

联合国人居署“人人享有适当住房”无限额政府间专家工作组

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陈杰发言稿（三）：中国在保障租客权利方面的经验介绍

尊敬的主持人：

中国代表团成员发言，感谢给予发言的机会。我是陈杰，是上海交通大学国际与公共事务学院教授，想就“住房所有权保障”文件做个补发言，请予同意。我很高兴看到该文件强调了租房在住房政策体系中的核心重要性，同时还强调要用简单、低成本、快速的办法为租客提供居住权利证明。中国近期在提升租房重要性和租客居住权利保障方面有一些新探索，包括基于数字化技术的做法，可以与各国进行分享。

1. 中国多次在最重要的政治文件中提到要建立“租购并举”的住房新制度，明确把租赁放在购买之前，同时强调要实现“租购同权”——租客与购房者在公共服务享有同等权利。这种权威性政治承诺不仅给住房租赁人群很强的安全感，也给住房租赁投资者很强的信心感，愿意投资高品质租赁住房。中国住房租赁的产业化机构化专业化发展水平在过去几年有快速增长。

2. 中国今年的国务院政府工作报告，专门强调要“推动建设安全、舒适、绿色、智慧的好房子”。这里所说的安全，不仅是建筑安全，也包括心理上的安全与稳定感。

3. 中国今年刚刚颁布《住房租赁条例》，为住房租赁双方的权益界定明晰的边界和提供明确的法律保障。《条例》总则第一条就提到“稳定住房租赁关系”，清晰表明租赁居住权利的安全性稳定性是放在首位。

4. 中国在国家层面《住房租赁条例》及地方性的住房租赁条规，高度强调“住房租赁合同备案”，将合同备案作为租赁居住权利保障的最重要抓手。一旦合同备案，住房租赁的期限、租金金额及支付方式、解约条件等，都得到了政府的公共监管。

《住房租赁条例》专门规定，住房租赁企业和住房租赁经纪中介，如果不对所经办的住房租赁合同备案，会被处以重罚。

5. 根据《住房租赁条例》，如果个体出租人不愿意去进行合同备案，承租人可以单方面合同备案，同样受法律保护。

6. 中国大多数城市已经高度利用数字化技术方便住房租赁合同备案。租赁双方不需要去线下办理合同备案，可以非常方便、便捷、完全免费地在政府的电子政务平台上进行合同备案。租客还可以基于合同的线上备案凭证，方便便捷获取子女教育、就业服务、各类证件办理等各方面的公共服务。

非常感谢给予的时间。

Dear Chairman:

Members of the Chinese delegation took the floor and thanked for the opportunity to speak. My name is Jie Chen, a Professor at School of International and Public Affairs, Shanghai Jiao Tong University. I am very glad to see that the document endorses that “rental tenure should be included as a core component of national and local housing policies”, and specifically mentions the importance of simplified, cost- and time-effective “tenure security tools”, “occupancy certificates”, and “formal registration documents”. I just want to provide some Chinese practices and experience on the part of "tenure security protection" involving the protection of tenants' rights. The Chinese government has recently made some explorations in this regard, especially some explorations based on digital technology, which can be shared here.

1. China has repeatedly mentioned in the most important political documents that it is necessary to establish a new housing system of "simultaneous rent and purchase", clearly putting the lease before the purchase, and emphasizing the need to realize "the same right of rent and purchase" - tenants and property buyers enjoy the same rights in public services. This authoritative political commitment not only gives the housing rental population a strong sense of security, but also gives the housing rental investors a strong sense of confidence and willingness to invest in high-quality rental housing. The level of industrialization, institutionalization and specialization of Housing leasing in China has increased rapidly in the past few years.
2. China's State Council's government work report this year specifically emphasizes the need to "promote the construction of safe, comfortable, green and smart houses". The safety mentioned here is not only architectural safety, but also psychological safety and stability.
3. China has just promulgated the Regulations on Housing Leasing this year, which provides clear boundaries and legal protection for the rights and interests of both parties to housing leasing. The first article of the general provisions of the Regulations refers to "stabilizing the housing rental relationship", which clearly indicates that the security and stability of the rental housing right is the first priority.
4. At the national level, China's regulations on Housing leasing and local rules and regulations on Housing leasing highly emphasize "the record of Housing leasing contracts", and take the record of contracts as a very important tool for the protection of rental housing rights. Once the contract is recorded, the duration of the housing lease, the amount of rent and the method of payment, the conditions for termination, etc. would be subject to public supervision. The Regulations on Housing Leasing specifically stipulates that housing leasing enterprises and Housing leasing brokers will be severely fined if they fail to record the housing leasing contracts they handle.
5. According to the regulations on Housing leasing, if the individual lessor is not willing to record the contract, the lessee can record the contract unilaterally, which is also protected by law.

6. most cities in China have made full use of digital technology to facilitate the filing of housing lease contracts. The leasing parties do not need to go offline to handle contract filing, but can do contract filing on the government's e-government platform very conveniently, conveniently and completely free of charge. The tenant can also use the online filing voucher based on the contract to conveniently obtain public services such as children's education, employment services, and the handling of various certificates.

Thank you very much for your time.