
Evictions from Primary Residences in Greece: Methodological Concerns Regarding the Collection of Data from Civil Courts' Records for Tenancies

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- **Abstract** *The extent of evictions from tenancies has never been surveyed in Greece. Given the acute economic crisis and harsh austerity measures experienced for almost a decade, the present paper is an initial attempt to conduct such a survey and to address the methodological issues concerned in the Greek context. It is based on wider research conducted on the dimensions of evictions in European member states for the European Union in 2014 (see Kenna et al., 2016). In the absence of any available data on evictions in Greece, the current research attempts to a) identify the sources from which we may collect relevant data and b) inform and guide the methodological approach of future studies on this topic. A pilot and main study were carried out in 21 civil courts. Despite the limitations of the survey, it offers not only a picture of the situation for the first time but also a stepping-stone for future research.*
- **Key words** *Eviction, rented accommodation, primary residence, economic crisis, civil courts' records*

The Context

This research note is based on research funded by the European Commission on the issue of evictions. Its aim had been to assess the extent of evictions from a household's principal primary residence, whether owner-occupied or rented, and included evictions from unlawful occupancy as well as any kind of forced eviction of a person or household from whatever form of habitation had been utilized as a dwelling before.

Despite experiencing economic crisis for almost a decade, little research has been conducted on evictions in Greece. Because of a moratorium that protected debtors with mortgage arrears, the extent of evictions of households from primary residences may have been underestimated. Unlike other European countries with a developed system of social welfare, households in Greece have generally tended to access housing based outside of any mechanisms of local or central government support. In this way, securing a home in Greece appears in keeping with the Southern European paradigm of kinship. For decades, the contribution of the Greek state to the issue has been targeted either towards the housing needs of specific groups like expatriates and disaster-stricken households or through relatively indirect policies involving planning instruments and tax reliefs (Economou, 1988; Emmanouil, 2006).

Home-ownership has tended to be as high as 80% of the total housing stock (Maloutas, 1990), among the highest in the European Union before its eastward enlargement in 2004 (Eurostat, 2014). Such high levels of home ownership stem from the fear of losing one's home and has traditionally led Greeks to secure a dwelling of their own regardless of its size, age or status. This strong desire for home that is eviction-resistant is a symbol of mistrust in the country's administrations since the establishment of the modern Greek state in 1830.

It is important to note that the private rental sector has not been traditionally developed in Greece, nor has it been supported by statutory policies (Emmanouil, 2006). The private rental sector emerged from strong urbanization trends of the post WWII period which gave rise to the private housing construction sector. Eventually, the available housing stock in the largest cities expanded exponentially, mainly through self-housing and the system called 'antiparohi' in which small scale developers cooperated financially with small property owners to develop the land (Antonopoulou, 1991).

According to the latest available statistics on the share of the rental sector per region in Greece, in 2011, 29% of Athens was comprised of private rental accommodation, 25% in Piraeus and 23% in Thessaloniki, while the percentage for Central Athens was 36%. At the same time, the country's average was 20%, rural areas

demonstrating higher levels of owner occupation, as in the mountainous region of Evrytania, where the percentage of the rental sector was as low as 6%. Areas that depend on tourism tend to show figures on the higher end of the scale, for example 42.2% and 32.4% of accommodation is private rental in Mykonos and Santorini respectively, which appear to provide a measure of the housing needs of the workforce in the specific islands (Ellstat, 2011).

The dependence of fairly large social groups on the private rental sector is mainly due to the fact that no socially supported rental sector exists in Greece. Social housing has never been implemented in the form of rented accommodation of the social sector but has mainly been provided by the Workers' Housing Association (OEK) in the form of ready-made dwellings distributed to its beneficiaries through a lottery system or housing loans in favourable terms (Sapounakis, 2000). Yet even this type of housing provision along with the rent subsidy for beneficiaries who rented their dwellings in the private sector also provided by OEK, was only offered until the beginning of 2012, after which the organization ceased to operate.

Housing in Greece and the current economic crisis

The loan boom of the late 1990's changed the pattern of housing in Greece. In a country in which the share of housing loans had been minimal before 1995, the percentage of owner occupation housing supported by a loan rose from 11.8% of the total number of households in 2007 to 17.5% in 2010, dropping to 15.2% in 2012 due to the economic crisis (Eurostat, 2014).

Furthermore, the recent economic crisis is reflected in the country's increasing levels of unemployment, poverty, and households facing threat of eviction from their primary residences. Greece had the highest overall unemployment rate in the EU in 2013 (27.5%), dropping to 24.9% in 2015 (Eurostat, 2017; OECD, 2017). Total disposable household income in Greece dropped by one third between 2007 and 2012, with average losses of some €4 400 per person (OECD, 2017b).

In 2014, more than a third of the country's population (36%) was classified as at risk of poverty, with Greece ranking third from the bottom among EU Member States in this category, after Romania and Bulgaria (Eurostat, 2015). Severe income losses reflect the unprecedented deterioration of the labour-market conditions across large parts of the population, and particularly among the young. The youth unemployment rate was 49.5% for the first two quarters of 2016, ranking after South Africa and the second worst position among all OECD countries (OECD 2017a). In 2015, 63.8% of young adults aged 18-34 lived with at least one of their parents, compared to the EU (28 countries) average 47.9%. This figure in Greece is persistently growing while that of the EU average tends to remain constant (EU-SILC, 2017).

Data on loans further elucidates the overall economic and housing condition in Greece. The economic recession influenced heavily borrowers' ability to manage their outstanding mortgage debt. As a result, the share of non-performing housing loans increased steadily to 10.0% in 2010, 14.9% in 2011, 21.4% in 2012, 26.1% in 2013, 28.6% in 2014 and 29.7% in the first quarter of 2016 (EMF HYPOSTAT, 2015). Commercial banks are in the process of restructuring housing loans in order to avoid new capital losses, still without managing to settle the majority of cases. Property prices rose by 87.5% between 2000 and 2008, only to drop by 42% between 2008 and 2015 (Bank of Greece, 2017). Nominal residential property prices declined by 4.7% on average in 2010, by 11.7% in 2012 but in 2014 registered a more modest drop of 7.5%. House prices fell at a total rate of 40.2% in nominal terms since the beginning of the current financial crisis between 2008 and the second quarter of 2015 (EMF HYPOSTAT, 2015).

Organising the Survey – Methodological Concerns

The main issues in organising a survey that assess the dimensions of housing evictions in Greece are: a) the lack of relevant research in the Greek context and, b) the existence and access to relevant data. Regarding the former, despite its importance, there has been no research in the field and hence there is no reference point. Therefore, this research note has had to explore and examine the relevant information in that vacuum. As for the latter issue, there is no register or systematic list of the overall number of the housing evictions at a national or local level. Therefore, the biggest challenge was to identify from where to draw the relevant data.

The number of households in rented accommodation who have been obliged to vacate their residence following an eviction decision may not be easily traced at all as there are no records of the precise phase of the eviction process. Neither the courts of justice and district attorneys, nor bailiffs or lawyers keep records of the cases in which evictions from primary residences have been actually executed.¹

The research team had to apply to the Ministry of Justice for information concerning eviction decisions, which are issued by its courts of justice. Nevertheless, it became apparent that the Ministry neither collects data relevant to evictions nor is interested in doing so.²

¹ Interviews with bailiffs and lawyers in Athens and Volos, March 2014

² Interview with the Research Department of the Ministry of Justice, March 2014

In view of the above, the only way to assess the number of cases which led to households having to vacate their primary residences in the private rental market in Greece is by inquiring to the records of the country's civil courts. Thus, we decided to organise a survey across the Civil Courts of Justice. Due to the number of Civil Courts of Justice (more than 400), and time limitations of the research, it would have been impossible to conduct a survey in all of them. Therefore, the survey was based on an initial sample of 61 courts. The rationale for selecting the courts is described below. Given the lack of other relevant research in the field, a pilot study was conducted to examine the relevance and feasibility of the survey. The main survey pertaining to evictions from private rented primary residences in Greece was carried out over a ten-week period between February and May 2014.

Two types of courts issue decisions on evictions from tenancies in Greece, the 'Protodikeia', meaning 'First Instance Courts' and the 'Eirinodikeia', i.e. 'Peace Courts'. With reference to cases concerning leases, the first deal with contracts in which the rent is higher than 600 euro per month, while the latter deal with lower rents. Until 2010, there were some 55 Protodikeia and 360 Eirinodikeia in Greece, which have now been, rearranged to 60 Protodikeia and 154 Eirinodikeia. The first are generally established and operate in the capitals and the main urban centres of regional prefectures while the latter relate to smaller catchment areas.

As only one of the courts, the Protodikeio of Thessaloniki, keeps a webpage with statistical data relevant to evictions, data collection may only be accomplished by approaching the Courts individually. However, surveying the records of 214 judicial institutions typically dispersed across the country exceeds the resources of this specific research. For this reason, an initial inquiry, in the form of a pilot survey, was undertaken to determine which courts were more relevant and capable of disclosing reliable data in relation to evictions. Furthermore, the pilot survey might reveal the courts that may provide a characteristically paradigmatic picture of evictions from primary residences in the private rental accommodation market in the country. The pilot survey across a characteristic selection of Greek courts also served to outline both which courts should finally be contacted and the content of the questionnaire they ought to complete.

It must be noted that no court, other perhaps than the Protodikeio of Thessaloniki, appeared to be prepared to communicate electronically. Thus the courts had to be contacted either in person, by fax, or by telephone communication.

Selecting the Sample and Setting Up the Pilot Survey

The assessment of each court's capacity to provide relevant and reliable data had to be based on a number of criteria, derived from the characteristics of the catchment area of each court and the population it serves. These criteria were the following:

- (a) the size of the population that corresponds to each court;
- (b) the level of urbanization of the area;
- (c) the relative share of owner-occupied residences in relation to rented ones; and
- (d) the standardization of data already collected.

The first three criteria are expected to provide a reliable picture of the relevance of each court with the phenomenon of eviction from primary residence. The size of the population served by the court is directly relevant to the court's significance as it is evident that larger courts involved larger population cross sections.

The second criterion focused on the level of urbanization for the specific area covered by each court by comparing tables of urban densities between the various regions examined, as higher density figures are expected to correspond to lower income groups and hence higher degree of eviction incidence.

Thirdly, the area's tenure status shows the relative percentage of rented accommodation as opposed to owner occupied residences, and consequently provides a measure of the households that may be threatened by eviction. It is interesting to note that tenure status although relevant, does not necessarily follow the urbanization pattern. In Crete, for example, rented accommodation in Heraklion, the largest urban centre of the island, is only 24.2% as opposed to 27% of Chania, Crete's second biggest city (Ellstat, 2011). Still, the main trend is that owner occupation is a phenomenon that is much more common in rural rather than urban areas and for this reason evictions from the private rental market are expected to be minimal in civil courts in the countryside.

In addition to the above, standardized data is needed so that the research team may arrive at concrete conclusions. Indeed, the inadequacies of data collection from court records were more significant than anticipated.

With the above considerations in mind, the pilot survey involved the Protodikeia of Athens and Volos and the Eirinodikeia of Athens, Nea Ionia, Volos, Chania, Korinthos, Florina and Almyros. Although only nine, these courts comprised all the required characteristics, i.e. size, urban and rural character as well as type of tenure. In this manner, the criteria of population, urbanization, tenure status as well as that relating to the type of data already collected by the courts were met.

Results of the Pilot Survey

The pilot study found that the size of the population covered by the court did matter. Larger and busier courts issued many more eviction decisions than smaller courts. For example, the Eirinodikeio of Athens issued 4501 court decisions on evictions for the year 2013, i.e. 2.86 per 1000 inhabitants, whereas the Eirinodikeio of Chania for the same year issued just 86 decisions, i.e. 0.6 per 1000 inhabitants.³ At the lower end of the scale, the Eirinodikeia of Florina and Almyros, each covering 34441 and 18614 people respectively, issued 10 and 0 decisions in 2013. overall, the most important result of the pilot survey was that evictions from primary residence were much more persistent in densely populated urban zones than scarcely populated rural areas with very few, if any, cases of evictions decisions per year.

Thus, in as much as the first three criteria are concerned, the pilot survey had shown the need to contact the densely-inhabited courts of the medium to large urban centres and those of the Athenian suburbs in particular as the problem was mainly there. The combination of the size of the population, the level of urbanization and the tenure status has shown that the households who had problems with their tenancies are mostly those who reside in the medium sized to big cities, where the income is lower, employment based on wage or salaries and the share of owner occupation of housing is lower. On the contrary, households who rely on the primary residence not only tend to live in dwellings they own but also appear to be safer in terms of employment and available income, at least in as much as the threat of being evicted from rented accommodation is concerned. It appears that this trend is generally stronger so that it counteracts the sizeable fraction of higher incomes that are found in the large urban centres.

Regardless of the limitations that are presented in the following section, the outcome of the pilot survey has been to indicate the courts that must be contacted for the main survey, the response rate and the quality of data collected.

Limitations of the pilot survey

The pilot survey indicated that the standardization of data may present serious problems to the survey and for this reason had to be dealt with caution. For a start, not all courts were prepared to provide comparable data, often despite their intention to cooperate. The records of some courts, such as the Eirinodikeio of Korinthos, did not distinguish payment orders between rents or other causes. However, the most significant problem encountered was that court records do not differentiate evictions from primary residences from evictions from businesses. The

³ In both cases, decisions on evictions include orders to repossess property without a court hearing

cases of the Protodikeio of Volos were carefully examined one by one for the years 2010-13. This court had been chosen as being characteristic enough to combine the physiognomy of both a medium sized city as well as a tourist area. Decisions on evictions for businesses were roughly 40% of the total number of eviction decisions issued by the court.

Evidently, this inability to arrive at conclusive figures concerning evictions from private rented accommodation in Greece may not be easily addressed. As courts, not only in Greece but in the European context as well, have been prone to categorize decisions by type rather than by subject, it is impossible to understand the exact characteristics of those obliged to leave the premises unless one reviews the documents of each different case. As this exceeded the scope of the specific research, one may only arrive at tentative rather than definitive statements regarding the dimensions of the phenomenon of evictions in the private rental sector. This assumption may be based on the division of cases found in the Protodikeio of Volos mentioned above. Thus, even though the percentage of dwellings compared to businesses in a country like Greece may vary largely geographically, one may assume that the approximation of 0.6 of rented homes as a share of the total number of evictions is sufficient to portray the dimensions as well as the trends regarding the specific phenomenon.

Lastly, an additional element that may confuse the findings of the research must be stressed. According to the Greek legal framework, the procedure leading to an eviction from privately rented property in Greece may follow two different paths:

- (a) The procedure leading to an order for the tenant to submit the property to the owner (Article 662 of the Code of Civil Procedure), and
- (b) What is known as the 'special procedure' (Article 66 of the Introduction of the Code of Civil Procedure).

The first procedure is faster as it avoids a proper trial, which would normally take time and money. The owner must inform the tenant, through a proper request delivered to the tenant by a bailiff, to pay the money due or to leave within a period of 15 working days. Following the owner's application to the court, the demand for the tenant to leave the property is normally delivered within one or two weeks depending on how busy the court is. Within 15 working days, the tenant may legally object to the order, thus leading to a hearing that must take place within 50 working days. If he/she does not legally object, the eviction is executed within 20 days from the days the order was issued.

The second procedure is much slower than the first as it involves a court hearing. According to this procedure, the owner files a lawsuit against the tenant who either has not paid rent or has damaged the property, asking him/her to leave the dwelling

as well as to pay the money for the rent and bills that are already due. As courts in Greece are very busy, it often takes more than a year to set a date for the trial, which may again be easily postponed.

The methodological issue regarding the present research is whether there has been overlapping data due to the cases in which the tenants' objections to a proper order to repossess property, i.e. under procedure 1, have led to a hearing that had also been registered in the records of procedure 2. It must be acknowledged that in the present context the narrow period of data collection did not allow a thorough cross-checking. Nevertheless, both lawyers and the courts' administration officials believe that there are few tenants who object to the eviction order, mostly because of the costs involved and for this reason the overlapping of data is likely limited.

The main survey

After the completion of the pilot survey and the finalization of its outcome, the main survey was conducted. This survey involved the collection of data via structured questionnaires addressed to the courts that needed to be contacted according to the findings of the pilot survey. The object of the main survey was to collect data from the larger courts in areas that are essentially urban in character, thus examining records from courts that are larger than the threshold of 270 000 inhabitants in the case of Protodikeia and 140 000 inhabitants for Eirinodikeia respectively. Apart from the courts already contacted, the main survey required data from the Protodikeia of Thessaloniki, Piraeus, Patras, Heraklion, Larisa, Trikala and Kavala and the Eirinodikeia of Thessaloniki, Piraeus, Heraklion, Halandri, Larisa, Patras, Amarousion, Ilion, Kallithea, Nikaia, Ioannina, Hania and Peristeri and others, reaching a total number of 61 courts spread across the country.

All chosen courts were contacted via fax and telephone, and when possible by the physical presence of an interviewer from the research team, who often had to review the court records personally.

Some of the difficulties that had been evident even during the pilot survey persisted while collecting data for the main survey. For example, it has been impossible to collect a sizeable portion of data, among other courts, from the most important Eirinodikeio of Thessaloniki because payment orders concerning rents are listed in the same manner as in the court of Korinthos mentioned earlier, i.e. along with all other types of payment orders such as wages and other debts of the private sector. Thus, out of the 61 civil courts contacted, reliable and comparable data were collected only from the records of 21 courts. The records of almost all courts concerning evictions mix residential uses with businesses. To address this shortcoming, figures in the main survey are reduced to 60% of the total. Furthermore,

some of the targeted courts never managed to produce the required answers to the questionnaire, an additional difficulty relating to the fact that courts at the time were responsible for organizing the voting lists for both local and European parliamentary elections held in May 2014. Still, it must be acknowledged that officials from many courts, as in the case of the Eirinodikeio of Athens, the largest court in the country, were particularly helpful in supporting the causes of the research, even doing the counting needed in their spare time.

The total number of households for which landlords have applied in court or filed a lawsuit in order to repossess their property and the total number of households for which an order to vacate the property they rent has been issued per year is presented in Table 1. The table relates to data sent by 21 out of 61 civil courts in Greece, which according to the pilot survey conducted earlier were characterized as being highly representative with reference to evictions from primary residences.

Table 1: Data from court records on evictions

	2010	2011	2012	2013
Applications in courts	10861	11 034	11 140	8 758
Issued orders for evictions	9084	8 815	9394	8 586

Source: research team based on the data sent by 21 Greek Courts, May 2014

After estimating the share of the rental sector and the degree of urbanization for the catchment area of the various courts, we arrived at a tentative estimate of the aggregate of eviction procedures instigated during the years 2010, 2011, 2012 and 2013. This estimate depicted in Table 2 is derived from the number of eviction cases collected from the representative sample of the courts surveyed.

Table 2: Projection of data on evictions nationwide

	2010	2011	2012	2013
Applications in courts	16000	17 500	20 000	16 500
Issued orders for evictions	11 000	13 000	16 000	14 500

Source: research team based on data sent by Greek Courts, May 2014

However, as noted earlier, this aggregate may only be an estimate for a number of reasons. Firstly, because data were given as a mixture of residences and businesses; secondly, because there have been cases in which tenants objected to the eviction order issued against them and followed the special procedure of a proper court hearing thus being double-counted; and thirdly, because in many cases data include orders of other payments, sometimes including rents, but without an eviction requirement.

There is no available information on the number of evictions on rented accommodation that were actually executed.

Apart from the figures on court decisions in absolute terms, which as noted earlier may only be indicative, it is interesting to observe the yearly fluctuation of the number of court cases leading to evictions in the courts contacted. As expected by the context of the country's mounting economic crisis, most courts show a constant increase in court decisions on evictions for the years 2010, 2011 and 2012. However, in almost all courts, the demand drops suddenly in 2013.

This trend may be attributed to several factors:

- (a) By 2013, landlords are getting used to the idea that property values have dropped and are prepared to negotiate the rent with their tenants. A few years before, this would have been unlikely, as most landlords have tended to evaluate their property higher than expected. It has become apparent that the recent dramatic drop in the demand for property does not ensure that the property will readily be re-rented. Moreover, owners of vacant tenements are obliged to pay for public utility costs themselves.
- (b) The actual cost of an eviction for the landlord is around €1 000 per case, a figure that includes the fees for the bailiff and the locksmith. As Greece is characterized by excessive fragmentation of property, most landlords are poor people themselves, almost as poor as their tenants, and €1 000 equal in many cases more than two monthly rents that they may not afford to lose.

Conclusion

This research note is the first research on evictions from primary residences in the rental sector in Greece. Apart from the findings, its contribution to research on the issue concerns the methodological difficulties involved and the identification of the limitations that may restrict future research. Therefore, this paper may stand as a basis for similar future studies not only on the issue of evictions but also on a number of issues relevant to the loss of a household's primary rented residence.

It is evident that time limits as well as the manner in which civil court records are kept have posed serious obstacles to data collection. Ideally, the survey would have involved the examination of the records of all civil courts in the country. Still, 61 out of the more than 200 courts in Greece were approached and 21 provided the information required. The results are tentative, yet the trends are clear.

It is important to note that the threat of eviction from privately rented housing has been growing steadily for the years 2010, 2011 and 2012 only to drop decisively in 2013. The reason behind this phenomenon may relate to the depression in the real estate market, the relatively high costs of eviction in Greece and the consequent tendency of owners to negotiate the rent at a lower price.

The phenomenon of evictions from rented primary residences in Greece is a very important issue that needs particular attention by policymakers at different levels. In view of this, there are several recommendations in relation to data collection from the records of the Greek civil courts of Justice. For a start, evictions from homes ought to be listed separately from evictions from businesses. Furthermore, orders for payment regarding rented accommodation must be listed differently than other types of payment orders. Lastly, it would be useful if the courts registered the evictions that are finally executed. This data should inform a registry in a relevant central agency and ought to be readily accessible.

Despite the decreasing rates of eviction decisions, it appears that the recent economic crisis has had a significant impact on security of rented housing in Greece. Based on the survey presented in this research note and the worsening condition of the rental sector in the country, the need for further research on the issue is surely pressing.

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