

In this article Provivienda discuss their recent report “COVID y Vivienda” [COVID and Housing] which analyses the measures approved by the Spanish government to mitigate housing problems during the pandemic. In the light of the new Spanish housing law and a bigger than ever budget, they hope the lessons learnt about the impact of measures can helpfully feed into longer term policy.

#STAYHOME:

THE SCOPE OF EMERGENCY HOUSING MEASURES ON RESIDENTIAL EXCLUSION IN SPAIN DURING THE PANDEMIC



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The COVID-19 crisis has made it clear around the world that housing is key to protecting our health and public health. The quality of housing, its size, whether it has outdoor spaces, and the security with which one faces rent or mortgage payments, are key factors in the diversity of realities experienced during the hardest lockdown months. Meanwhile, the economic crisis resulting from the pandemic has accentuated the vulnerability of those already suffering from housing exclusion. In Spain, housing payment difficulties have increased by almost 10 points among people with the lowest incomes (LCS 2020, INE¹): 35% of people with the lowest economic capacity² had delays in payments related to their main dwelling in 2020.

It has been observed that income, occupancy type and other sociological variables such as age, nationality or household composition are linked in Spain to processes of residential exclusion, as shown by the latest ECV data³. According to the survey carried out by Provivienda “COVID y Vivienda”⁴ (2021), 20.6% of the people

1 In addition, the National Statistics Institute’s 2020 Living Conditions Survey indicates that the percentage of the population at risk of poverty or social exclusion in Spain (AROPE rate) increased to 26.4%, up from 25.3% in 2019. 7.0% of the population was in a situation of severe material deprivation, compared to 4.7% in the previous year.

2 Group of people in the first income decile.

3 <https://www.provivienda.org/la-exclusion-residencial-en-aumento-tras-la-crisis-de-la-covid-19/>.

4 This article provides a preview of data from the “COVID y Vivienda” survey conducted by Provivienda in 2021, pending publication.

assisted by the entity during 2020 and 2021 (of whom more than half are migrants and, for the most part, between 31 and 40 years of age) were unable to pay rent as a consequence of the crisis.

While the response to this crisis has been very different from that of the Great Recession⁵ (2007 – 2009) in terms of resource mobilisation and immediacy, not all situations of vulnerability have been addressed with the same attention. Since the publication of the “[Real Decreto Ley 8/2020, de 17 de marzo](#)”⁶, de medidas urgentes extraordinarias para hacer frente al impacto económico y social del COVID-19 [Royal Decree Law 8/2020, of March 17, 5 of extraordinary urgent measures to face the economic and social impact of COVID-19]”, the measures approved by the Spanish government to mitigate housing problems have gone in the right direction in terms of response and intentionality, but their scope and operability has been insufficient in practice.

The continuous updating of regulations (7 amendments to RDL 11/2020 to date), motivated by the uncertainty of the first months of the crisis and the publication of information on aid before regulations were finalised, has created uncertainty and led to the spread of misinformation. It has also caused problems of interpretation among legal actors, leading to difficulties in implementation.

5 The Great Recession was a period of marked general decline observed in national economies globally that occurred between 2007 and 2009.

6 Following the RDL 8/2020, the Real Decreto Ley 11/2020 of 31 March is approved, adopting urgent complementary measures in the social and economic sphere to address COVID-19: <https://www.boe.es/buscar/act.php?id=BOE-A-2020-4208>.

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The suspension of judicial deadlines during the first “State of Alarm”⁷ provided respite for those who were in the process of losing their homes. However, after the resumption of these processes in April 2020, evictions in Spain increased by 413% comparing the second quarter of 2020 to the third.

In April 2020, the “Real Decreto Ley 11/2020 [Royal Decree Law 11/20]” came into force, which initially included the suspension of evictions derived from non-payment of rent, provided that the defendant was in a situation of vulnerability derived from the health crisis. Later, this protection was extended to all people in a situation of economic vulnerability, as well as to those who had their habitual residence in a

⁷ The State of Alarm is the legal tool that was implemented to limit mobility between the Spanish state’s different territories and establish house confinements. The temporary halt on evictions resulted from the suspension of court deadlines by the State of Alarm, rather than from an action by the government to protect the most vulnerable from losing their homes during the lockdown.

dwelling without a contract, rectifying the rule that excluded people in vulnerable situations that had originated before the COVID-19 crisis. Even so, the suspension had to be requested by the beneficiary, who had to prove their financial vulnerability following the established requirements. Moreover, for certain procedures, the suspension is not applied automatically after the justification of the economic requirements but is a decision taken by a court after assessing the specific case following the examination of a report submitted by the Social Services.⁸ These difficulties determine the limited scope of the measure and mean that, in some cases, suspensions are processed through other mechanisms, less specific and protectionist than those included in the “social shield”.

In the meantime, other measures were adopted to alleviate the financial burden on tenants, such as negotiated rent reductions or

⁸ According to RDL 11/2020, in order to request a suspension of evictions and evictions, a series of requirements must be met to prove “situation of vulnerability”: <https://www.boe.es/buscar/act.php?id=BOE-A-2020-4208>.

payment moratoriums. Most of these, as well as direct assistance for housing payments, were targeted at individuals and families whose financial situation had been “formally” worsened by the COVID-19 crisis. In practice, this means that people who were already in a situation of vulnerability and who, in one way or another, have also seen their daily source of income interrupted were left out of the programme.⁹ The measures also exclude subtenants or tenants of rooms, who, paradoxically, are the most vulnerable. For example, 68% of Provivienda’s clients who participated in the survey have not applied for rent deferment, and 18% who did apply for it had it denied or granted under worse conditions¹⁰ (“COVID y Vivienda” Survey, 2021).

Regarding the possibility of requesting a [moratorium on the payment of rent](#), this is limited only to cases in which the property is owned by a large landlord.¹¹ The distinction between small and large landlords, although appropriate, has not been accompanied by effective mechanisms for citizens to consult the group to which their landlord belongs. Similarly, landlords can unilaterally and ultimately decide whether to reduce the monthly rent or to grant a moratorium, a power imbalance that underwrites the policy.

9 This is the case for people working in the informal economy who cannot prove that they lost their income.

10 The law RDL 11/2020 contemplates the possibility of private agreements between landlords and tenants, leading to private agreements in which the results are less favourable than if the measures had been applied as regulated in the law. For example: deferral of payment to be repaid in less than three years.

11 Spanish regulations refer to “large landlords” in the case of natural or legal persons who own ten or more dwellings.

Among the rental-oriented measures, [the only one that has a universal scope is the possibility to extend rental contracts for a maximum period of six months after the end of the contract](#). This has prevented people from being forced to look for new housing due to the termination of their contract during periods of restricted mobility. The design of the measure, however, could pose problems in its application, as it is not an automatic extension, but is based on a request to the landlord. The experience of Provivienda’s clients casts doubt on its effectiveness for people in vulnerable situations.. Only 7.4% of the people participating in Provivienda’s programmes who requested it were successful (Encuesta “COVID y Vivienda”, 2021).

Finally, the regulation includes the possibility for tenants to apply for [a public loan to cover their rent in case of loss of income](#), the interest and costs of which would be subsidised by the state. The deadline for the application and processing of the “[ICO credits or loans](#)”¹² has been extended on several occasions in order to temporarily maintain the “social shield”. Again, this resource is only aimed at people in a situation of vulnerability resulting from COVID-19. From an operational point of view, this measure showed certain weaknesses, as credit institutions were in charge of assessing tenants’ applications, refusing to grant the loan if they considered that there was a lack of solvency to repay it. Only 7.8% of the people assisted by Provivienda were able to apply for ICO loans and all of their applications were rejected (Survey “COVID y Vivienda”, 2021).

12 The last modification expired on 9 August 2021, according to the provisions of Oden TMA/498/2021 of 21 May: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-8657.

One year and eight months after the start of the COVID-19 pandemic, the figures for housing exclusion in Spain show a worsening of the housing crisis, especially among young people, migrants, women and people with lower incomes, despite the efforts of the third sector and public authorities to mitigate it. However, some of the serious social impacts of the COVID-19 crisis on housing will only be detected once the measures outlined above are no longer in place; it is due to end on [28 February 2022](#).¹³

In this scenario, the question is not only how the most vulnerable will cope with debt or with the lack of affordable housing, but also what policies and resources are needed to address it. The prospect of the first Law for the Right to Housing in Spain ([Ley por el Derecho a la Vivienda en España](#)) and the most expansive housing budgets in recent years encourage optimism. However, as with the measures discussed throughout this article, lessons learnt will be key to ensuring that new policies do not leave behind those who have the greatest needs and suffer the severest housing vulnerability.

¹³ For more information, see Provivienda's Urgent Guide: Housing measures until 28 February 2022: <https://www.provivienda.org/guia-urgente-medidas-vivienda-covid/>.

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