**Abstracts**

**1. Evictions in Belgium, A Neglected Yet Pressing Issue**

**Jana Verstraete, Pascal De Decker & Diederik Vermeir**

**Abstract**

The EU Survey of Income and Living Conditions (SILC) 2012, shows 0.27 per cent of the Belgian population had moved in the preceding five-year period because of an eviction.[[1]](#footnote-1) Regrettably, with this record, Belgium ranks in third place for the highest rate of evictions among the 28 countries of the European Union.[[2]](#footnote-2) Despite this ranking, the extent and nature of evictions remain a blind spot in Belgium. Twenty years ago, a ‘General Report on Poverty’ criticised the lack of official data on the number of evictions.[[3]](#footnote-3) In 2005, the same critique was raised by the research agency charged with alleviating poverty, social insecurity, and social exclusion. After yet another decade, not much has changed. Data on the matter is both limited and fragmented. Hence, a clear picture of the number of evictions, the profile of those evicted, and the housing paths following an eviction is indeterminate. In this contribution, an attempt is made to consolidate existing data and to shed light on this phenomenon.

As a background to the research, the chapter starts with a brief discussion of the Belgian housing market and Belgian housing policies. Thereafter an overview of the different eviction procedures that apply for different situations is provided including: judicial procedures to evict owner occupiers, social and private renters, and squatters; temporary dispossessions in the case of family disputes and administrative eviction procedures related to housing quality. The chapter then elaborates on the judicial eviction of both owner-occupiers and renters. A discussion on the extent of the problem for these tenure types as well as the profile of those involved, their rehousing trajectories and risk factors for evictions is then provided. An outline of a limited number of ‘good practices’ in preventing evictions or in mitigating its harmful consequences is presented. The chapter concludes with some final observations on the issue.

**2. Evictions in France**

**Marc Uhry**

**Abstract**

France maintains the essential elements of a classic welfare state model, with extensive measures protecting borrowers and tenants’ rights, social allowances, a relative large social housing stock. This is combined with a significant political commitment to universal equality, although in practice this is not always achieved. Indeed, while systematic policies seek to prevent and alleviate the effects of evictions, France has experienced an increase in evictions over the past two decades. This leads to a “French paradox” – a country where poor households experience relatively lower housing costs overburden, but are more often in rent arrears, and more often evicted through a long process. Yet, depsite this high level of evictions, this does not necessarily lead to homelessness, but homeless people have often experienced an eviction.

**3. Evictions in Germany**

**Christoph U. Schmid and Sofija Nikolic**

 **Abstract**

Germany is a federal republic consisting of sixteen federal states. Most of the legislative and administrative powers related to housing were transferred from the federation to the federal states in the 2007 constitutional reform. As to the tenure structure, more than half of the whole dwelling stock is rented (among which about 5 per cent is social rented housing), while owner-occupied housing represents only 42.3 per cent. Although the right to housing is not an individually enforceable right, persons threatened with eviction may resort to various protection mechanisms, and there are administrative precautions for the prevention of homelessness after an eviction. On the one hand, the court is obliged to inform the local social authority responsible for housing homeless people about the start of eviction proceedings. The same obligation falls on a bailiff before the execution of an eviction order. On the other hand, according to the police, security and regulatory laws of the federal states, municipalities have a duty to provide temporary accommodation for evicted people.

**4. Social context, evictions and prevention measures in Hungary**

**Nóra Teller and Eszter Somogyi, with contribution of Nóra Tosics**

# Abstract /Summary

The financial crisis in 2008 greatly increased the vulnerability of many households in Hungary. Beyond the growth of poverty risk in general, there has also been a dramatic increase in the number of severely materially deprived people. Austerity measures have increased the level of poverty, as has the shift to workfare. There are also substantial affordability problems: in 2013, the share of those who had fallen behind with utility or loan repayments was approximately 26 per cent of the total population. The increase in eviction figures also point to growing housing insecurity in general: in 2012, the Central Statistical Office reported 966 evictions from municipal rentals[[4]](#footnote-4) and the judicial executors performed approximately 500 evictions in the same year. In 2016, the figure of evictions grew to over 1700. Eviction processes based on execution procedures for outstanding payments are quasi-automated, which leaves less room for indebted households to react and to turn the process around. The social protection system seems to work only limitedly for vulnerable households; housing allowance is not high enough to prevent the accumulation of housing-related debts. The arrears management system also fails to prevent evictions even in the case of relatively low amounts of arrears, and the central programme was ceased in 2015. Social work it is not proactive and there is lack of cooperation between social and private and public landlords. Indebted households, with foreign currency based mortgage loans, have received assistance through various grants and schemes, but the general housing affordability challenge still prevails. These phenomena seem to have exacerbated in the past few years and there is a lack of policy change in 2017. All of these factors bring about an increase in housing insecurity for the most vulnerable.

**5. Evictions in Ireland**

 ***Padraic Kenna***

**Abstract**

Evictions in Ireland are a socially and politically emotive issue. Ireland experienced a major banking and economic crisis following a period of reckless lending between 1997 and 2007. The consequent banking collapse and associated unemployment led to a steep rise in mortgage arrears, and actions for possessions, which peaked in 2014. Some 30 000 households with arrears over two years face inevitable repossession. Irish constitutional law requires that any eviction be in accordance with the law on mortgage, rental and other repossessions, although human rights issues are not often considered. Most evictions are from private rented housing, with a six-fold increase in eviction-related cases between 2010-2015. There is a small social rented sector in Ireland, where some evictions take place. Overall, a shortage of housing for rent, or purchase, results in fierce competition for any available housing, and homelessness is consistently increasing, largely among those evicted from private rented housing. Properly addressing the extent of mortgage arrears and the position of households in long terms arrears has presented challenges for legislators, policy makers and Irish courts.

 **6. Evictions in Italy**

**Elena Bargelli and Giulia Donadio**

**Abstract**

Evictions in Italy have recently acquired primary importance in the political agenda and in public debate due to a dramatic surge in ouster proceedings from rented and privately owned residential tenures. This chapter starts with an overview of the eviction policy in the Italian legal system. It focuses on the socioeconomic factors related to evictions and the measures designed to prevent arrears, cease evictions from owned primary residences, as well as measures that postpone evictions from rented primary residences. Against this backdrop, the chapter then focuses on the right to housing as a fundamental right, as articulated as an expression of the Italian constitutional principles of social solidarity (Article 2) and equality (Article 3). The Chapter subsequently examines the procedures leading to eviction in particular areas (mortgaged properties, rented housing, unauthorised occupancies), and clarifies their respective procedural phases. The chapter then identifies various common risk factors for evictions and provides a brief case-law summary in order to highlight the existence of best practices in response to increasing eviction proceedings in Italy.

**7. Evictions in The Netherlands**

 **Michel Vols[[5]](#footnote-5)**

# Abstract

This paper assesses the number of evictions in the Netherlands as well as the legal protection offered against eviction. Data shows that approximately 20 000 eviction judgments are given in the social rental sector every year. The main reason is rent arrears. The data also shows that approximately one third of these judgments are actually executed. Evictions do take place in the private rental sector as well, but clear data is lacking. Although private rental tenants enjoyed the same level of tenure security as those in the social rental sector, recent legislation has introduced short-term leases and made eviction easier. In the owner-occupied sector, thousands of evictions occur every year, but precise data is lacking. The main reason is mortgage arrears. Another cause of evictions is administrative closures of premises due to drug-related crime. Research has found that local authorities close hundreds of residential properties each year. This chapter shows that Dutch law provides people at risk of eviction with robust legal protection. Under Dutch law, they are entitled to have the proportionality of the eviction assessed by a court. Nonetheless, quantitative analyses of eviction litigation finds that in most cases, proportionality defences do not have a significant impact.

**8. Evictions in Poland**

**Dr Witold Borysiak**

**Abstract**

In Poland, the number of eviction cases resolved by the courts remains at a relatively stable level. According to judgments by the Constitutional Court, eviction without any adequate alternative housing or its adequate replacement (“eviction to nowhere”) is prohibited and is considered unconstitutional. The municipality in which the property to be vacated is located, is obliged to identify available a temporary lodging, shelters or other places of accommodation, where the debtor can stay following eviction. There is also a special form of legal protection for vulnerable groups of tenants, for instance pregnant women or minors. These vulnerable groups have the right to be evicted to a second accommodation.Owners, who cannot reclaim their property because of the lack of social housing, have a right to compensation.

The main reason for evictions in Poland are adverse economic circumstances, which leads tenants to rent and mortgage arrears. Other reasons for eviction include breaches of tenancy, terms, or psychosocial vulnerabilities (such as alcohol or drug addiction). Key structural risk factors leading to eviction are poverty and unemployment. Moreover, Poland lacks a system of solutions to support municipalities that would giveadequate access to social housingfor those entitled to it. The existing solutions are insufficient in relation to citizens’ needs.

**9. Evictions in Slovenia: legal aspects, data limitations and good practices**

**Maša Filipovič Hrast**

**Abstract**

Slovenia is a society of homeowners, yet one with markedly low levels of indebtedness of households. Despite having a low number of owners with mortgages, in comparison to the EU average, there has been a significant increase in the share of owners with a mortgage in the last decade. This increase also potentially means a higher share of population at risk of eviction. The risks have also increased due to the economic crisis which has affected Slovenia quite significantly and was marked with high unemployment rates and an increase in poverty levels. This chapter presents legal instruments and social policy measures for protection against eviction in Slovenia. Legal protection is well defined, especially in the social rented sector. The most recent data on evictions and the trends in the last five years are presented, which seem to indicate a slight decrease in the number of evictions. However, the data on evictions is limited and does not enable a more detailed observation of the process of eviction and the characteristics of the households involved, neither observing the link between eviction and homelessness. The chapter also proffers some best practice models existing in this area and discusses their limitations. The chapter concludes by discussing the need for more research in this area and for further advancement especially of preventive policy measures, which are underdeveloped in Slovenia.

**10. Evictions and Homelessness in Spain 2010-2017[[6]](#footnote-6)**

**Prof. Dr. Sergio Nasarre-Aznar and Dr. Rosa Maria Garcia-Teruel**

**Abstract**

The present chapter examines the phenomenon of evictions and its relationship with homelessness in Spain from 2010-17. The causes that have led to evictions are analysed, principally the lack of functional diversified range of housing tenures and the negative consequences of the 2007 crisis that have led many households to overindebtedness, default, eviction and, in some cases, ultimately to homelessness. The chapter also covers the delayed response of the legislator to prevent, tackle and react to evictions primarily through transitory measures that have had limited success. The narrow scope of the “right to housing” in Spain has contributed to this. Best practices and the need for continued development are also discussed. In addition, available data on evictions from mortgaged and rented property is provided for the period 2010-2015, which coexists with cases of home forced-removal such as dispossessions arising from divorces and domestic violence. Finally, the main causes for homelessness are analysed, and the relationship with evictions is outlined.

**11. Eviction in the UK: Causes, Consequences and Management**

**Nicholas Pleace and Caroline Hunter**

**Abstract**

Eviction in the UK is strongly associated with both poverty and with longstanding trends in housing policy. From the post-war period until the late 1970s, UK policies centred on reducing housing inequalities, through mass provision of affordable social housing with highly secure tenancies, financial support for owner occupiers and regulation of the private rented sector. A 1977 law granted priority access to social housing for specific groups of homeless people, including families. From the 1980s to the present, policy has centred on promoting free market housing and enabling. Mortgage markets were deregulated, there were mass sales of social housing and rent controls in the private rented sector came to an end. Housing costs have spiralled upwards relative to income, the UK becoming one of the most unaffordable places to live in Europe. Poorer people for whom owner occupation is at the limit of affordability now experience heightened risk of mortgage possession, while the rights of private rented tenants are restricted and time-limited. The ‘lifetime’ tenancies offered by social landlords are in the process of being replaced in England. Income is a predictor of housing security, with those on lower incomes facing increasingly unaffordable increases in rents and mortgages, while experiencing reductions in financial support and security of tenure.

1. European Commission, European Union Survey of Income and Living Conditions (EU-SILC) (2012) [↑](#footnote-ref-1)
2. P Kenna, L Benjaminsen et al., *Pilot Project – promoting protection of the right to housing – Homelessness prevention in the context of evictions* (Brussels, European Commission 2016). [↑](#footnote-ref-2)
3. Koning Boudewijnstichting, ATD-Vierde Wereld België & VBSG, *Algemeen Verslag over de Armoede* (Brussel, Koning Boudewijnstichting 1994). [↑](#footnote-ref-3)
4. Data provided by the CSO housing department in an email exchange. [↑](#footnote-ref-4)
5. Department of Legal Methods, University of Groningen, the Netherlands (m.vols@rug.nl). This work was supported by the Netherlands Organization of Scientific Research NWO (Veni grant 451-15-013). [↑](#footnote-ref-5)
6. This chapter has been possible thanks to the participation of both authors in the a) Project of the Spanish Ministry of Economy “Reforming housing tenures” (DER2014-55033-C3-1-P) (2015-2017); b) and at the Tenlaw Project (2012-2015) of the 7th Framework Program of the European Commission, led by Prof. C. Schmid, University of Bremen. Prof. Nasarre is an ICREA Fellow 2016-2020 and one of the four co-coordinators of the “Pilot project - Promoting protection of the right to housing - Homelessness prevention in the context of evictions”, VT/2013/056 (delivered to the EU Commission in March 2016). [↑](#footnote-ref-6)