026); Olagnero, Manuela, *Discorsi sull’abitare*, cit.

²³⁶ Assemblea Legislativa Regione Emilia-Romagna – Europe Direct, *Il piano casa europeo e la sfida dell’abitare: il caso di Bologna*, available at: <https://www.assemblea.emr.it/europedirect/europe-direct/cosa%20facciamo/pubblicazioni/articoli/il-piano-casa-europeo-e-la-sfida-dell2019abitare-il-caso-di-bologna> (last accessed: 12/05/2026).

²³⁷ Caritas Diocesana di Bologna, *Report Povertà 2024*, Bologna, 2025.

Similarly, the activities of *Avvocato di Strada*, an organisation which, by statute, provides assistance exclusively to people experiencing homelessness, further highlight the breadth of the populations affected by severe housing marginalisation. In 2025 alone, the association assisted 571 individuals in Bologna in relation to legal matters.²³⁸ Considering that legal assistance constitutes only one highly specific dimension of the broader needs connected to homelessness and housing precarity, these figures further suggest the existence of a much wider population experiencing forms of housing exclusion.

Beyond the issue of institutional recognition, and notwithstanding the investment made by local and regional authorities in housing-led approaches, support pathways in Bologna continue to be structured to a considerable extent around emergency-based interventions and differentiated access mechanisms.²³⁹ In this regard, in recent years, the Winter Plan (*Piano Freddo*) has increasingly been reframed by the Municipality of Bologna within broader “climatic alert” policies (*Piano allerte climatiche*).²⁴⁰ These are only activated during periods of extreme temperatures. For winter 2025–2026, the municipal plan provided extraordinary night reception between 15 December 2025 and 16 March 2026.²⁴¹

The seasonal and emergency-based character of these interventions confirms that part of the local response continues to be activated through exceptional management rather than stabilised through permanent housing pathways. Approaches of this kind, especially when they are implemented continuously, and in situations that can hardly be considered truly exceptional, are generally characteristic of welfare systems that lack a broader and structurally integrated strategy for addressing severe adult marginalisation.²⁴²

Moreover, and fundamentally, a particularly significant dimension concerns migrant populations. Migrant individuals constitute a significant proportion of the homeless population in Bologna, often as a result of intersecting issues related to residence status, precarious employment, and restricted access to housing.²⁴³ Within this framework, ASP International Protection Service (*Sportello Protezioni Internazionali*) operates in close

²³⁸ *Avvocato di strada, Bilancio Sociale 2025*, Bologna, 2026, author’s elaboration.

²³⁹ *Avvocato di strada, Dove Andare Per, la guida di Bologna per le persone senza dimora*, XV Edition, Bologna, 2026, p. 19-20. See for example “Casa Willy,” Villa Azzurra, Centro di accoglienza Rostom,

²⁴⁰ Comune di Bologna, *Piano allerte climatiche*, available at: <https://www.comune.bologna.it/informazioni/piano-allerte-climatiche> (last accessed: 12/05/2026).

²⁴¹ Comune di Bologna, *Piano allerte climatiche*, cit.

²⁴² Ministero del Lavoro e delle Politiche Sociali, *Linee di indirizzo*, cit., p. 25.

²⁴³ Tosi, Antonio, *Le case dei poveri*, cit., p. 137-139.

coordination with the national reception system for asylum seekers and beneficiaries of international protection.²⁴⁴

The Service provides first orientation for individuals intending to apply for asylum, supports the initiation of such procedures, and functions as a key entry point to the metropolitan reception network. Reception is implemented locally mainly through the Sistema di Accoglienza e Integrazione (SAI) and, in situations where ordinary capacity is insufficient, through the Centri di Accoglienza Straordinaria (CAS), activated by the Prefecture.²⁴⁵ As of April 2026, the reception system operating across the wider metropolitan area of Bologna included approximately 3,808 places distributed across 435 facilities.²⁴⁶

However, data and field observation indicates that access to accommodation and reception remains highly uneven in practice, with long waiting times, insufficient capacity, and significant administrative barriers frequently contributing to situations of homelessness or prolonged housing precarity among migrant populations.²⁴⁷ This trend is again reflected in the social reports of *Avvocato di Strada*, which assisted 439 foreign nationals in 2025 who were experiencing homelessness in the city.²⁴⁸ The overrepresentation of migrant individuals within homelessness services therefore reflects not only economic vulnerability, but also the structural role played by migration and reception governance itself in shaping access to housing and welfare protections.

As a result, the selective and fragmented nature of access to institutional welfare has also contributed to the progressive expansion of a dense network of third-sector and specialised actors operating alongside ASP's formal structures. In Bologna, the governance of homelessness strongly relies on co-programming, co-design, and partnership arrangements through which the Municipality and ASP allocate public funding, including resources connected to the European PNRR's Mission 5.²⁴⁹ These go to associations, social cooperatives, and voluntary organisations active in the field of severe adult marginalisation. Within this framework, third-sector actors participate directly and voluntarily in the implementation of local welfare policies through publicly funded projects and service agreements.

²⁴⁴ ASP Città di Bologna, *Servizio Protezioni Internazionali*, available at:

<https://www.aspbologna.it/it/servizio-protezioni-internazionali> (last accessed: 12/05/2026).

²⁴⁵ Sistema di Accoglienza e Integrazione (SAI), *Rapporto Annuale SAI. Edizione XXIII*, June 2025.

²⁴⁶ Bologna Cares!, *Dimensione territoriale dell'accoglienza nel territorio metropolitano di Bologna*, Bologna, April 2026.

²⁴⁷ Asylum Information Database (AIDA), *Types of Accommodation*, in *Country Report: Italy*, available at: <https://asylumineurope.org/reports/country/italy/reception-conditions/housing/types-accommodation/> (last accessed: 12/05/2026).

²⁴⁸ *Avvocato di strada*, *Bilancio Sociale 2025*, cit., author's elaboration.

²⁴⁹ Presidenza del Consiglio dei Ministri, *Piano Nazionale di Ripresa e Resilienza (PNRR), Missione 5*, cit.

This network includes large religious organisations such as Caritas Diocesana and Antoniano, long-standing local associations such as Piazza Grande, specialised organisations like Avvocato di Strada, as well as numerous social cooperatives and low-threshold outreach projects.²⁵⁰ Particularly relevant are initiatives operating in areas only partially covered by ordinary welfare institutions, including harm reduction, migration support, legal assistance, and healthcare access. Projects such as Fuori Binario combine street outreach and support for people experiencing substance dependency and severe marginalisation, while organisations such as Movimento Identità Trans and Cassero provide specialised support for LGBTQIA+ individuals exposed to housing exclusion, discrimination, and violence.²⁵¹ Similarly, Sokos offers volunteer-based healthcare and specialist consultations for undocumented migrants and uninsured individuals excluded from ordinary access to the public health system.²⁵²

Although these organisations provide highly specialised, flexible, and territorially embedded forms of support that public institutions alone would struggle to guarantee, their increasing integration into publicly funded service provision also reflects a broader process of subsidiarisation of welfare responsibilities. The issue is not simply the “presence” of the third sector, which frequently emerges from long-standing political and solidaristic engagement, but rather the extent to which access to fundamental forms of assistance becomes dependent upon project-based arrangements, temporary funding cycles, and delegated forms of care. The expansion of co-designed interventions may simultaneously represent both an important resource for vulnerable populations and a symptom of the structural difficulty of consolidating stable, universal, and fully public systems of social protection.

The breadth of this network is further demonstrated by the growing importance of *Dove Andare Per* (DAP), a guide produced by Avvocato di Strada which has now reached its 15th edition. This year, for the first time, the project was not independently funded but done in collaboration with the Municipality of Bologna within the framework of PNRR-funded services.²⁵³ Originally conceived as a practical orientation tool, the guide has progressively become an essential instrument both for social operators and for people living on the streets themselves. It maps an extensive and constantly evolving network of services, including canteens, showers, clothing distribution points, emergency shelters, healthcare facilities, legal assistance, migration support, addiction services, and low-threshold social support.

²⁵⁰ Avvocato di strada, *Dove Andare Per*, cit. Piazza Grande is a historic Bologna-based association active since the 1990s in the field of homelessness, social marginalisation, street outreach, and social inclusion initiatives.

²⁵¹ Avvocato di strada, *Dove Andare Per*, cit. p. 64-66.

²⁵² Avvocato di strada, *Dove Andare Per*, cit. p. 38.

²⁵³ Avvocato di strada, *Dove Andare Per*, cit.

The very necessity of such a guide reflects not only the remarkable density and diversification of the local support infrastructure, but also the degree to which access to protection increasingly depends upon the ability to navigate a highly complex and fragmented system of public, semi-public, and third-sector actors. Orientation and mediation themselves become indispensable conditions for accessing basic forms of assistance.

In this regard, a crucial part of Bologna's homelessness support system remains outside formal frameworks of institutional co-programming. Independent collectives, housing movements, mutual-aid networks, and informal solidarity groups, many of which deliberately refuse participation in municipal partnership schemes, continue to play a crucial role in addressing homelessness and housing precarity. These actors often provide food distribution, informal sheltering, legal accompaniment, support during evictions, and assistance to occupants of squatted buildings, particularly for individuals excluded from institutional services because of administrative status, behavioural requirements, or lack of eligibility. Their refusal to integrate into formal co-management structures is frequently tied to a broader political critique of Bologna's urban governance model, especially the increasing reliance on emergency-based interventions and securitarian management of poverty.

As a result, the governance of homelessness in Bologna is characterised by a hybrid system in which public institutions increasingly assume functions of coordination, monitoring, and funding allocation, while autonomous grassroots networks remain indispensable for the everyday survival and possibility of dwelling of homeless populations. Within this fragmented welfare landscape, access to rights precisely depends not only on the existence of services, but also on the ability to satisfy administrative requirements that regulate entry into welfare and reception pathways. Among these mechanisms, residence registration occupies a particularly central role.

3.2 Residence, Homelessness, and Access to Rights

The analysis of Bologna's homelessness support infrastructure reveals that access to welfare protections depends not only on the formal existence of services, but also on the ability to satisfy a series of administrative and territorial requirements regulating entry into institutional pathways. Within this framework, residence registration assumes a particularly central role. Far from constituting a merely bureaucratic formality, residence operates as a key mechanism through which individuals are recognised within the territorial organisation of welfare, enabling, or preventing, access to a wide range of social, healthcare, and administrative

rights. This becomes especially significant in the case of people experiencing homelessness and housing precarity, whose unstable living conditions frequently challenge the ordinary legal assumptions upon which residence registration is based.

3.2.1 Residence as a Legal Status and Gateway to Rights

An individual's geographical placement within society constitutes a fundamental element in defining their socio-political identity, as well as their corresponding rights and duties. It is therefore necessary to situate individuals in space in order to facilitate the application of the legal norms that concern them. To this end, the Italian legal system has developed and distinguished between different forms of personal location. Italian law identifies three spatial relationships linking individuals to specific places: domicile, residence, and abode.

The meaning of the first two concepts is defined in Article 43 of the Civil Code. In particular, domicile is described as the place where a person has established the principal seat of their affairs and interests.²⁵⁴ Unlike other forms of spatial attachment, domicile does not depend on the availability of housing or on the individual's actual physical presence in a given location. Rather, it is intrinsically linked to the existence of a centre of personal, legal, or economic interests. An elected domicile may, for example, be the address of the lawyer representing the person in legal proceedings, or an address selected at a friend's or relative's home for the sole purpose of receiving specific communications more quickly or more securely.²⁵⁵

By contrast, residence is defined as the place where a person has their habitual abode and may therefore differ from the place identified as domicile.²⁵⁶ A person may work and manage their affairs in one city (their domicile) but live on a daily basis in another (their residence). Under current population registry legislation, every individual is required to be registered in the population register of the municipality in which they reside, in order to reflect an actual state of affairs.²⁵⁷ Residence must precisely correspond to the place where the individual lives and conducts their personal, family, and social life, thereby establishing their formal connection to a given territory. This, in turn, serves to determine the territorial jurisdiction of the authorities.

²⁵⁴ Italian Civil Code, Art. 43.

²⁵⁵ Morozzo della Rocca, Paolo, *Il diritto alla residenza: un confronto tra principi generali, categorie civilistiche e procedure anagrafiche*, *Il diritto di famiglia e delle persone*, 4, 2003, p. 2.

²⁵⁶ Italian Civil Code, Art. 43.

²⁵⁷ Law no. 1228 of 24 December 1954.

According to the settled case law of the Italian Corte di Cassazione, both domicile and residence consist of an objective element, meaning the presence of a person in a given place, and a subjective element, namely the individual's intention to use that place as their domicile or residence.²⁵⁸ This means that the mere declaration of a place as one's residence or domicile is not sufficient; rather, such a claim must be supported by a corresponding factual situation, reflected in a stable and consistent pattern of life in that location.²⁵⁹ In this sense, residence does not require that a person has lived in a given place for a long period of time. It is sufficient to establish that the individual has settled there with the intention of remaining on a non-temporary basis. This intention may be inferred from any available evidence, including elements assessed retrospectively.²⁶⁰

From this definition, it follows that residence is grounded in a factual situation rather than in administrative discretion. Accordingly, the right to residence must be understood as a subjective right rather than a mere legitimate interest. As consistently clarified by Italian case law, registration does not constitute a concessive administrative act, but a right of the individual and a corresponding obligation of the registry office.²⁶¹ Once the legal conditions for residence are met, the public administration is therefore limited to verifying their existence and retains no discretionary power to deny registration.²⁶² Although the population registry service falls within State competence, its management is in fact organised on a territorial basis and entrusted to municipalities, which are responsible for the continuous updating of data concerning the resident population through registrations, modifications, and cancellations relating to individuals, households, and cohabiting groups.²⁶³

More broadly, the population register constitutes a structured record of the residents of a municipality. It fulfils multiple functions: statistical, by enabling the measurement of the resident population; politico-economic, by informing the allocation of public resources; and administrative-publicity, through the registration and certification activities carried out by registry officials.²⁶⁴ At the same time, population registration also responds to a public

²⁵⁸ Corte di Cassazione, Civil Division VI, judgment no. 13241 of 28 May 2018.

²⁵⁹ Morozzo della Rocca, Paolo, "Il diritto alla residenza," cit., p. 2.

²⁶⁰ Corte di Cassazione, judgment no. 4525 of 6 July 1983.

²⁶¹ Corte di Cassazione, judgment no. 499 of 19 June 2000.

²⁶² Corte di Cassazione, judgment no. 1081 of 1968; Law no. 1228 of 24 December 1954; D.P.R. no. 223 of 30 May 1989.

²⁶³ Italian Constitution, cit., Art. 117; Legislative Decree no. 267 of 18 August 2000, Arts 14 and 54.

²⁶⁴ Law no. 1228.

interest in identifying and monitoring the resident population, and protects an individual interest, namely the ability to exercise civil and political rights.²⁶⁵

This dual function becomes particularly significant in situations of economic and housing disadvantage. When the scope of an individual's "affairs" progressively shrinks, eventually being reduced to the basic needs of survival, the distinction between domicile and residence can become less meaningful in practice. Domicile gradually loses this function and instead comes to reflect the place where a person simply lives, overlapping with residence.²⁶⁶ In such circumstances, residence often becomes the primary, and sometimes the only, legal basis through which individuals can be formally recognised within the territorial community and gain access to welfare protections.

Ultimately, the institution of residence has acquired a central role in the Italian legal system, coming to represent not only a formal legal connection but also a broader political and social bond between the individual and the territorial community to which they belong. Beyond its classificatory function, residence constitutes a key gateway to rights. These include, among others, access to healthcare, social assistance and housing support, enrollment in education, the issuance of identity documents, and participation in local democratic processes.²⁶⁷ As such, more than citizenship, residence forms an integral component of an individual's legal status, providing a clearly defined identity and enabling their effective inclusion in social, economic, and institutional life.²⁶⁸

However, while the legal framework presents residence as a status grounded in factual circumstances and theoretically independent from property ownership or stable housing, its application becomes considerably more complex in situations where no stable dwelling can be identified. In such cases, the system relies on specific legal constructions designed to reconcile territorial registration requirements with conditions of homelessness and housing deprivation.

3.2.2 "Neverland": The Legal Fiction of Residence without Housing

It is within this context that the so-called "fictitious residence" emerges as a central mechanism through which the legal system addresses situations of housing exclusion. The

²⁶⁵ Tribunale di Milano, judgment of 1 August 2019; Tribunale di Milano, judgment no. 11522 of 16 September 2013.

²⁶⁶ Morozzo della Rocca, Paolo, "Il diritto alla residenza," cit., p. 3.

²⁶⁷ Avvocato di Strada, *Senza tetto, non senza diritti*, cit., p. 22-28.

²⁶⁸ Avvocato di Strada, *Senza tetto, non senza diritti*, cit.

possibility of attributing residence in the absence of a physical dwelling precisely rests on a legal construction that effectively separates the notion of residence from that of housing.

From a population registry perspective, two situations must be distinguished. On the one hand, individuals classified as *senza fissa dimora* lack a habitual residence in any municipality and are characterised by mobility across different territories. On the other hand, individuals who, despite lacking housing, remain within the same municipality (*senza tetto* or *senza dimora*) are not considered “without a fixed abode” in the strict administrative sense, as their presence within a single territory is sufficient, in principle, to establish residence there. This distinction, however, does not concern the existence of a place of living: in both cases, individuals remain “entitled” to be registered in the population register.²⁶⁹ Italian law expressly recognises the possibility for homeless individuals to establish residence in the municipality where they have their domicile.²⁷⁰

An individual lacking a physical place of residence may in fact obtain residence through the so-called “fictitious address”, as provided for by ISTAT Circular no. 29 of 1992.²⁷¹ The Circular, more specifically, recognises the need for the population register to include a formally designated street that does not correspond to an actual geographical location, but is identified by a conventional name assigned by the registry office. It therefore recommends that each municipality establish such a notional address, under which homeless individuals may be registered.

However, for persons experiencing homelessness, residence is not based on habitual residence in a physical place, but on the demonstration of a meaningful connection to a given municipality. Here, domicile functions as the key legal criterion through which residence can be attributed even in the absence of a stable dwelling.²⁷² This connection is still understood in terms of the individual’s personal, social, or economic ties, and represents the primary element linking the person to a specific local territory.

In practice, the recognition of such a connection requires the individual to provide elements that allow the administration to verify the existence of a domicile. Following legislative developments, applicants are precisely expected to supply information enabling the registry office to carry out these checks.²⁷³ This should involve a limited form of administrative verification, which may rely on basic inquiries and on information provided by

²⁶⁹ ISTAT, *La legge anagrafica, il regolamento anagrafico, le istruzioni ministeriali e ISTAT*, Roma, 1992, p. 41.

²⁷⁰ Law no. 1228, Art. 1; D.P.R. no. 223.

²⁷¹ ISTAT, Circular no. 29 of 1992.

²⁷² Law no. 1228; D.P.R. no. 223.

²⁷³ Law no. 94 of 15 July 2009.

social services, voluntary organisations, or other reliable intermediaries. Provided a meaningful connection to the municipal territory, the fictitious address thus operates as a legal and administrative device that enables municipalities to attribute residence in the absence of a physical dwelling, ensuring the formal inclusion of individuals who would otherwise remain unregistrable.

Although this framework is formally designed to facilitate inclusion, and concerns a constitutionally protected right, its implementation often proves problematic in practice. The legal framework provides no concrete operational guidance as to how such verification is to be effectively carried out in practice. The need to demonstrate domicile introduces a procedural threshold that may be particularly difficult to meet for individuals lacking documentation, stable contacts, or institutional support. Furthermore, no uniform national procedure currently exists for the registration of homeless persons in the population register. The different administrative practices adopted by municipalities across Italy frequently make the effective exercise of this right uneven and uncertain.²⁷⁴ As a result, access to registration continues to depend heavily upon the ability to mobilise forms of assistance and mediation. It is precisely in response to these gaps between formal entitlement and practical accessibility that third-sector actors increasingly intervene.

3.2.3 Third-sector Practices: *Avvocato di strada ODV*

Against this background, the practices developed by *Avvocato di strada* can be understood as a concrete attempt to overcome these barriers. *Avvocato di strada*, which I will be referring to as ADS, is an Italian volunteer-based organisation founded in Bologna in 2000 with the specific aim of providing free legal assistance to people experiencing homelessness. The association operates through a nationwide network of local branches, typically hosted within existing social services such as shelters, soup kitchens, and day centres, where volunteer lawyers offer regular legal clinics. Assistance is provided across a broad spectrum of legal matters, including civil and administrative law, criminal cases, and immigration-related procedures. At present, their offices are active in 62 cities across Italy and involve more than one thousand volunteers.²⁷⁵

²⁷⁴ *Avvocato di Strada, Senza tetto, non senza diritti*, cit., p. 3.

²⁷⁵ *Avvocato di Strada, Sedi locali*, available at: <https://www.avvocatodistrada.it/sedi-locali/> (last accessed: 13/05/2026).

Ensuring the right to defense for all, as enshrined in Article 24 of the Italian Constitution, is one of the organisation's primary objectives.²⁷⁶ People experiencing homelessness are often excluded from the system of legal protection provided through state-funded legal aid. This exclusion stems both from the practical difficulties faced by individuals living on the streets in accessing legal services, and from the requirement of official residence, which is necessary to apply for legal aid.²⁷⁷ Individuals without stable housing are in fact frequently removed from municipal population registers due to being untraceable, and are often unable to meet this requirement.

In this context, ADS focuses on issues that are crucial for accessing rights but often remain inaccessible to homeless individuals, particularly residence registration and the entitlements that depend on it.²⁷⁸ Within the legal clinics, the issue of residence registration emerges as a recurrent and often preliminary concern. Individuals frequently approach the service not only with legal disputes, but with the need to obtain a formally recognised address, without which further administrative or legal steps cannot be pursued. In practice, residence appears less as a formal legal status and more as a precondition for accessing a wide range of fundamental services.

ADS's volunteers accompany individuals throughout such administrative processes, assisting them in preparing and submitting applications for registration at the municipality's fictitious address. In Bologna, this address is known as *Via Mariano Tuccella*, named after a local homeless man who died in 2008 following a violent assault.²⁷⁹ Field observation indicates that, despite the formal availability of this mechanism, housing instability effectively places residence at the centre of a broader mechanism of inclusion and exclusion. This form of support can therefore allow individuals to navigate procedural requirements, thereby enabling them to re-enter administrative circuits.

The demonstration of domicile for individuals experiencing homelessness relies heavily on specific forms of evidence. Drawing on the experience of the ADS'Bologna office, the most commonly accepted certificates include written declarations issued by local service providers, such as soup kitchens and day centres, most notably organisations like

²⁷⁶ Italian Constitution, cit., Art. 24; Avvocato di Strada, *Statuto dell'Associazione Avvocato di Strada ODV*, Bologna, 2007.

²⁷⁷ Macri, Grazia, *Tutela giudiziaria ed extragiudiziaria del soggetto senza fissa dimora*, in *Difesa d'ufficio e gratuito patrocinio. Aspetti sociologici e giuridici*, ADIR – L'altro diritto, 2003.

²⁷⁸ Avvocato di Strada, *Diritto alla residenza anagrafica*, available at: <https://www.avvocatodistrada.it/materiali/sentenze-e-leggi/diritto-alla-residenza-anagrafica/> (last accessed: 14/05/2026).

²⁷⁹ Avvocato di Strada, *Via Mariano Tuccella*, available at: <https://www.avvocatodistrada.it/viamarianotuccella/> (last accessed: 13/05/2026).

Caritas or Antoniano. These institutions not only provide essential services, including daily meals, support activities, and listening and counselling services, but also act as key intermediaries capable of formally attesting to an individual's regular presence within the territory.²⁸⁰

Additional documentation may include certifications from social services, only where the individual is formally followed, as well as statements from other local organisations or actors operating within the territory. The demonstration of such a connection allows for a degree of interpretative flexibility, encompassing elements such as access to local emergency healthcare services, the existence of employment relationships within the municipality, participation in vocational training, and other indicators of territorial engagement. Taken together, these elements are used to establish a dual condition: on the one hand, the applicant's effective presence within the municipality; on the other, their status as a person without stable housing.

To sum up, the more you have integrated in that territory, in a way that resembles the habits of someone who does not have a roof over their head, the more you are “deserving” of a fictitious residence on the basis of the degree of recognisability within the local social and institutional environment. Yet, the process through which such elements are assembled, together with the often labyrinthine procedural dynamics involved, reveals the extent to which access to residence is conditioned by factors that extend well beyond the formal legal framework.²⁸¹

Firstly, assembling such documentation is far from straightforward. Access to this residence relies on the existence of local support networks and on the individual's capacity to engage with them. However, individuals seeking registration at a fictitious address often experience conditions of acute social instability, which makes it difficult to maintain continuous relationships with institutional or semi-institutional actors. This also creates a particularly problematic dynamic: access to residence frequently depends on engagement with social or assistance services, while access to many of those same services is, in turn, facilitated, or at times made possible, by the possession of residence registration itself.

While the legal framework formally recognises residence as a subjective right, its practical realisation therefore becomes contingent upon forms of mediation by third parties. Consequently, individuals who lack access to local networks, or who remain outside formal

²⁸⁰ Caritas Diocesana di Bologna, *Caritas Diocesana di Bologna*, available at: <https://www.caritasbologna.it/> (last accessed: 13/05/2026); Antoniano ETS – Opere Francescane, *Antoniano*, available at: <https://www.antoniano.it/> (last accessed: 13/06/2026).

²⁸¹ Avvocato di Strada, *Senza tetto, non senza diritti*, cit., p. 14

and informal support systems, are significantly less likely to obtain the documentation necessary to demonstrate domicile. In such circumstances, the absence of attestations may ultimately result in the denial of registration, effectively excluding the most isolated individuals from a right that is, in principle, universally guaranteed.

Moreover, administrative practices have progressively emerged whereby individuals are effectively required to undergo a prior period of acquaintance or informal monitoring before domicile can be established through these services.²⁸² Applicants were frequently asked to return multiple times in order to integrate missing documentation, obtain additional attestations from local organisations, or clarify inconsistencies regarding their territorial presence.

At the same time, procedural continuity itself often becomes difficult to maintain. In several cases, individuals even lacked the possibility of being contacted by telephone or email. The absence of stable contacts, internet access, digital identity credentials, or secure spaces in which to store documents may transform ordinary procedural requirements into significant barriers. Appointments could frequently be booked through online platforms, while communication from public offices presupposed forms of institutional traceability that homeless individuals struggled to guarantee.

These difficulties are further compounded by a limited familiarity with legal rules and administrative procedures, particularly in the case of individuals coming from different territorial or national contexts. In this regard, the underlying asymmetry between applicants and administrative officials plays a crucial role, both in terms of knowledge of the rules governing population registration and in relation to the unequal distribution of institutional power between the parties.²⁸³

Secondly, and in accordance with the fragmented system discussed in Chapter 2, a set of issues also concerns administrative practices influenced by underlying budgetary considerations at the municipal level. The implementation of residence registration procedures often reflects a restrictive approach, particularly towards economically disadvantaged individuals. Persons experiencing homelessness are frequently treated less as subjects entitled to registration and more as potential sources of administrative and social cost. Such practices can be linked to broader constraints on municipal budgets, which tend to affect social expenditure and, indirectly, the willingness of local administrations to recognise

²⁸² Avvocato di Strada, *Senza tetto, non senza diritti*, cit.

²⁸³ Gargiulo, Enrico, *(Senza) Residenza. L'anagrafe tra selezione e controllo*, Eris Edizioni, Torino, 2022, p. 55.

new residents.²⁸⁴ As a result, legally unfounded barriers are introduced into the registration process, contributing to the exclusion of individuals who would otherwise meet the formal requirements.

This logic further extends beyond homelessness and emerges within migration governance. Italian immigration law progressively adapted the population registry system to migration management. While the Consolidated Immigration Act of 1998 formally recognises the right and duty of lawfully residing foreign nationals to register in the population records under the same conditions as Italian citizens, access to registration has nevertheless remained subject to important legal and political tensions.²⁸⁵ This became particularly evident following Article 13 of Decree-Law no. 113/2018, which excluded asylum seekers from population registry registration, thereby restricting their access to a range of welfare and administrative rights.²⁸⁶ The provision was subsequently declared unconstitutional by the Italian Constitutional Court in judgment no. 186/2020.²⁸⁷ Alongside this framework, Legislative Decree no. 30 of 2007 introduced a specific registration regime applicable to European Union citizens.²⁸⁸

At the same time, however, access to residence registration for foreign nationals generally presupposes the possession of a valid residence permit.²⁸⁹ The population registry system precisely recognises only forms of presence already considered legally legitimate by immigration law, despite the fact that part of the population concretely living within a territory may remain administratively irregular. Again, insofar as residence registration is conceived as the recognition of an existing factual situation, it cannot be made conditional upon the possession of a particular “title” or legal entitlement, which would instead presuppose specific legal conditions or statuses.²⁹⁰ In this sense, the registry office does not merely record social reality, but actively participates in producing distinctions between legally visible and invisible forms of presence.²⁹¹

Furthermore, according to the administrative practice reportedly adopted by the immigration office in Via Bovi Campeggi 13/3 in Bologna, asylum seekers are often required

²⁸⁴ Tosi, Antonio, *Le case dei poveri*, cit., p. 134.

²⁸⁵ Legislative Decree no. 286 of 25 July 1998, Article 6(7).

²⁸⁶ Decree-Law no. 113 of 4 October 2018, Article 13.

²⁸⁷ Italian Constitutional Court, judgment no. 186 of 9 July 2020.

²⁸⁸ Legislative Decree no. 30 of 6 February 2007.

²⁸⁹ Legislative Decree no. 286.

²⁹⁰ Avvocato di Strada, *Senza tetto, non senza diritti*, cit., p. 20.

²⁹¹ Gargiulo, Enrico, *(Senza) Residenza*, cit., p. 54.

to provide extensive housing-related documentation in order to access the procedure.²⁹² More specifically, applications for international protection, as well as procedures for the renewal of permits, frequently require the indication of a domicile, a declaration of hospitality (*dichiarazione di ospitalità*), or proof of residence registration.²⁹³ This may include a tenancy contract in the applicant's name or a declaration of hospitality issued by a private individual or association, accompanied by identification documents, proof of entitlement to the property, and, where applicable, the owner's consent.

Again, the absence of stable housing often makes it difficult to provide those forms of territorial traceability that authorities expect applicants to demonstrate. A clear circular mechanism of exclusion: access to legal status depends upon the ability to demonstrate stable territorial embeddedness, while its absence simultaneously makes access to housing, employment and, more fundamentally, formal residence more precarious.

Ultimately, while residence registration is formally conceived as a universal and equalising legal institution, its practical operation may obscure profound differences in social conditions and ways of inhabiting space beneath a uniform administrative category. This apparent equalisation does not necessarily expand substantive inclusion, but may instead reduce heterogeneous lived realities to a minimal form of administrative recognisability.²⁹⁴

In this sense, the population registry cannot be understood as a neutral instrument that merely records a pre-existing social reality. Rather, it actively participates in defining which forms of presence become legally visible and institutionally recognisable. The declaration of residence or domicile is therefore not simply descriptive of an already existing condition, but functions as a classificatory device through which individuals are situated within the territorial and administrative organisation of society.²⁹⁵

It is precisely through this process that residence registration may also operate as a mechanism of selection. Effective access to residence can become conditioned upon the ability to demonstrate forms of territorial stability, institutional traceability, and social recognisability that individuals experiencing homelessness struggle to provide. For people experiencing homelessness and housing precarity, residence therefore extends far beyond a merely bureaucratic matter. It constitutes the threshold through which access to healthcare,

²⁹² Associazione per gli Studi Giuridici sull'Immigrazione (ASGI), *Bologna: violazioni della Questura nell'accesso all'asilo e alla regolarizzazione degli stranieri*, available at: <https://www.asgi.it/asilo-e-protezione-internazionale/bologna-stranieri-asilo-violazioni-questura/> (last accessed: 13/05/2026).

²⁹³ Associazione per gli Studi Giuridici sull'Immigrazione (ASGI), *Bologna*, cit.; Gargiulo, Enrico, (*Senza Residenza*, cit., p. 40).

²⁹⁴ Gargiulo, Enrico, (*Senza Residenza*, cit., p. 15).

²⁹⁵ Gargiulo, Enrico, (*Senza Residenza*, cit., p. 34).

welfare protections, legal assistance, and broader forms of social participation becomes possible. The right to dwelling therefore emerges not merely as a question of physical access to housing, but more fundamentally as a question of legal and social acknowledgment within the urban community itself.

Conclusions

This thesis began from the apparent absence of an explicit constitutional right to housing within the Italian legal system. What progressively emerged, however, is that the question of dwelling cannot be reduced either to the formal recognition of a right or to the availability of housing units. It instead points to a broader tension concerning the conditions under which individuals are able to remain socially, materially, and institutionally present within contemporary urban space.

In the Italian context, housing is formally connected to constitutional principles of dignity, equality, health, and participation, yet access to it remains structurally mediated through administrative procedures, welfare arrangements, legislative discretion, and market dynamics. Rather than a fully enforceable entitlement, the right to dwelling thus operates as a fragile and negotiated field in which legal recognition and social need are continuously reconfigured.

The contemporary housing crisis makes this tension increasingly visible. Rising rents, precarisation of labour, shrinking public provision, touristification, and the financialisation of urban space have transformed housing insecurity from a condition of marginality into a widespread urban experience. In this process, housing progressively ceases to function as social infrastructure and becomes subordinated to logics of valorisation and extraction, reshaping the conditions under which urban life itself can be sustained. The empirical case of Bologna illustrates these dynamics in a particularly clear way. Far from being exceptional, the city reflects broader transformations affecting many European urban contexts, including the expansion of short-term rentals, studentification, fragmented welfare governance, and the growing role of third-sector and emergency-based interventions.

Within this framework, homelessness emerges not as an external failure of the housing system, but as one of its internal limit conditions. It also exposes the extent to which access to rights depends on institutional recognisability: individuals are simultaneously visible in public space yet often illegible within administrative systems. Residence registration becomes a key mechanism through which this tension is managed, functioning as a gateway to healthcare, welfare, and legal protection. The institution of fictitious residence makes this particularly evident, as it symbolically reconstructs territorial belonging where material dwelling has broken down, preserving the formal universality of rights while revealing their dependence on conditions that are unevenly distributed.

In this sense, the empirical observations developed through legal assistance practices in Bologna show how access to rights is shaped by processes of administrative mediation. The central issue is therefore not only the existence of rights, but the ability to become institutionally recognisable within fragmented bureaucratic systems. Seen in this light, the “artificial city” describes an urban environment increasingly structured through selective visibility and administrative legibility, where presence must be translated into recognisable forms in order to access protection and inclusion. Urban space becomes simultaneously lived and disjunct from those who inhabit it, as the conditions of belonging are redistributed through mechanisms that differentiate between forms of presence that count and those that do not.

At the same time, the research has shown how urban life continuously exceeds institutional forms of regulation. Grassroots organisations, mutual-aid networks, occupations, legal clinics, and informal practices of solidarity continue to produce forms of support, coexistence, and collective survival that cannot be entirely absorbed into administrative governance. These practices reveal that dwelling cannot be reduced either to property or to bureaucratic registration, but remains fundamentally relational, political, and conflictual.

These dynamics suggest the importance of future research capable of engaging more directly with the territorial realities, informal solidarities, and autonomous practices that continue to emerge at the margins of institutional welfare systems. Such experiences should not simply be treated as residual responses filling gaps left by public intervention, but as forms of inhabiting and organising urban life that may challenge dominant assumptions about care, property, coexistence, and social support themselves. Understanding housing precarity therefore also requires shifting perspective: moving beyond approaches centred exclusively on governance and emergency response in order to examine how people concretely construct forms of presence within exclusionary urban environments.

It becomes equally important to question why many of these realities remain only partially integrated within institutional networks, funding structures, or formal systems of recognition. Their distance from official welfare circuits may not simply reflect a lack of resources or organisational weakness, but also deeper tensions between autonomous practices and the administrative logics through which institutions classify, regulate, and render social action governable. In this sense, what remains outside institutional incorporation may also reveal the limits of the categories through which contemporary urban governance attempts to organise social life itself.

Ultimately, the right to dwelling concerns more than access to shelter. It talks about the possibility of remaining within the city without constantly having to justify one's existence through stability, productivity, property, or administrative conformity. The contemporary housing crisis therefore raises a broader political question regarding what kinds of presence contemporary cities are still capable of accommodating, and which forms of life they progressively render invisible, unrecognisable, or impossible to inhabit.

Bibliography

- Alietti, Alfredo, *Giustizia spaziale, periferie e vulnerabilità sociale: un nesso problematico?*, in Bernardini, Maria Giulia; Giolo, Orsetta (eds.), *Abitare i diritti: Per una critica del rapporto tra giustizia e spazi urbani*, Pacini Giuridica, Pisa, 2021.
- Amore, Kate; Baker, Michael; Howden-Chapman, Philippa, *The ETHOS Definition and Classification of Homelessness: An Analysis*, European Journal of Homelessness, 5(2), 2011.
- Arundel, Richard; Ronald, Richard, *The false promise of homeownership: Homeowner societies in an era of declining access and rising inequality*, Urban Studies, 58(6), 2021.
- Baldassarre, Antonio, *Diritti sociali*, Enciclopedia Giuridica Treccani, 1989.
- Bernardini, Maria Giulia; Giolo, Orsetta (eds.), *Abitare i diritti: Per una critica del rapporto tra giustizia e spazi urbani*, Pacini Giuridica, Pisa, 2021.
- Brown, Kate, *The governance of vulnerability: regulation, support and social divisions in action*, International Journal of Sociology and Social Policy, 2017.
- Brown, Kate, *'Vulnerability': handle with care*, Ethics Soc. Welf, 2011.
- Busch-Geertsema, Volker; Johnson, Guy; O'Sullivan, Eoin, *Defining Homelessness*, in *Research Handbook on Homelessness*, Edward Elgar, Cheltenham, 2024.
- Butler, Judith, *The Force of Nonviolence*, Verso, London, 2021.
- Caruso, Nadia, *Housing Policies in Italy: From Social Housing to Neo-Liberalism*, in *Policies and Practices in Italian Welfare Housing: Turin, up to the Current Neo-Liberal Approach and Social Innovation Practices*, Springer, Cham, 2017.
- Cencetti, Manu, Sgomeri Dolci. *La violenza contro chi vive in campi rom, baraccopoli e occupazioni abitative*, Eris, 2026.
- Cole, Alyson, *All of Us Are Vulnerable, But Some Are More Vulnerable than Others: The Political Ambiguity of Vulnerability Studies, an Ambivalent Critique*, Critical Horizons, 17(2), 2016.
- Filandri, Marianna; Olagnero, Manuela; Semi, Giovanni, *Casa dolce casa? Italia, un paese di proprietari*, Il Mulino, Bologna, 2020.
- Fineman, Martha Albertson, *The Vulnerable Subject: Anchoring Equality in the Human Condition*, Yale Journal of Law & Feminism, n. 20, 2008.
- Fineman, Martha Albertson; Woodruff, Ralph W., *Afterword: Vulnerability and Resilience*, Retfærd. Nordic Journal of Law and Justice, n. 36 (84), 2013.

- Gargiulo, Enrico, *(Senza) Residenza. L'anagrafe tra selezione e controllo*, Eris Edizioni, Torino, 2022.
- Gainsforth, Sarah, *L'Italia senza casa*, Laterza, Bari-Roma, 2023.
- Giorgis, Andrea, *Il diritto costituzionale all'abitazione. I presupposti per un'immediata applicazione giurisprudenziale*, Giappichelli, Torino, 2012.
- Giolo, Orsetta, *I diritti contro la città. Spazio urbano, soggettività e sfera pubblica*, in Bernardini, Maria Giulia; Giolo, Orsetta, *Abitare i diritti: Per una critica del rapporto tra giustizia e spazi urbani*, Pacini Giuridica, Pisa, 2021.
- Gottardi, Maria; Benassi, Davide; Di Quinzio, Sara; La Scala, Marta; Morselli, Chiara; Zajczyk, Francesca, *I dormitori: luoghi di convivenza e condivisione*, in Nuvolati, Giampaolo (eds.), *Enciclopedia Sociologica dei Luoghi*, vol. IV, Ledizioni, Milano, 2021.
- Grazioli, Margherita, *Oltre l'emergenza abitativa. Crisi di abitabilità: il caso di Roma*, Rivista Geografica Italiana, n. 2, 2024.
- Harvey, David, *Il capitalismo contro il diritto alla città. Neoliberalismo, urbanizzazione, resistenze*, Ombre Corte, 2016.
- Harvey, David, *Rebel Cities: From the Right to the City to the Urban Revolution*, Verso, London, 2012.
- Hohmann, Jessie, *The Right to Housing*, in Moos, Markus (ed.), *A Research Agenda on Housing*, Edward Elgar, Cheltenham, 2021.
- Lefebvre, Henri, *Le droit à la ville*, Anthropos, Paris, 1968.
- Lefebvre, Henri, *The Right to the City*, Blackwell, Oxford, 1996.
- Manganaro, Francesco, *The Right of Property in the Italian Legal System and in the European Convention of Human Rights: A Conflict to Be Resolved*, Ius Publicum Network Review, 2013.
- Macrì, Grazia, *Tutela giudiziaria ed extragiudiziaria del soggetto senza fissa dimora*, in *Difesa d'ufficio e gratuito patrocinio. Aspetti sociologici e giuridici*, ADIR – L'altro diritto, 2003.
- Medico, Francesco, *Nel prisma del diritto all'abitare: primi appunti per un'analisi costituzionale critica*, Federalismi.it, 11, 2023.
- Minelli, Anna R., *Le politiche per la casa: centro e periferia*, Amministrare, 2, 2004.
- Moons, Nico, *The Right to Housing in Law and Society*, Routledge, 2020.
- Moore, Sally Falk, *Law and social change: the semi-autonomous social field as an appropriate subject of study*, Law and Society Review, 7, 1972.

- Morozzo della Rocca, Paolo, *Il diritto alla residenza: un confronto tra principi generali, categorie civilistiche e procedure anagrafiche*, Il diritto di famiglia e delle persone, 4, 2003.
- Nitrato Izzo, Valerio, *Vedere come una città e le trasformazioni dello spazio giuridico urbano*, in Bernardini, Maria Giulia; Giolo, Orsetta (eds.), *Abitare i diritti: Per una critica del rapporto tra giustizia e spazi urbani*, Pacini Giuridica, Pisa, 2021.
- Nugnes, Francesca, *Povertà abitativa e Costituzione: nuovi itinerari di ricerca*, Giappichelli, Torino, 2024.
- Olagnero, Manuela, *Discorsi sull'abitare. Come e a chi parlano le nuove politiche abitative*, la Rivista delle Politiche Sociali, 4, 2018.
- Olivito, Elisa, *Il diritto costituzionale all'abitare: spinte proprietarie, strumenti della rendita e trasformazioni sociali*, Jovene, Napoli, 2017.
- Pariotti, Elena, *Vulnerability and Human Rights: Which Compatibility?*, International Journal for the Semiotics of Law - Revue internationale de Sémiotique juridique, 36(4), 2023.
- Pound, Roscoe, *Law in Books and Law in Action*, American Law Review, 44, 1910.
- Quirico, Monica, *Lotta Continua and the Italian Housing Movement in the 1970s: Ancient History or Present Challenges?*, Radical Housing Journal, 3(1), 2021.
- Raitakari, Suvi; Juhila, Kirsi, *Housing First Literature: Different Orientations and Political-Practical Arguments*, European Journal of Homelessness, n. 1, 2015.
- Rodotà, Stefano, *Il diritto di avere diritti*, Laterza, Roma-Bari, 2012.
- Sabatini, Francesca, *Deconstructing Homelessness: Alternative Narratives on and by Marginalized and Homeless Groups in the City of Bologna*, Conjunctions, 11(2), 2024.
- Salerno, Giulio, *Art. 47*, in Crisafulli, Vezio; Paladin, Livio (eds.), *Commentario breve alla Costituzione*, CEDAM, Padova, 1990.
- Scagliarini, Silvia, *Diritti sociali nuovi e diritti sociali in fieri nella giurisprudenza*, Associazione GdP, 2012.
- Scheibmayr, Isabella, *Organizing Vulnerability*, Gender, Work & Organization, 2024.
- Secchi, Bernardo, *Il racconto urbanistico*, Einaudi, 1984.
- Storto, Giancarlo, *La casa abbandonata. Il racconto delle politiche abitative dal Piano decennale al Programma per le periferie*, Officina Edizioni, 2018.
- Tatarano, Giuseppe, *Accesso al bene «casa» e tutela privatistica*, in Lipari, Nicolò (ed.), *Tecniche giuridiche e sviluppo della persona*, Laterza, Roma-Bari, 1974.
- Tosi, Antonio, *Le case dei poveri*, Mimesis, Milano, 2017.

- Tulumello, Simone, *The struggle for problematising housing in Italy: Reflections from Naples, Turin and beyond*, Radical Housing Journal, 5(1), 2023.
- Urquiza Haas, Egon; Sánchez García, Marta, *Encounters with vulnerability: the victim, the fragile, the monster, the queer, the abject, the nomadic, the feminine, the shameful, and the rest*, Grad. J. Soc. Sci., 11, 2015.
- Verza, Annalisa, *Vulnerability, justice and care*, Oñati Socio-Legal Series, 12(1), 2022.
- Wetzstein, Steffen, *The global urban housing affordability crisis*, Urban Studies, 54(14), 2017.
- Wisner, Ben et al., *At Risk: Natural Hazards, People's Vulnerability and Disasters*, Routledge, 2004.

Legislation

International and European Instruments

- European Convention on Human Rights, 1950.
- Revised European Social Charter, 1996.
- Universal Declaration of Human Rights, 1948.

National and Regional Legislation

- Constitution of the Italian Republic, 1948.
- Constitutional Law no. 3 of 18 October 2001.
- Decree-Law no. 113 of 4 October 2018.
- Decree-Law no. 66 of 7 May 2026.
- D.P.R. no. 223 of 30 May 1989.
- Emilia-Romagna Region, Regional Law no. 2 of 12 March 2003.
- ISTAT, Circular no. 29 of 1992.
- Italian Civil Code.
- Law no. 254 of 31 May 1903 (Luzzatti Law).
- Law no. 43 of 28 February 1949 (INA-Casa Plan).
- Law No. 1228 of 24 December 1954.
- Law no. 167 of 18 April 1962.
- Law no. 457 of 5 August 1978.
- Law no. 179 of 17 February 1992.

Law no. 431 of 9 December 1998.

Law no. 21 of 8 February 2001.

Law No. 94 of 15 July 2009.

Law No. 328 of 8 November 2000.

Legislative Decree no. 112 of 31 March 1998.

Legislative Decree no. 286 of 25 July 1998.

Legislative Decree no. 267 of 18 August 2000.

Legislative Decree no. 30 of 6 February 2007.

Case Law

Italian Constitutional Court

Italian Constitutional Court, judgment no. 252/1983.

Italian Constitutional Court, judgment no. 49/1987.

Italian Constitutional Court, judgment no. 217/1988.

Italian Constitutional Court, judgment no. 404/1988.

Italian Constitutional Court, judgment no. 252/1989.

Italian Constitutional Court, judgment no. 121/1996.

Italian Constitutional Court, judgment no. 186/2020.

Corte di Cassazione

Corte di Cassazione, judgment no. 1081/1968.

Corte di Cassazione, judgment no. 4525/1983.

Corte di Cassazione, judgment no. 499/2000.

Corte di Cassazione, judgment no. 13241/2018.

Tribunals

Tribunale di Milano, judgment no. 11522/2013.

Tribunale di Milano, judgment of 1 August 2019.

Institutional and Policy Documents

Avvocato di Strada, *Bilancio Sociale 2025*, Bologna, 2026.

Avvocato di Strada, *Dove Andare Per: la guida di Bologna per le persone senza dimora*, XV ed., Bologna, 2026.

Avvocato di Strada, *Senza tetto, non senza diritti. Rapporto di ricerca su residenza anagrafica e persone senza dimora*, Bologna, 2019.

Avvocato di Strada, *Statuto dell'Associazione Avvocato di Strada ODV*, Bologna, 2007.

Bologna Cares!, *Dimensione territoriale dell'accoglienza nel territorio metropolitano di Bologna*, Bologna, 2026.

Caritas Italiana, *La povertà in Italia secondo i dati della rete Caritas. Report statistico nazionale 2025*, Palumbi, Teramo, 2025.

Caritas Diocesana di Bologna, *Report Povertà 2024*, Bologna, 2025.

CESCR, *General Comment No. 4: The Right to Adequate Housing (Art. 11(1) ICESCR)*, 1991.

CGIL, *Piano Casa: deludente, tardivo, inadeguato e affidato prevalentemente al mercato privato senza ripari da logiche speculative*, 2026.

Council of Europe, Commissioner for Human Rights, *The Right to Affordable Housing: Europe's Neglected Duty*, 2020.

FEANTSA, *ETHOS – European Typology of Homelessness and Housing Exclusion*, Brussels, 2005.

FEANTSA; Fondation Abbé Pierre, *Eighth Overview of Housing Exclusion in Europe*, Brussels/Paris, 2023.

ISTAT, *Censimento permanente della popolazione e delle abitazioni. Popolazione residente e dinamica demografica. Anno 2021*, Roma, 2022.

ISTAT, *La legge anagrafica, il regolamento anagrafico, le istruzioni ministeriali e ISTAT*, Roma, 1992.

ISTAT, *Le persone senza dimora in Italia. Anno 2014*, Roma, 2015.

ISTAT; fio.PSD, *Il conteggio delle persone senza dimora nei 14 Comuni centro di area metropolitana*, Roma, 2026.

ISTAT; fio.PSD; Ministero del Lavoro e delle Politiche Sociali, *Le persone senza dimora*, Roma, 2012.

Ministero del Lavoro e delle Politiche Sociali, *Avviso pubblico 1/2022 – PNRR, Missione 5, Componente 2, Investimento 1.3*, Roma, 2022.

Ministero del Lavoro e delle Politiche Sociali, *Linee di indirizzo per il contrasto alla grave emarginazione adulta in Italia*, Roma, 2015.

Oxfam Italia, *Disuguaglianze abitative in Italia*, Oxfam Italia, 2025.

Presidenza del Consiglio dei Ministri, *Piano Nazionale di Ripresa e Resilienza (PNRR), Missione 5*, Roma, 2021.

Sistema di Accoglienza e Integrazione (SAI), *Rapporto Annuale SAI. Edizione XXIII*, June 2025.

Sitography

Antoniano ETS – Opere Francescane, *Antoniano*, available at: <https://www.antoniano.it/>

Asylum Information Database (AIDA), *Types of Accommodation*, in *Country Report: Italy*, available at:
<https://asylumineurope.org/reports/country/italy/reception-conditions/housing/types-accommodation>

ASP Città di Bologna, *InStrada*, available at: <https://www.aspbologna.it/it/instrada>

ASP Città di Bologna, *Servizio per il contrasto alla grave emarginazione adulta*, available at:
<https://www.aspbologna.it/it/servizio-per-il-contrasto-alla-grave-emarginazione-adulta>

ASP Città di Bologna, *Servizio Sociale a Bassa Soglia*, available at:
<https://www.aspbologna.it/it/servizio-sociale-bassa-soglia>

ASP Città di Bologna, *Servizio Protezioni Internazionali*, available at:
<https://www.aspbologna.it/it/servizio-protezioni-internazionali>

Assemblea Legislativa Regione Emilia-Romagna – Europe Direct, *Il piano casa europeo e la sfida dell'abitare: il caso di Bologna*, available at:
<https://www.assemblea.emr.it/europedirect/europe-direct/cosa%20facciamo/pubblicazioni/articoli/il-piano-casa-europeo-e-la-sfida-dell2019abitare-il-caso-di-bologna>

Associazione per gli Studi Giuridici sull'Immigrazione (ASGI), *Bologna: violazioni della Questura nell'accesso all'asilo e alla regolarizzazione degli stranieri*, available at: <https://www.asgi.it/asilo-e-protezione-internazionale/bologna-stranieri-asilo-violazioni-questura/>

Avvocato di Strada, *Daspo urbano*, available at: <https://www.avvocatodistrada.it/daspo-urbano/>

Avvocato di Strada, *Diritto alla residenza anagrafica*, available at: <https://www.avvocatodistrada.it/materiali/sentenze-e-leggi/diritto-alla-residenza-anagrafica/>

Avvocato di Strada, *Il diritto alla casa*, available at: <https://www.avvocatodistrada.it/materiali/sentenze-e-leggi/diritto-alla-casa/>

Avvocato di Strada, *Sedi locali*, available at: <https://www.avvocatodistrada.it/sedi-locali/>

Avvocato di Strada, *Via Mariano Tuccella*, available at: <https://www.avvocatodistrada.it/viamarianotuccella/>

Bologna Ti Da, *Chi sono le persone senza dimora?*, available at: <https://www.bolognatida.it/news/chi-sono-persone-senza-dimora>

Caritas Diocesana di Bologna, *Caritas Diocesana di Bologna*, available at: <https://www.caritasbologna.it/>

CIDAS, *CIDAS al fianco di ASP Città di Bologna per il contrasto alla grave emarginazione adulta*, available at: <https://www.cidas.coop/2024/11/04/cidas-al-fianco-di-asp-citta-di-bologna-per-il-contrasto-alla-grave-emarginazione-adulta/>

Comune di Bologna, *Piano allerte climatiche*, available at: <https://www.comune.bologna.it/informazioni/piano-allerte-climatiche>

Eurostat Data Browser, available at:

<https://ec.europa.eu/eurostat/databrowser/view/tespm140/default/table>

fio.PSD, *Housing Rights in Italy*, available at:

<https://www.fiopsd.org/wp-content/uploads/2020/05/Diritto-Abitare-ENG.pdf>

fio.PSD, *Persone senza dimora*, available at:

<https://www.fiopsd.org/persone-senza-dimora/>

Il Fatto Quotidiano, *Dietro gli alloggi promessi, nel Piano casa di Meloni vendite ai privati e pochi fondi per le famiglie*, available at:

<https://www.ilfattoquotidiano.it/2026/05/06/piano-casa-decreto-legge-analisi-notizie/8375767>

Inside Airbnb, *Rome*, available at:

<https://insideairbnb.com/rome/>

Matino, Anna, *Sfratti a Bologna: problema casa e inchieste*, BolognaToday, 24 October 2025, available at:

<https://www.bolognatoday.it/cronaca/sfratto-bologna-problema-casa-inchieste.html>

Maestroni, Michele, *Airbnb a Bologna: mappa degli annunci e prezzi degli affitti brevi*, BolognaToday, available at:

<https://www.bolognatoday.it/dossier/economia/airbnb-bologna-mappa-annunci-prezzo.html>

Nomisma, *Pubblicato il 18° Rapporto sull'Abitare*, available at:

<https://www.nomisma.it/press-area/pubblicato-il-18-rapporto-sull-abitare/>

Openpolis, *Le abitazioni vuote in Italia*, available at:

<https://www.openpolis.it/le-abitazioni-vuote-in-italia/>

Tortuga, *Airbnb e il mercato immobiliare italiano*, available at:

https://www.tortuga-econ.it/2023/07/11/airbnb_mercato_immobil-iare_italiano/