European Observatory on Homelessness

# Local Connection Rules and Access to Homelessness Services in Europe

EOH Comparative Studies on Homelessness

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### Disclaimer

The interpretation and reporting of the questionnaire results may not reflect the views of the country experts. Responsibility for any errors lies with the authors.

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# Foreword

This year's edition of FEANTSA's Comparative Studies looks at the impact on homelessness of the requirement that a person who is seeking assistance must have a 'local connection' to the area where s/he is seeking help. In most EU Member States public authorities, in one way or another, oblige homeless people to prove they have a connection to the city or municipality in order to access services. Even in countries where there is no formal local connection requirement, there is often ample space for local authorities and/or services to impose such an obligation, unofficially.

These rules provide a mechanism for preventing the abuse of public resources through 'freeloading'. They can provide a protection for localities which decide to offer a high level of social support from having to bear the social costs of neighbouring areas which, for instance, reduce local taxes by refusing to invest in such services. But they are also a way of rationing access to accommodation and support.

This research shows that where 'local connection' rules are poorly designed or not properly implemented the first victims are the most vulnerable people, and people who are homeless can find themselves denied essential help.

This research should be read in the context of a recent decision of the Social Rights Committee of the Council of Europe on access to emergency shelter, following a collective complaint submitted by FEANTSA in 2013. The Committee decided that any rule which obstructs access to emergency shelter should be considered a violation of human rights. The consequence of this decision is that, for a local connection requirement to be lawful it must be linked to an effective mechanism for reconnection to the local authority which actually does have responsibility for the person involved.

The report highlights some interesting good practices and policies whereby the local connection requirement does not jeopardise the right to shelter. But, as FEANTSA has argued, a right to shelter which is not linked to others supports and housing can end up trapping people who experience a period of homelessness into long-term marginalisation and destitution. Drawing on this insight, the research goes beyond a focus on shelter and also looks at the much more complex area of how access to supported housing, social housing, and housing benefits is affected by the obligation to prove a local connection.

Unnecessarily strict local connection requirements or systemic failures in application can have long-term negative consequences both for the individual and for the local community. We know that the longer someone is homeless the more difficult and expensive it is to support him/her successfully back into society. Therefore, even where they are legitimate and well-intentioned, the policy outcomes of local connection requirements need to be fully evaluated.

While this research relates to the operation of such rules at a local level, there are clear echoes of a wider debate at a national and international level. The issues raised by the impact of different levels of social services in neighbouring towns are related to the question of 'social dumping' between EU nation states. FEANTSA has previously highlighted that EU-migrants can find it hard to access services where they lose their employment or become ill in the host country, and this difficulty in accessing services can result in destitution. Many of the barriers which such EU-migrants face have their historic roots in 'local connection' rules.

We hope that this research will lead to a more informed debate about how such local connection requirements arise across very different cultural and legal systems – and how they persist, often with unintended consequences, in a rapidly changing world. We hope that by drawing out the practical implications of such rules we can help EU, national and local authorities to find the right balance between the legitimate concerns of local authorities and the rights of people who are homeless and need help.

Mike Allen
President of FEANTSA

# 1. Summary

### 1.1 About the Research

The aim of this study was to explore the impact of local connection rules on the experience of homelessness in Europe. The research looked specifically at whether local connection rules, which exist to ensure that only people who are resident in a particular municipality or region can access services provided by local government, restrict the support available to homeless people. The particular concern was EU citizens experiencing homelessness in their own countries who faced barriers to services.

This comparative exercise was based on a questionnaire sent to experts in homelessness in 14 EU Member States. The use of a standardised questionnaire allowed for direct comparisons to be made across a diverse range of Member States. The Member States from the North Western EU that participated in the research were Austria, Denmark, France, Germany, Ireland, the Netherlands and the UK countries. Countries from the Central and Eastern EU included Bulgaria, Hungary, Poland and Slovakia. The Southern EU was represented by Greece, Italy and Portugal.

The report explores how local connection rules influence access to emergency shelters; congregate and communal supported housing (accommodation-based services including hostels and staircase services); housing-led services (mobile support delivered to ordinary housing); access to social housing and access to rent subsidies (welfare payments that wholly or partially meet rental costs for low income people).

### 1.2 Shelters and Emergency Accommodation

Emergency accommodation tended to be organised and also regulated at local level. In Austria, Denmark, France, Germany and Slovakia, emergency accommodation services were not allowed to refuse assistance to a homeless person on the basis that they had no local connection. In other countries, use of local connection rules was more widespread. Homeless people who were from another municipality or region could be denied access to emergency accommodation. Sometimes this was a result of laws lacking precision or not being justiciable, but there could also be a lack of legislation governing access to emergency accommodation.

There are examples of good practice in some Member States. In Germany, each municipality has a duty to provide basic shelter to people who would otherwise be living rough and to help meet their support needs. In France, DALO laws providing for a justiciable right to housing also apply to access to emergency accommodation. The Danish self-presenter principle requires municipalities to pay for their citizens when they are homeless in another municipality, meaning there is theoretically no financial disincentive for municipalities in providing emergency accommodation to homeless people from another area. These kinds of regulation and administrative systems mean that homeless people should not be denied emergency accommodation no matter where they are homeless in their own country.

Elsewhere, such as in Italy, Poland, Portugal, the UK countries and, until recently, the Netherlands, municipalities can decide whether they will fund emergency accommodation for people from another area. While entirely charitably run services may take anyone, regardless of where they are from, emergency accommodation funded by municipalities may deny access to someone from another municipality. A legal challenge was successfully mounted in the Netherlands, which resulted in revisions to existing law.

### 1.3 Supported Housing and Housing-Led Services

Practice in this area of homelessness service provision could be highly variable. Essentially, different rules applied in the nine Austrian regions with responsibility for homelessness. In Denmark, the open access to emergency accommodation was not replicated with respect to supported housing, for which a local connection could be required if an arrangement were not made for a 'home' municipality to pay for supported housing in another municipality.

Generally, local connection criteria were more commonly applied – and hence more potential barriers existed – to supported housing services compared to emergency accommodation services. One exception was Portugal, where supported housing services are funded by public health authorities and local connection criteria were not applied. German practice also meant that local connection rules were not generally applied to supported housing services.

In some countries, such as Denmark and Germany, the last recognised 'home' municipality of a homeless person is generally responsible for meeting the cost of housing-led support services. Elsewhere, access to housing-led support could be conditional on a local connection. However, housing-led services were comparatively underdeveloped, or largely absent, in many of the 14 countries reviewed.

### 1.4 Social Housing and Rent Subsidies

Social housing is often not immediately accessible to homeless people for several reasons. Alongside application of local connection rules, social housing may not be primarily intended for homeless people, may represent only a small percentage of total housing stock or not is effectively present at all in some EU countries. In some countries, such as Italy and Greece, spending on social housing has effectively ceased, while demand has surged. In England, there are plans to effectively abolish the social rented sector through enforced mass privatisation. There is evidence from previous research conducted by the European Observatory on Homelessness that social landlords can be reluctant to house, and even actively avoid housing some groups of homeless people because there is a fear of management problems and rent not being paid.

France and the UK countries have specific laws creating a right to housing for homeless people. In France and the UK countries, what should be possible in terms of legal theory can contrast sharply with a reality of limited availability in social housing sectors that have to fulfil several roles, only one of which is tackling homelessness. Elsewhere, social housing and the criteria governing access, including local connection criteria, are managed at municipal or regional level. This means that in practice, access to the social rented sector can be highly variable and is sometimes highly problematic for homeless people without a clear local connection.

A range of factors, of which local connection rules can be one part, create what can be described as a geographical lottery, with access to social housing for homeless people varying markedly between countries and across the regions and municipalities of single countries. In some cases, there are no local connection criteria; in others, residence in an area for many years is required before a sufficient local connection is established to apply for social housing.

Rent subsidies – i.e., welfare benefits designed to enable poor households and individuals to pay rent – were more likely to be organised at national level. Where universal welfare systems were present, no local connection rules were applied; eligibility depended on having an address and insufficient income to meet the rental costs. Although local connection rules were not an issue in such situations, rent subsidies might not be enough to fully meet the costs of rent, or make housing affordable. In some cases, such as Greece, Italy and Slovakia, rent subsidies were organised at local level and local connection rules applied.

### 1.5 The Consequences of Local Connection Rules

Whether local connection is important depends on the context in which rules are being applied. In relatively service-rich environments, such as Denmark and Germany, the absence of local connection rules and systems to allow municipalities to make payments to each other, removes a potentially important barrier to services. If local connection rules were strictly enforced, homeless people might be denied access to services.

Elsewhere, local connection rules may not be helpful, but equally may not be decisive. This is the case in contexts where services are overwhelmed, underfunded or do not exist at a meaningful level to begin with. Local connection does not matter if there are other barriers that effectively mean services are inaccessible.

One potential concern is that people whose homelessness is long-term or repeated, and who are also likely to have high support needs, may be those who find it hardest to demonstrate a local connection. This might not be because they move around a great deal, but instead because they are unlikely to be able to demonstrate residence, as someone renting or buying their own home and paying local taxes. An absence of the right sort of documentation can mean that someone who is effectively resident in a municipality cannot show a local connection and therefore cannot access services. The extremes of homelessness may be exacerbated in scale and duration by the operation of local connection rules in many areas of the European Union. This, in itself, should be seen as making a clear case for reform.

Clearly, removing local connection rules, while it may not produce widespread service tourism by homeless people, would be politically difficult. An absence of local connection rules at least raises the possibility that some municipalities and regions would face a disproportionate cost in meeting the needs of homeless people who are not from their area. Developing systems that suspend or remove local connection rules for certain groups of homeless people seems the most logical way forward. This already happens in practice in some EU countries – for example, for women at risk of violence and families with dependent or vulnerable children – and could be extended to groups like people experiencing sustained and recurrent homelessness.

## 2. Introduction

### 2.1 The Research Questions

This chapter gives a brief description of the research conducted into local connection rules and the ways in which they can influence access to homelessness services, social housing and rent subsidies in Europe. In common with other reports in this series, the EOH Comparative Studies on Homelessness, the research was based on a questionnaire that was sent to expert respondents in FU Member States.

The goal of this research was to explore whether rules and requirements that centre on local connection constitute barriers of access to homeless services. The specific focus was on the ways in which local connection rules might limit access to homelessness services of *EU citizens* within their *own countries*. This is not a study of the characteristics of migrant homelessness in the EU, or of the barriers to housing and homelessness services that can exist for undocumented migrants, asylum seekers or EU citizens who are living outside their home country.<sup>1</sup>

### 2.2 Methods

The research was based around a questionnaire that was completed by experts in 14 EU Member States. Insofar as possible, experts were asked to provide data and commentary in standardised ways, allowing for direct comparisons to be drawn between experiences in different Member States. A mix of EU Member States participated, with differing levels of economic prosperity and sometimes marked differences in their social protection (welfare) and health services. Some Member States possessed significant levels of social housing, others possessed very little. Countries with highly integrated national homelessness strategies were included alongside those with regional or municipal homelessness strategies and those where strategic responses to homelessness were largely undeveloped. The countries were:

In 2016, the European Observatory on Homelessness will be focusing on the issue of migrant homelessness in Europe, updating our previous reviews of the relationships between migration and homelessness, see: Edgar, B., Doherty, J. and Meert, H. (2004) *Immigration and Homelessness in Europe* (Bristol: Policy Press); Pleace, N. (2011) Immigration and Homelessness, in: E. O'Sullivan, V. Busch-Geertsema, N. Pleace and D. Quilgars (Eds.) *Homelessness Research in Europe*, pp.143-163. (Brussels: FEANTSA).

- Austria
- Bulgaria
- Denmark
- France
- Germany
- Greece
- Hungary
- Ireland
- Italv
- The Netherlands
- Poland
- Portugal
- Slovakia
- United Kingdom<sup>2</sup>

National respondents were asked to describe the impact of local connection rules on access to homelessness services and, where relevant, social housing and rent subsidies.<sup>3</sup> This report is based on five sections of the questionnaire:

- Access to shelters and other emergency accommodation
- · Access to accommodation-based (congregate and communal) services
- Access to housing-led services (mobile support delivered to ordinary housing)
- · Access to social housing
- Access to rent subsidies (welfare payments to wholly or partially meet housing costs)

<sup>&</sup>lt;sup>2</sup> Scotland, Wales and Northern Ireland are increasingly distinct from England administratively, politically and legally. Accordingly, the different countries within the UK are discussed separately within this report.

<sup>&</sup>lt;sup>3</sup> Welfare payments designed to wholly or partially meet housing costs for poor households.

### 2.3 The Report

Chapter 3 defines the parameters of the research and why local connection rules may be significant in relation to both homelessness prevention and the reduction of homelessness in Europe. Chapter 4 looks at how local connection rules influence access to shelters and other emergency accommodation services for homeless people in the 14 EU Member States included in this research. In Chapter 5, the focus is on local connection rules and access to accommodation-based (congregate and communal) supported housing services for homeless people. Chapter 6 examines how local connection rules influence access to social housing and rent subsidies. The conclusions of the research are presented in Chapter 7.

# 3. Local Connection Rules and Homelessness

### 3.1 Introduction

This chapter provides an introduction to the potential importance of local connection rules to the prevention and reduction of homelessness in Europe. Beginning with a working definition of homelessness and homelessness services, the chapter then describes how local connection rules may influence outcomes for homeless people.

### 3.2 Homelessness and Homelessness Services

Homelessness is not defined or interpreted in the same way throughout Europe. It is possible to say that there is broad consent across the European Union that literal homelessness, i.e., living rough, does constitute a specific, measurable, social problem. However, there is a lack of consensus around the other living situations that are regarded as homelessness.

FEANTSA and the European Observatory on Homelessness developed ETHOS, the European Typology of Homelessness and Housing Exclusion, encouraging a pan-European conceptualisation of homelessness (Table 3.1). The sets of categories within the roofless and houseless categories are the main focus of this report. Some EU Member States also regard category 8.1 (living temporarily with friends or family in the absence of any alternative 4) as homelessness. Although not without critics, acceptance of ETHOS as a basis for understanding and defining homelessness is widespread, both in the European Union and in other OECD countries.<sup>5</sup>

<sup>4</sup> ETHOS Light, developed for the enumeration of homeless people includes 8.1 within the definition of a homeless household, see: Busch-Geertsema, V., Benjaminsen, L., Filipovič Hrast, M. and Pleace, N. (2014) Extent and Profile of Homelessness in European Member States: A Statistical Update (Brussels: FEANTSA). Note: European Member States generally do not recognise people in categories 6.1 to 6.3 as being at risk of homelessness, although the UK regards certain households who will lose their home within 28 days as homeless.

<sup>5</sup> See: Busch-Geertsema, V. (2010) Defining and Measuring Homelessness in Europe, in: E. O'Sullivan, V. Busch-Geertsema, N. Pleace and D. Quilgars (Eds.) Homelessness Research in Europe, pp.19-40. (Brussels: FEANTSA).

There is only sufficient research to talk in *approximate* terms about homelessness when looking at the EU as a whole.<sup>6</sup> With that important caveat, homelessness can probably be described in terms of two broad groups. The extent of, and balance between these groups is probably reflective of the extent of social protection systems, with homelessness linked mainly to poverty at its highest, in both a proportional and absolute sense, in the countries with the least social protection.<sup>7</sup>

Table 3.1: ETHOS (European Typology of Homelessness)

Conceptual Category		Operational Category		Living Situation
ROOFLESS	1	People Living Rough	1.1	Public space or external space
	2	People staying in a night shelter	2.1	Night shelter
HOUSELESS	3	People in accommodation	3.1	Homeless hostel
		for the homeless	3.2	Temporary Accommodation
			3.3	Transitional supported
				accommodation
	4	People in Women's Shelter	4.1	Women's shelter accommodation
	5	People in accommodation	5.1	Temporary accommodation /
		for immigrants		reception centres
			5.2	Migrant workers accommodation
	6	People due to be released	6.1	Penal institutions
		from institutions	6.2	Medical institutions
			6.3	Children's institutions / homes
	7	People receiving longer-term support (due	7.1	Residential care for older homeless people
		to homelessness)	7.2	Supported accommodation for formerly homeless persons
INSECURE	8	People living in insecure	8.1	Temporarily with family/friends
		accommodation	8.2	No legal (sub)tenancy
			8.3	Illegal occupation of land
	9	People living under threat	9.1	Legal orders enforced (rented)
		of eviction	9.2	Re-possession orders (owned)
	10	People living under threat of violence	10.1	Police recorded incidents
INADEQUATE	11	People living in temporary	11.1	Mobile homes
		/ non-conventional	11.2	Non-conventional building
		structures	11.3	Temporary structure
	12	People living in unfit	12.1	Occupied dwelling unfit for
		housing		habitation
	13	People living in extreme	13.1	Highest national norm of
		overcrowding		overcrowding

Source: Edgar, B. (2009) European Review of Statistics on Homelessness Brussels: FEANTSA.

<sup>&</sup>lt;sup>6</sup> Busch-Geertsema et al. (2014) op. cit.; Busch-Geertsema, V., Edgar, W., O'Sullivan, E. and Pleace, N. (2010) Homelessness and Homeless Policies in Europe: Lessons from Research (Brussels, Directorate-General for Employment, Social Affairs and Equal Opportunities).

Benjaminsen, L. (2015) Homelessness in a Scandinavian Welfare State: The Risk of Shelter Use in the Danish Adult Population, *Urban Studies* DOI: 0042098015587818.

- The first, a relatively small, high cost and high risk group of homeless people, characterised by high rates of comorbidity of severe mental illness, problem drug/alcohol use, extreme socioeconomic marginalisation/stigmatisation, poor physical health and quite often criminality/nuisance behaviour. This group includes long-term and recurrently homeless people and is mainly comprised of lone adults. Recent research has suggested that this group contains a greater proportion of high-need homeless women than was once thought women who may be being missed by both research and service provision because their homelessness is concealed.<sup>8</sup>
- The second includes one- and two-parent families with dependent children, lone adults, couples and other households, all of which are characterised by both income and tenure insecurity. This population may move in and out of homelessness, often being unable to secure settled, affordable and adequate housing. Poverty, social marginalisation and housing insecurity are their main characteristics; they are *not* characterised by severe mental illness, nor drug/alcohol use, nor poor physical health or criminality. This population is probably smaller in European countries with greater socioeconomic equality and extensive systems of social protection (e.g., universally accessible welfare systems and social housing). In European Member States with less extensive social protection systems, it may form the *bulk* of homelessness at any one point in time. There will often be overrepresentation of economically marginalised young people, including younger women who are lone parents, very low income families, couples and lone adults and cultural/ethnic minority groups that face systemic socioeconomic disadvantage.<sup>9</sup>

The nature of homelessness services in Europe varies markedly. Individual countries may have highly developed, coordinated strategies for homelessness prevention or reduction, which may also be found at the level of individual municipalities. In other instances, services may be largely in the form of emergency accommodation offering little more than a bed in communal dormitories and free food on a first-come-first-served basis. It is also perfectly possible for the extremes of homelessness service provision, from the most basic to the most developed, to exist alongside one another.

There is, at present, neither a shared typology of homelessness services at European level, nor any means of accurately mapping the nature and extent of homelessness service provision across the EU as a whole. Individual Member

Mayock, P., Sheridan, S. and Parker, S. (2015) "It's just like we're going around in circles and going back to the same thing...": The Dynamics of Women's Unresolved Homelessness, *Housing Studies* 30(6) pp.877-900.

<sup>&</sup>lt;sup>9</sup> Pleace, N. (2011) Homelessness and Inequality, in: I. Anderson and D. Sim (Eds.) Housing and Inequality, pp.187-204. (London: Chartered Institute of Housing).

States, such as Denmark and to some extent the UK, will have directories of homelessness services and collect monitoring data, as will some regions and individual cities, but lists, directories or databases of homelessness services may not always exist, let alone be consistent enough to be comparable.

In the Northern EU, step-based or linear models of congregate/communal supported temporary housing, which are intended to train homeless people with high needs so that they are 'housing ready' and can live independently, are probably the most widespread form of service.<sup>10</sup> Housing-led services, using mobile case management services and scattered ordinary housing, are also used, as are more intensive mobile support models using multidisciplinary teams, including Housing First and Critical Time Intervention Models, although these more intensive mobile services are fairly uncommon across the EU as a whole. There are some countries, such as Denmark, Finland, Ireland and, imminently at the time of writing, France, where intensive mobile support, designed to resettle homeless people with high needs, is part of mainstream strategy and homelessness policy, often focused around Housing First.<sup>11</sup> Housing First is likely to become more widespread in Europe as a response to forms of long-term and recurrent homelessness associated with very high support needs, particularly in countries with extensive social protection systems that have hitherto struggled with reducing sustained and recurrent homelessness.12

There is no means currently of accurately mapping the nature and distribution of homelessness services at pan-EU level, so the range of services can only be described in broad terms:

Preventative services, which can take multiple forms, ranging from housing advice through to mediation and support services. Primary prevention centres on social protection and social housing systems (where present) – i.e., the safety nets that exist to prevent poverty, disability and vulnerability causing homelessness. Secondary prevention centres on stopping existing residents of an area from losing their home – i.e., preventing eviction or other forced moves. This category of services also includes interventions targeted at what are regarded as high risk groups, e.g., vulnerable people leaving institutions, including prisons,

<sup>&</sup>lt;sup>10</sup> Busch-Geertsema, V. and Sahlin, I. (2007) The Role of Hostels and Temporary Accommodation, European Journal of Homelessness 1 pp.67-93.

<sup>11</sup> At the time of writing, a large scale Housing First programme in France is about to be scaled up to a national programme centred on homeless people with severe mental illness.

Benjaminsen, L. and Andrade, S.B. (2015) Testing a Typology of Homelessness Across Welfare Regimes: Shelter Use in Denmark and the USA, *Housing Studies* 30(6) pp.858-876.

social services' care and long-stay hospitals. Tertiary prevention centres on services designed to rapidly end homelessness once it has occurred, including the full array of homelessness services described below.

- Shelters and other emergency accommodation services. These services are
  often primarily targeted at people living rough. In some cases, these will be basic
  services offering no more than a bed for the night and food, either free or heavily
  subsidised. Such services may be funded, or provided, by municipal governments, but they may also be run and funded entirely by charities.
- Congregate and communal supported housing services. These offer support services alongside accommodation and food, but are very difficult to encapsulate because they represent a hugely diverse sector. At one extreme, supported housing for homeless people can be characterised as a kind of shelter plus model, with small amounts of partially trained or amateur support being bolted onto very basic, short-term emergency accommodation. At the other extreme, supported housing can offer high quality, self-contained apartments on a long lease, with extensive on-site support from trained social workers and clinicians in a purpose-built congregate setting. For the most part, supported housing services are designed to facilitate progress to independent living, making someone 'housing ready' through various approaches which can include a step-based or linear model. Some enforce abstinence and have strict codes governing behaviour; others are more fluid and flexible.<sup>13</sup> There are some, such as Skaeve Huse in Denmark, that offer effectively permanent homes.<sup>14</sup>
- Housing-led/mobile support services a category that includes all mobile, peripatetic and floating support services that are delivered to (formerly) homeless people living in ordinary housing. These services, which include the distinct subcategory of Housing First, can also be varied. Support can range from low-intensity case management through to intensive case management (ICM) and high intensity assertive community treatment (ACT) and critical time intervention (CTI) services using dedicated multidisciplinary teams. Housing-led services may be open-ended or time-limited. Mobile support may also follow an individual or household when they move or lose an existing home, or may be confined to specific apartments.

Busch-Geertsema, V. and Sahlin, I. (2007) op. cit.; Pleace, N. (2008) Effective Services for Substance Misuse and Homelessness in Scotland: Evidence from an International Review (Edinburgh: Scottish Government).

<sup>14</sup> Benjaminsen, L. and Dyb, E. (2008) The Effectiveness of Homeless Policies-Variations among the Scandinavian Countries, *European Journal of Homelessness* 2 pp.45-67.

- Systems for prioritising access to social housing for homeless people. This
  category of service only exists in some European contexts, both in the sense
  that some EU Member States have little or no social housing and in the sense
  that social housing may not, in policy terms, be seen as a resource that should
  be used for reducing homelessness.<sup>15</sup>
- Welfare/social protection systems that provide rent subsidies to low income
  working and workless households and individuals. As with systems for prioritising access to social housing, these do not exist in a consistent form. Some
  social protection systems essentially pay otherwise unaffordable rents for poor
  working and poor unemployed individuals and households; others only partially
  subsidise rent costs and/or are only available to specific groups.

### 3.3 Local Connection Rules and Homelessness

European concerns with the accurate targeting of locally provided support for poor people who are unable to care for, feed or house themselves, date back centuries. <sup>16</sup> Laws creating local responsibilities to look after those unable to work, feed, house or care for themselves have also set – or allowed for – geographical limits on *who* should be assisted, linked to proof of *local residence*. <sup>17</sup> Avoiding paying for homeless people who are the responsibility of another 'home' municipality, and the idea that service provision must not 'attract' homeless people from other areas, remain as political concerns for municipalities throughout Europe. <sup>18</sup>

Local connection rules and practices refer to any requirement to show habitual residence in a local authority area, city or municipality before it is possible to use homelessness services, access social housing or claim welfare benefits. Local connection rules may require that someone demonstrate that they have been living within an area for a set period of time. Local connection rules may also require that someone can show that their last settled home was within a municipality, that they are in the population register in a municipality, or there may be a requirement to show they were either born locally or have immediate family living locally. It is also

<sup>&</sup>lt;sup>15</sup> Pleace, N.; Teller, N. and Quilgars, D. (2011) Social Housing Allocation and Homelessness (Brussels: FEANTSA).

See, for example, King, S. and Winter, A. (Eds.) (2013) Migration, Settlement and Belonging in Europe, 1500-1930: Comparative Perspectives (Oxford: Berghahn Books); and Winter, A. (2008) Caught between Law and Practice: Migrants and Settlement Legislation in the Southern Low Countries in a Comparative Perspective, c. 1700-1900, Rural History 19(2) pp.137-162.

<sup>17</sup> Freeman, M. and Nelson, G. (2008) Vicarious Vagrants: Incognito Social Explorers and the Homeless in England, 1860-1910 (New Jersey: The True Bill Press).

<sup>&</sup>lt;sup>18</sup> Cloke, P., Milbourne, P. and Widdowfield, R. (2003) The Complex Mobilities of Homeless People in Rural England, *Geoforum* 34(1) pp.21-35.

possible that some services can only be accessed by someone who has paid local taxes. In some cases, such as in Vienna, there is a requirement to show homelessness *began* within administrative boundaries in order to access assistance.

Some services may also place time limits on the support they will provide to homeless people from another location. There are also services that actively attempt to reconnect or re-locate someone to their 'home' municipality rather than allow them to stay in a municipality that does not define itself as their home.

Local connection rules may restrict or block access to homelessness services, social housing and rent subsidies for homeless people who are living in their country of birth in one or more of the following ways:

- Not being resident in a municipality/local authority for a long enough period to meet the administrative definition of a local connection.
- Not meeting an administrative requirement to be living in a settled home with a
  recognised postal address within an area. For example, someone who is a
  repeated/long-stay resident in a homeless shelter, even if they have been
  resident there for years, may not be regarded as having a local connection to
  the municipality where it is located.
- An administrative requirement that a homeless person or household can only seek assistance from a municipality/local authority in which they had their last settled address, regardless of when resident in that area. Municipalities may also be required to take financial responsibility for former residents of their area. A municipality may be expected to fund services in another area in which a homeless household is being supported, and/or be expected to care for homeless people who are returned/reconnected to their 'home' municipality from another area.
- Being unable to document a local connection in the required way. Someone may have been experiencing hidden forms of homelessness, reliant on informal arrangements that enable them to live temporarily with others and having no home of their own. Being unable to demonstrate they have had their own address can mean someone cannot show they have a local connection to an area in the required way. Someone who has been resident in an area for years may not exist on local/national databases/registers because they have not been in a position to officially record their presence. Absence of required administrative data can prevent a local connection from being established.
- Move a homeless individual or household to another location using a 'reconnection' service. This may be coercive i.e., someone is refused any support other than services designed to move them to another municipality.

Local connection may not be the sole, or even a significant, barrier to services for some homeless people. There are, for example, welfare and homelessness systems to which access is *not* contingent on demonstrating a local connection, meaning help can be sought anywhere. A shortage or the near absence of social housing, or requirements governing access to social housing that either preclude a focus on homeless people in general, or specific groups of homeless people, may form more significant barriers than local connection rules. However, local connection rules also have the potential to act as a barrier to services for homeless people who cannot demonstrate the right kinds of link to a specific area, or to exacerbate the challenges that some homeless people can face in accessing services.

# 4. Shelters and Emergency Accommodation

### 4.1 Introduction

This chapter explores the role of local connection criteria in prohibiting or limiting access to shelters and other emergency accommodation services for homeless people. The chapter begins by discussing existing legislation and regulations and moves on to explore the impact of existing funding mechanisms. There is then a discussion of existing local practices and recent trends in local connection rules and how these influence access to shelters and emergency accommodation services.

### 4.2 Law and Regulation

### 4.2.1 An Absence of Law or Regulation at National Level

In most of the 14 EU countries covered by this research, there was neither national legislation nor regulations that set local connection rules for homeless shelters and similar emergency accommodation services. Eleven of the 14 countries<sup>19</sup> do not have legislation that defines local connection rules for shelters and emergency accommodation services. In some instances, local connection rules are not included in the relevant laws, effectively meaning there is no legislative requirement for – nor any legislative prohibition of – local connection rules.<sup>20</sup> In other cases, laws explicitly prohibit the use of local connection rules – for example, by creating a right to social support services for all citizens.<sup>21</sup>

An absence of laws does not guarantee an absence of local connection rules being attached to shelters and other emergency accommodation. Among those countries where there is no local connection criteria defined by national law or regulations the picture is more complex. Austria, Denmark, Hungary, Portugal and Slovakia clearly state that there are no local or regional regulations defining any type of local connection criteria regarding access to emergency accommodation services. This,

<sup>19</sup> Austria, Bulgaria, Denmark, France, Germany, Greece, Hungary, Italy, Portugal, Slovakia and the UK.

<sup>&</sup>lt;sup>20</sup> For example, Italy and the UK countries.

<sup>&</sup>lt;sup>21</sup> Austria, France, Hungary, Germany and Portugal.

however, does not mean that the actual provision of services (and the conditions under which they often operate) does not include prioritization of clients with a local connection – for example, in Hungary and Slovakia.

In Bulgaria, there is evidence of municipalities setting local connection rules for access to shelters and emergency accommodation, though some exemptions exist (see below). The UK countries are characterised by quite extensive use of local connection rules for emergency services funded by municipalities, although use of these rules is not necessarily consistent or universal. Throughout the UK, there is a general tendency towards a reduction in emergency shelters, also known as direct access services, and towards referral-based supported housing and housing-led services, which are more likely to require a local connection (see next chapter).

In Italy, access to services has become increasingly narrowly defined, shifting from the context of the old monarchist period, where there was a universal right to assistance, <sup>22</sup> to a current situation in which local connection rules are widely used at municipal level. This limits access to emergency shelters for some groups of homeless people in Italy, though in variable ways, as the local connection rules can vary between municipalities. Each municipality being free to design its own specific regulations, together with the strong decentralisation of social services, has resulted in increasing inconsistency in local connection rules.

### 4.2.2 The Use of Law and Regulation

### 4.2.2.1 Constriction of Access

In Greece, recent legislative changes have led to concerns about the operation of homeless shelters and other emergency accommodation services, centred on what is perceived as the likely introduction of local connection rules, which will restrict access to those services. This is despite local connection rules not being explicitly required for the use of homeless services in national legislation.

In Poland, national legislation<sup>23</sup> assigns responsibility for support to the last municipality in which a homeless person can demonstrate they had a settled address. If someone lived in a city in Poland, even for decades, without establishing the required local connection of a settled address, that city would not be responsible

<sup>22</sup> The King's Act n. 6972 from 1890 "Norme sulle istituzioni pubbliche di assistenza e beneficienza" (Framework for public bodies relating to accommodations, assistance and benevolence) was amended in 1954 by the Law n. 251. This now invalid framework stated that the State has "to provide assistance to the poor, especially in the state of health because of illness, (...) to procure education, starting in some profession, art or craft, or in any other way for moral and economic improvement".

<sup>&</sup>lt;sup>23</sup> Ustawa z dnia 12 marca 2004 r. o pomocy społecznej – Dz.U. 2004 Nr 64 poz. 593.

for their support if they needed help. Someone might have spent 20 years in Gdansk or Warsaw, but without a settled address, the municipality that would provide them with help might be the one in which they grew up. As the Polish expert notes:

... (the) law says that they should go back to the village where they came from 20 years ago, and ask for night shelter there, because they "belong there".

In Ireland, the law<sup>24</sup> requires local authorities (municipalities) to give consideration to whether someone has a reasonable connection to their area. This includes continued residency in the area, links created by being employed or attending further or higher education in the area and relatives living in the area. Local authorities must comply with the guidelines set at national level for referrals to shelters and other emergency accommodation services. However, the criteria by which someone can demonstrate a local connection are quite broad and the national expert notes that homeless people:

... are filtered through a Central Placement Service, and unless a local connection is established, access will generally not be granted. However, those without a local connection can access what are termed 'one night only beds' which are accessed on a first-come-first-served basis via a free phone service. Outside of Dublin, services are unlikely to provide you with any service without a local connection, but in practice it is reasonably easy to establish a local connection.

In some EU Member States, the local connection rules governing access to shelters and other emergency accommodation services are complex. In the Netherlands up to 2015, there was a legal requirement for nationwide access to shelters and other emergency accommodation,<sup>25</sup> but in practice this legal requirement was not seen to mean that everyone should have access to social relief in *all* municipalities, but rather that the collection of facilities should guarantee access to all who are in need in a municipality. The 2015 national law no longer contains an explicit legal provision that intents to guarantee nationwide access. Rather, it lays down an obligation for municipalities to perform to the best of their ability.<sup>26</sup>

<sup>&</sup>lt;sup>24</sup> The Housing (Miscellaneous) Act 2009 provides the basis for the assessment of social housing supports and the Social Housing Assessment Regulations 2011 (Statutory Instrument No. 84 of 2011).

<sup>&</sup>lt;sup>25</sup> Maatschappelijke opvang.

Westert, J.J. (2014) Eigen daklozen eerst? Het regionaal bindingsvereiste binnen de daklozenopvang en de mogelijke spanning met nationaal en internationaal recht [Our own homeless people first? The principle of regional ties in homelessness policies and possible tensions with national and international law]. (Groningen: University of Groningen).

The Association of Netherlands Municipalities has also agreed a shared set of principles, which works on the assumption that regional ties are essential for a successful outcome when homeless people use shelters, emergency accommodation and other support services, but municipalities are allowed to deviate from the model policy. Inconsistent policies in the Netherlands have also been an issue and paved the way for improper use of local connection criteria in order to deny access to emergency accommodation services.<sup>27</sup> Practice in the Netherlands was subject to a Collective Complaint lodged by FEANTSA with the Council of Europe in July 2012 for alleged violations of several rights under the Revised European Social Charter (see Box 4.1).<sup>28</sup>

### Box 4.1: Netherlands FEANTSA Collective Complaint

In July 2013, FEANTSA lodged a collective complaint against The Netherlands, alleging that Dutch legislation, policy and practice regarding sheltering homeless people was not in compliance with several articles in the Revised European Social Charter. The collective complaint was motivated by concerns from service providers and lawyers about local connection criteria being used to deny shelter to people who were not registered in the municipality in which he/she was seeking assistance. The complaint also highlighted the problems caused by grouping a number of municipalities together into 'super municipalities', as well as problems with the quality and quantity of services available, in particular for young people and women.

FEANTSA argued in the Collective Complaint that the majority of the 43 municipalities in The Netherlands did not respect the principle of national access and that they, instead, applied a local connection criterion when deciding on access to shelter services. Homeless people were obliged to establish having resided within the same region for the period of two or three years prior to their application for a placement in an emergency shelter. The complaint used examples to demonstrate that the local connection criterion was problematic for certain groups, including former drug addicts who may have a local connection elsewhere but are seeking to escape to start a new life and people who have not registered with the local municipality. The decision by European Committee of Social Rights supported FEANTSA's argument. Moreover, the Committee stated that "even if a particular function has been delegated to local or regional authorities under domestic law, States Parties remain responsible under their international obligations to ensure their responsibilities are properly exercised." Which means that local governments (local entities) must comply with the Charter and ensure access to emergency shelter.

The Committee assessed the Dutch law and its application and found that the principle of national access was not being applied, that people were being denied access to shelter, and that by defining a specific target group (applicants with multiple problems and a lack of self-sufficiency) and using local connection criteria, access to shelter was restricted.

<sup>27</sup> Planije, M. and Tuynman, M. (2013) Homelessness Policy in the Netherlands: Nationwide Access to Shelter under Pressure from Local Connection Criteria?, *European Journal of Homelessness* 7(2) pp.183-202.

For the complaint see http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/ CC86CaseDoc1\_en.pdf, for the decision see http://www.coe.int/t/dghl/monitoring/socialcharter/ Complaints/CC86Merits\_en.pdf

Another important comment found in the Decision is that governments cannot use the economic crisis or housing crisis as an excuse for failing to "take all necessary steps to ensure that the rights are effectively guaranteed at a period of time when beneficiaries need protection the most. The Committee holds that the States Parties should match the increase in need of shelter and the related social housing regardless of the economic situation in order to achieve the steady progress towards the elimination of homelessness, as required under Article 31.2 of the Charter."

In summary, the European Committee of Social Rights decided on the following aspects of the complaint:

- Alleged violations of Article 31.2 due to the allegations relating to the provision of community shelter:
- Alleged violation of Article 13, due to the allegations relating to the unavailability of emergency shelter on the basis of need;
- Alleged violation of Article 19.4, due to the allegations relating to the treatment of migrant workers and their families in regards to accommodation; and
- Alleged violations of Article 30, due to the allegations relating to insufficient protection against poverty and social exclusion

The Decision on the collective complaint provided an opportunity for NGOs delivering services to find new allies in the local municipalities who were also frustrated by the restrictive nature of the local connections criteria. A new law (wet maatschappelijke onderstuening) came into force in January 2015, in which the local connection criteria seem to have been eliminated. Despite this being a national law, there are discrepancies in its application across The Netherlands, and in some cases, pressure from the courts is the only way to motivate a municipality to act.

Text provided by Samara Jones (FEANTSA) with notes from Joris Sprakel from Fischer Advocaten, Haarlem, The Netherlands.

### 4.2.2.2 Legal and Regulatory Enhancement of Access

Law can, however, be used to guarantee or support access to emergency shelter. Germany, for example, has laws creating a general duty on municipalities to provide support to homeless people (see Box 4.2). This creation of an explicit, justiciable duty on municipalities means that there is access to shelters and emergency accommodation services that is not contingent on showing a local connection.

While every German municipality has a duty to prevent rooflessness and thus to provide shelters/emergency accommodation without requiring a local connection, access is not entirely open. While, as the German expert notes, homeless people may use a homeless shelter freely for a day or two, there will be a requirement to register with the local administration, undergo a health check and fulfil other requirements. A refusal to register will make it difficult to remain in a shelter on an ongoing basis, but the general principles enshrined in German law nevertheless create universal access to emergency accommodation.

### Box 4.2: German Homelessness Law

In Germany, there is a strict duty on every municipality to provide basic shelter to people who would otherwise be roofless, which is based on their actual abode and independent of any local connection. Furthermore the 'homeless paragraphs' in the Social Code (sections 67/68 SGB II), create a municipal duty to help people with 'social difficulties' to overcome these difficulties. There is a legally enforceable right to receive such support to overcome special social difficulties, and one situation, which is usually closely connected with such difficulties, is homelessness.

In Italy, under Constitutional Law, each individual is entitled to have their basic needs met. The Italian State and its local representatives should guarantee the respect of human rights for all. Conversely, the subsidiarity framework and the absence of standardised national definitions mean that a variety of local procedures can effectively override this constitutional right in practice, as access to shelters and emergency accommodation is restricted in some respects.

In France, there is a justiciable right to housing under the DALO laws, which theoretically creates the capacity for anyone to take the French State to court for a lack of service provision. There are, potentially, serious consequences, including imprisonment, for denial of access to emergency accommodation services by using local connection rules, which are illegal in France. Not fulfilling the fundamental right to shelter requires a municipality to provide a homeless person with up to €120 a day, which is broadly sufficient to allow them to stay in a hotel.

Denmark also possesses a more open system of access. A homeless person has the right to access any shelter in Denmark. Although discretion remains with each individual service as to whether or not to admit them, the reason for refusal *cannot* be because that person lacks a local connection. If a shelter has no available beds for an eligible person, it is obliged to refer that person to a shelter with an available place, although this obligation may not always be fulfilled in practice.

In Slovakia, there is a regulation that prohibits the use of the local connection criterion for access to basic or emergency accommodation services. As in Germany and Denmark, this creates a legal protection for homeless people seeking emergency assistance who may not be able to demonstrate a local connection.

Bulgaria allows municipalities to set local connection rules for emergency shelter places, but with two important exceptions: someone who is at risk of domestic violence cannot be denied assistance on the basis of lacking a local connection and nor can a woman with a young, dependent, child (see Box 4.3).

### Box 4.3: Bulgarian Law on Local Connection

In Bulgaria, Article 40, para 5 and 6 of the Regulations for Implementation of the Social Support Act prohibit use of local connection criteria in relation to the protection of persons who are victims of domestic violence, and children.

- A person, victim of domestic violence, who makes a request for accommodation in a 'crisis centre' is immediately placed, regardless of permanent address.
- Where the person, victim of domestic violence, is a pregnant woman, or the mother of a child under three years old, and she is at risk of abandoning her child, she is immediately placed with the child.

In Austria, there is a general requirement to be demonstrably resident in Austria itself, which might prove a barrier to emergency accommodation for Austrian citizens who are unable to provide the correct evidence. However, emergency accommodation services in any of the nine Austrian regions are generally accessible to any homeless person. For example, demonstration of residence in Salzburg is not necessary to access the emergency accommodation services in Salzburg.

### 4.2.2.3 Inconsistent and 'Blunt' Laws

In 2000, the Hungarian Constitutional Court decided that the local decree of the 7th District of Budapest, requiring a local connection to access social housing, was against the Constitution.<sup>29</sup> Following this decision, some local authorities modified their own decrees in accordance with that decision; however, others were reported by the national experts to have continued to use local connection rules.

In Portugal, there is a right to housing, but it is not at present justiciable. The right to housing cannot be used as a legal mechanism to argue that a homeless person has a right to shelter. The wider Portuguese policy response to homelessness is relevant here, as it centres on defining homelessness as a duty for social work and health services rather than as an issue to be solved by temporary accommodation or housing. However, the national expert notes that, in general, access to emergency services is not conditioned by any connection to the local area.

<sup>29</sup> There is no right to housing in Hungary granted by the Hungarian Constitution, but if at all, equal access should be granted to everyone independent of local connection.

### 4.3 Funding Mechanisms and Local Connection Rules

The use of local connection rules and evidence on existing practices is closely linked to the way(s) homelessness emergency accommodation services are funded. Services may be provided through central government, regional or municipal funding. Central and local government funding may be present in the same country,<sup>30</sup> may be mainly from central government<sup>31</sup> or mainly from municipalities or regional government.<sup>32</sup>

Some trends associated with funding patterns were evident in the responses from the national experts:

- Local and regional funding was associated with the use of local connection rules.
- Where central government provided funding, local connection rules were less likely to be used.
- Where there was a mix of municipal, regional and central government funding, there could be inconsistencies in the use of local connection rules – i.e., the locally funded services were more likely to require a local connection.

In France, local connection rules are not relevant to shelters, since they are subsidized by the State. Similarly, in Hungary, although social services are mostly funded from the national budget, municipalities may offer additional funding for service providers working with homeless families, 33 but only if they have a local connection, or, for street social work or other low thresholds services where local connection is less relevant. Like Hungary, Italian emergency accommodation services were reported as having variable local connection criteria, linked to how they were funded. Entirely self-financing services were effectively able to set their own rules in Italy, the same applying to the UK.

In the Netherlands, municipal budgets for social relief are calculated using the number of inhabitants in a municipality and their characteristics, not by the demand for human service. Existing research shows that this provides a motivation to restrict access to emergency accommodation services to clients who do not have a sufficient local connection.<sup>34</sup> In the UK countries, too, local authorities

<sup>&</sup>lt;sup>30</sup> France, Hungary, Italy and the Netherlands.

<sup>31</sup> Austria and Portugal.

<sup>32</sup> The Netherlands, Poland, Slovakia and the UK.

<sup>33</sup> The Hungarian experts specifically refer to "temporary hostels for families".

<sup>34</sup> Planije, M. and Tuynman, M. (2013) Homelessness Policy in the Netherlands: Nationwide Access to Shelter Under Pressure from Local Connection Criteria? *European Journal of Homelessness* 7(2) pp.183-202.

(municipalities) may be reluctant to 'import' homeless people from surrounding areas, although they may also cooperate to fund shared services that cover several municipalities or a region. In Poland, the funding of emergency accommodation services is under the competence of local government; priority or exclusivity of access is limited to those people with a local connection. Slovakia has quite similar arrangements, though central government also contributes to some service provision. However, centrally-funded services are described as insufficient and are not present in some areas.

Only four countries out of the 14 reviewed had funding mechanisms that allowed municipalities to be compensated, either by central government or by another municipality, when supporting a homeless person from outside their area.

In Denmark, a shelter can reclaim the costs of providing emergency accommodation (and support services) from the home municipality of the homeless person. A central state agency, the Social Appeals Board, intervenes in instances where there is any dispute as to who is responsible for the costs. Shelters need to be registered to take advantage of this system.<sup>35</sup> This system helps ensure access because the potential barrier of providing financing for emergency accommodation is dealt with (see Box 4.4).

### Box 4.4: The Danish Self-Presenter Principle

Access to homeless shelters in Denmark is based on the 'self-presenter' principle. This principle implies that no local authority can define any specific access criteria, such as local connection criteria. The system is supported by a financing mechanism that basically authorises shelters to send the bill for the shelter stay to the home municipality of the citizen using a homeless shelter. In cases of disagreement over payment or disagreement on which municipality has the payment obligation, a central state agency, 'The Social Appeals Board', has the authority to decide on payment obligations. Shelters need to be authorised under section 110 in the Social Assistance Act to be covered by this principle

German regulations make specific allowances for women at risk of gender-based/domestic violence, allowing a refuge in one municipality to seek financial support from their former home municipality. In the UK, refuges would also not generally expect a local connection, reflecting practice from the homelessness laws governing access to municipality-provided temporary accommodation and help with re-housing, which also do not expect women at risk of violence to have a local connection (see Chapter 7). Arrangements can also be made for specific groups in the Netherlands, including high need groups, with municipalities paying specialist services to support homeless people without expecting a local connection, but there are bureaucratic and logistical barriers that mean this system is uneven.

<sup>35</sup> Section 110 in the Social Assistance Act.

In Poland, there is provision for municipalities to fund support for people who are in an 'extraordinary' situation that are not in their 'home' municipality. However, the definition of what constitutes extraordinary circumstances is in the hands of the municipalities. Homelessness is, according to the national expert, generally defined as not sufficiently 'extraordinary' to enable someone to access services. Mechanisms exist under Polish law for municipalities to recover spending from one another if a municipality supports a homeless person from another municipal area, but these are described as complex, time-consuming and unreliable, creating a disincentive to use these arrangements.

Funding mechanisms can have a number of negative effects on access to shelters and emergency services for homeless people. These include:

- Increased costs associated with 'importing' homeless people needing emergency accommodation from surrounding municipalities that are not funding many, or any, services. While these costs can be managed by municipalities cooperating and co-financing services, the perceived costs of 'importing' homeless people could be a powerful deterrent to funding sufficient shelter and emergency accommodation services. This was an issue in the Netherlands, Slovakia and the UK.<sup>36</sup>
- Significant barriers to homeless people who cannot demonstrate a local connection when funding mechanisms are not available to support access to shelters and other emergency services, in particular:
  - de facto exclusion from shelter and emergency accommodation services (for example in Poland);
  - effectively forced displacement of some homeless populations to areas where funded services were available that did not require a local connection (Bulgaria and Hungary);
  - creation of bureaucratic barriers to deter homeless people from other municipalities and regions, including unlimited waiting times for access to shelter or emergency accommodation services, reported in France, Greece and Italy.

There is scant evidence of significant geographical mobility among homeless people in the UK; there are examples of highly mobile individuals and internal migration to major cities, but the presumption that homelessness in towns, rural areas and cities is largely the result of homeless people coming from outside the area is not supported by research. However, the *presumption* that funding extensive services will 'attract' homeless people forms a significant obstacle in itself, see: Cloke, P., Milbourne, P. and Widdowfield, R. (2002) Rural Homelessness: Issues, Experiences, and Policy Responses, *Housing Studies* 17(6) pp.919-927.

### 4.4 Local Practice

Alongside the legal and regulatory frameworks and the funding mechanisms that could influence the nature and extent to which the criterion of a local connection was used, there was also the question of local practice. Local practice centres on how rules are interpreted and the informal mechanisms that can potentially enhance or restrict access to shelters and emergency accommodation for people without a local connection.

In Bulgaria, people without a local connection to the area were only accommodated for up to seven days and then in exceptional circumstances. Since 'exceptional circumstances' were reported by the national expert as not being clearly defined, practice created a context in which local connection rules could be flexibly interpreted to both block and to *facilitate* access to services.

In France, municipalities might make it problematic for someone to settle in an area (see Chapter 7) by using local connection criteria, but this was to an extent countered by NGOs supporting people to develop a local connection. However, blocking access to emergency shelters funded by the State on the basis of local connection rules was, as noted above, illegal.

The variations in Italy have been noted above. Some municipalities do offer services, still following older regulations,<sup>37</sup> which provide between three and 15 nights of emergency shelter to homeless people without a local connection. However, others require a local connection even for emergency shelter.

In practical terms, the local connection criterion appears to be inconsistently applied to emergency accommodation and shelter services throughout most of the 14 countries reviewed here. This is because those factors driving, or facilitating, the use of local connection rules, laws, national regulation and funding mechanisms, tend to not be universal. There are always some services that are not receiving public funding, are not covered by the specifics of law or regulation and which can govern themselves. Equally, municipalities may either actively enforce local connection (where it is present), only do so in theory (because resources to regulate services are not available) or simply choose not to concern themselves with how homelessness services are working. Whether or not a homeless person who does not have a local connection will be able to access a shelter or emergency accommodation may often be a question of luck.

<sup>&</sup>lt;sup>37</sup> 'Domicilio di soccorso' regulations.

### 4.5 Relocation and Reconnection

While local connection rules can be employed to prevent access to emergency shelters, another potential response to homeless people who cannot show a local connection is to physically remove them from the administrative area of a municipality. These services remain relatively rare in the European Union in terms of the relocation of the homeless citizens of a country from one municipality in that country to another municipality. However, there is more extensive use of this approach in relation to the relocation of EU citizens who are not in the country of birth, back to their country of birth.<sup>38</sup>

Relocation or reconnection services are portrayed by those providing them as a form of support, as returning an individual or household 'home' to an area where they are presumed to have better social supports. Some evidence suggests that the presumption that relocation will generate benefits could be regarded as dubious – particularly when someone had good reasons to leave an area, has not been resident there for years, or services are more limited in that area. It may also be problematic to establish a clear local connection anywhere, raising the possibility that no municipality can be defined as 'responsible'.<sup>39</sup> Being presented with a choice to be relocated or being denied any support is coercive, just as a failure to follow set behaviour, leading to denial of support, can be coercive in staircase services.<sup>40</sup> Where relocation is *offered* and is clearly optional, with no sanctions resulting from a refusal to be relocated, many of these criticisms cease to be valid. However, voluntary relocation should only occur when the right services are in place for someone actively opting to return to an area.

The Netherlands' *Warme Overdracht* and the English *No Second Night Out* programmes were using relocation services as a specific response to people living rough who were defined as being from outside a specific area. These programmes were specifically designed to relocate, although both were presented as being supportive rather than coercive. Additionally, there was scope for relocation led by social workers in Germany, Poland and Portugal, which allowed for the provision of transport back to a home municipality. In France, the option to return to a home municipality can also be informally supported.

<sup>&</sup>lt;sup>38</sup> The European Observatory on Homelessness will be examining migration and homelessness in Europe in 2016; see also Pleace, N. (2010) op. cit.

Tuynman, M., Muusse, C., & Planije, M. (2013). Opvang landelijk toegankelijk? Onderzoek naar regiobinding en landelijke toegankelijkheid van de maatschappelijke opvang [Nationwide access to shelter? A study into local connection criteria and the nationwide accessability of social relief] (Utrecht: Netherlands Institute of Mental Health and Addiction).

<sup>40</sup> Busch-Geertsema, V., & Sahlin, I. (2007) op. cit.

In Denmark, the self-presenter system, described above, which enables emergency accommodation services to claim funds from a 'home' municipality, creates a financial incentive for municipalities to resettle formerly resident citizens. As shelter provision is relatively expensive compared to settled housing with support services, a 'home' municipality may send social workers to another municipality to resettle someone living in a shelter. This might involve resettlement within that municipality or, potentially, a return to the home municipality. This is a highly flexible system compared to the other countries in this study.

### 4.6 Patterns of Access

Table 4.1 summarises some of the main patterns in local connection rule use for homeless shelters and emergency accommodation.

Country	Local Connection Rules
Austria	No local connection criteria are applied to emergency services in Austria.
Bulgaria	No legal requirements; municipalities are able to use local connection rules and do so. There is a legal requirement not to use local connection criteria when a woman is escaping gender-based/domestic violence.
Denmark	Assistance must be provided regardless of local connection. There is a nationally regulated system to recover costs.
France	For central government funded shelter services, discrimination on the basis of local connection is illegal and could result in prosecution. Compensation is payable when the right to shelter is not fulfilled.
Germany	Assistance must be provided regardless of local connection.
Greece	Recent legislative changes create capacity to use local connection rules.
Hungary	Municipalities were able to use local connection rules and did so, but a legal challenge in 2000 changed this situation in Budapest and some other cities when it comes to allocating social housing, although use of local connection continues in some areas.
Ireland	Local authorities are obliged to consider local connection; access to emergency services is largely restricted to local people, but the criteria by which a local connection can be established are quite broad and there is very short stay emergency accommodation open to anyone in Dublin.
Italy	Gradual legislative change has given municipalities wide discretion to use local connection rules, which vary markedly, from effectively allowing universal access through to strict restriction of access.
Netherlands	Law is interpreted as allowing use of local connection rules. The majority of municipalities voluntarily use local connection rules for which there is a national model policy. There is evidence of inconsistent use of local connection rules, although practice has been challenged in the courts and a new law introduced in January 2015 (see Box 4.1).
Poland	Only municipalities to which someone can show a local connection have any responsibility for providing a shelter place.
Portugal	The right to housing cannot be used as a legal mechanism to require municipalities to provide emergency shelter but, in general, actual access to emergency services is not conditioned by any connection to the local area.
Slovakia	A regulation prohibits the use of local connection rules for access to emergency shelters for homeless people.
United Kingdom	Law does not require or disallow use of local connection rules; there is evidence of inconsistent use of local connection rules for emergency accommodation and shelters, although emergency (direct access) services have become less common.

# 5. Supported Housing and Housing-Led Services

### 5.1 Introduction

This chapter examines the operation of local connection rules in relation to congregate and communal, single-site supported housing with on-site support. The chapter also looks at housing-led services, using independent housing and mobile or floating support services. The chapter first explores how local connection rules can influence access to supported housing, providing an overview and then looking at the 14 countries in more detail, then moves on to examine local connection and housing-led services.

### 5.2 Local Connection and Supported Housing

### 5.2.1 An Overview of Local Connection and Access to Supported Housing

Supported housing is typically aimed at homeless people with complex support needs. These services are single-site – i.e., congregate models using an apartment block, which may be purpose built, in which residents live in self-contained apartments, or communal, where individuals share living space. <sup>41</sup> The category may also contain group homes, specialised nursing homes or similar accommodation that has onsite support staff.

Access to supported housing, following a shelter stay or by another referral route, may be subject to local connection rules. As in shelters and emergency accommodation, these rules may restrict the provision of such accommodation to people who have previously resideded in a municipality.

The information provided by the national experts shows considerable variation in the use of local connection rules:

<sup>41</sup> A resident may have their own bedroom and share other rooms (this may be more common in North Western Europe), or may share their sleeping space and other facilities.

- In many of the 14 countries, supported housing is often not intended for homeless people. Services that focus on severe mental illness, problematic drug/alcohol use and other sets of support needs may be suitable<sup>42</sup> for high-need groups of homeless people but are not *designed* for homeless people. Allocation and referral systems are therefore often built on the assumption that these services are for local residents.
- In most of the 14 countries, the administrative responsibility for supported housing is decentralized to municipalities, and local connection rules are applied.<sup>43</sup> In Austria, <sup>44</sup> Germany and the UK countries, local and regional governments were reported as having a high degree of control over local connection rules for these services, leading to considerable variation.
- In Portugal, supported housing is organised by the national health authorities.
   No local connection criteria are set for the provision of supported housing for people with mental illness or substance abuse problems. Again, these forms of supported accommodation are highly relevant for rehousing homeless people with these complex support needs.<sup>45</sup>

The devolution of administration of supported housing to municipalities can help ensure that the right mix of services is available in an area, reflecting local needs. However, when service provision is placed in the hands of municipalities, local connection rules tend to be put in place, especially since municipalities may be required by law or central government regulation to provide these supported housing services only to their own citizens. This is particularly the case in more developed welfare states where local authorities are responsible for an array of welfare services.

Organising the provision of supported housing at national level, such as with public health authorities, may prevent the use of local connection criteria for these types of services and may, in principle, facilitate a more even supply, adjusted as necessary to local needs. However, in practice, such national level provision

<sup>42</sup> There are complex debates about which service models work best for homeless people; at the time of writing, the evidence base suggests that single-site supported housing may be less successful than housing-led and Housing First services. Supported housing may well have been the only support service available in many areas of the EU during 2015.

<sup>&</sup>lt;sup>43</sup> Austria, Denmark, Germany, Italy, the Netherlands, Poland, Slovakia and the UK countries.

<sup>44</sup> Until 2010, Austria had a welfare system that allowed for funding arrangements across regions. The amended system changed these arrangements and is reporting as having caused the regions to install local connection criteria as a barrier to accessing special homeless services with higher standards than emergency shelters or day centres.

<sup>45</sup> Portugal is among the pioneers in the use of Housing First in Southern Europe, but services were not yet widespread in 2015.

systems may be less sensitive to local variation in conditions and demand for services, and require extensive, detailed knowledge of local circumstance in order to be effective. A middle-way may be to delegate the provision of supported housing to the regional level rather than either the national or municipal level. However, a regionally based provision system would require administration and funding mechanisms that do not exist in some EU Member States. The extent and nature of supported housing provision also varies markedly.

# 5.2.2 Local Connection and Supported Housing in Individual Countries

Table 5.1 looks in more detail at the provision of specialised supported accommodation across countries.

Table 5.1: Supported Housing and Local Connection	
Country	Local Connection Rules
Austria	Variation in local connection requirements at the level of regional government. In some regions it is not possible to access supported housing without a local connection.
Bulgaria	Local connection rules theoretically exist, but being able to demonstrate any current address in a municipality is sufficient to access supported housing services.  Supported housing services are not as widespread as in some other countries.
Denmark	Local connection may be required to access supported housing, which may require moves between municipalities, although municipalities can also opt to fund a supported housing place for a citizen with a local connection to their area but within another municipality and funding mechanisms exist to allow this.
France	No requirement for local connection, but services are developed and administered at municipal level and are focused on the local population.
Germany	Municipalities in which someone was last resident are responsible for meeting the costs of supported housing when someone is receiving a service in another municipality. Specific provisions are in place to allow this. In some areas, funding agencies that cover supported housing are present that do not set local connection criteria. This effectively means there are no local connection criteria for supported housing services, though some barriers can still arise.
Greece	Supported housing services are under considerable pressure. Homeless people without a local connection are likely to be referred to another municipality.
Hungary	Municipalities are able to use local connection rules. A legal challenge in 2000 changed practice in Budapest and some other cities.
Ireland	Local connection rules are applied, but it can be relatively simple to establish a local connection in many areas.
Italy	Widespread use of local connection criteria that may require sustained residence to demonstrate a local connection for services funded by a municipality. Self-financing NGO services sometimes operate without setting local connection rules.

Country	Local Connection Rules
Netherlands	Law is interpreted as allowing use of local connection rules. The majority of municipalities voluntarily use local connection rules, for which there is a national model policy. There is evidence of inconsistent use of local connection rules. A legal challenge to practice in the Netherlands led to a change of the law in January 2015, the effects of which are not clear at the time of writing (see Box 4.1).
Poland	Relatively few supported housing services provided; local connection rules may be applied.
Portugal	Most supported housing is administered and funded by public health authorities; no local connection criteria are applied.
Slovakia	Allocation of supported housing is dependent on assessment processes that are organised at local level.
United Kingdom	Law neither requires nor disallows use of local connection rules. There is some evidence of inconsistency.

The provision of supported accommodation in Austria is a matter of regional competence, with marked variation in local connection rules. In Vienna, for example, homeless persons without a local connection have no access to supported housing, including that provided by homelessness services. Vienna also prohibits access to services for Viennese citizens whose homelessness did not *begin* within the region's administrative boundaries. Elsewhere, such as in Salzburg or Upper Austria, local connection can be established by evidence of sustained contact with a homelessness service. In one region, Vorarlberg, local connection rules were abolished as of January 2015.

In Bulgaria, the regulations of the Social Support Act<sup>46</sup> specify several types of supported housing. Refuges, services for vulnerable families (including lone parents), services for street children and transitional supported housing for people leaving institutions are among the forms of supported housing that homeless people may potentially need. Access to these supported housing services generally involves presenting a valid identity document. However, a local connection is not necessarily required to access these supported housing services, as homeless people may be admitted on the basis of having a current address (which may be a shelter or another service) in the municipality. The legal definition of present address facilitates this interpretation and practice as, according to the Civil Registration Act,<sup>47</sup> 'the present address shall be the address where the person lives.'

<sup>46</sup> Article 1, paragraph 1 of the Additional Provisions of the Regulations for Implementation of the Social Support Act.

<sup>&</sup>lt;sup>47</sup> Article 94, paragraph 1.

However, Bulgaria was also reported to have a general scarcity of capacity in supported housing. It is also important to recognize that Bulgaria is still in a process of general deinstitutionalization, which has seen new development of supported housing, but also a rise in demand for that supported housing. While financial support has come from the European Commission to help fund the transition to deinstitutionalisation, the national expert reported that demand remains high relative to supply.

In Denmark, municipalities are obliged according to the Social Assistance Act to provide specialised supported accommodation for people with support needs that require such accommodation. This accommodation can be either temporary (article 107) or permanent (article 108). These forms of accommodation are not particularly targeted at homeless people but at vulnerable people with complex support needs in general, such as people with mental illness and substance abuse problems.

Homeless people with support needs that are too complex to be housed in ordinary housing with floating support may be referred to these forms of supported accommodation after a shelter stay, although supply does not always meet demand. Danish law does not specify local connection criteria, but in practice homeless people staying in a shelter without a local connection will rely on their 'home' municipality to provide supported housing. This may require a move between municipalities unless an agreement is in place for their home municipality to fund a supported housing place in another area. It is also common for municipalities to 'sell' places in supported housing to each other, depending on demand.

In Germany, there are national and, in some instances, regional legal provisions designed to prevent municipalities from becoming financially overburdened from providing supported housing (see Box 5.1). These arrangements effectively remove any requirement for local connection and provide a funding infrastructure that facilitates these arrangements. As with provision of shelters and emergency accommodation, German practice in ensuring access to services for homeless people without clear local connections provides a clear example of how barriers to locally organised services can be overcome.

#### **Box 5.1:** German Arrangements for Funding Supported Housing

At national level in Germany, section 98 SGB XII stipulates that, in the case of persons who were accommodated in an institution or in supported housing outside the municipality that was their 'habitual abode' during the two previous months, then the municipality that is defined as their 'habitual abode' is financially responsible. This duty remains in place until support is ended. There is also an additional special regulation for support in institutions to the effect that in the case of dispute or where a 'habitual abode' cannot be determined within four weeks, the municipality where supported housing is being provided is provisionally responsible for paying - at least until another responsible municipality can be found.

In some German regions, special financing agencies exist that are responsible for financing support in institutions and also supported housing. These agencies are supported by municipalities and regional government. For example, in North Rhine-Westphalia, these agencies are present in Landschaftsverband Westfalen-Lippe and Landschaftsverband Rheinland. Where these agencies are present, local connection plays a more minor role, only being used when someone comes from another regional state. These arrangements have, however, sometimes been abolished, as in Baden-Württemberg, which creates the potential for greater argument between municipalities as to who is responsible for funding a homeless person's supported housing place.

While the German example is theoretically impressive, the national expert reported some limitations. Supported housing services can be oversubscribed, which means homeless people have to wait in shelter or other temporary accommodation until a place becomes available. If someone has to wait several weeks in these services before accessing supported housing, they become the responsibility of that municipality, which then has to find funding, creating a pressure on some authorities, such as in Baden Württemberg, where the separate funding agency for supported housing has been abolished.

France has no requirement for a local connection to secure access to supported housing, but, unlike emergency shelters, these services are funded at municipal level. In practice, this means that locally developed and funded supported housing services are focused on the local population. Some national funding is allocated to major cities, which can be used to develop supported housing.

In Italy, local connection criteria often exist for any structured and long-term programme. Someone may need to be resident for three years in a municipality before qualifying for supported housing or other benefits, although even sustained residence in some municipalities may not necessarily result in eventually getting a place in supported housing. When someone is eligible for support, Italian services may be able to provide a specifically tailored support package. Local connection is not used universally or in a consistent form, and it is possible for homeless people without a local connection to access supported housing. Private organisations and voluntary associations who run supported housing services on their own property and using their own funding are free to decide on their own whether or not to apply any local connection criteria and usually they do *not* apply such criteria.

In the Netherlands, the arrangements are the same as described in the previous chapter, no distinction being drawn in this respect between shelters and supported housing. The same is true in the UK countries. In both cases, local connection rules are determined at municipal level and are widely implemented. As in Italy, entirely self-funding supported housing services in the UK can choose whether or not to

employ local connection rules, but such services typically represent only a fraction of provision within a municipality. In Ireland, too, arrangements governing access to supported housing mirror those for shelters. Interpretation of local connection rules often centres on the last settled living address in the UK, although other factors can be taken into account.<sup>48</sup>

In Poland, there is only very limited supported accommodation available for rehousing homeless people. Municipalities have the possibility of establishing such accommodation but no obligation to do so. If they do, they may apply local connection criteria.

In Portugal, supported housing is, as noted, organised and funded by public health authorities. Local connection criteria are not applied. Three levels of supported housing for people with mental health problems and for people with problematic drug use are provided and are accessible to homeless people. Other barriers, such as high demand relative to supply in some areas, may still exist.

In Slovakia, facilities and services under the Social Assistance Act include various forms of supported housing. As supported housing is not specifically intended for assisting homeless people, their placement in these facilities is usually possible only after long-lasting counselling support. The local connection criterion is generally applied, as an assessment must be conducted; this falls to the competent municipality, which is the permanent residence of an applicant.

Slovakian law does not directly impose an obligation to use local connection rules. However, both development and funding of supported housing services is, along with the process of assessment, referral and allocation, delegated to the municipal level.

Hungarian supported housing is administered by municipalities that require a local connection to be in place. Although some cities have modified their rules following the legal challenge reported in the last chapter, homeless people without a local connection were reported as unable to access supported housing in many areas.

Greece has an array of supported housing services but, as in Slovakia, these services are not really targeted at homeless people and are organised at municipal level. These services are under extreme pressure in Greece and someone without a local connection is likely to be referred to a municipality where they have some form of connection, rather than offered supported housing.

<sup>48</sup> In England, close family, working in an area or receiving specialist medical treatment or other special reasons could be taken into account; in practice, non-residence is likely to form a significant barrier

## 5.3 Housing-Led Services

## 5.3.1 An Overview of Local Connection and Access to Housing-Led Services

For homeless people with high support needs who are rehoused into their own ordinary housing, floating or mobile support is crucial for housing sustainment. As noted in Chapter 3, this is a broadly defined sector that includes significant innovations such as Intensive Case Management (ICM), Assertive Community Treatment (ACT) and Critical Time Intervention (CTI), alongside the specific subcategory of Housing First services.

A number of contextual issues can be important in understanding how local connection rules may affect access to housing-led services:

- There is now considerable research evidence that housing-led services can be particularly effective for homeless people with high support needs, especially in relation to Housing First services. 49 Housing First and related housing-led services were integral to homelessness strategies in Denmark, Ireland and in several cities and municipalities in the Netherlands. There was also active development of Housing First in other countries, such as the Casas Primeiro programme in Portugal and via the Housing First Italia network, though such services were not yet common. Local connection rules could potentially have some impact on housing-led services, but from a Europe-wide perspective, housing-led services were often not widely available.
- Local connection criteria for other services are potentially very important for housing-led services. This is particularly the case when housing-led services, such as Housing First, are heavily or entirely reliant on social housing (as in Denmark and the Netherlands), or require access to rent subsidies (welfare payments) for which local connection criteria need to be fulfilled (see next chapter).
- Health services that visit people in their own home for example, community-based nursing or psychiatric nurses may not have local connection rules.
   These health services are not housing-led support, although they may be integral to a package of support orchestrated by housing-led services. In Italy and the UK countries, mobile support from health services is accessible to anyone living in an area, regardless of their length of residence.

<sup>&</sup>lt;sup>49</sup> Pleace, N. and Bretherton, J. (2013) The Case for Housing First in the European Union: A Critical Evaluation of Concerns about Effectiveness, *European Journal of Homelessness* 7(2) pp.21-41; Busch-Geertsema, V. (2013) *Housing First Europe. Final Report* (Belgium: FEANTSA).

In some contexts, local connection rules will not play a role when determining access to housing-led services. This can be the case when programmes or individual services are targeted at specific groups, such as high-need, recurrently or enduringly homeless people.

# 5.3.2 Access to Housing-Led Services and Local Connection

Table 5.2 looks in more detail at the provision of specialised supported accommodation across countries.

Table 5.2: Housing-Led Services and Local Connection	
Country	Local Connection Rules
Austria	No use of local connection. Once housed, formerly homeless people with support needs are eligible. However, housing-led services are rarely used.
Bulgaria	Limited provision of housing-led services, local connection required.
Denmark	Local connection may be required to access housing-led services, which may require moves between municipalities, although municipalities can also opt to fund a place for a citizen with a local connection to their area, within another municipality and funding mechanisms exist to allow this.
France	No local connection criteria, but generally limited provision of housing-led services.  Large Housing First pilot centred on homeless people with severe mental illness covering four administrative areas.
Germany	Municipalities in which someone was last resident are responsible for meeting the costs of housing-led support when someone is receiving a service in another municipality. Specific provisions are in place to allow this. In some areas, funding agencies that cover housing-led support are present and do not set local connection criteria. This effectively means there are no local connection criteria for housing-led services, though some barriers can still arise.
Greece	Access to housing-led services is dependent on being housed in a municipality. Once housed, local connection criteria are not used.
Hungary	Municipalities are able to use local connection rules. A legal challenge in 2000 changed practice in Budapest and some other cities.
Ireland	Local connection rules are applied but it can be relatively simple to establish a local connection in many areas.
Italy	Widespread use of local connection criteria to access re-housing programmes that use housing-led services.
Netherlands	Law is interpreted as allowing use of local connection rules. The majority of municipalities voluntarily use local connection rules, for which there is a national model policy. There is evidence of inconsistent use of local connection rules, though. Also, there has been a significant legal challenge to practice in the Netherlands.
Poland	Limited provision of housing-led services; someone is eligible once housed in a municipality.
Portugal	No local connection criteria but only limited provision of housing-led services.
Slovakia	Services are generally underdeveloped.
United Kingdom	Low intensity housing-led are widespread. Housing First services are developing. Law neither requires nor disallows use of local connection rules. There is some evidence of inconsistency.

France had a large Housing First pilot programme, *Un Chez-Soi d'abord*, which was drawing to a close in 2015, but this was focused on four administrative areas and targeted at homeless people with a severe mental illness. No local connection criteria existed for housing-led services, but this form of service provision was not widespread.

The UK countries were using local connection rules on a variable basis, subject to the same high degree of municipal discretion. These arrangements essentially mirrored those found in respect of supported housing and access to emergency accommodation. Low intensity housing-led services are a mainstream form of homelessness service provision and, while Housing First services were quite unusual in 2015, they were developing quite rapidly. Sometimes a local authority (municipality) will fund housing-led support for someone who was homeless in their area but rehoused in another area, usually when suitable, affordable housing cannot be reasonably quickly located within their boundaries.

In Bulgaria, housing-led services are part of the provision of social services regulated under the Social Support Act. Those services are not directly targeted at homeless people, but homeless persons can and do use them. The application process for housing-led services is via social services and requires a local connection. Service provision is not extensive.

In Denmark, municipalities are obliged under the Social Assistance Act, (article 85) to provide housing-led support for people who require it. Whilst the law does not as such specify local connection criteria, municipalities are obliged to provide services for their own citizens. Whilst access to homeless shelters is not conditional on municipality of origin (see Chapter 5), in practice, homeless people will again be dependent on their home municipality, which will usually assume responsibility to provide *both* the housing *and* the housing-led support. An agreement between municipalities can allow someone to be housed and receive housing-led support outside their 'home' municipality. If a formerly homeless person houses themselves and requires housing-led support, responsibility for funding that support falls to whichever municipality they have found housing in.

This Danish arrangement is replicated in the UK countries and also in Greece, although Greek housing-led services *only* become accessible once someone is living within a municipality.

<sup>50</sup> Bretherton, J. and Pleace, N. (2015) Housing First in England: An Evaluation of Nine Services (York: University of York).

In Germany, the systems that govern access and funding to supported housing also cover housing-led services. Either a supported housing funding body or a municipality that is the 'habitual abode' is responsible for funding housing-led support (see above). Shortage of services may be an issue in some areas.

Arrangements in the Hungary, Ireland and the Netherlands are identical to those for supported housing.

In Italy, access to re-housing programmes is dependent on being able to demonstrate a local connection. As housing-led services are mainly found in these programmes, access to this form of service can be extremely difficult for homeless people who do not meet local connection criteria and was reported as sometimes being effectively impossible unless someone was within a specifically exempt group, such as women at risk from violence. Recent developments, such as the spread of Housing First services and the associated *Housing First Italia* network, which operate on the basis of helping homeless people with high support needs without requiring local connection, were not yet widespread in 2015.

In Poland, use of housing-led services is not widespread, although services do exist. Once someone is housed in a municipality, the service is available to them. A similar arrangement exists in Austria, although the use of housing-led services is, again, not widespread.

Portuguese homelessness services are not governed by local connection criteria and housing-led services are theoretically available to anyone living within a municipality. However, although pilots of Housing First services are running in Lisbon and in other areas, the use of housing-led services was not widespread in 2015.

In Slovakia, housing-led services for homeless people were reported as generally underdeveloped. Recent laws have given people using social services greater control over the services they use, but the impact on the pattern of service provision was not known at the time of writing. There is a general duty on municipalities managing social housing to meet the support needs of tenants and to provide housing for people with support needs (see Chapter 7), but variations exist across municipalities.

# 6. Social Housing and Rent Subsidies

#### 6.1 Introduction

This chapter explores the ways in which local connection rules can influence access to social and subsidised housing in Europe. The chapter begins with some definitions and discussion of the role of social housing, to clarify how the findings around local connection rules should be interpreted. The chapter then moves on to explore how local connection rules apply in different contexts. Following a discussion of access to social housing, the chapter then explores how local connection rules are applied to welfare and social protection payments designed to allow poorer households to pay the rent on social and private rented housing.

## 6.2 Social Housing and Rent Subsidies

The FEANTSA definition of social housing allows consistent comparison across the 14 countries. Social housing, according to the FEANTSA definition, has the following characteristics:

- Addresses housing market failure.
- Targets population groups that cannot arrange for accommodation in the private housing market (ownership or rented).
- Has clear allocation rules.<sup>51</sup>
- Provides housing of adequate and regularly controlled standards.
- · Is provided with public subsidies.
- Is usually, but not necessarily, provided on a non-profit basis.<sup>52</sup>
- · Is monitored by public authorities.

<sup>51</sup> These can include income thresholds. In Austria, for example, social housing is accessible to Austrian citizens, EU citizens and long-term residents from non-EU countries, but only within set income limits.

<sup>52</sup> German social housing is not provided using a non-profit model and UK social landlords use profits to develop new housing, pay loans and cross-subsidize non-profit activities.

According to this definition, social housing is the publicly subsidised provision of physical housing, which can be on a permanent basis or through other arrangements that facilitate long-term leasing of housing. In some contexts, public money will be used to buy, rather than fully or partially subsidise the building of social housing.<sup>53</sup>

Rent subsidies are welfare benefits that can be integrated into other welfare payments or administered separately. These welfare payments are designed to enable poorer individuals and households to meet the costs of paying rent on housing that they would otherwise not be able to afford. They may apply to private rented or social rented housing. Rent subsidies are not available throughout the European Union, as is the case for some of the countries reviewed here, and the level of benefit paid can be highly variable, covering the entire rent, part of the rent or making only a token contribution to housing costs. Administration of these welfare benefits can occur within nationally administered bureaucracies, or it may be largely or wholly delegated to the level of individual municipalities or cities.

### 6.3 Local Connection and Social Housing

#### 6.3.1 Variations in the Roles of Social Housing

The extent and nature of social housing varied across the 14 responding countries. In some cases, social housing represented a small fraction of total housing stock while in others it represents a large proportion of all housing stock. The role of social housing also varies in relation to homelessness; in a few countries, social landlords are required, or at least expected, to take a direct role in reducing homelessness; in others, social housing is not seen as having a specific role in tackling homelessness.

Table 6.1 makes clear the importance of contextual factors when looking at how and to what extent local connection rules influence the access that homeless people have to social housing. In most of the countries, social housing was *not* focused on homelessness. Portugal, in which homelessness is seen as a responsibility of social work and health services, not social landlords, is an extreme example, but Portugal is by no means atypical in not targeting social housing at homeless people.<sup>54</sup>

<sup>&</sup>lt;sup>53</sup> Pleace, N., Teller, N. and Quilgars, D. (2011) Social Housing Allocation and Homelessness (Brussels: FEANTSA).

<sup>&</sup>lt;sup>54</sup> Pleace, N. et al. (2011) op. cit.

It is also apparent that local discretion in how social housing is allocated is *very* widespread among the 14 countries covered by this research. Whether or not social housing is used to house homeless people, or is effectively more difficult to access for homeless people than for other citizens, can be determined by the strategic functions given to that housing by each municipality or region. In these countries, the requirements around local connection to access social housing, where they exist, are just one barrier to a social housing sector that is not targeted at homelessness.

Another finding reflects the different extent and availability of social housing in the 14 countries. Supply can be highly constricted, which in a context in which demands other than those from homeless people are prioritised by municipalities and social landlords, creates another potentially significant barrier to social housing for homeless people. In countries with larger social rented sectors, such as Denmark, demand can still be high relative to supply.

Table 6.1: Social Housing and Homelessness in the 14 Countries	
Country	Role in relation to Homelessness
Austria	Separately defined and administered across the nine regions of Austria, which means role and responsibility in relation to homelessness varies. No national legislative requirements.
Bulgaria	National homelessness strategy requires municipalities that are social landlords to take responsibility for homeless households. However, this has not been legally enforced. A high degree of local discretion. The social housing sector has been very much reduced since the 1980s and is now a very small tenure.
Denmark	The social rented sector is subject to high demands relative to supply. Municipalities have discretion to refer one quarter of vacancies in public housing to people in acute housing need, making local discretion important in terms of responses to homelessness, but they are likely to favour their own citizens and may avoid complex cases.
France	The DALO law establishes a right to housing for homeless people and the State can suggest candidates for 20% of the available social housing vacancies in municipalities. The system is highly decentralised and governed by complex administrative arrangements. There are some 36,000 municipalities and mayors in each municipality can also suggest candidates for another 20% of vacancies. Some larger social landlords working in several or many areas allow online applications for any housing in different areas.
Germany	There are no national rules governing the use of social housing in relation to homelessness. Cities and municipalities vary in the extent to which social housing is used to address homelessness. In many areas, waiting lists function on the basis of time waited; there is no system for prioritising particular households. Housing companies may avoid financially unreliable tenants.

Country	Role in relation to Homelessness
Greece	The national social housing agency, OEK, was abolished in 2012 and there has been a lack of clear policy and investment since that point. At national level, there is a constitutional mandate to care for homeless households, giving homeless people a legal right to services. Homeless households registered with social services are given additional priority in social housing applications.
Hungary	There is no right to housing. Each municipality issues a decree that determines the uses to which social housing will be put in that area. The social rented sector has been much reduced in scale since independence and is now very small.
Ireland	Since January 2015, there has been a requirement on local municipalities (housing authorities) to make 50% of available social housing lets available to homeless people, people with high support needs and young people leaving social work care.
Italy	The national public housing programme, ERP, has received no funding since 2007 and the national waiting list is over 650,000, for a total housing stock of only approximately 900,000 homes. Public housing is focused mainly only poor and vulnerable individuals and households. Responsibility for social housing allocation rests with municipalities within a complex legal framework.
Netherlands	Sustained investment in a coordinated response to reduce homelessness since 2006, involving central government and 43 'central' municipalities with a focus on young people, families with children, former sex workers and people with mental health problems. Access to social housing is determined at municipal/regional level. Homeless people usually apply for housing through social relief organisations, although some applications to social landlords are allowed.
Poland	National law requires that homeless people be provided with food and shelter, but not housing. Homeless people can join waiting lists but there is no special priority. Municipalities have a high degree of discretion in determining access to social housing.
Portugal	There is a constitutional right to housing in Portugal, but specific laws that would make this justiciable are not in place. Homelessness is defined largely in terms of support needs – i.e., seen as the responsibility of social work and health services, rather than as being an issue in which social housing has a specific role. Social housing is focused on rehousing people in shanty towns, low income households and vulnerable groups.
Slovakia	Public rental housing is administered by municipalities that have discretion in allocations criteria. Social housing is targeted at vulnerable and poor groups, but not specifically at homelessness.
United Kingdom	Laws giving priority access to social housing for specific groups of homeless people in the 1970s have been eroded (reduction to a duty to temporarily accommodate), although more groups can now be assisted (particularly in Scotland). Fundamental tensions between the prioritisation of homeless people under law and severe constrictions in social housing supply have emerged in some areas, most notably in London. Social landlords may seek to avoid housing some homeless people.

Of the 14 Member States, only France and the UK countries have laws placing duties on municipalities to find housing for homeless people. The French DALO laws have been described as working within highly complex bureaucratic systems that are difficult to orchestrate and can generate mixed results.<sup>55</sup> In the UK, constraints in social housing supply have become so acute in some areas that there is evidence of maladministration of the homelessness laws, with entitled applicants turned away because little social housing is available.<sup>56</sup>

In Denmark, Germany and the UK, there is evidence that social landlords may avoid tenants who are seen as unreliable in paying their rent or who are difficult to manage. There is evidence of a wider issue among European social landlords not wishing to house homeless people whom they think may present them with management problems.<sup>57</sup> Significant barriers can also exist to the private rented sector for homeless people for essentially the same reasons,<sup>58</sup> although countries including Italy and the UK are increasingly using the private rented sector as a means to try to meet housing need and re-house homeless people.

Where a legal right existed, logistical, administrative and resources could all be potential barriers to social housing for homeless people. Where legal duties did not exist, the focus of social housing could be on areas of housing need other than homelessness. Local control at regional, municipal levels of social housing also created a situation of uneven responses to homelessness within individual countries.

#### 6.3.2 Local Connection and Access to Social Housing

Table 6.2 shows the ways in which local connection could influence access to social housing for homeless people. In a context in which multiple potential barriers can exist to social housing, it is important to weigh the importance of local connection rules carefully. In a situation of severe shortages of social housing, as reported by the correspondents for Bulgaria, Denmark, Italy and in some areas of the UK, local connection requirements may have a marginal effect at most. Local connection may add another hurdle for a homeless family or person to reach social housing, but if social housing is already very difficult to access for anyone, including local citizens, an additional barrier may be effectively immaterial.

<sup>&</sup>lt;sup>55</sup> Houard, N. and Lévy-Vroelant, C. (2013) The (Enforceable) Right to Housing: A Paradoxical French Passion, *International Journal of Housing Policy*, 13(2) pp.202-214.

Dobie, S., Sanders, B. and Teixeira, L. (2014) Turned Away: The Treatment of Single Homeless People by Local Authority Homelessness Services in England (London: Crisis).

<sup>&</sup>lt;sup>57</sup> Pleace, N. et al. (2011) op. cit.

<sup>58</sup> Smith, M., Albanese, F. and Truder, J. (2014) A Roof Over My Head: The Final Report of the Sustain Project (London: Crisis).

Country	Local connection rules for social housing
Austria	The nine regions set the access rules to social housing. In most regions, access to social housing is linked to long-term residence. In Vienna, two years of continuous residence is required, in Salzburg three years and in Innsbruck five years. However, one region, Bregenz, chooses not to require a local connection.
Bulgaria	Access is determined at municipal level and local connection rules can be stringent. Sofia requires at least one Bulgarian citizen in a household and a residence in the city without interruption, for a decade. In some areas the rules are less strict, but can often be as much as five years continuous residence. There are exceptions for families with children with high needs.
Denmark	Municipalities can refer people in acute housing need to 25% of the vacancies in social housing, but while this can house homeless people, they have a tendency to focus on local residents. It is difficult to homeless people to access social housing outside their home municipality.
France	State can suggest applicants for 20% of available stock; mayors can allocate anothe 20%. Local connection is not theoretically required in either case, but mayors are likely to focus on local housing need. More generally, time on the waiting list is important and to join the waiting list requires a local connection. People using emergency shelters are not interpreted as having a local connection.
Germany	Municipalities and cities have discretion over social housing allocation. Local connection requirements vary between areas. Berlin requires a year of usual residence; Stuttgart requires three or more years of usual residence.
Greece	Homeless people have to be registered with a municipality's social services department. There is not a set of local connection rules as such, but the issuance of social worker's report to a social landlord presupposes the existence of a local connection – i.e., someone has to have links with the area to access social housing. However, a local connection can be established through using local homelessness services.
Hungary	Municipalities control access to social housing. There is a tendency to favour local citizens, but municipalities do sporadically have arrangements with local homelessness service providers to make available some social housing each year and may als prioritise certain groups, like homeless lone women parents.
Ireland	Municipalities have the discretion to apply a local connection rule of two years of residence in the area. However, there is also discretion to waive that rule. The extent to which municipalities actually do house homeless people without a local connection is unclear at the time of writing.
Italy	Anyone has the right to apply for social housing, but there is a three-year residence rule, along with various other tests on support needs and income for eligibility.  Non-residents can all apply for residence in a municipality, on the basis of poor healt or high support needs, but there is a large waiting list for social housing in Italy.
Netherlands	Access to social housing is determined at municipal or regional level. Generally, homeless people will have to apply for housing through social relief organisations. Homeless people must demonstrate, via the population register or otherwise, that they have a local connection to the area.
Poland	Social housing is only for people with a local connection; homeless people can join waiting lists if they have a local connection. High need groups can be prioritised, but homelessness in itself does not create priority. There is an expectation that someone who is homeless should seek help from their 'home' municipality.

Country	Local connection rules for social housing
Portugal	The right to housing, which includes no discrimination on the basis of place of origin, is not justiciable. Municipalities have considerable discretion to apply local connection criteria. Some municipalities have, however, applied priority criteria to people sleeping rough and to those in specific programmes, e.g., Housing First services. However, residence for 2-3 years may be required.
Slovakia	Social housing is managed at municipal level. Local connection is almost always used and is defined as evidence of permanent residence in the municipality. Access to social housing is very difficult for homeless people.
United Kingdom	Homelessness laws do not require that a municipality investigate whether someone making a homelessness application has a local connection; the rules are a limited, discretionary power, which municipalities can choose not exercise. However there is significant divergence in the operation of local connection rules in the four devolved administrations governing the UK. Residence in shelters or living rough may sometimes not be regarded as demonstrating a local connection. People escaping violence should be exempt from local connection requirements.

Local connection rules may block access to social housing at the *extremes* of homelessness. Using ETHOS as a framework (see Chapter 3), the following can be noted:

- People living rough (1.1) and in shelters or emergency accommodation (2.1) without any documented link to a municipality or region are unlikely to be able to access social housing.
- People living in insecure housing, living temporarily with friends or family (8.1), without a legal tenancy (8.2) or illegally occupying land (8.3) and those in inadequate housing, including those living in temporary and non-conventional structures (11.1, 11.2, 11.3), in unfit housing (12.1) and in situations of overcrowding (13.1) who do not have an officially recognised address and/or do not have a tenancy agreement, sub-tenancy or lease that shows they are resident in an area may also be unable to access social housing due to local connection rules.

The obvious caveats to this are worth briefly restating – i.e., that local connection rules may be effectively irrelevant in situations where barriers to social housing are already acute for other reasons. Local connection may sometimes make a difference in Italy, but there is a very large waiting list for social housing across the country. In Denmark and Germany, too, restrictions to access based on local connection may make a difference, but the broader context is one in which supply of social housing is often restricted relative to demand.

Another way of looking at this is whether there is, effectively, *any* chance of accessing social housing for homeless people and if that chance – however slim – can ultimately be determined by local connection rules. Here, there is evidence that local connection requirements can *prohibit*, rather than be one of a series of factors that may *inhibit*, access to social housing for homeless people:

- An inability to document residence, or if living in various precarious and insecure
  arrangements that mean someone is not registered as a citizen with a municipality (living 'off grid' in the sense of not being recorded in population databases)
  may prohibit access to social housing.
- Homeless people who are geographically mobile are blocked from applying for social housing. Local connection rules for example, in cities like Stuttgart, Salzburg or Sofia can require a long period of residence. Homeless people may travel some distance to get access to services or become homeless after seeking work in a more prosperous area than their original home. How far this may be an issue is difficult to determine, reflecting the generally poor state of statistical data on homelessness in Europe.<sup>59</sup> One point worth noting is that someone need not travel far to encounter barriers based on local connection, unknowingly criss-crossing a nearby administrative border or several borders.
- In some situations, living rough or in emergency shelters within an area may not be taken as evidence of a local connection, even when some time has elapsed.
- Whether or not there is an issue around local connection may be entirely dependent on where someone is homeless, particularly given a general tendency for access to social housing to be largely or wholly determined at the level of regions, municipalities or individual cities. Access to social housing for a homeless person may be dependent on being homeless in the 'right' place with more liberal local connection rules, or with a more liberal interpretation of national rules, or just more social housing available.

In summary, the extremes of precariousness, both in the sense of what is defined in ETHOS as homelessness and those extremes of housing exclusion that some countries define as homelessness (ETHOS categories 10 to 13, see Chapter 3) may create barriers under local connection rules that homeless people cannot overcome. Here, in some countries, such as Denmark or the Netherlands, the incapacity to document residence may be as significant as not actually having been resident for a required period. In France, residence in emergency accommodation is not interpreted as creating a local connection, even if that residence is sustained, creating local connection barriers centred on how, rather than where, homelessness is being experienced. Finally, there is a geographical lottery of which homeless people may be entirely unaware; in one region of Austria, an absence of local connection is not a barrier to social housing; in others, it is significant.

<sup>&</sup>lt;sup>59</sup> Busch-Geertsema, V., Filipovič Hrast, M., Benjaminsen, L. and Pleace, N. (2014) Extent and Profile of Homelessness in European Member States: A Statistical Update (Brussels: FEANTSA).

In the UK, the implementation of local connection rules linked to the operation of the homelessness laws is systematically monitored. The interpretations of local connection that individual municipalities employ are also publicly available. Legislative divergence has become significant under the devolved, elected administrations governing Scotland and Wales. In Scotland, municipalities retain the power to refer an applying homeless person or family to another municipality if there is determined to be an insufficient local connection. However, data from Scotland show that this power is rarely used, with less than 1% of applicants who were found to be owed the main duty under the law being referred from one municipality to another.60 The Housing (Wales) Act 2014 changed the local connection provisions within the homelessness legislative framework. An eligible applicant who is threatened with homelessness and seeks assistance from a Welsh municipality cannot be referred to another municipality, nor excluded from assistance on the basis of no local connection. If found homeless and eligible for the main duty under Welsh law (i.e., temporarily accommodated and then housed), there is then scope to refer to another municipality if no local connection can be established. Recent research also indicates that, for lone homeless adults, Wales may be enforcing local connection rules less rigidly than is the case in Scotland.61

In England, particularly London and the South East, the use of local connection rules can be much more strict. <sup>62</sup> Guidance from central government on the homelessness law in England <sup>63</sup> states that local people must have priority for social housing. All English local authorities (municipalities) have been encouraged by central government to require *at least* two years residency within their boundaries as a minimum requirement to establish a local connection. <sup>64</sup> Extreme interpretations of English homelessness law have arisen in this context. Some municipalities have set local connection criteria that mean anyone who sleeps rough, squats or who stays in emergency accommodation or temporary structures, is imprisoned, resident in long-stay hospital or uses residential detoxification services, *regardless* of the time they have spent within the municipality's boundaries, is defined as having *no* local connection.

In 2012 – 2013, 25,470 households were accepted as being statutorily homeless in Scotland, with 215 of these households being referred from one municipality (local authority) to another (0.8%). The figures for 2013 – 2014 were 190 households out of 23,510 (0.8%) and in 2014 – 2015, 175 out of 22,585 (0.8%). Source: Scottish Government, HL1 statistics (requested for this research by Professor Isobel Anderson, see acknowledgements).

<sup>61</sup> Mackie, P. with Thomas, I. (2014) Nations Apart? Experiences of Single Homeless People across Great Britain (London: Crisis).

<sup>62</sup> Ibid.

<sup>63</sup> DCLG (2013) Providing Social Housing for Local People. Statutory Guidance on Social Housing Allocations for Local Authorities in England (London: DCLG°.

<sup>64</sup> Ibid.

While in the UK, it is possible to at least partially record and document the inequity of inconsistent local connection rules, it seems clear from the evidence collected for this research that a geographical lottery effect is more widespread in Europe:

- In Austria, there is marked variation in the time required to establish a local connection, literally ranging from one day to five years, dependent on the region in which a homeless person seeks social housing.
- In Bulgaria, access to social housing in Sofia is effectively prohibited for anyone
  except long-term residents through a ten-year residence requirement to
  establish a local connection. A minor exception is made for families with
  dependent children with a need for specialised treatment or education.
- In Denmark, France, Germany, Greece and Hungary, local control over social housing allocation is extensive. Germany has marked variations in the time required to qualify as resident to enable someone to claim a local connection.
- In Poland, the last settled address someone has is regarded as the responsible municipality for that individual.
- In Ireland, local authorities (municipalities) have wide ranging discretion around
  the extent to which they can apply local connection requirements. While this is
  not currently being monitored, the potential for inconsistency leading to a
  geographical lottery effect is obvious.

Again, balancing and contextualising the influence of local connection rules alongside the other factors influencing access to social housing remains critically important. A map of the strictest rules around local connection would probably serve as a reasonable indicator of where relative levels of housing stress are highest in Europe. Local connection rules may often be at their strictest in and around the global cities in Europe, in a context in which there is massive pressure on social housing from multiple directions – i.e., local connection criteria are set very high because there is just not enough social housing available.

Yet, as noted, what may be most important here is not an additional obstacle to an already difficult path by local connection, but that local connection rules can *shut down* even a slim chance of accessing social housing for homeless people. Further, it is important to think about who it is that can have the possibility of access to social housing blocked by local connection. Based on this research, it is those people at the *extremes* of homelessness and houselessness, who are living rough, in shelters and who are unable to document their residence, that seem – at least potentially – to be the most vulnerable.

It is this risk of a double effect arising from strict local connection rules – that the most vulnerable and marginalised homeless people within areas of the greatest housing stress can face the highest barriers to social housing – that generates concern. Prioritisation of homeless households within allocation systems, even when it is done, cannot overcome a basic failure to meet the most acute housing needs whereby those prioritisation systems are not activated because of local connection rules. Systems that can by-pass local connection rules – such as for people using Housing First services in Portugal, specific groups of people in Hungary, or women at risk of gender-based or domestic violence in the UK – do not appear to make a sufficiently broad or consistent difference. In Ireland, although data are not available at present, the capacity of municipalities to waive local connection requirements does present some interesting possibilities.

#### 6.4 Local Connection and Rent Subsidies

Access to welfare benefits that help meet or pay the costs of rent for poorer people is unaffected by local connection rules in many of the 14 countries. Bulgaria, Denmark, Germany, the Netherlands, Portugal, Slovakia and the UK countries have systems that are designed to simply help meet housing costs for any low income or poor households, with no specific rules in relation to homelessness (Table 6.3).

Table 6.3: Local Connection Rules for Access to Rent Subsidies	
Country	Local connection rules for rent subsidies
Austria	Varies between regions; in some regions it is not available to people in the private rented sector. A local connection is required.
Bulgaria	No local connection required.
Denmark	No local connection required.
France	Requires a local residence permit from a municipality.
Germany	No local connection required.
Greece	Housing benefits were abolished in 2012 with the exception of older people. A general relief payment is available and requires documentation which can only be secured with a local connection.
Hungary	Housing allowance scheme decentralised to local level from 2015; thus, municipalities decide whether to run the scheme or not, and the allowance is to be obtained in the territory of the locality. Rent allowance schemes are also decentralised and are mostly paid only for local social tenants.
Ireland	Local connection may be required but rules can be waived.
Italy	Varies between municipalities. In most of Italy there is provision to pay a basic income to unemployed people.
Netherlands	No local connection required.
Poland	Dependent on local connection.
Portugal	No local connection required.
Slovakia	Local connection required based on applicant's permanent residence.
United Kingdom	No local connection required.

Access to rent subsidies is determined by local connection in several countries and, as is the case with social housing, can be inconsistent between regions. Austria and Italy have systems that vary by location, in terms of what they pay and whether or not they are available. France requires registration with a municipality before benefit can be paid. Hungary and Poland are organised on the basis that rent subsidies are only paid to local residents by the municipalities. In Ireland, a local connection requirement may or may not be applied.

In areas where a local connection is required for rent subsidies, the private rented sector may not be accessible to homeless people. This is potentially significant as the private rented sector may be the only alternative to social housing and in some cases the only housing option available to homeless people. Barriers to social housing fade in significance if it is viable for homeless people and for the services working with homeless people to secure private rented housing because there is a rent subsidy benefit available to meet housing costs. Of course, these benefits are restricted; there are rules governing income levels and the level or proportion of rent that will be paid. However, rent subsidies that enable people who are homeless, or at risk of homelessness, to moving into private rented housing, can both prevent and reduce homelessness. Countries with the most developed welfare systems, including relatively generous rent subsidies that enable poor and low income households to access the private rented sector, almost certainly have less structural homelessness (i.e., homelessness caused by purely or largely economic factors). <sup>65</sup>

Local connection may not, of course, be the only issue that influences the extent to which rent subsidies may either alleviate or fail to prevent homelessness. Access to the private rented sector can still be a problem, both in the sense that some benefit systems will only pay enough to enable someone to live in the poor quality and insecure parts of the private rented sector or, as reported in Hungary, be so low as to make little or no material difference to income. In some systems, such as the UK, welfare payments will, in some cases, not allow single people to have their own home, <sup>66</sup> only paying the costs of a room in a shared apartment or house, which again may not provide a lasting solution to homelessness.

Local connection is less widespread as an issue in relation to rent subsidies, but, as is the case with social housing, there is the potential for rules to be damaging to homeless people. Again, rules around local connection are most likely to disproportionately affect those homeless people that are the most vulnerable and experiencing the extremes of housing exclusion and homelessness.

<sup>65</sup> Benjaminsen, L. (2015) Homelessness in a Scandinavian Welfare State: The Risk of Shelter Use in the Danish Adult Population, *Urban Studies* DOI: 0042098015587818.

People who are aged under 35 are only eligible for enough Housing Benefit to live in a shared home if they are living in the private rented sector. If they have sustained experience of homelessness (determined by residence in a homelessness service), this rule may be waived.

# 7. Discussion

#### 7.1 Introduction

This final chapter considers the implications of the latest European Observatory of Homelessness comparative study. Beginning with shelters and emergency accommodation, the chapter moves on to look at supported housing and housing-led services, social housing and rent subsidies. The consequences of local connection for homelessness prevention are then considered, before the wider implications of the research are discussed.

## 7.2 The Consequences of Local Connection Rules

#### 7.2.1 Shelters and Emergency Accommodation

Homeless people often have access to emergency accommodation services. This pattern is not universal. Barriers to low-threshold services exist in specific locations, but short-term access to *basic* shelter is widely available.

Ascertaining the scale of any problem with accessing shelters and emergency accommodation services is difficult. There is the perennial problem of an absence of good quality data that allows exploration of this issue at local, regional and national level and on a comparative basis across the EU. A particular issue is the absence of analysis of data on how many people are turned away from shelters and emergency services (where such data are recorded).

This research has identified a *potential* problem. Many homeless people whose homelessness is sustained or recurrent, and who are most likely to have high and complex support needs, may be least likely to be able to demonstrate a local connection and quite often face barriers to emergency accommodation. This may be because they move around, but it may be because they cannot show they have rented a home, owned a home or been a local resident paying local taxes, anywhere – at least not for what might be several years or even longer.

This is not a universal problem. In Denmark, France and Germany, there are systems that explicitly prevent local connection rules from blocking access to emergency services. Learning from these systems is important, not least because emergency accommodation and shelters often still function as the places in which the triage of homeless people takes place. Emergency services can still be the route by which

housing, welfare benefits for rent subsidy and various forms of resettlement support can be accessed. It is true that other services, ranging from daycentres to street outreach teams, can also act as a referral route, but shelters can still play this role. North American evidence suggests that the inability to access services can be the first step into sustained and recurrent homelessness.<sup>67</sup>

In the Netherlands, a 2013 study reported that local connection criteria played a role in three out of every ten rejections of applications and that one in ten care agencies reported that they blocked access to services for homeless people without sufficient local connection.<sup>68</sup> In the UK countries, residence in an institutional setting within a municipality may not be taken as evidence of a local connection to that municipality. In Denmark, coordination between municipalities and institutions was reported as sometimes presenting challenges.

The effect of local connection rules needs to be seen in context. There may be little or no provision of shelter or emergency accommodation services in some cities or towns, which makes the existence or absence of local connection rules largely immaterial. Equally, services may face such high demand relative to their resources that they are inaccessible for that reason. This was reported as an issue by the national respondents in Bulgaria, Hungary and Slovakia. Cuts to homelessness services were a major issue in France, Italy and the UK countries, and when money becomes tight, strict local connection rules are a way to manage demand.

#### 7.2.2 Supported Housing and Housing-Led Services

The use of local connection for these services was sufficiently similar for them to be discussed together. German and Danish policy, alongside the public health led provision of these services in Portugal, provide important lessons. Systems can be constructed that allow supported housing and housing-led support to be accessed by some of the most vulnerable groups of homeless people, who may often be unable to show or document sustained residence in an area.

Where local connection bars certain populations from these services, it creates a potential route into homelessness. Again, it may be those who are most marginalised and in the highest need – long-term and recurrently homeless people – who face the greatest difficulty in demonstrating a required local connection.

<sup>&</sup>lt;sup>67</sup> Culhane, D.P., Metraux, S., Byrne, T., Stino, M. and Bainbridge, J. (2013) The Age Structure of Contemporary Homelessness: Evidence and Implications for Public Policy, *Analyses of Social Issues and Public Policy* 13(1) pp.228-244.

<sup>68</sup> Tuynman et al. (2013) op. cit.

Of course, as is discussed in Chapter 6, the supported housing and housing-led services need to be present on a sufficient scale to be accessible to begin with. Local connection becomes marginal, perhaps immaterial, if there is a basic shortage of services. In countries like Slovakia, the services were often not there, while in the UK countries and France, they were being cut. There is also the wider point, referred to in Chapter 6, around whether all the service models being used are equally effective. As the current evidence base shifts against some types of single-site, congregate and communal responses (particularly staircase or step-based, abstinence-led services) and towards some of the housing-led services, including Housing First, questions around the *types* of service that can be accessed become pertinent.

#### 7.2.3 Social Housing and Rent Subsidies

Clearly, the greater the extent to which access to social housing is controlled by local connection rules, the worse the chances are for people at the extremes of homelessness. Not being able to demonstrate a local connection is a significant barrier to social housing in many of the European countries studied here.

Context is, again, important. Social housing is a tiny tenure or not present in some EU Member States; it is in marked decline in others and, where present, is often targeted at housing needs *other* than homelessness. There are lots of potential barriers alongside local connection and that is important, but it may be the case that local connection rules are still functioning as a barrier for those at the extremes of homelessness and sometimes making what is already a bad situation worse.

Where control and funding is not localised, as is the case in many welfare systems that provide rent subsidies, access becomes less problematic. Again, there are still significant barriers and issues within welfare systems even where local connection is not an issue, but the standardisation and universality of some welfare systems clearly helps accessibility for homeless populations.

#### 7.3 Local Connection Rules and Prevention

In terms of primary prevention, access to social protection, social work, health and, where relevant, social housing systems that create safety nets to stop homelessness from occurring, local connection may sometimes play a potentially negative role. Clearly, where residence in an area cannot be demonstrated in the correct way, which may be the case for concealed or hidden homeless households who live in an area or anyone who cannot document their residence, primary prevention may be inaccessible.

Looking at secondary prevention, it is obviously the case that systems that are designed to stop eviction are unaffected by local connection; one has to have a tenancy, be resident in an area, to seek this kind of assistance. Where eviction is not a legal process – i.e., it is a forced move of someone that either has no tenancy to begin with or whose tenancy is illegal – these systems are not going to necessarily be accessible. Again, concealed or hidden homeless households, those staying with others, squatting or living in temporary structures, may not be defined as having a local connection and may not be able to stop processes that end in their losing their accommodation.

This report has really been concerned with local connection and the effects it can have on access to homelessness services, the tertiary level of prevention that is generally intended to prevent homelessness from becoming recurrent or sustained once it has occurred. Here, local connection has a varying degree of importance, dependent on context, on administrative rules and the interpretation of those rules. In some situations, local connection is one barrier among many; in others, it is not relevant, but in some municipalities, local connection rules can block access to everything, from the shelter to supported housing and housing-led services, through to social housing and rent subsidies.

Beyond this, there is the question of who is most likely to face barriers to tertiary prevention, to the services designed to reduce experience of homelessness once it has occurred. Here, the worry is that local connection might be barring access to services for some of the most vulnerable elements of the homeless population – i.e., people with multiple support needs experiencing sustained and recurrent homelessness, including living rough.

# 7.4 Wider Implications

Local connection has a logic behind it. There can be real concerns that not rationing and controlling access to services for homeless people will cause problems at local level, overwhelming homelessness services. Uneven provision of welfare and homelessness services between regions may, potentially, create movement, as some elements within homeless populations attempt to move to areas with better services. However, as local connection rules are both very widespread and long-standing, determining the possible extent of a kind of homelessness service 'tourism' is not possible. Being able to move to services, particularly over any distance, presumes a level of financial resources and access to information that may not necessarily be available to homeless people.

Positive developments were reported in some countries. For example, in Germany and Portugal, attempts had been made to lessen the use of local connection (a process that had been more successfully completed in Germany). Plans were also in place to lessen requirements in Poland for ID cards and in Slovakia, to develop more open-access services, including the abolition of local connection rules for emergency shelters in Poland, although the outcomes were not yet clear. In the Netherlands, new policy rules stemming from the approval of the national law on social relief (January 2015) and a revised 'toolkit' on local connection is expected to have a positive impact, but the outcomes are unknown at the time of writing.

Not all developments are positive. In Bulgaria, new requirements introduced by the 2012 changes to the Civil Registration Act were reported as likely to impede homeless people from securing a registered address. In Greece, new initiatives to tackle homelessness are regionally targeted and orchestrated, with the attendant local focus. In Denmark, implementation of the self-presenter principle is under pressure, although at the time of writing it still stands as the overarching principle governing access to homeless shelters.

Clearly, anything in local connection rules that exacerbates existing barriers to services for homeless people is not desirable. Systems that mitigate barriers, such as financing agreements between municipalities, are clearly useful. Fixing every issue that potentially limits access to services due to local connection rules would by no means, in itself, overcome all the significant barriers that homeless people can face to services. Limited resources, the stigmatisation of homeless people and services just not being designed to allow for the possibility of homeless people are all issues and will continue to be so. The *combination* of strict local connection rules and a relative absence of resources for homelessness services creates a serious barrier to assistance for homeless people.

Adaptation in the sense of suspending or abolishing local connection rules under certain circumstances may be the best way forward. Bureaucracy is involved in the Danish and German responses to local connection and while potentially more equitable for the municipalities, these processes will generate financial costs in themselves. Some countries, like those in the UK and Bulgaria, do not require local connection for some groups of homeless people, such as women and others at risk of violence. Suspending local connection requirements for high need groups, particularly long-term and recurrently homeless people with significant support needs, may be the simplest solution. A separate bureaucracy would not be required to handle people who are not in their 'home' municipality and, while the high need homeless population is small, the greater spending that some municipalities would incur could be countered by enhancements to funding from central governments.

Of course, use of local connection rules will often be strictest in contexts where resources are too low relative to demand because the rules can be used to lessen and manage that demand. This point is fundamentally important. Modification of systems for establishing local connection is not enough to prevent and reduce homelessness; homelessness services need to be available and appropriate, as does affordable, adequate housing supply with security of tenure.

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European Observatory on Homelessness

# Local Connection Rules and Access to Homelessness Services in Europe

Many welfare and social housing systems are organised at municipal or regional level in Europe. Accessing these systems can often require proof of a local connection, of sustained residence in a particular area, which homeless European citizens, living in their countries of origin, cannot always provide. Reviewing local connection rules, this report finds examples of good and bad practice across 14 member states. There are systems designed to ensure homeless people can get the assistance they need and there is serious inequity, with homeless people being denied assistance, simply because they cannot show particular forms of local connection. This comparative report is the fifth in a series produced by the European Observatory on Homelessness (EOH) exploring pan-European issues through a questionnaire-based approach using a group of national experts.

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