

# CHAP. 3

---

**EVICTIONS IN  
EUROPE: USELESS,  
EXPENSIVE AND  
PREVENTABLE**

---

81

**E**viction is one of the worst forms of violence that can afflict someone. It is not one of life's ups and downs; it is a mark of infamy inflicted by society through institutions such as the police force and the legal system. Eviction is not only a punishment, it is a collective abandonment of other people; prioritising one individual's right to own property over another individual's most basic needs. Whether a property owner cannot meet mortgage repayments because of soaring interest rates, or a tenant cannot manage to pay rent while awaiting work-injury benefits, or a family deprived of the right to work is forced to seek shelter in a run-down barn; all are at risk of being forced from their homes, not just in a physical sense, but also psychologically in that the outside world invades the private sphere.

**Eviction is a humiliating and traumatising experience, which risks pushing the victim down a slippery slope towards destitution and poor self-esteem. It constitutes a violent rupture of one's home life that directly feeds into the problem of homelessness.**

In spite of having been long evoked in all its horror by writers who had lived it and by champions of the poor, it is nonetheless still explained by lawyers and defended by property owners as a necessary evil. **Eviction has been a long-standing fact of life in European countries for many centuries. These states are torn between a system which justifies and organises the practice and one which strives to find alternatives that respect the dignity of those concerned.**

Moreover, all European countries have to manage this conflict between the two, which does not necessarily surface in the same way across states. Understanding the historical differences and various initiatives enables us to contextualise each national situation and also might help us devise solutions to minimise suffering. A number of countries, regions or cities have managed to limit and even prevent evictions without necessarily «ridding» householders of their responsibilities. Others have ensured that evictions do not lead to overly dramatic consequences for the families concerned.

The data and comments that follow are dependent on the quality of the information sourced. It is advisable to exercise caution when considering the data available; taking into account not only the quality, which varies from country to country (and the sample survey by the EU SILC which does not cover homelessness, resulting in a number of significant biases), but also the difference between legal procedures which alter the relevance of the comparisons.

For all that, a number of points emerge from the comparison between the 28 countries.

**This chapter is a summary of a comprehensive pan-european study mandated by the European Commission and conducted by FEANTSA, the Human European Consultancy & the School of Law National University of Ireland Galway.** The final report, *Promoting protection of the right to housing - Homelessness prevention in the context of evictions*, edited by Kenna P., Benjaminsen L., Busch-Geertsema V. and Nasarre-Aznar S. (2016), is available online :

<http://ec.europa.eu/social/main.jsp?catId=738&langId=fr&pubId=7892&type=2&furtherPubs=yes>

# 1. A DIVERSE AND LITTLE-KNOWN REALITY

The pan-European study by Kenna et al. (2015) and funded by the European Commission saw one researcher from each country work alongside a steering committee made up of lawyers and sociologists with a view to obtaining a greater understanding of the reality of evictions and their consequences on homelessness. This chapter relies heavily on the points raised by this study. The first point addresses the disparity and often poor quality of available data. Only partial regional data was available for Belgium and Germany while there was only

local data to hand for Bulgaria. Austria compiles data concerning disputes leading to legal proceedings as well as the proceedings themselves, but not actual evictions. Cyprus and Greece only registers evictions that occur on the private rental market. Romania and Slovakia collect very little data in this area. A number of countries distinguish rental eviction data from property foreclosures or squat evictions, while others do not distinguish between them.

Data shown here reflects existing information and is not a tool for cross-country comparison.

**TABLE 1**  
**EVICTIONS<sup>1</sup> IN PROPORTION TO THE POPULATION, 2012**

	RESIDENTS IN THOUSANDS	CHANGE OF RESIDENCE (% POPULATION)	EVICTION (% OF THOSE WHO CHANGED RESIDENCE)	EVICTIONS (% POPULATION)	NUMBER OF PEOPLE EVICTED
Lithuania (LT)	3,003,600	5.6	0	0.00	–
Romania (RO)	20,096,000	1.6	0	0.00	–
Bulgaria (BG)	7,327,200	3.2	0.2	0.01	733
Croatia (HR)	4,276,000	4.1	0.5	0,02	855
Hungary (HU)	9,931,900	7.0	0.3	0.02	1 986
Slovakia (SK)	5,404,300	7.7	0.3	0.02	1 081
Czech Republic (CZ)	10,505,400	7.6	0.4	0.03	3 152
Denmark (DK)	5,580,500	31.3	0.1	0.03	1 674
Slovenia (SI)	2,055,500	9.8	0.4	0.04	822
Austria (AT)	8,408,100	20.2	0.3	0.06	5 045
Netherlands (NL)	16,730,00	21.9	0.3	0.07	11 711
Malta (MT)	417,500	7.4	1.0	0.07	292
Sweden (SE)	9,482,900	37.6	0.2	0.08	7 586
Greece (EL)	11,123,000	9.8	0.9	0.09	10 011
Ireland (IE)	4,582,700	14.8	0.6	0.09	4 124

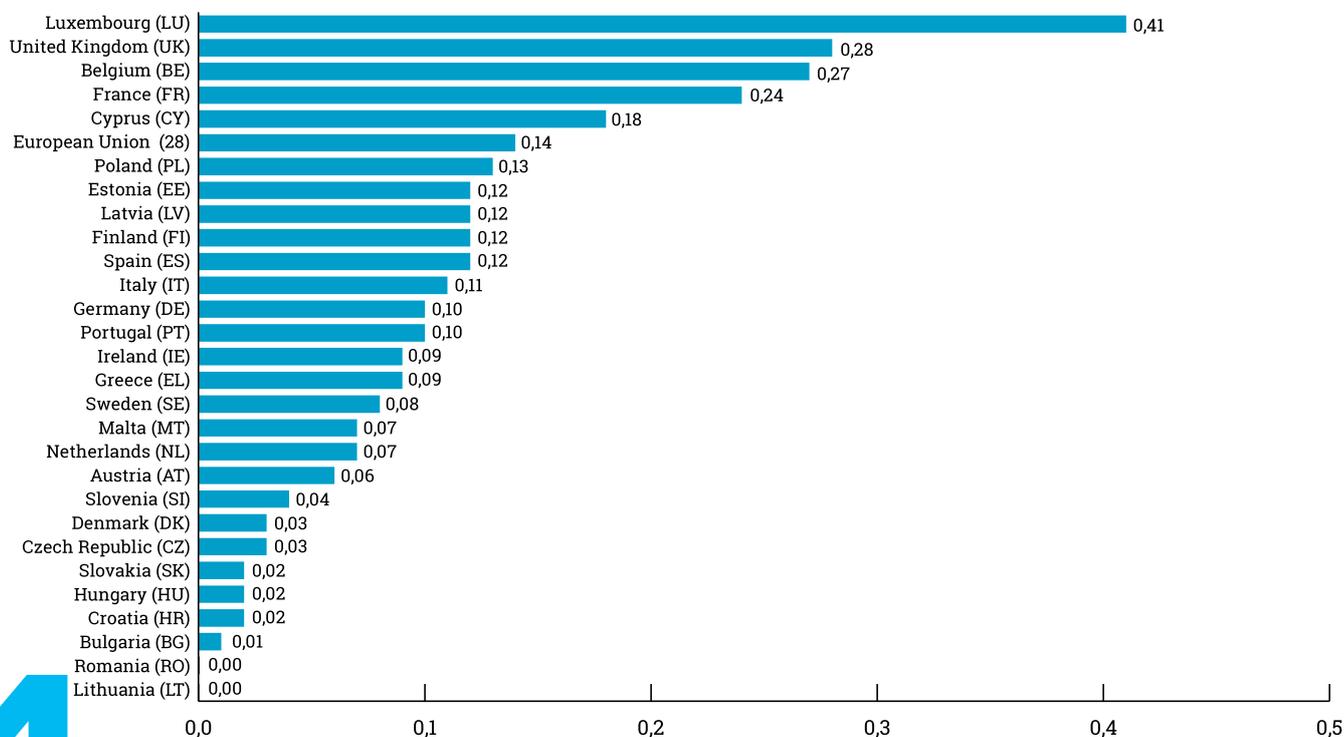
**1** These data are primarily concerned with all types of evictions including property foreclosures and rental evictions from premises occupied without authorisation, while acknowledging the unreliability of the information.

## EVICIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

Portugal (PT)	10,542,400	10.2	1.0	0.10	10 542
Germany (DE)	80,327,900	20.8	0.5	0.10	80 328
Italy (IT)	59,394,200	8.5	1.3	0.11	65 334
Spain (ES)	46,818,200	13.0	0.9	0.12	56 182
Finland (FI)	5,401,300	29.9	0.4	0.12	6 482
Latvia (LV)	2,044,800	10.1	1.2	0.12	2 454
Estonia (EE)	1,325,200	15.6	0.8	0.12	1 590
Poland (PL)	38,538,400	10	1.3	0.13	50 100
European Union (28)	504,582,500	17.7	0.8	0.14	706 415
Cyprus (CY)	862,000	25.1	0.7	0.18	1 552
France (FR)	65,287,900	27.1	0.9	0.24	156 691
Belgium (BE)	11,094,900	22.4	1.2	0.27	29 956
United Kingdom (UK)	63,495,300	30.8	0.9	0.28	177 787
Luxembourg (LU)	524,900	27.2	1.5	0.41	2 152

Source: Eurostat, EU SILC module 2012 on housing conditions

### EVICION (% OF TOTAL POPULATION)



The most relevant point is **the huge variability in the number of evictions in each country** in proportion to the population. Even if the three least and five most affected countries are omitted (limiting the influence of the data quality and comparison problems) the number of evictions in proportion to the total population between the countries with the lowest and highest eviction rates varies by a factor of ten. Households are ten times less likely to be evicted in the Czech Republic or Denmark than in Cyprus or France.

Second point: **the prevalence of evictions is not contingent on tenure status.** A number of countries with a high proportion of property ownership (Romania, Bulgaria, Slovakia, etc.) as well as countries with high tenancy rates (Austria and the Netherlands) have low instances of eviction. At the other end of the scale, the same dichotomy exists: France with its high tenancy rates is one of the countries with the highest eviction levels, as are countries like Cyprus and Poland with high rates of owner-occupied properties. Moreover, in the majority of countries, **the study by Kenna et al. indicates a significantly higher proportion of evictions among tenants than property owners**<sup>2</sup>. By way of example, the number of forced or voluntary departures arising from difficulties repaying loans experienced by property owners in Spain amounted to 38,961 in 2013 with court decisions to evict tenants affecting 38,148 households in 2013 (55,523 in 2012) even though only 21.1% of the population rent property. Even if there are statistical biases, these rates are still significant and call for reflection on the criteria to be met for each tenure status.

In the most vulnerable countries, **the impact of the financial crisis did not necessarily translate into a massive increase in evictions**, as a result of political initiatives. Greece is an example of this with the Katseli law permitting property owners threatened with foreclosure to apply for a debt

moratorium, a rescheduling of repayments, or interest to be cancelled. Some 60,000 households were placed under the protection of this law between 2011 and 2013. The overall number of individuals actually affected who had to move due to rising prices remains difficult to ascertain, but according to Greek observers it is undoubtedly significant<sup>3</sup>, despite the fact that in 2013, a new law suspended all property foreclosures for housing valued at under EUR 200,000. At the same time, tenant evictions increased from 11,000 to 14,500 per year (+32%).

In Spain, property foreclosures were high, amounting to 50,000 per year between 2008 and 2012<sup>4</sup>, and peaking at 75,000 last year. However, not all were enforced. The drop in prices cost the property sector EUR 125 billion in toxic assets, still classed as such in 2014, including 80 which were transferred to the SAREB, Spain's so-called Bad Bank, which repurchased bad debt from other banks in order to restore market confidence. Against this backdrop, banks showed a tendency not to enforce property foreclosures as long as assets remained overvalued (nothing sold, nothing lost). A 2014 review of banks conducted by the European Central Bank led to an order being issued for a review of the estimates of property assets at market value. As a result, banks may no longer have any interest in holding onto such assets and a second intensive wave of evictions could ensue.

In Ireland, another country heavily impacted by the financial crisis, the number of property foreclosures increased but the figure was very low and remains modest. Legal proceedings against tenants increased but rates of actual evictions remain low. Eviction is a sensitive topic in the country, both politically and in the media, with the practice an unwelcome reminder of Ireland's past as a British colony<sup>5</sup>. On an individual basis, a significant number of homeowners were able to renegotiate their loan based on a decline in

**2**

It is possible that more is known about tenant evictions as information is better consolidated. It is also possible that the lengthy procedure leads to the occupant leaving an owner-occupied property before the actual property foreclosure, thereby reducing the rate of ownership, but there is nothing to suggest that this is key to explaining the high level of tenants among those evicted.

**3**

National Eviction Profile, Greece

**4**

No distinction was made between property owners and tenants. In the first instance, property owners were particularly affected due to a variable rate crisis and a drop in prices (having to pay more for a property that is worth less and has become unsellable thereby depriving occupants of alternatives). This was followed by tenants being impacted by lower salaries and mass unemployment, eventually culminating in property owners and tenants being on a par in eviction terms in 2013.

**5**

Farmers dispossessed of their land to benefit landlords bearing one-sided contracts was one of the hallmarks of the British Empire. Opposition to evictions is therefore considered a badge of Irish patriotism.

## EVICTIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

6

<http://www.bawo.at/>

the value of their assets (-40% in the first four years of the crisis) and income (for example, civil servants' salaries dropped by 26%).

Moreover, evictions are not necessarily linked to residential mobility: no correlation between mobility levels and evictions can be observed. This suggests that we should treat with caution any notion that increased stability limits evictions and wild assertions that blame statutory protections for hindering mobility and consolidating difficult circumstances leading to the practice.

### SEVERAL TRENDS BETWEEN 2010 AND 2013

Five countries saw a small surge in the number of evictions (less than 10%): Austria, Belgium, Estonia, Finland and France.

Countries with robust welfare programmes and strong rental markets, especially in the category of social housing, appeared to be less affected than others by the global economic turmoil.

Finland and Austria are two countries where the issue of evictions has almost been resolved thanks to measures on prevention, rehousing and alternatives to evictions, for example, community mediation for tenants in difficulty or the repurchase of houses from destitute property owners by social landlords. In Austria, the BAWO (*Bundesarbeitsgemeinschaft Wohnungslosenhilfe*)<sup>6</sup> is often cited as an example of an organisation that ought to be considered by states seeking alternatives to evictions.

Six countries saw a substantial reduction in the number of evictions (>10%): the Czech Republic, Denmark, Croatia, Lithuania, Portugal and Sweden.

**TABLE 2**

#### TRENDS IN EVICTION PROCEDURES - CHANGES LESS THAN 10% BETWEEN 2010 AND 2013

	2013	CHANGE BETWEEN 2010 AND 2013 IN %	INDICATOR
Austria	4,955	-9.3	Evicted households (all tenures)
Austria	13,320	-3.4	Households in the rental sector (private and social housing) served with a notice of eviction
Austria	36,032	-1.5	Households in the rental sector (private and social housing) served with an order to vacate
Belgium	12,958	3.1	Eviiction procedures in Flanders, rented accommodation (private and social housing)
Estonia	26	-7.1	Public housing evictions
Finland	6,585	-0.8	Notice of eviction delivered by a bailiff (all tenures)
Finland	8,148	-1.9	Court summonses (all tenures)
Finland	3,407	1.8	Evictions enforced by a bailiff (all tenures)
France	55,957*	4.7	Obligation to vacate premises (social housing and private rental) data for 2010-2011
France (FR)	41,466*	-3.4	Application for support from the public authorities (2010-2011)
France (FR)	12,759*	9.3	Intervention by the public authorities (2010-2011)

\*Source: Kenna et al. (2015)

## EVICTIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

In Croatia, the rapid decline in the number of eviction procedures is spectacular: -34.5% in the private sector (property owners with a mortgage and tenants) and -16.8% in the public housing sector with actual evictions being very rare (13 out of 319 proceedings initiated in 2013 led to an actual eviction). It is difficult to consider this development without taking into account Croatia's entry into the European Union and the economic boom that ensued in the post-war years.

Data from the Czech Republic did not allow for much differentiation to be made. The researcher who contributed information on this country to the 2015 study on evictions and homelessness

coordinated by Padraic Kenna asserted (based on opinions given by legal professionals) that the number of unlawful evictions is higher than those enforced pursuant to legal proceedings. It is important to specify that in a number of central European countries, a landlord is obliged to declare any rented premises to the authorities for tax purposes. There are a high number of fraudulent declarations, creating a «housing black market» in which legal disputes are settled outside of the courts.

Nevertheless, this situation was the same in 2010 and should not therefore be considered as a factor in the drop in the number of evictions.

**TABLE 3**

**TRENDS IN EVICTION PROCEDURES  
DECLINE OF MORE THAN 10% BETWEEN 2010 AND 2013**

	2013	DECLINE BETWEEN 2010 AND 2013 IN %	INDICATOR
<b>Croatia</b>	319	-34,5	Proceedings initiated in Zagreb (property owners and tenants)
<b>Croatia</b>	178	-16,8	Public housing eviction orders issued in Zagreb
<b>Croatia</b>	6	-88,9	Public housing evictions enforced in Zagreb
<b>Croatia</b>	5 029	-21,1	Legal proceedings (all tenures)
<b>Czech Republic</b>	1 019	-41,4	Summary enforcement of judgement (all tenures including commercial leases)
<b>Denmark</b>	3 507	-20,0	Rental sector (private and social) evictions enforced
<b>Denmark</b>	17 479	-16,0	Legal decisions in the rental sector (private and social)
<b>Denmark</b>	3 279	-12,0	Property foreclosures
<b>Lithuania</b>	597	-13,2	Legal decisions (all tenures including commercial leases)
<b>Portugal</b>	1 176	-30,3	Evictions enforced (all tenures)*
<b>Sweden</b>	7 549	-12,5	Foreclosures by bailiffs (all tenures including commercial leases)
<b>Sweden</b>	2 293	-15,9	Evictions enforced (all tenures including commercial leases)
<b>Sweden</b>	1 050	-10,1	Property foreclosures enforced

\* In Portugal, the new National Register of Local Accommodation

## EVICIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

Five countries experienced an increase in the number of evictions of more than 10%: Bulgaria, Cyprus, Ireland, Latvia and the Netherlands.

Ireland, the country where Europe's most spectacular property bubble took place, had previously seen very few evictions. The increase reflects the initial low level of evictions and the country's very heavy exposure to the crisis.

The situation in Bulgaria and Cyprus illustrates the poor economic status of these countries that were not in a position to put in place provisions to dampen the effects of the crisis.

The Netherlands and Latvia are countries that took a very liberal turn during this period.

Routinely cited as a 'star pupil' in terms of austerity policies, Latvia in fact has a high level of youth emigration, Europe's fastest rising suicide rate and the most rapidly growing number of evicted households over the past four years.

It is noteworthy that **two out of the five countries where the number of evictions has most sharply increased were subject to a Memorandum of Understanding**, in other words placed under the influence of the 'Troika'. At the very least this would urge a better forecasting of the social impact of the policies implemented or requested by the European institutions of Member States in difficulty.

**TABLE 4**  
**TRENDS IN EVICTION PROCEDURES**  
**INCREASE OF MORE THAN 10% BETWEEN 2010 AND 2013**

	2013	INCREASE BETWEEN 2010 AND 2013 IN %	INDICATOR
<b>Bulgaria</b>	1,324	46.5	Termination of lease and property foreclosures (inc. businesses)
<b>Cyprus</b>	358	23.4	Legal decisions, rental sector.
<b>Ireland</b>	1,840	17.6	Legal proceedings initiated by local authorities.
<b>Ireland</b>	5,291	137.3	Rental evictions recorded by the Private Residential Tenancy Board
<b>Ireland</b>	766	111.0	Property foreclosures by mortgage lending institutions
<b>Latvia</b>	988	23.0	Legal decisions, rental sector (private and social)
<b>Latvia</b>	5,666	39.2	Properties actually sold pursuant to a court order
<b>Latvia</b>	787	49.9	Evictions enforced, rental market (private and social)
<b>Latvia</b>	279	102.2	Evictions enforced following property foreclosure
<b>Netherlands</b>	23,100	17.6	Eviction decisions relating to social housing
<b>Netherlands</b>	6,980	18.3	Evictions enforced relating to social housing
<b>Netherlands</b>	4,521	239.7	Forced sales of dwellings with mortgage guarantee

\* Including business premises and secondary residences  
Source : NEPs for eviction project

Finally, eight countries revealed varying trends: Germany, Greece, Hungary, Italy, Portugal, Slovenia, Spain and the United Kingdom.

The contradictory trends are difficult to read, given that there are certain segments where the number of evictions declines while it increases in other segments. In Germany, foreclosures of commercial premises are not distinguished from residential premises and national figures show a spectacular 30% drop in property foreclosures over four years. This is clearly indicative of the improved economic situation and the stabilisation of the East German Länder with the number of rental evictions identified by regional observation organisations showing a slight increase at the same time.

In Greece, property foreclosures were minimised by the «Katseli» Law and the recent moratorium on evictions from owner-occupied principal residences. As regards the increase in tenant eviction procedures, the rate stood at 25% between 2010 and 2012 before dropping by 17% in 2013. The number of legal decisions has increased by 31.8% over the entire four-year period.

As far as Italy is concerned, the indicators converge to show a rise in the number of households experiencing eviction; whereas the number of application procedures increased by 11.8%, the number of households actually evicted 'only' rose by 5.1%

In Spain, data from the country's National Bank shows a slight decrease in the number of households forced to leave their home after pressure from their mortgage institution (after the floodgates had opened during the previous period). At the same time, tenant evictions rose sharply, but it is possible that more sustained institutional focus has contributed to a better monitoring of the phenomenon.

In the United Kingdom, regional indicators reveal modest changes, but over a shorter period (2010-2012). In England and Wales (E&W), rental disputes have increased in the social housing sector and decreased somewhat in the private housing sector. This is likely to be linked to the increase in short-term rental contracts (ASTs) with reduced protection leading to 44% more evictions over the same period. Property foreclosure applications dropped by 20.6% over the four-year period, a slight respite after a steady increase since the early 2000s. This trend did not impact upon Northern Ireland where the number of property foreclosures has continued to rise slightly, while tenant evictions have exploded: +75.7% in four years. In Scotland, eviction procedures of all kinds dropped by 17% against the backdrop of the legal system and stakeholders, both of which are now far better organised to prevent evictions and find alternative solutions.

**TABLE 5**  
**TRENDS IN EVICTION PROCEDURES**  
**CONTRADICTIONARY TRENDS BETWEEN 2010 AND 2013**

	2013	CHANGE BETWEEN 2010 AND 2013 IN %	INDICATOR
<b>Germany</b>	34,491	-30.0	Forced sales (including commercial premises)
<b>Germany</b>	35,355	1.3 (2010-2012)	Municipal prevention files (all tenures) (in North Rhine-Westphalia)
<b>Greece</b>	16,500	3.1	Legal proceedings, rental sector
<b>Greece</b>	14,500	31.8	Legal eviction decisions
<b>Hungary</b>	2,548	7.2	Ongoing property foreclosure proceedings

## EVICTIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

<b>Hungary</b>	49,533	49.4	Forced property sales (including commercial premises)
<b>Hungary</b>	517	159.8 (2011-13)	Evictions from sold properties
<b>Italy</b>	73,385	11.8	Households that received an eviction notice (privately rented)
<b>Italy (IT)</b>	31,399	5.1	Households actually evicted (privately rented)
<b>Poland</b>	30,411	-7.5	Legal decision (all tenures)
<b>Poland</b>	8,557	22.0	Notice served by a bailiff to leave premises (all tenures)
<b>Slovenia</b>	283	-19.6	Legal decisions (all tenures)
<b>Slovenia</b>	10,608	14.4	Property foreclosure proceedings**
<b>Slovenia</b>	38,961	-2.3	Voluntary or forced departure after application by a mortgage lending institution
<b>Spain</b>	38,141	65.5	Legal decision regarding rented properties (private, public, garage, etc.)*
<b>United Kingdom</b>	23,079*	-0.3	Eviction applications for privately rented accommodation by ordinary proceedings (2010-2012)
<b>United Kingdom</b>	65,054*	7.2	Eviction orders for privately rented accommodation (2010-2012)
<b>United Kingdom</b>	96,742*	7.2	«Repossession» applications for privately rented accommodation (2010-2012)
<b>United Kingdom</b>	3,694	9.0	Property foreclosures (Northern Ireland 2013 provisional data)
<b>United Kingdom</b>	12,358*	-17.1	Court summonses in Scotland (all tenures, 2010)
<b>United Kingdom</b>	59,876*	-20.6	Property foreclosure proceedings (E&W, 2010-2012)
<b>United Kingdom</b>	31,178*	44.4	Eviction applications by expedited proceedings in relation to short-term tenancies (private rental sector 2010-2012)
<b>United Kingdom</b>	1,070	75.7	Eviction orders in the private rental and social housing sectors (Northern Ireland, 2010-2012)

\* 2012 data

\*\* Data derived from various sources of questionable quality until 2011

Source : NEPs for eviction project

### TRIGGERS, CATALYSTS AND INHIBITORS OF EVICTION PROCEDURES

For property owners with a mortgage, the main trigger is undoubtedly payment incidents which can lead to legal proceedings being initiated after arrears of:

- one month (Bulgaria, Germany, Estonia, Greece, Finland, France, Ireland, Lithuania, Slovakia, United Kingdom, Portugal)

- three months (Belgium, Cyprus, Czech Republic, Denmark, Spain, Latvia, Luxembourg)
- six months (Hungary, Italy)
- one year (Romania)

For tenants, a history of arrears is the main reason for the majority of evictions. Legal proceedings may occur after arrears of more than:

- one week (Sweden)
- two weeks (Denmark, Greece, Malta)
- one month, (Spain, Cyprus, United Kingdom (in the private rental sector))

- two months (Germany, Finland, France, Portugal, United Kingdom (in relation to social housing), Italy (from 20 days to three months depending on the circumstances)),
- three months (Austria, Czech Republic, Estonia, France (if housing subsidies covered by third-party payers), Latvia, Slovakia, Hungary, Netherlands, Poland)
- one year or arrears of €1,500 (Romania)
- left up to the principle of contractual freedom (Bulgaria, Hungary)

The issue of property occupations without right or title is of varying importance depending on the country, which may in part explain the differences observed in relation to such evictions. In a significant number of countries (Germany, Austria, Cyprus, Ireland, Poland, Portugal, Slovenia, Slovakia, and Greece), evictions of occupants with neither rights nor title are rare. Since 2008, such evictions have increased considerably in Spain (+168%). In Italy, 4.6% of public housing is apparently occupied by squatters<sup>7</sup> (squatters in Italy benefit from a right, *usucapio*, after several years and subject to conditions<sup>8</sup>).

**In most countries, property owners may take legal action immediately.** The police may also intervene in the absence of legal decisions in the event of a gross misdemeanour or other instances of criminal behaviour (Czech Republic, Denmark, Spain, Finland, Ireland, United Kingdom, Germany, Luxembourg, Austria and Romania).

As a consequence, **almost all European countries possess laws facilitating the eviction of perpetrators of domestic violence while allowing the victim to stay on in the property.** Proceedings are generally initiated when the victim notifies the police of violent behaviour (Austria, Belgium, Czech Republic, Estonia, Ireland, Italy, Hungary, Latvia, Malta, Slovenia and the United Kingdom).

**The absence of a legal framework that precisely sets out the rental status, legal advice and conditions for legal representation may all contribute to instances of unlawful evictions, especially in countries that do not explicitly provide for sanctions in relation to this type of behaviour.** In a number of countries bailiffs are likely to contribute to evictions being more quickly enforced when they play an active role in payment incidents where property loans are repaid through 'voluntary' or 'forced' sales, leaving cash-strapped property owners (with a mortgage) without sufficient time or resources to organise alternative accommodation (Austria, Bulgaria, Czech Republic, Denmark, Estonia, Spain, Finland, Luxembourg, Latvia and Sweden). The seller may be forced to vacate the premises within a specified time limit or even straight away.

In some cases, public notaries may be the instigators of evictions (Spain, Croatia, Hungary, Romania, and Slovakia) by issuing payment demands pursuant to extra-judicial proceedings that can lead to an eviction if they are not met. On occasion, mortgage contracts may provide for the possibility of a lender selling a property in the event of payment incidents.

There are also a number of social shock absorbers that assist in delaying or suspending instances of eviction. These are exemplified by «soft law» or extra-judicial measures (such as mediation, for example), protective proceedings and various provisions implemented in each country to prevent or identify alternatives to evictions. It is possible to group various inhibitors into categories as follows: mediations and negotiations; debt restructuring; fundamental rights defined by constitutions and related social rights; judicial litigation and conditions for accessing legal representation; support services; and special protections extended to certain groups (the mentally ill, etc.). In most countries, the **impact of social movements was significant in terms of**

**7**

Nomisma (2010), p.41 referring to 2008 data.

**8**

See the regional law on the self-recovery of public property in the Latium region. This involved the conversion of squats into housing cooperatives subject to renovation works.

## EVICIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

9

In Barcelona, homeowners experiencing difficulties now have access to a wide range of public measures in relation to the procurement of financial assistance, preventive action and mediation for the purpose of renegotiation of property loans, etc.

10

In Hungary, as in other central European countries, a significant number of loans were taken out in Swiss francs, taking advantage of the exchange rate. The "unhooking" of the Swiss franc from the Euro has considerably raised monthly repayments. As a result of public pressure, the Hungarian government insisted that banks take responsibility for their actions and assume their share of the responsibility in the conversion of loans taken out in Swiss francs into Hungarian forints.

advocacy and the development of public policies, such as in Spain with the mortgage victims' association (PAH<sup>9</sup>) and in Hungary with two key associations Zivi zid and Udruga Franak<sup>10</sup>.

### PROFILE OF HOUSEHOLDS SUBJECT TO EVICTION

The 2015 study conducted by Professor Kenna and his team sought to identify households affected by eviction, specifically by investigating the characteristics of discrimination and vulnerability that can lead to these household types being overrepresented in eviction cases. These characteristics include household composition, gender, country of birth, employment status, value of the property subject to an eviction order and household income.

In 13 out of the 28 EU Member States (Austria, Cyprus, Croatia, Estonia, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, the United Kingdom and Slovenia), no data exists regarding the characteristics of households affected by eviction.

In seven countries, the information available is vague and/or drawn from local sampling of questionable origin (Belgium, Bulgaria, Greece, Hungary, Luxembourg, Portugal and Slovenia). Accordingly, reliable and structured information exists for just seven countries (Denmark, Finland, France, Spain, the Netherlands, Sweden and a large part of Germany). **The absence of any interest in understanding who may be affected bears witness to the fact that eviction continues to be viewed as a matter of personal responsibility: the collective dimension is insufficiently studied, representing a denial of the systematic causes of evictions specifically and perhaps even housing issues more generally.**

### HOUSEHOLD COMPOSITION PLAYS AN IMPORTANT ROLE, BUT IT DIFFERS FROM COUNTRY TO COUNTRY

The disparity of national situations suggests the importance of targeted public policies for groups affected by evictions. For example, the proportion of single people among evicted households varies from 71% in Finland, to 57% in Germany, to 54% in Denmark, to 50% in France, the Netherlands and Sweden.

**Lone parents, in other words primarily single mothers, most commonly form the second most likely group to be faced with eviction.** The figures stand at 27% in Sweden, 25% in France (on the basis of a regional study), 22% of households receiving a second bailiff's deed in the Netherlands and 19% of legal eviction proceedings in Denmark.

Evictions of couples with children vary from 19% in the Netherlands, to 17% in Germany, and falling to 4% in Finland where they are five times less frequent. Such a disparity can only be explained by targeted public policies aimed at safeguarding (e.g. the amount allocated to children in welfare payments and the prioritisation of access to low-cost housing).

In Denmark, the proportion of households with children drops significantly between the pre-litigation stage and the actual eviction, pointing towards the strong impact that targeted preventive measures have on the type of households affected by eviction.

Childless couples often constitute an under-represented group, varying from 15% of evicted households in Finland to 6% in the Netherlands and Denmark. The low proportion of childless couples among evicted households would suggest that despite family-friendly policies and practices that safeguard and prioritise children, being part of a couple offers better protection against eviction than the presence of children.

**GENDER: MEN AT A HIGHER RISK  
OF BEING EVICTED**

Despite earning more than women across all European countries, men are far more vulnerable to eviction in countries where data was available: 67% in Finland, 66% in Sweden, 57% in Germany and 54% in the Netherlands.

In Denmark, 79% of people living alone who face eviction are men while 84% of lone parents impacted are women. In both cases, these groups are overrepresented when it comes to evictions in proportion to their demographic weight. Does this mean that men are more likely to face eviction but women become more vulnerable due to the presence of children? This is a premature extrapolation that requires substantiation, but the question still remains. In Spain, single mothers are viewed as a vulnerable group without any particular attention being paid to men who become homeless due to a relationship breakdown; the family home is more often than not awarded to women during legal proceedings in accordance with court decisions.

**AGE: HIGHER RISK  
BETWEEN 25 AND 45 YEARS**

Intuitively, it would seem likely that the entry into adulthood and advent of old age (with the resulting loss of resources across a number of countries) are junctures that imply greater vulnerability. Yet interpretation of the data does not confirm this. People of between 25 and 65 years of age are heavily represented among households affected by eviction: 91% in the Netherlands, 87% in Sweden, 74% in Germany (25-60), 73% in Denmark and 67% in Finland. In France, 65% of adults concerned are aged between 25 and 45. Young people are not particularly affected in Sweden (9%), France (5%) or the Netherlands

(4%), but represent 19% Finland, 20% in Germany and 25% in Denmark. This data would have to be correlated with young people living in self-contained housing to get a more accurate picture, but the disparity is startling: a young Danish person is six times more likely to be evicted than his or her Dutch counterpart.

Although exceptional circumstances may be observed, older people are only marginally present among evicted households. The average age of victims of property foreclosures in Spain, for example, is 51.

**OVERREPRESENTATION  
OF «MIGRANTS»**

Comparisons are difficult to make given that there is no homogenised observation criteria. However, the link between migrants and eviction are clear. The proportion of foreign-born people among those evicted stood at 23%. In Germany, 22% of those seeking preventive measures had a migration background. In Denmark, 23% of those evicted had non-Danish parents and 19% had non-European parents.

In Finland, 11% of people evicted are -born overseas. This figure remains a disproportionate overrepresentation in so far as the rate of non-nationals residing in the country is only 3.6%. In the Netherlands, 42% of those evicted from social housing were born in another country including 22% outside of the European Union. Data sourced from Spain shows that a higher number of migrants face legal proceedings due to difficulties repaying loans than Spanish nationals. The Roma are identified in the study by Kenna et al. as particularly vulnerable to evictions (in the category of legal tenancies) in Slovakia, Bulgaria and Hungary.

## EVICIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

### WORK AND INCOME: WHEN THE SAFETY NET UNRAVELS

The majority of available indicators reveal the key role played by unemployment and dependence on transfer incomes among those threatened by eviction. In Germany, only 10.8% of households seeking preventive measures cited work as a primary source of income. A quarter of households threatened by eviction in the Netherlands and a third of those in Denmark

reported an income from regular employment or from a liberal profession.

These figures suggest that transfer incomes are not sufficient to cover the living costs leading to an unravelling of the 'social safety net'.

In Sweden, the rate is higher: half of households affected by eviction have an income from employment. In this instance, it is in fact the cost of housing that appears to be incompatible with income levels (Sweden has an average price-to-income ratio that is among Europe's highest).

**TABLE 6**  
**FACTORS LEADING TO A RISK OF EVICTION**

ANALYSIS OF RISK FACTORS FOR EVICTION (KENNA ET AL., 2015)

CAUSE	FACTOR	REMARKS
Structural	Poverty	Severe poverty
	Unemployment	High level of unemployment, financial collapse
	Lack of housing	High cost, lack of affordable housing
Systemic/ institutional	Legal systems	Eviction procedures and property foreclosures devoid of prevention mechanisms.
	Social protection system	Low protection against unemployment and loss of income, low transfer income.
	Availability of support services	Lack of social assistance, preventive measures and street work among groups with the greatest need, for example. Households with psychosocial vulnerability.
	Housing allocation system	No priority given to affordable housing for groups on low incomes and those with greatest need.
	Integration and coordination between services (including housing)	Absence of a holistic approach to housing and related services.
Interpersonal	Family composition	Vulnerability of people living alone
	Conjugal status	Domestic violence
	Relationship breakdown	Death, divorce, separation
	Lack of social network	No support from family and friends, or a social network
Personal	Economic, employment	Low disposable income, unemployment, poor workers, limited savings.
	Ethnic and minority status	Cultural barriers, discrimination

Only Denmark has conducted studies based on a factorial analysis which permits risk factors for eviction to be identified quantitatively. Elsewhere, partial studies enable hypotheses to be put forward.

According to contributions made by researchers who participated in the study the Professor Kenna et al., unemployment and financial instability are the main risk factors for eviction. The economic crisis has reinforced that trend, particularly in the worst affected nations such as the Mediterranean countries and in Central and Eastern Europe (CEE).

In CEE, poverty tends to be identified as one of the primary factors leading to eviction including low incomes derived from work or pensions and a lack of savings to cope with life's upheavals.

In northern and western European countries, while unemployment and instability are highlighted as contributory factors, mental health problems and risky behaviours associated with psychotropic addictions appear to

be even more significant. There is apparently an interweaving of various factors that lead to eviction: unemployment, relationship breakdown, high rents, lack of an affordable fall-back solution, psychosocial difficulties, addiction, isolation, etc. Although no one individual is likely to suffer from all of these problems, even a combination of a few of them is likely to form a dangerous cocktail.

**In most European countries, structural difficulties linked to escalating prices appear to have contributed to curtailing the fall-back solutions for households in difficulty and are identified as a recognised risk factor.** Evidence of this is the proportion of poor households for whom total housing costs represent more than 40% of disposable income.

The contrast between groups of countries is startling when central and eastern European countries are compared with northern and western European countries.

**TABLE 7**  
**PERCENTAGE OF ALL HOUSEHOLDS AND POOR HOUSEHOLDS**  
**IN RENT ARREARS OR EXPERIENCING LOAN PAYMENT INCIDENTS<sup>1</sup>**

COUNTRY	2010		2013	
	ALL	POOR	ALL	POOR
Austria	3,9	12,4	4,0	11,1
Belgium	3,4	9,6	3,0	7,6
Bulgaria	1,7	2,1	2,0	1,9
Croatia	1,7	1,3	0,9	0,9
Cyprus	5,6	7,3	8,8	13
Czech Republic	3,5	16,6	3,2	14,1
Denmark	2,7	6,6	3,4	11,5
Estonia	2,7	5,1	2,8	3,9
Finland	4,7	14,2	5,1	11,7
France	6,1	18,8	5,5	16,9
Germany	2,0	5,3	2,1	5,1
Greece	10,2	15,2	14,9	25,1
Hungary	5,6	10,2	6,8	16,8
Ireland	8,1	18,5	12,0	20,2
Italy	4,2	10	4,9	11,5

**11**  
EUROSTAT, EU-SILC.  
[http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ilc\\_mdes07&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ilc_mdes07&lang=en)

## EVICIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

12

Høst et al. (2012): 138.

13

\*) 0.01p<0.05  
 \*\*) 0.001<p<0.01  
 \*\*\*) p<0.001.

14

<http://www.housing.org.uk/media/press-releases/two-thirds-of-households-hit-by-bedroom-tax-are-in-debt-as-anniversary-appr/>

15

Phelps et al (2003).

<b>Latvia</b>	5,8	13,9	4,3	8,3
<b>Lithuania</b>	1,3	1,9	0,9	1,7
<b>Luxembourg</b>	1,4	4,4	2,9	7,6
<b>Malta</b>	1,1	4,2	2,3	5
<b>Netherlands</b>	3,1	8,4	3,5	7,8
<b>Poland</b>	1,0	2,1	1,5	2,6
<b>Portugal</b>	4,8	9,8	5,7	13,7
<b>Romania</b>	0,6	0,3	0,8	1,2
<b>Slovakia</b>	6,8	14,6	4,1	13,4
<b>Slovenia</b>	2,4	6,2	3,7	9,4
<b>Spain</b>	6,4	13,7	6,4	14,9
<b>Sweden</b>	2,3	6,8	2,3	8,6
<b>United Kingdom</b>	4,8	8,6	4,2	10,6

Source : Eurostat, EU-SILC

### RISK FACTORS FOR TENANT EVICTIONS IN DENMARK<sup>12</sup>

The control group used to estimate the likelihood of being evicted is referenced in brackets in the title of each point considered; the probability is estimated in proportion to the population as a whole: less than one indicates a lower chance; the standard error is the potential margin of error; the level of significance reflects the strength of the trend relative to the amount of available data.

The primary risk factors for eviction are therefore as follows: relationship breakdowns (very

high, 2.5 times more likely to face eviction than the population as a whole); lack of individual allowance; being a single man or a lone mother; release from institution (prison, hospital, youth detention facility) or reliance on an irregular income.

A dependency on individual allowances appears to be a determining factor as is shown, for example, in England where following a study conducted in 2014, two-thirds of tenants affected by the 'Bedroom Tax' (a significant deduction of benefits for under occupancy of a social housing dwelling) were in arrears<sup>14</sup>, with a clear overrepresentation of single mothers and unemployed people<sup>15</sup>.

VARIABLE (CONTROL GROUP)	PROBABILITY	STANDARD ERROR	LEVEL OF SIGNIFICANCE <sup>13</sup>
<b>Individual allowance (no allowance)</b>			
Individual allowance	0.63	0.02	***
<b>Household composition (single man)</b>			
Single woman	0.45	0.01	***
Couple	0.57	0.03	***

<b>Children in the family</b>			
Children per adult	0.94	0.05	
Child per single woman	1.21	0.07	***
Child per adult in a couple	0.74	0.06	***
<b>Change in the household (no change)</b>			
Relationship breakdown	2.50	0.08	***
Released from institution	2.06	0.29	***
Moved out of the parental home in the previous year	0.69	0.04	***
<b>Ethnicity (Danish)</b>			
Western	0.86	0.09	
Non-western	1.06	0.12	
<b>Primary resources (employees and self-employed)</b>			
Unemployment allowance	1.17	0.06	***
Financial assistance	1.66	0.09	***
Pension	0.46	0.05	***
Training	0.69	0.03	***
Other	1.52	0.11	***
<b>Type of rental accommodation (public housing)</b>			
Private housing	0.31	0.02	***
Local authority	0.99	0.39	
<b>City (Copenhagen)</b>			
Suburbs of Copenhagen	1.07	0.09	
Four other major cities	0.99	0.15	
Other	0.93	0.08	

### REASONS FOR MORTGAGE ARREARS IN THE UNITED KINGDOM<sup>16</sup>

A change to a person's circumstances (professional, conjugal, debt repayment, etc.) seems to be a more important factor when it comes to difficulties in repaying loans than income level. Some 27% of evictions are caused by more than one factor. A quarter of people who cite a relationship breakdown also attribute the loss of their job as the reason for the debt. In many situations, an eviction appears to be the culmination of a 'chain reaction' of a variety of difficulties. The reasons for arrears influence circumstances

leading to an eviction with the loss of a job and health problems being the most overrepresented risk factors for arrears observed among proceedings that ultimately lead to evictions<sup>17</sup>. The 2008 recession exacerbated these risks giving rise to higher levels of debt, increased interest rates and greater difficulties in renegotiating loans<sup>18</sup>. In terms of rented social housing, the Phelps study reveals that more women, single parents and unemployed people are likely to be victims of eviction<sup>19</sup>. Difficulties in relationships with administrative bodies responsible for granting individual allowances or unemployment benefits may also lead to households becoming heavily indebted and unable to remedy such situations by themselves<sup>20</sup>.

**16**  
Gall (2009).

**17**  
Home ownership expert – interview.

**18**  
Wallace and Ford (2010).

**19**  
Phelps et al (2003).

**20**  
Hunter et al (2005).

## EVICIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

### 21

Shelter (2013) Briefing: What's wrong with the bedroom tax? [http://england.shelter.org.uk/\\_data/assets/pdf\\_file/0020/650630/Bedroom\\_tax\\_-\\_Shelter\\_briefing\\_March\\_2013.pdf](http://england.shelter.org.uk/_data/assets/pdf_file/0020/650630/Bedroom_tax_-_Shelter_briefing_March_2013.pdf)

### 22

<http://www.housing.org.uk/media/press-releases/two-thirds-of-households-hit-by-bedroom-tax-are-in-debt-as-anniversary-appr/>

### 23

Maureen Crane & Anthony Warnes, Evictions and Prolonged Homelessness. 2010, Francis and Taylor Online

### 24

Summarised by Kenna et al. 2015

### 25

See, for example, evidence from the Ombudsman (Defender of Rights) in Bulgaria. In Hungary and Slovakia, evidence and appeals brought before international courts indicate a toughening up of practices.

A key factor leading to eviction appears to be the 'Bedroom Tax', a reduction in individual allowances for under-occupied social housing. Households are not able to pay rent for the housing they occupy nor can they manage to find alternative housing due to an absence of smaller-sized dwellings at affordable prices, so they consequently find themselves facing debt. A study conducted by England's National Housing Federation concluded that two-thirds of social housing tenants affected by the bedroom tax have experienced arrears.

However, as evidenced by the national expert from the study by Kenna et al., the majority of those evicted did not find themselves facing homelessness afterwards. Although measures to stop evictions are inadequate, existing social «shock absorbers» and redistribution provisions in the United Kingdom have prevented a mass phenomenon where poverty leads to arrears, followed by eviction and living rough, as is the case in the United States, for example.

REASONS FOR LOAN PAYMENT INCIDENTS	CITED BY
Loss of employment/income	43 %
Increase in monthly costs	16 %
Other unexpected expenses	16 %
Health problems	15 %
Other debts to be prioritised	14 %
Relationship breakdown	8 %
Other expenditure affecting income	7 %
Forgot to pay	5 %

In central and eastern European countries where the political regime change during the 1990s was characterised by a strong trend towards property ownership, nowadays tenants are for the most part urban and mobile young people. Data are loosely consolidated, but it appears from qualitative studies and research<sup>24</sup> that the reasons for tenant eviction are largely indebtedness combined with poor preventive and restorative social protection measures. In this regard, evictions from informal settlements are quite significant, targeting the Roma community in particular<sup>25</sup>. Individuals experiencing psychological problems also appear to be particularly affected by evictions, as well as by the sticking-plaster solutions available to them. This was especially evident in Hungary where using housing as collateral for other debts

(consumer lending, various subscriptions) is a well-recognised factor in evictions.

A requirement to declare rental accommodation often exists in such countries and is concomitant with a tax liability on rental income. A number of landlords prefer not to declare a rental property with the result that when evictions arise, they only have recourse to informal methods of putting pressure on tenants. A large proportion of the evictions that take place undoubtedly fall into this category.

Although scant data are available for southern European countries, according to national studies conducted for the purpose of the project led by Kenna et al. (2015), it would appear that unemployment

ment and relationship breakdowns constitute key risk factors for eviction. Unemployment is the cause of 70.4% of payment incidents in Spain<sup>26</sup>. Concerning Portugal, very little data on risk factors exists except for interviews conducted as part of the study by Kenna et al. These demonstrate the close correlation between unemployment and eviction. In Italy too, where the number of tenant evictions doubled between 2007 and 2013, qualitative interviews indicate that economic hardship

was the primary causal factor in most evictions. In Greece, however, income levels, even in the case of employed households, constituted the main risk factor. The disparity between average salaries and the cost of living, the concentration of half of the population in the capital city and the very high proportion of people at risk of eviction or living in vulnerable situations all contribute to a high risk of eviction even when household occupants are employed.

## 2. EVICTION: A PATHWAY TO HOMELESSNESS?

Robust data are available for a limited number of countries where the circumstances of households following an eviction has been studied, specifically in Denmark, the Netherlands and Finland. It was evident that **while a large majority of evicted households managed to find an alternative, a quarter remained homeless following an eviction**. It should be stressed that when the social services of these countries are taken into account, for the most part evictions concern households affected by a multitude of difficulties (addictions, etc.), which may in part explain why such a high proportion of households remain unable to find a solution. Unfortunately, no equivalent data exists for other countries to enable this supposition to be verified or disproved.

In Denmark, one year after an eviction, 79% of households were in permanent housing, 3% had been accommodated in an institution and 18% were not on the housing register meaning that these individuals did not have home insurance, or were staying with friends or relatives, or were homeless. After three years, the proportion not listed on the register stood at 15%.

It would appear that eviction is strongly correlated with social isolation. Some 20% of households evicted in Denmark cited a breakdown in family relationships, 37% said that they had lost contact with close friends, 29% mentioned the lack of a social network while 6% of those with children were no longer in touch with them. Moreover, some 66% considered that they had lost a personal safety net through this experience.

Although very few instances of eviction lead to living rough, studies conducted in Denmark show that for 21% of homeless people, eviction was a determining factor in this situation, particularly for older people (26% of those aged between 50-59 years against 17% of those aged between 18-24 years).

More generally, a study of residents living in shelters showed that 68% had been evicted at one time.<sup>27</sup>

In Finland, the figures are somewhat similar. A quarter of evicted households faced imminent homelessness, among these, 78% were men and 22% were women (there is a slight overrepresent

26

According to the PAH: the platform for those affected by foreclosure.

27

Benjaminsen et al. (2015), p. 60.

## EVICIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

28

Erkkilä's &amp; Stenius-Ayoade (2009).

29

Helsingin kaupunki, Kriisimajoitustyöryhmä (2013), pp. 7-9.

30

Socialstyrelsen (2012), p. 79.

31

Monitor Stedelijk Kompas (2013), p. 56.

32

Akkermans &amp; Råkers (2013), p. 55.

33

ADIL (2012).

34

PIE, DCLG.

35

Pleace et al. (2008).

36

Kodutud (2012), pp. 9-10.

37

Köre (2003), p. 17.

38

Dekleva and Razpotnik (2007).

tation of men who make up 'only' 72% of those evicted). These are households that have experienced a multitude of difficulties: addictions, mental health issues, poverty, isolation, behavioural disorders, etc.<sup>28</sup>

A study of crisis accommodation showed that 40% of users came from temporary accommodation with relatives or friends, and 28% because of divorce or separation from cohabitation, pointing to the overlooked significance of "informal evictions".<sup>29</sup>

Comparable figures were observed in Sweden with evictions the cause for a quarter of the households living rough and a quarter of the households residing in shelters.<sup>30</sup>

In the Netherlands, 13% of newly homeless people in the four main cities reported having been evicted in the previous three months with strong regional differences (from 2% to 16%) which could suggest the importance of local prevention strategies and alternatives to eviction.<sup>31</sup> The majority had managed to find temporary solutions before ending up living rough. In Amsterdam, households evicted from social or private rental accommodation were monitored<sup>32</sup>. Two-thirds of these households were made up of people living alone. After one year, 13% had availed of homeless services or mail-forwarding facilities. After two-and-a-half years, this figure rose to 20%, reflecting the precarious nature of the solutions found following an eviction. To date, 50% of evicted tenants could not find a permanent home (it is noted that social landlords required a letter from the previous landlord confirming regular rent payments, etc.). A number of social landlords offered "second chance" housing entailing a number of restraints in terms of social assistance and personal budget management, which were clearly neither appropriate nor adequate across the full spectrum of cases.

In France, a very limited study<sup>33</sup> of one hundred evicted households showed that one year on, 5% had become homeless. One quarter found accom-

modation with family or friends. Some 15% were rehoused in shelters and another 8% in 'subsidised' self-contained housing units (e.g. property agencies with a social purpose like AVIS), etc.

The British situation is undoubtedly unusual. The short-term rental contracts mentioned above (Assured Shorthold Tenancy or AST, from 6 to 12 months) with fixed expiry dates seems to be a key causal factor for homelessness. In 2010, 6,150 households declared that an AST agreement ending was the cause of their homelessness, compared to 13,230 in 2013, representing a significant increase. Once again, **staying with family and friends appeared to be final step before living rough**. A third of those identified as homeless declared their last place of residence as private accommodation, while a mere 5% cited arrears and evictions as the reasons for their circumstances.<sup>34</sup> In contrast to the Nordic countries, research conducted in the United Kingdom indicates that few evicted households had sought specific social assistance, demonstrating that social welfare provisions were not necessarily the primary contributory factor here<sup>35</sup>.

In central and southern European countries, qualitative studies and data are somewhat more ad hoc. In Estonia, a study conducted in Tallinn<sup>36</sup> revealed that 63% of people residing in emergency accommodation and 46% of people living rough were once property owners or tenants who had lost their home.<sup>37</sup>

This study identified the types of chain reactions that occur following the loss of a job, including excessive consumption of alcohol, relationship breakdowns, neighbourhood disturbances and arrears leading to evictions. However, **it is also more simply the gap between household incomes and the cost of housing that leads to individuals becoming vulnerable to life's hardships**.

In the Slovenian capital of Ljubljana<sup>38</sup>, 54% of homeless households cited eviction as the cause of their circumstances.

In southern European countries, the relationship between eviction and homelessness is more difficult to ascertain. Unemployment and family breakdowns are mentioned more often than eviction as factors contributing to homelessness. It should be stressed that in countries with weak welfare states, families play an essential role in protecting individuals. This is the reason why family breakdowns emerged as an important factor and one that has undoubtedly taken on an even more urgent dimension since the financial crisis and the ensuing surge in unemployment which placed a strain on close relationships and grassroots solidarity. This is particularly true in Spain where a

2012 survey conducted by the country's National Statistics Institute (INE)<sup>39</sup> showed that 12% of homeless people cited eviction as the reason for their circumstances (8% in 2005) in addition to the 6% who reported the termination of a lease agreement.

In Greece, a study conducted before the crisis in 2008<sup>40</sup> confirmed that 7% of homeless people considered property foreclosures to be the main reason for their circumstances. It is difficult to draw any definite conclusions, particularly since the number of property foreclosures has escalated since that time (it is noted however that their enforcement has been blocked).

## 3. THE LEGAL CONTEXT: EVICTIONS IN THE CONTEXT OF THE RIGHT TO HOUSING

Evictions represent a point of tension between a landlord's right to ensure that a lease is properly executed or a bailiff's entitlement to enforce the repayment of a loan and an individual's right to housing.

The legal framework that is the source of this tension is characterised by a number of common features and notable variations, which may explain in part the differences in the prevalence of evictions and their consequences across the various countries, inviting reflection as to the potential for positive change.

### INSTRUMENTS OF INTERNATIONAL AND EUROPEAN LAW

International law defines the right to housing as a cornerstone of the right to live in dignity. A total of 18 European countries have ratified the Council of Europe's revised European Social Charter (ESC)

and all European Union Member States have endorsed the United Nations International Pact on Social and Cultural Economic Rights (ICESCR).

Article 11 of the ICESCR requires State parties to acknowledge each person's right to an adequate standard of living in terms of food, clothing, housing and a continuous improvement in living conditions. General Recommendation no. 4 lays down the notion of adequate housing, interpreted as a secure tenure status, access to services and infrastructure, accessibility, affordability, liveability, a preferred location and adjustment to cultural specificities. **General Recommendation no. 7 specifically addresses eviction, stating that it should not lead to individuals becoming homeless or entail a violation of their rights**<sup>41</sup>. An eviction must comply with the legal framework and be enforced in a measured way. Legal remedies (and legal aid if necessary) and solutions must be made available to evicted households. Information and time frames should guarantee the full enjoyment of access to a fair trial and

#### 39

INE (2012), [online], available in Spanish at <http://www.ine.es/prensa/np761.pdf> Last accessed 2 November 2015.

#### 40

Klimaka (2008).

#### 41

UN Doc. E/1998/22 Annex IV paras. 15–16. *The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* (A/RES/63/117) has now been ratified by many EU Member States allowing complaints to be made to the UNCESCR.

## EVICIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

42

UN-Habitat (2009), pp. 5-6.

43

The CRC was interpreted by the European Committee of Social Rights (ECSR) in *Defence for Children International (DCI) v Belgium* Complaint No. 69/2011 as requiring that all children, regardless of their immigrant or citizenship status, must have accommodation.

44

European Committee on Social Rights, *Feantsa v. France*, 2007.

45

Complaint 39/2006, Decision on the merits of 4 February 2008, §§. 85-86. See also ECSR Conclusions, France (2003) Article 31(2).

46

*Defence for Children International (DCI) v. the Netherlands*, Complaint No. 47/2008, Decision on the merits of 20 October 2009, § 63.

47

Order of the Tallinn Circuit Court in civil case no. 2-13-38211 of 13.01.2014.

48

The Supreme Court of Lithuania order of 17.10.2006 in the civil case no. 3K-3-524/2006.

49

*Winterstein v France*.

50

*AMB v Spain*.

51

*Raji and Others v Spain*.

52

'In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Union law and national laws and practices'.

social rights for households threatened by eviction. The enforcement of evictions at night or during harsh weather conditions is prohibited. Legal representatives must be present during an eviction.<sup>42</sup>

The Conventions on the Rights of Persons with Disabilities (2006) and the Convention on the Rights of the Child (1989) strengthen protections of targeted groups.<sup>43</sup>

The revised European Social Charter and the European Convention for the Protection of Human Rights and related case law explicitly addresses (Art. 16 and 31 of the ECHR) protections in relation to eviction. The protection of individuals threatened by eviction must be guaranteed by law<sup>44</sup>, including consultation with relevant parties in order to find an alternative. Even in instances where an eviction is justified, the authorities are obliged to take all necessary measures to relocate or to assist evicted people financially.<sup>45</sup> Evictions from accommodation centres must be avoided if they push the individuals concerned towards extreme circumstances that are contrary to respect for human dignity.<sup>46</sup>

The European Court of Human Rights (ECHR) has developed complex case law balancing the rights of the two parties and specifying the role public authorities are expected to play. The right to respect for private and family life, the right to a fair trial and the right to protection from inhuman and degrading treatment are not always compatible with eviction procedures. The ECHR provisions influence domestic court judgements.

An Estonian court considered that an eviction containing a procedural error violated Article 8 of the ECHR and Article 33 of the Constitution, regarding the inviolability of the home<sup>47</sup>. In Lithuania, courts have absorbed the provisions into the regulatory framework relating to evictions<sup>48</sup>. In France, Article 8 was invoked in decisions on evictions from illegal settlements<sup>49</sup>.

In Spain, recent evictions have been suspended on the basis of Article 8; one example is the case of a mother and her two children whose eviction was postponed until an alternative could be found<sup>50</sup>. The ECHR decided upon a temporary measure<sup>51</sup> ordering the eviction of a family (with an eight-year-old child) who had built a dwelling without planning permission on wasteland to be postponed until the authorities could prove that they would be provided with alternative housing and adequate social services.

European Union law has a direct binding effect on Member States. The European Charter of Fundamental Rights (ECFR) now has treaty status and provides for the right to social assistance and housing aid in Article 34(3)<sup>52</sup>. **The European Union's '2020 Strategy' acknowledges homelessness as one of the worst forms of poverty and deprivation.** In terms of eviction, Member States must respect fundamental liberties and other EU targets including provisions on migration, freedom of movement, non-discrimination, etc.<sup>53</sup>

The directive on unfair terms<sup>54</sup> has had a significant impact particularly following the important decision taken by the Court of Justice of the European Union (CJEU), *Aziz v. Caixa d'Estalvis de Catalunya*<sup>55</sup>. The judgement ruled that Spanish law on property loans does not comply with the European legal framework in so far as the legal remedies available to a borrower following a payment incident that lead to an eviction are too limited.

In *Kušionová*, the CJEU Directive goes further by observing that "the right to accommodation is a fundamental right guaranteed under Article 7 of the Charter that the referring court must take into consideration when implementing Directive 93/13<sup>56</sup>". This decision establishes a meaningful link between regulations concerning property rights, entitlements to credit and the protections enshrined in the Charter of Fundamental Rights through the prism of the Directive on unfair terms.

**53**

See Article 19 TFEU, Directive 2000/43/EC Article 3 (1) and Directive 2004/113 promoting measures which prohibit discrimination.

**54**

Directive 1993/93/13/EEC.

**55**

Case C-415/11.

**56**

Case C-34/13 *Monika Kušionová v SMART Capital, a.s.* Mrs Monika Kušionová took out a loan of EUR 10,000 from Smart Capital, secured on her home in Slovakia. The charge allowed for enforcement without any review by a court. This term derived from the Civil Code §151 and she made a reference to the CJEU to examine the compatibility of this national law with EU law, particularly the Unfair Contract Terms Directive 93/13/EC.

**57**

These are AT, BE, FI, EL, ES, HU, NL, PO, PL, SI, SE.

**58**

Polish Constitutional Court Decision of 4 April 2001, K 11/00.

**59**

Article 19 of the Spanish Constitution.

**60**

Article 27 of the Spanish Constitution.

**61**

Article 45 of the Spanish Constitution.

**62**

Bengtsson, Fitzpatrick and Watts (2014) pp. 447-463.

**63**

King (2012).

**64**

For more on this aspect of housing rights within social policies in northern European post-war welfare states, based on Marshall's concept of social citizenship, see Bengtsson (2001) pp. 255-275 and Bengtsson, Fitzpatrick & Watts (2014) pp. 447-463.

## LAWS OF MEMBER STATES

Evictions are regulated by the constitutions and laws of all European countries. By way of example, almost all constitutions recognise the inviolability of the home. Although no constitution provides for the obligation of a State to provide accommodation; housing is mentioned in 11 of the 28 countries<sup>57</sup>.

The constitutional right to housing is explicitly provided for in Finland, Poland, Hungary, Portugal, Greece, Slovenia, the Netherlands, Spain and certain east German Länder. It is often juxtaposed with the right to property, thereby limiting evictions for public interest reasons, and compensation is occasionally provided for by the constitution (for example, Latvia, Spain, Germany, Romania, etc.).

Even if it does not officially translate into a "duty to provide accommodation", the right to housing may be invoked before the courts to establish whether an eviction is in fact legitimate, particularly when no other alternative has been put forward. For example, Article 30 of the Polish constitution provides that public authorities must respect and protect the inalienable dignity of the person. On this basis, the Constitutional Court decided in 2001 that "evictions to nowhere" violate this Article and are consequently unconstitutional<sup>58</sup>. When considered in conjunction with Article 8 of the ECHR, it is clear that the needs of each individual and family must be taken into consideration to ensure access to a suitable alternative.

In Slovakia, the Civil Code which governs tenancy relations requires the landlord to find an alternative if the evicted household is responsible for a child or dependent person (alternative possibilities may include a shelter in the event of arrears). In Spain, a court postponed the eviction of a tenant with three minor children on the basis of the UN Convention on the Rights of the Child, the

right to housing enshrined by Article 47 of the Spanish Constitution as well as the freedom of establishment<sup>59</sup>, the right to education<sup>60</sup> and the right to healthcare<sup>61</sup> also contained therein.

However, an explicit reference to the right to housing in a constitution or legislation is not necessarily an indicator of the best possible protection being made available in the event of an eviction.

The right to housing enshrined in a number of constitutions may be more programmatic and urges States and public institutions to put in place social housing policies permitting access to accommodation for all. This is the case in Greece, Hungary, Portugal, Slovenia, Spain, Sweden and the Netherlands. The organisation of resources often leads to better access to housing for all than the mere assertion of subjective rights<sup>62</sup>. However, the two combined would appear to be the most efficient solution<sup>63</sup>. Independent of coming up with a direct solution, the combined application of programmatic rights to housing and individual rights may guide correlated regulation on matters such as taxing, urban planning, restrictions on the right to property and the drawing up of lease contracts, etc.<sup>64</sup>

## NATIONAL LAWS AND COURT DECISIONS

With or without international and constitutional provisions, national legislation emphasises and organises the right to housing, especially in countries such as the Czech Republic, Cyprus, Estonia, France, Denmark, Malta, the Netherlands and the United Kingdom.

In France, the Enforceable Right to Housing Act (DALO) permits individuals to invoke the State's obligation to provide accommodation through a hearing before a mediation committee and if necessary an administrative court<sup>65</sup>.

## EVICIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

65

Olds (2010), pp.170-99.

66

In England and Wales, The Housing (Homeless Persons) Act 1977, Housing Act 1996, and the Homelessness Act 2002 and in Wales the Homeless Persons (Priority Need) (Wales) Order, 2001 and the Homelessness (Suitability of Accommodation) (Wales) Order 2006. In Scotland, the Housing (Scotland) Act 2001 and The Homelessness Etc. (Scotland) Act, 2003 and in Northern Ireland the Northern Ireland Housing Order, 1988 and the Housing (NI) Order, 2003.

67

Mullen (2010), However, there is an 'intentionality test'.

In the United Kingdom, there has been an obligation for local authorities to provide accommodation to homeless people since 1977<sup>66</sup>. There is a general obligation on authorities to provide advice and assistance to prevent homelessness. Scotland has strengthened these provisions by allowing vulnerable households to find a legal solution and when local authorities believe that they bear no responsibility for a particular case, then the burden of proof rests with them. It is not unusual for the courts to rule that housing must be provided in such instances.<sup>67</sup>

### UNLAWFUL EVICTIONS

**By law, criminal sanctions against unlawful evictions are frequently ordered, but rarely enforced.** Yet countries with a significant black market when it comes to rental properties are impacted by a high proportion of unlawful evictions (Bulgaria, Hungary, Slovakia and Romania) as are countries where unlawful facilities are commonplace such as France's squats and shanty towns populated by Romanian Roma. Illegal evictions were highlighted in Hungary, Slovakia and Romania, although the phenomenon is probably much more widespread.

## 4. PREVENTION OF AND ALTERNATIVES TO EVICTIONS

68

A calculation by the City of Cologne in 1986 showed that the annual costs per person of providing temporary accommodation (approx. €4,000 at that time) were seven times higher than the costs per person of prevention services provided (appr. €550). However, it needs to be mentioned, that the total budget spent on prevention was about 30 % higher than the budget for temporary accommodation (Deutscher Städtetag, 1987, pp.73). However, this need to be treated with some caution, as the data is quite old (from the 1980s) and based on accumulated budget data.

69

Stadt Bielefeld (2011), p. 5

70

Fachstelle für Wohnungssicherung or Specialist Office for Housing Assurance.

### PREVENTION: A BARGAIN FOR LOCAL AUTHORITIES

Preliminary calculations for Austria and Germany would suggest that for every EUR 1 spent on eviction prevention services (including advice and settling arrears), EUR 7 could be saved in housing and social inclusion services.<sup>68</sup>

In Germany, the city of Bielefeld improved its prevention services during the years 2004 and 2008 leading to a reduction in dedicated housing provision. The city council claims to have saved EUR 1.6 million out of its budget, compared to 2004<sup>69</sup>.

The FAWOS specialist office<sup>70</sup> in Vienna (Austria) is another example. In 2012, it spent EUR 1.63 million and was in contact with 2,931 households (6,741 people), representing an annual cost of EUR 241.82 per person. When compared to rehousing costs and support services estimated to amount to

EUR 600 per person per month, the cost is 30 times lower. Given that households vary considerably, it is perfectly conceivable that rehousing requires more work and support provisions than maintaining individuals in the same accommodation. However, with the cost of supporting people in their homes being 30 times lower than rehousing them, the authorities might consider setting priorities in this regard a worthwhile effort.

In the Netherlands, a recent calculation showed that by investing EUR 1 in eviction prevention measures aimed at "high risk" households, savings of EUR 2.20 in expenditure on providing services for homeless people could be made<sup>71</sup>.

These rationalisations do not include legal expenses or the cost of enforcing proceedings, likely to be high given the number of stakeholders and institutions concerned.<sup>72</sup>

**The available evidence shows the importance of preventing evictions not least because this**

## EVICIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

respects human dignity while also making economic sense; although there is admittedly a lack of systematic research when it comes to assessing the effectiveness and cost-benefit ratio of alternatives to evictions.

### SYSTEMIC TOOLS: INCOME TRANSFERS

The Netherlands and the Czech Republic have the lowest proportions of the population at risk of poverty following social transfers. Greece,

Romania and Bulgaria on the other hand have the highest. Social transfers reduce the proportion of the population at risk of poverty by 50% or more in the Czech Republic, France, Finland, Ireland, the Netherlands, Sweden and the United Kingdom<sup>74</sup>. This reading of the data is counterbalanced by a recent study which showed that the capacity to reduce the proportion of the population at risk of poverty by income transfers has declined everywhere in recent times<sup>75</sup>.

This phenomenon is combined with a significant increase in rents over the past 15 years in large European municipalities.

**TABLE 10: POOR HOUSEHOLDS BEFORE AND AFTER SOCIAL TRANSFERS<sup>73</sup>**

MEMBER STATE	RISK OF POVERTY BEFORE SOCIAL TRANSFERS, 2013	RISK OF POVERTY FOLLOWING SOCIAL TRANSFERS, 2013
Austria	25.9	14.4
Belgium	26.3	15.1
Bulgaria	26.7	21.0
Croatia	29.7	19.5
Cyprus	24.3	15.3
Czech Republic	16.6	8.6
Denmark	28.1	12.3
Estonia	25.4	18.6
Finland	26.4	11.8
France	24.2	13.7
Germany	24.4	16.1
Greece	28.0	23.1
Hungary	26.3	14.3
Ireland	38.5	14.1
Italy	24.6	19.1
Latvia	26.0	19.4
Lithuania	30.3	20.6
Luxembourg	29.4	15.9
Malta	23.3	15.7
Netherlands	20.8	10.4
Poland	23.0	17.3
Portugal	25.5	18.7
Romania	27.8	22.4
Slovakia	20.1	12.8
Slovenia	25.3	14.5
Spain	30.0	20.4
Sweden	27.1	14.8
United Kingdom	30.1	15.9

### 71

Van Leerdam, J. (2013). However, a methodological weakness of this study was that actual data or even estimations based on actual data were missing for important aspects and 'expert opinion' had instead been taken as basis for calculations.

### 72

Andritzy, (2014).

### 73

Source: EUROSTAT, EU-SILC.

### 74

The greatest impact was in Ireland where the rate was reduced from 38.5% to 14.1% in 2013.

### 75

Nelson, (2013).

**76**

There is not sufficient space to set out the elements of developed housing systems here. For analysis of the elements of modern housing systems see Angel (2000).

**77**

Balchin (1996).

**78**

OCDE (2014).

**MEASURES LINKED  
TO THE “HOUSING SYSTEM”**

Various push factors associated with housing, such as housing law, social equity and social cohesion, can contribute to the prevention of evictions.

**The availability of a sufficient affordable housing stock**

The availability of an affordable housing stock means evictions can be prevented and it provides the capacity to rehouse individuals in crisis situations. Depending on the country, low-cost housing is built by directly by the state (social housing is rare and for the lowest income quartile in most European states) or it is facilitated through individual allocations or interest subsidies on loans for building low-cost housing.<sup>76</sup>

More often than not, a national housing policy coordinates various initiatives regarding production, renovation, allocations, social welfare and taxation.<sup>77</sup>

However, the issue of a sufficient stock of available housing and public intervention procedures appears to be becoming even more apparent. In Malta, 3,249 applications for social housing were made in 2013 for a number of vacant houses thirteen times higher. In Spain, the high level of vacant housing which stands at a figure of 3.5 million has triggered several public initiatives to put them back on the market, by, in particular, taxing empty dwellings, a measure which has already proved effective in France. However, the location of such housing, often situated in newly-developed ghost towns, remains problematic.

**The balance of tenure statuses**

The variations in tenure statuses can have an impact on the availability and cost of housing<sup>78</sup>.

According to the OECD, the balance between homeowners, private tenants and social housing tenants contributes to thwarting property bubbles and ensuring optimum mobility, two conditions favourable to preventing evictions and rehousing. Nonetheless, the trend across European Union Member States is towards the privatisation of social housing and encouraging private property ownership through a variety of tax measures and more recently the safeguarding of interest rates. By way of example, half of homeowners with a mortgage in Poland took out a loan in Swiss francs, deemed to be safer as it was tied to the euro at the time. However, the two currencies later became unhooked and within a year monthly payments had increased by 40-50%, the prelude to a massive increase in property foreclosures. The number of households and the social categories concerned depends greatly on the balance of tenure statuses.

In Spain, the proportion of tenants has declined from 51.5% in 1950 to 12% today. The high rate of households with debt served to exacerbate the property bubble and its subsequent collapse, running the economy into the ground. Across the whole of Europe, 43% of households are property owners with a mortgage (70% are homeowners, 18.5% are private tenants while 10.9% are social housing tenants).

**Social/affordable housing**

The existence of a stock of affordable housing is manifestly a key contributory factor when it comes to preventing evictions. However, several barriers exist that prevent it from being a wholly effective solution. Access conditions and prioritisation procedures mean the most deprived households may in fact be refused social housing. Moreover, households experiencing difficulties seeking an emergency solution through the social housing sector are faced with long waiting lists, exacerbated by rising private rental market prices observed right across Europe since

the start of the 2000s. Despite being based on non-comparable data, the Housing Europe review reflecting the status of housing in 2015 showed that in 2012: 186,000 people were on the social housing waiting list in Belgium, 1.7 million in France, 90,000 in Ireland, 650,000 in Italy, 1,916,000 in the United Kingdom and 500,000 in Poland. Availability of social housing has reached saturation point. **The more expensive housing is, the more social housing becomes necessary and the more it is in demand, the less it becomes accessible.** Confronted with such a situation, the mass sale of social housing should be a cause for reflection. The financial crisis revealed that many households were at breaking point, demonstrating that the need for social housing is not born out of a demand for comfort, but out of necessity. The tension over social housing threatens to result in a greater number of evictions.

Furthermore, social housing is often unsuited to the needs of the people it is intended to accommodate. In France, the *Union Sociale pour l'Habitat* (national union of social housing organisations) reported that between 2012 and 2013, the number of households in arrears had increased by 170,000 to reach 882,000, representing 22% of all tenants.<sup>79</sup> In addition, there tended to be an increase in long-term difficulties with some 285,000 tenants in arrears of over three months, representing 7.1% of households living in social housing.

## MARKET INTERVENTION

In order to boost construction and facilitate greater access to property, States have put in place safeguarding measures for loans, legal mediation schemes (all except two States have an enforceable pre-litigation stage in the event of payment incidents) as well as the less-common discounted interest on borrowings that exist in Belgium, Cyprus, Denmark, Spain, Finland, France, Italy, Luxembourg, Latvia and the United Kingdom. In

the Netherlands, 90% of those who purchased a property at a price lower than EUR 290,000 had recourse to a national guarantee fund. There is a conflict between the facilitation of property loans and the desire to avoid speculative bubbles that result in the collapse of asset prices resulting in so many being left victims, particularly in relation to property foreclosures.

### “Responsible mortgage lending”

**Irresponsible loans and mortgage borrowings pave the way to indebtedness. The question of best practice is worth considering as a means of preventing property foreclosures.** In 2013, the Netherlands had the highest level of debt in proportion to household gross disposable income (217.5%), followed by Denmark (189.5%), Sweden (151.6%), the United Kingdom (119.2%) and Ireland (110.2%), while the least indebted in this regard were Austria, Hungary, Latvia, Poland and Slovenia.

While a number of countries have regulatory provisions preventing high-risk loans (Austria, Belgium, France, etc.), following the 2008 financial crisis a significant number of countries (Belgium, Germany, Denmark, Ireland, Malta, Sweden and the United Kingdom) put in place requirements to check the applicants' credit-worthiness and background with mortgage limits based on the value of property purchased, etc.<sup>80</sup>

These measures had a quieting effect on feverish lending practices. In France and Belgium, creditors will only lend now when monthly repayments are less than one third of the net household income. These two countries experience fewer defaults in relation to mortgage loans and property foreclosures are rare.

In Lithuania, a law on responsible lending restricted loans to 85% of the value of the property and the price-to-income ratio to 40%. In the Netherlands, capping is progressive: at 104% of the value of the property, the maximum level of indebtedness fell

79

Source: *Union Sociale pour l'Habitat* (USH) (national union of social housing organisations), 2015.

80

BBVA (2013), p. 19.

## EVICIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

81

Financial Stability Board (FSB) (2011), p. 21.

82

European Banking Authority (2013), pp. 12 and 13.

83

See Case C-415/11, 14.3.2013 (*Mohamed Aziz v Caixa d'Estalvis de Catalunya, Tarragona i Manresa (Catalunyacaixa)*); Joined cases C 482/13 (*Unicaja Banco SA v Manuel Hidalgo Rued and Others*), C 484/13 (*Caixabank SA v Manuel María Rueda Ledesma and Rosario Mesa Mesa*), C 485/13 (*José Labella Crespo and Others*) and C 487/13 (*Alberto Galán Luna and Domingo Galán Luna*), 21.1.2015.

84

Based on Directive 2008/48/EC of 23 April 2008 on credit agreements for consumers.

85

See Monk, S. & Whitehead, S. (2010) *Making Housing More Affordable- The Role of Intermediate Tenures* (London, Blackwell).

86

Whitehead, C. & Monk, S. *Affordable home ownership after the crisis: England as a demonstration project*, *International Journal of Housing Markets and Analysis*, Vol. 4, No. 4, 2011, pp. 326-340.

to 100% in 2018. In 2015, Ireland set the limit for the loan-to-value ratio for property at 80% of the value of the home. At European Union level, Article 18 of the Directive on property loans provides for an assessment of the borrower's creditworthiness and ability to repay<sup>81</sup>, as approved by the European Banking Authority.<sup>82</sup>

There is a critical tension between incentivising greater property ownership through more generous loans and the need to protect vulnerable borrowers. Although conventional models of conservative property lending leads to low rates of homeowners, as is the case in Germany, a shortage of available houses and lower prices tends to push households towards property ownership. Low-income sectors of the population are therefore inclined to seek credit under less favourable and riskier financial conditions (in particular subprime-type mortgages).

### Protection of property loan consumers

As a last resort, consumer protection measures aim to ensure that borrowers do not pay excessive costs. The transparency of information and the prohibition of unfair terms are instrumental in achieving this objective. It was on this basis that loans taken out in foreign currencies in central European countries were able to be renegotiated and unfair terms concerning property loans in Spain could be overturned.<sup>83</sup>

In Germany, households are automatically provided with certain information before a property loan is agreed.<sup>84</sup> Moreover, Latvia stipulates the right for consumers to have their contract examined by the national Consumer Rights Protection Centre to identify unfair terms. In Malta, lending practices are tightly governed, meaning that lenders may be held responsible for defaults, which have allegedly occurred with regard to loans deemed to be too risky. Spanish legislation was updated in 2013 to better protect households that borrow for

the purpose of having sufficient funds to secure accommodation. Slovakia amended several laws to lay down criteria for 'usury', beyond which contracts are deemed null and void. In 2014, a review of the credit market conducted in the United Kingdom led to the introduction of several provisions aimed at limiting the volatility of the lending market, in particular lenders having a greater liability under new loan conditions which could potentially see them being held liable for defaults on payments.

In the Netherlands, 'civil law notaries' are legally bound to ensure that borrowers are fully aware of the risks that households are exposing their homes to when taking out a loan. Furthermore, Latvia and Bulgaria place an emphasis on raising awareness among consumers. States seem to have at least partially and selectively learned some lessons from the subprime crisis and the risky positions that were taken by property owners with a mortgage.

### DEVELOPMENT OF INTERMEDIATE TENURES

The rise in prices for first-time buyers has led several European States to encourage the development of 'intermediate tenures' that bridge the gap between owning and renting a home<sup>85</sup>. The aim of these projects is usually to share the right to property, debts and risk while also availing of public facilities (loan guarantees, prioritisation of access to property, etc.) due to the non-speculative and collective character of the project. The United Kingdom has pioneered Community Land Trusts: a shared-ownership scheme aimed at promoting measures for dividing up property into land or buildings for private ownership or occupancy, or into communal and private areas, with a view to prohibiting or at least limiting speculative bubbles.<sup>86</sup> These intermediate tenures remain nonetheless marginal on the housing

market. Even in the United Kingdom, where they first emerged, they only relate to 150,000 housing units, out of a total stock of 27.7 million dwellings including 3.9 million social housing units.

Ireland has copied the British example of shared ownership, with payments being a mix of rent and purchasing. In Catalonia and Malta, legal initiatives have been taken in this regard. In Malta, a statute was proposed whereby a dwelling can be half purchased, half rented. In Germany, cooperative property development is becoming more widespread. In the Netherlands<sup>87</sup> and in France, social landlords offer access to secured property on the market under derogation conditions. In the Czech Republic, cooperative housing represents 11% of the total housing stock. In Finland, shared ownership was only introduced at the end of the 1990s but already accounts for 2% of primary residences.

**87**

See Haffner, M.E.A., Hoekstra, J., Oxley, M., Van der Heijden, H. (2009) Bridging the gap between social and market rented housing in six European countries, (Amsterdam: IOS Press): Haffner, M.E.A. & Boumeester, H.J.F.M. (2010) 'The affordability of Housing in the Netherlands: An Increasing Income Gap Between Renting and Owning?'. *Housing Studies* 25 (6) 799-820.

**88**

Cuerpo, Kalantaryan & Pontuch (2014) p. 16.

**89**

See National Economic & Social Council (Ireland) (2014) p. 62.

**90**

Cuerpo, Kalantaryan and Pontuch, P. (2014) p. 17.

**91**

Rugg & Rhodes (2008).

**92**

See Fitzsimons, J. (2014), S. Nasarre-Aznar, (2014).

**93**

In London in Qtr 2, 2014 the ending of an AST accounted for 38% of London local authority homelessness acceptances. See [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/358184/201406-Statutory-Homelessness.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/358184/201406-Statutory-Homelessness.pdf) (accessed 3 June 2015).

## THE PROMOTION OF THE PRIVATE RENTAL SECTOR

The controlled development of a sufficient private rental stock alleviates pressure on housing costs and softens the impact of market dynamics.<sup>88</sup>

Between 1980 and 2000, policies led to a decline in private rental statuses especially in Finland, Denmark, Spain and the Netherlands, while they remained at the same level in Germany, Ireland, France and Sweden. Nonetheless, following the difficulties that ensued after the 2008 financial crisis, most of the countries that had a plethora of measures aimed at increasing home ownership levels observed an excessive concentration of tenure types e.g. too many homeowners. This generated macroeconomic instability and huge property bubbles due to the absence of diversified solutions for rebalancing supply and demand.<sup>89</sup> These States are now attempting to develop a more balanced combination.

The rebalancing of rental statuses was developed

in tandem with investment incentives, themselves coupled with provisions to alleviate or regulate rents with a view to ensuring that state support is not absorbed by a speculative bubble on the rental market.

### The liberalising of the private rental market

There are heated debates regarding the most appropriate way to facilitate the development of a smoothly operating private rental market. Countries with the highest rates of private tenants (Austria, Germany) also offer the highest levels of protection. Concurrently, IMF and European Commission proposals<sup>90</sup> on making the rental market more "flexible" have been adopted in Spain, Portugal and Slovakia, with the vast majority of countries now clamouring for such measures to be implemented. The British example of Assured Shorthold Tenancy (AST) agreements that last for a six to 12 month duration and end swiftly - intended to facilitate labour market flexibility without adversely affecting protections afforded to long-term tenants or homeowners - is often proposed in this regard<sup>91</sup>.

However, a number of specialists consider that strong statutory protections for tenants contribute to the development of the private rental market by attracting demand<sup>92</sup>. At the same time, weaker tenure statuses are catastrophic for individuals. In the United Kingdom, local authorities reported that 25% of homeless people had exited an AST agreement in 2013, compared to 13% in 2010<sup>93</sup>.

### Individual allowances and guarantees

23 of the 28 European Union countries provide housing benefits and/or public guarantee mechanisms. According to the national experts who participated in the study by Kenna & al. (2015), individual allowances would appear to have barely kept pace with housing costs and their impact on solvency has been somewhat eroded

## EVICIONS IN EUROPE: USELESS, EXPENSIVE AND PREVENTABLE

94

Czech Republic expert report.

95

Andrews, D., Caldera Sánchez, A. and Johansson, Å. (2011), p. 25.

96

Repelova, J. (2013); See also Cuerdo, Kalantaryan &amp; Pontuch (2014).

97

Rents in the private sector are not subject to control in the UK, while social housing rents are now set at an 'affordable' level – up to 80% of private rents.

98

Law 36/1975 and Law 23/1983.

99

Haffner, Hoekstra, Oxley &amp; Van der Heijden (2009) p. 220.

everywhere in Europe (with the possible exception of Germany where rent allowances are supposed to cover “all reasonable costs” associated with housing). In the United Kingdom, assistance has been capped resulting in the most vulnerable tenants falling behind in rent payments with the number of evictions having sharply increased over the past five years.

These allowances are a powerful resource when it comes to preventing evictions and housing exclusion, but on the other hand can create threshold effects that eliminate certain categories of the population due to criteria for claiming benefits and the way these are calculated resulting in the wrong households being penalised. These are powerful resources with immense benefits which should nonetheless be constantly improved with a view to limiting their less-positive side effects.

Public guarantee systems also exist, for example, in the Czech Republic, Flanders and France where it is considered that in most cases facilitating access to existing housing by providing the means to do so is less costly than constructing new dwellings.<sup>94</sup>

### Rent controls

In practice, despite thirty years of deregulation, rental markets remain partly regulated everywhere,<sup>95</sup> although the impact of rent controls on the development of new housing and the quality of stock available is a constant source of controversy.

Several possible pathways exist and these may include: rent reviews, increases in rents linked to a price index or other criteria, rent freezes and rents fixed by law or administratively. A study<sup>96</sup> carried out by the International Union of Property Owners (UIPI) shows that rent increases are regulated in Austria, Belgium, France, Germany, Ireland and Italy, and that only the following five countries

are divested of any control: the Czech Republic, Greece, Slovakia, Spain and the United Kingdom.<sup>97</sup> In most countries, existing stocks of rental properties tend to be regulated while new developments are not. This is for the purpose of stimulating the property market and avoiding a situation where investment encourages speculation rather than providing effective solutions.

In Belgium, for example, newly-constructed developments are at liberty to set their own rents while applying rent increases to existing housing is linked to an index that is also used for measuring trends in salaries. This results in social housing rents being calculated according to household income. In Cyprus, the Rent Control Act established in 1975<sup>98</sup> governs rent increases, but there has been a freeze on these in recent years due to the financial crisis and the consequent decline in property values.

In Germany, a combination of factors has alleviated rents: rates on rental yields, capping increases at 20% over a three-year period and rent indexes that assure the transparency of neighbourhood rents leading to greater stability. However, the loss of production controls in the last decade coupled with internal migration towards the richest cities of the south west of the country has led to a significant rise in rents.

### Other measures

The balance, through ensuring the attraction of a variety of housing statuses, is guaranteed by various other measures. “Notice of sale” does not exist in Latvia by virtue of the principle *incipal emptio non tollit locatum* (the lease contract does not end if the property is transferred to another person). In the Netherlands, even temporary contracts may be renewed an unspecified number of times<sup>99</sup>. Moreover, the Dutch Tenant’s Union provides official representation in a variety of instances enabling it to play a significant role in preventing evictions.

## TARGETED MEASURES

### Prior to Default

Family and friends remain the primary remedy for people at risk of eviction. **Extreme poverty resulting in dire consequences is more often than not linked to isolation.** By way of example, 40% of Spanish pensioners reported using a portion of their pension to help family and friends in 2012<sup>100</sup>, demonstrating that as sophisticated as public solidarity schemes are, they struggle to finance the gaps that result from the fragmentation of European societies and the gradual weakening of private solidarity.

Public financial assistance for paying rent and arrears (allowances and loans) is available in Austria, the Czech Republic, Spain, Finland, France and Poland.

In Germany, such assistance is optional but is becoming a measure more commonly used by local authorities to assist individuals threatened by homelessness.<sup>101</sup>

In Denmark, local authority emergency assistance is targeted at socially vulnerable people and families with children.

These measures are often supplemented by charitable organisations. For example, Caritas Barcelona distributed EUR 2 million in 2013 in the way of financial assistance to tenants and homeowners experiencing payment incidents.<sup>102</sup>

The effectiveness of this assistance depends on how chronic the household's difficulties are as well as whether it has had recourse to the eviction prevention system. By way of example, in Austria, Germany, Denmark and Sweden, notices to vacate premises and court orders to evict lapse automatically if arrears are paid in a timely manner.

Housing advice and social mediation emerge as important measures in complex procedures that encompass housing policies, social services and legal procedures, and which can weaken households to the point where they lose their grip. In France, 80% of legal decisions are handed down without the household in question having been assessed or represented. Local authority services for housing advice, geared towards assisting with repaying debts are available in Austria, the Czech Republic, Germany, Denmark, Finland, Ireland, Sweden, Slovakia and the United Kingdom, with varying degrees of intensity and specialisation in relation to crisis situations.

**Rules for negotiations are also essential for a positive outcome in crisis situations and often permit the rearranging of the household dynamic** when financial negotiations are conducted in accordance with social procedures and other measures.

This is particularly true in the case of property loan negotiations, including the partial cancellation of debts or the rescheduling of loans, interest rates and frequency of repayments. The requirement for a pre-litigation negotiation stage in accordance with a clearly-defined process exists in a number of European countries including Belgium, Bulgaria, the Czech Republic, Denmark, Finland, Hungary, Ireland, Italy, Luxembourg, Sweden, Slovakia, Malta, the United Kingdom, Spain and Latvia, etc. According to the study by Kenna et al. (2015), these measures are insufficient in Ireland and Cyprus and are not yet even on the agenda in Greece, France and the Netherlands. Such provisions are often subject to supervision by a judge or an administrative authority with a view to an amicable agreement being concluded. Moreover, depending on the country, they may entail a solution that involves cancelling or rescheduling all or part of the debt.

### 100

FUNDACIÓN ENCUESTRO, (2013), pp. 227. In 2009 the rate was only 15.1 %.

### 101

According to sections 22.5 SGB II and 36 SGB XII local authorities **may** cover arrears if that is justified in order to secure accommodation in risk or prevent a similar risk from materialising. Local authorities **should** cover arrears if that is justified and necessary in order to prevent homelessness.

### 102

Caritas Diocesana de Barcelona (2013), p. 73. An increase from EUR 1.1 million in 2010.

**103**

Laki  
yksityishenkilön  
velkajärjestelyistä  
[Law on individual  
debt rescheduling]  
57/1993.

In Finland, banks offer property loans that provide for several months of crisis during which the borrower is not required to pay back the capital, merely the interest. In the Netherlands, loan institutions may unilaterally initiate a debt restructuring procedure, useful in instances where households can no longer meet debt repayments. In the Czech Republic, creditors have to exhaust all “primary resources” (wage withholding, etc.) before contemplating eviction or property foreclosure proceedings.

**Increasingly, countries are implementing ‘buy to rent’ measures such as purchasing housing from homeowners and maintaining them as tenants, including forms of lease-sale arrangements.** Depending on the system, this may assist in keeping down monthly charges and also permit the household to avail of solidarity measures tailored to tenants, or even benefit from the proceeds derived from the sale in order to contend with difficult economic circumstances. Across countries, expert organisations proceed with these acquisitions with a view to maintaining tenure or creditors recover the dwellings by virtue of *datio in solutum* (acceptance in lieu) meaning ownership of the property in exchange for the value of the debt, undertaking, for example, to resell the housing to the residents at the same price when they are in a position to purchase it. A prevention measure that is increasingly being implemented in Scotland is worth highlighting here: when a tenant faces difficulties, he or she may be compelled to accept budget management assistance and even social assistance. If difficulties persist, the dwelling in question is taken over by a specialised social rental agency (like the AIS in Belgium or the AIVS in France) and later on, if problems still prevail, the dwelling is then placed under a form of guardianship with housing serving as a type of accommodation centre but with accompanying support measures. At each stage, a six-month moratorium on rents is necessary to ensure complete independence.

In Austria, the centralised and well-resourced FAWOS (Fachstelle für Wohnungssicherung), an associative para-public structure with access to 25% of the local authority housing stock of the City of Vienna, showed particularly convincing results when it comes to showing the relevance of these pre-litigation notifications provisions.

**Legal procedures**

Prevention may also be built into the legal framework. The legal requirement to exhaust social avenues before resorting to judicial measures (Australia, Czech Republic, Germany, Denmark, Finland, Netherlands, Poland, Sweden and other countries) only in instances where children are involved means action can be taken, even though arrears may only be modest.

**Courts often have the ability not only to reschedule debts but also to redefine the amount of the debt inviting creditors to prioritise mediation schemes.** This is particularly prevalent in Finland where a law provides that civil courts may cancel debts<sup>103</sup>.

Various means are available as part of the legal framework to limit the brutal consequences of eviction. These may include: enforcement judges who permit the implementation of a civil court decision, a winter ban on eviction, etc. These types of provisions exist in all European countries.

**Subsequent decision-making**

Again, links to specialised services appears to play a significant role in guiding households subject to eviction orders towards measures that prioritise the granting of allocations. France and Sweden have a high level of social housing and very long deadlines for evictions yet a greater correlation between evictions and homelessness exists in these countries than in Denmark where such proceedings are exe-

cuted in a timelier manner. While the capacity to give households access to affordable rental accommodation is of course a determining factor, it would appear that the ability to guide households towards solutions such as these is just as important.

# BIBLIOGRAPHY

Chapter abstract of the study Kenna, P., Benjaminsen, L., Busch-Geertsema, V. and Nasarre-Aznar, S. (2016), *Pilot project - Promoting protection of the right to housing - Homelessness prevention in the context of evictions*, European Commission, FEANTSA, Human European Consultancy, School of Law - National University of Ireland Galway, VT/2013/056.

<http://www.feantsa.org/en/report/2016/05/11/feantsa-position-pilot-project-promoting-protection-of-the-right-to-housing-homelessness-prevention-in-the-context-of-evictions?bcParent=27>

- # Adil du Gard (2012), *Comment en arrive-t-on à l'expulsion?* Paris, ADIL. <http://en.calameo.com/read/003334394467c6ac86792?authid=oBaKtqCp2v2G>.
- # Akkermans, C. and Råkers, M. (2013). *Handreiking voorkomen huisuitzettingen*. (Guidelines to prevent eviction), St. Eropaf. <http://eropaf.org/lib/publicaties/Handreiking%20Digitaal%201.0.pdf>.
- # Andrews, D., Caldera Sánchez, A. and Johansson, Å. (2011) *Housing Markets and Structural Policies in OECD Countries* OECD Economics Department Working Papers, No. 836 (Paris, OECD Publishing).
- # Andritzky, J.R. (2014) *Resolving Residential Mortgage Distress: Time to Modify?* IMF Working Paper WP/14/226 (Washington, IMF).
- # Angel, S. (2000) *Housing Policy Matters* (Oxford, Oxford University Press).
- # Balchin, P. (1996) *Housing Policy in Europe* (London, Routledge).
- # BBVA (2013), *Some international trends in the regulation of mortgage markets: Implications for Spain*, Working Paper n. 13/17 (Madrid). <http://www.bbvaesearch.com>.
- # Bengtsson, B. (2001) 'Housing as a Social Right: Implications for Welfare State Theory' *Scandinavian Political Studies* vol. 24 issue 4, pp. 255-275.
- # Bengtsson, B., Fitzpatrick, S. and Watts, B. (2014) 'Rights To Housing: Reviewing the Terrain and Exploring A Way Forward, Housing', *Theory and Society* vol. 31, no. 4, pp. 447-463.
- # Benjaminsen, L., Dyrvig, T. and Gliese, T. (2015): *Livet på hjemløseboformer. Brugerundersøgelse på §110-boformer* [Life in homeless shelters. A user study] Copenhagen, SFI – The Danish National Centre for Social Research, report 15:02.
- # Càritas Diocesana de Barcelona (2013) 'Llar, habitatge i salut, acció i prevenció residencial', (Home, dwelling and health, action and residential prevention), *Col·lecció Informes* no. 2 (Barcelona, Càritas).
- # Council of Europe, The European Convention of Human Rights (ECHR) 1950. [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf) (Strasbourg, Council of Europe).
- # Council of Europe (2013). *Acceptance of provisions of the Revised European Social Charter* (1996), updated 26 March 2013. [http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/ProvisionTableReyMarch2013\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/ProvisionTableReyMarch2013_en.pdf) (Strasbourg, Council of Europe)
- # Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols n° 11 and 14, 4 November 1950, ETS 5.
- # Council of Europe, Committee of Ministers, Recommendation n° R (2000) 3 of the Committee of Ministers to the member states on the *Right to the Satisfaction of Basic Material Needs of Persons in Situations of Extreme Hardship*, 19 January 2000.
- # Council of Europe Recommendation CM/Rec (2007) 8 of the Committee of Ministers to Council of Europe Member States on legal solutions to debt problems. <http://www.coe.int/t/dghl/standardsetting/cdcj/CDCJ%20Recommendations/CMRec%282007%298E-et%20expose.pdf>.
- # Cuerpo, C., Kalantaryan, S. and Pontuch, P. (2014) *European Economy, Rental Market Regulation in the European Union*, Economic Papers 515, (Brussels, European Commission).
- # Dekleva, B. and Razpotnik, S. (2007) *On the street: homeless people talk about themselves and others talk about them*. (Na cesti – brezdomci o sebi in drugi o njih) (Ljubljana, Pedagoška fakulteta)
- # Deutscher Städtetag (1987) *Sicherung der Wohnungsversorgung in Wohnungsnotfällen und Verbesserungen der Lebensbedingungen in sozialen Brennpunkten* [Securing housing for households in urgent need and improving living conditions in social focus areas], (Cologne, DST).
- # Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, OJ L 095, 21 April 1993. <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31993L0013:en:HTML>.
- # Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19 July 2000, p. 22–26. <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32000L0043>.
- # Directive 2008/48/EC of 23 April 2008, on credit agreements for consumers and repealing Council Directive 87/102/EEC, OJ L 133/66, 22 May 2008.
- # Erkkilä, S. and Stenius-Ayoade, A. (2009) *Asunnottomat Vastaanottoyksiköissä Asunnottomien vastaanottoyksiköiden asiakkaiden sosiaalinen tilanne ja terveydentila pääkaupunkiseudulla* [The homeless in reception centres for the homeless. The social situation and health of customers of homeless reception centres in the Helsinki Metropolitan Area] (Helsinki, Socca). [http://www.socca.fi/files/150/Asunnottomat\\_vastaanottoyksikoissa.pdf](http://www.socca.fi/files/150/Asunnottomat_vastaanottoyksikoissa.pdf).
- # European Banking Authority (2013), *Opinion of the European Banking Authority on Good Practices for Responsible Mortgage Lending*, EBA-Op-2013-02, (Frankfurt, EBA)
- # Eurostat (2012), *EU-SILC ad-hoc module on housing conditions*, Brussels, Belgium. <http://ec.europa.eu/eurostat/web/income-and-living-conditions/data/database>
- # Eurostat (2013) *European Social Statistics*, Brussels, Belgium. <http://ec.europa.eu/eurostat/documents/3930297/5968986/KS-FP-13-001-EN.PDF>.
- # European Social Charter. European Committee of Social Rights, Conclusions (2003) Vol. 1. (Chapter 2 regarding France, Article 30). Strasbourg, Council of Europe. [http://www.coe.int/t/dghl/monitoring/socialcharter/conclusions/Year/2003Voll\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/conclusions/Year/2003Voll_en.pdf).

- # European Union Financial Stability Board (FSB) (2011), *Thematic Review on Mortgage Underwriting and Origination Practices*. Available at: [http://www.financialstabilityboard.org/wp-content/uploads/r\\_110318a.pdf?page\\_moved=1](http://www.financialstabilityboard.org/wp-content/uploads/r_110318a.pdf?page_moved=1).
- # European Roma Rights Centre (ERRC) (2012) Slovakia: A Report by the European Roma Rights Centre, *County Profile 2011-2012*. Budapest, European Roma Rights Centre.
- # Fitzsimons, J. (2014) *The German private rented sector. A holistic approach*, Boligokonomisk Videncenter, Working Paper, March 2014. [http://www.iut.nu/members/Europe/West/The\\_German\\_Private\\_Rented\\_Sector\\_2014.pdf](http://www.iut.nu/members/Europe/West/The_German_Private_Rented_Sector_2014.pdf).
- # Fundación Encuentro (2013) *Informe España* (Report Spain).
- # Gall, A. (2009) *Understanding Mortgage Arrears* (London, Building Societies Federation).
- # Haffner, M., Hoekstra, J., Oxley, M. and Van der Heijden, H. (2009) 'Bridging the gap between social and market rented housing in six European countries.' *Housing and Urban Policy Studies*, 33 (Amsterdam, IOS Press).
- # Haffner, M. and Boumeester, H.J.F.M. (2010) 'The affordability of Housing in the Netherlands: An Increasing Income Gap Between Renting and Owning?.' *Housing Studies* 25 (6) 799-820.
- # Høst, A. H., Boje-Kovacs, B., Stigaard, D.L. and Fridberg, T. (2012) *Når fogeden banker på. Fogedsager og effektive udsættelser af lejere*. [When the Bailiff comes. Eviction cases and effectuated evictions of tenants]. Copenhagen: SFI, report 12:27.
- # Housing Europe (2015) *The State of Housing in the EU 2015*. Brussels, Housing Europe (Brussels CECODHAS). <http://www.housingeurope.eu/resource-468/the-state-of-housing-in-the-eu-2015>.
- # Hunter, C., Blandy, S., Cowan, D., Nixon, J., Hitchings, E., Pantais, C. and Parr, S. (2005) *The exercise of judicial discretion in rent arrears cases. The Department for Constitutional Affairs. DCA Research Series. 6/05*.
- # King, J. (2012) *Judging Social Rights* (Cambridge, Cambridge University Press).
- # Klimaka (2008) 'Homelessness in Greece: socio-psychological profile and living conditions in the streets of Athens and 3 other big Greek cities' <http://education.klimaka-cosmos.net/material/feantsa.pdf>.
- # Kodutud (2012) *Kodutud Tallinnas, Uringu aruanne* (Homeless in Tallinn. Analysis of the Study), Tallinn: Tallinna Sotsiaaltöö Keskus, 2012.
- # Kõre, J. (2003). 'Housing instability, homelessness and social work in Estonia'. In *Poverty and Homelessness in the Countries Bordering the Baltic Sea*. Bielefeld. pp.123-131.
- # Monk, S. and Whitehead, S. (2010) *Making Housing More Affordable- The Role of Intermediate Tenures* (London, Blackwell).
- # Mullen, T. (2010) *Homelessness and the Law*, (Glasgow, Legal Services Agency).
- # Nasarre-Aznar, S. (2014) "Leases as an Alternative to Homeownership in Europe. Some Key Legal Aspects", *European Review of Private Law*, 22 ERPL 6, pp. 815 to 846.
- # National Economic and Social Council (2014), *Homeownership and Rental: What Road is Ireland On?* (Dublin, NESCC). [http://files.nesc.ie/nesc\\_reports/en/140\\_Homeownership\\_and\\_Rental.pdf](http://files.nesc.ie/nesc_reports/en/140_Homeownership_and_Rental.pdf)
- # Nelson, K. (2013) 'Social Assistance and EU Poverty Thresholds 1990–2008. Are European Welfare Systems Providing Just and Fair Protection Against Low Income?' *European Sociological Review*, 29(2), 386–401.
- # Nomisma (2010) *La condizione abitativa in Italia 2° - Rapporto Nomisma 2010*, (The housing condition in Italy), (Rome, Agra, 2010).
- # OECD (2015) *Integrating Social Services for Vulnerable Groups: Bridging Sectors for Better Service Delivery*, OECD Publishing, Paris.
- # Olds, K. (2010) 'The Role of Courts in Making the Right to Housing a Reality Throughout Europe: Lessons from France and the Netherlands' *Wisconsin International Law Journal* vol. 5 issue 21 pp.170-99.
- # Phelps, L. and Carter, M. (2003), *Possession action – the last resort? CAB evidence on court action by social landlords to recover rent arrear*. Shelter, London: Citizens Advice.
- # Pleace, N, et al. (2008) *Statutory Homelessness in England: The Experience of Families and 16-17 Year Olds* (London: Department for Communities and Local Government).
- # Repelova, J. (2013) *Landlords in Europe – A Comparative Analysis*, (Brussels, Union Internationale de la Propriete Immobiliere, (UIPI)). <http://uiipi.com/new/wp-content/uploads/2014/12/UIPI-Landlords-in-Europe-Report.pdf>.
- # Rugg, J. and Rhodes, D. (2008) *The Private Rented Sector: its contribution and potential* (York, Centre for Housing Policy).
- # Socialstyrelsen, the National Board of Health and Welfare (2011). Homelessness in Sweden. <http://www.socialstyrelsen.se/publikationer2012/homelessnessinsweden2011/Documents/Homelessness-in-Sweden-2011.pdf>.
- # Stadt Bielefeld. Amt für soziale Leistungen – Sozialamt (2011) *Wohnungslosenhilfe 2011. Angebote, Kooperation und Ergebnisse* (Services for Homeless People: Provisions, Cooperation and Results), (Bielefeld, City of Bielefeld).
- # UN-Habitat (2009) *The Right to Adequate Housing*, UN Factsheet 21/Rev 1. [http://www.ohchr.org/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf).
- # Van Leerdam, J. (2013) 'Analysing Costs and Benefits of Homelessness Policies in the Netherlands: Lessons for Europe', *European Journal of Homelessness*, 7.2, pp. 157-181.
- # Volkshilfe/FAWOS (2014) Report 2013, Vienna 2014.
- # Wallace, A. and Ford, J. (2010) 'Limiting possessions? Managing mortgage arrears in a new era.' *International Journal of Housing Policy*. 10 (2) 133-154.
- # Whitehead, C. and Monk, S. (2011) 'Affordable home ownership after the crisis: England as a demonstration project', *International Journal of Housing Markets and Analysis*, Vol. 4, No. 4, 2011, pp. 326-340.

**European cases and decisions****European Court of Human Rights**

- # *AMB v Spain* App No. 77842/12 (ECHR, 20 February 2014).
- # *Raji and Others v Spain*, App No 3537/13 (ECHR, 16 December 2014).
- # *Winterstein v France* App No 27013/07 (ECHR, 17 October 2013).

**Court of Justice of the European Union**

- # Case C-415/11 *Mohamed Aziz v Caixa d'Estalvis de Catalunya, Tarragona i Manresa [Catalunyacaixa]*, 14 March 2013.
- # Case C-34/13 *Monika Kušionová v SMART Capital, a.s.*, 10 September 2014.
- # Case C-482/13 *Unicaja Banco SA v José Hidalgo Rueda and Others and Caixaabank SA v Manuel María Rueda Ledesma*; C-484/13 *Rosario Mesa Mesa*; C-485/13 *José Labella Crespo and Others* and C-487/13 *Alberto Galán Luna and Domingo Galán Luna*, OJ C 352, 30 November 2013.

**European Committee of Social Rights**

- # *Defence for Children International (DCI) v Belgium*, Complaint No. 69/2011, Decision on the merits of 23 October 2012.
- # *Defence for Children International (DCI) v the Netherlands*, Complaint No. 47/2008, Decision on the merits of 20 October 2009.
- # *European Federation of National Organisations Working with the Homeless (FEANTSA) v France*, Complaint No. 39/2006, Decision on the merits of 5 December 2007.