
Social Rental Agencies : Still a Splendid Idea ?¹

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› **Abstract_** *Social rental agencies (SRAs)² are non-profit organisations that operate on the Belgian housing market. They rent dwellings from the private rental market, which they then sublet to poor households, often made up of formerly homeless people. The first SRAs were set up by labour migrants and they engaged middle-class Belgians at the end of the 1970s to deal with discrimination against migrants on the housing market. The housing crisis of the 1980s encouraged a further expansion. SRAs are recognised by all regional governments and their staff and working costs are funded. Despite the formula – once described as a splendid idea – seeming to function well, the SRA sector remains small. In the Flemish region SRAs today sublet approximately 4,400 dwellings. This paper deals with the legislative framework of the SRAs in Flanders, and in particular with the results of research conducted with private landlords working with SRAs. It considers some issues that determine how SRAs may further develop, including a tentative reflection on some features of the governance debate.*

› **Key words_** *Private renting ; social rental agencies ; homelessness.*

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² 'Social rental agency' is the translation of '*sociale verhuurkantoor*', which has also been translated as 'social renting office' (see Silkens, 2008).

Introduction

In the nineteenth century unregulated private renting dominated the housing market. Since that time private renting has experienced a steep decline in most Western countries and has been gradually replaced by owner-occupied housing, social housing or a combination of the two. Private renting was often equated with slum landlords and a bad rent-to-value ratio for the (often) poor tenants. With regard to rental policies, governments have compromised over the years between more regulation and liberalisation, though often without success and so the decline has continued (although there are exceptions such as Germany and Switzerland). Problems such as poor quality, high rents and discrimination remain, sometimes to such an extent that commentators, including Hubeau et al. (1985) in Belgium, have pleaded for the abolishment of the private rental sector.

The private rental sector is here to stay. As O'Sullivan and De Decker (2007) illustrate, the private rental sector is increasingly viewed as a crucial element in the variety of housing services that can provide accessible accommodation for those households that are unable or unwilling to enter into homeownership or socially rented housing, and that are therefore at risk of homelessness. In addition, governments increasingly consider the sector capable of assisting homeless households to exit homelessness and maintain a long-term reasonably secure tenancy. Various access programmes and projects to sustain tenancies in the private rental sector are operative in a range of countries. The integration of intermediary agents between government(s) and tenants is crucial to these schemes.

In their examination of the housing first model, Atherton and McNaughton Nicholls (2008) took stock of these initiatives, including the Belgian SRAs. They found that the Belgian SRAs are not the only organisations that have developed the capacity to support clients both with housing and with wider social services, and they referred to examples in Denmark, Norway and the UK. Busch-Geertsema (2001) earlier pointed to the rise of *soziale wohnraumhilfen* (housing assistance agencies) in Germany, as having very similar roots to those of the SRAs in Belgium. It is their role as new non-state and non-profit agents in the management of the diverging interests of vulnerable potential tenants, private landlords and the (welfare) state that makes the SRAs of special interest in the debate on governance, a debate which claims that there has been a change of boundaries between the public, private and voluntary sectors (Rhodes, 1997).

SRAs, which are recognised and subsidised in each Belgian region, are non-profit housing institutions that deal with the housing problems of poor and vulnerable people. They are rooted in the services dealing with homelessness. The idea behind an SRA is as 'splendid as it is simple' (Silkens, 2006). An SRA contacts a private landlord and offers to rent his or her property. In this way the landlord gets an

'official tenant', which ensures the payment of rent and the housing quality, and the practicalities of letting are transferred from the landlord to the SRA without any risk. SRAs choose the tenant, deal with any paperwork (including providing descriptions of the dwelling and registering the contract), organise collection of the rent, arrange fire insurance and organise repairs and maintenance. In exchange for agreeing to a 'lower' rent, the landlord's revenue is guaranteed.

Each SRA rents dwellings in order to sublet them, thereby focusing on vulnerable households and individuals in the housing market. Singles and families with low incomes are prioritised. The SRA helps the subtenant since tenant support is at the heart of its mission, and if necessary creates links to other welfare organisations for help in other areas, such as in the case of addiction or for administering paperwork. The SRAs were originally founded by welfare agencies in order to 'socialise' the quasi-unregulated private rental market (De Decker, 2001), but this ideological strand later diminished into a more pragmatic position. As a consequence, alongside private non-governmental services, public welfare services (OCMW) also started to organise SRAs. At the end of 2007 fifty recognised and/or subsidised SRAs were renting out 4,368 dwellings. Although the number of SRAs has risen continuously since their introduction in 1970, not all municipalities have been served; at the end of 2006 SRAs had dwellings on the market in only 67.5 per cent of Flemish municipalities (Vlaams Overlegbewonersbelangen, 2007 and 2008).³

Although SRAs operate on the private rental market, the interests of those landlords considering working with an SRA had never been researched. As a consequence little was known about the relationship between SRAs and private landlords. Already in 1988 Neirinckx called for research to determine what the considerations are for landlords working with SRAs, but it was nearly twenty years before the Flemish housing minister ordered research on the profile of landlords working with SRAs. The research would also examine how the landlords and SRAs became acquainted and the experience of landlords who have worked with SRAs. In considering whether the SRAs have been validated, this paper looks at the tasks of SRAs, before turning to some of the results of the aforementioned research (De Decker et al., 2009b) and debating the future of SRAs.

Current Legislation

According to the current Flemish governmental decision on the recognition and subsidising of SRAs (Governmental decision of 16 March 2004), the tasks of an SRA are (Silkens, 2006):

³ For the historical context of the rise of SRAs, see De Decker (2002).

- Renting, or acquiring on a long lease, dwellings from private landlords in certain areas in order to sublet them to households and single occupants in need of housing at a reasonable rent, and therefore providing greater security of tenure.
- Offering participation to the subtenants, and advising them with regard to tenancy rights.
- Working together with local housing and welfare agencies, particularly taking the initiative to set up networks.
- To be open to all applicants, regardless of sex, nationality, ethnicity and ideological, philosophical or religious inclinations.

SRAs differ from classic social housing companies in that they do not own the houses.⁴ They behave as tenants on the private rental market and negotiate lower rents to compensate for guaranteeing the payment of rent, the continuity of the tenancy and the quality of the dwelling. This negotiated rent is the rent that the subtenant must pay. The average SRA rent is by implication higher than the average social rent. The affordability gap can occasionally be narrowed by using a rent allowance.

SRAs are regulated by the regional governments, but they also function within the framework of private rental legislation, which is the responsibility of the federal government. So it is the federal framework that determines private market rents (a matter of free negotiation between landlords and tenants), the length of a legal lease (nine years, but shorter contracts are possible) and the conditions of contract termination. This leaves the regional governments with a limited 'policy space'. Basically then, the regional governments pay the wages of SRA staff and some working credits, foster additional tasks (e.g. participation of subtenants and negotiation of rents) and oblige the SRAs to use nine-year contracts for subleases.

The View of the Landlord

This section deals with the findings of a survey of private landlords, both individuals and companies, that rented at least one dwelling to an SRA between August and December 2007 (De Decker et al., 2009b). All 1,615 landlords known to be working with SRAs received a postal questionnaire consisting of 81 questions over 28 pages; 724 useful questionnaires were returned. The response rate of 45 per cent is satisfactory. The research steering group comprised members of the Housing Minister's Cabinet, the Flemish Housing Administration and representatives of the SRA sector.

⁴ Although this possibility is not excluded, and may occur, for example, through donation.

Profile of the landlords

In conformity with the information held by landlord associations and echoing earlier findings (Heylen et al., 2007), the survey found that landlords working with SRAs own on average 3.2 dwellings, with 60 per cent of respondents letting only one dwelling. Among landlords who let more than two dwellings, only 16 per cent do this exclusively with SRAs, the remainder therefore using a double rental strategy⁵. Landlords working with SRAs tend to be older: 36.5 per cent are over sixty-five years of age, and 20 per cent are aged over seventy-five (compared with 10 per cent of all landlords).

Concerning professional status, a distinction between landlords working exclusively with SRAs and those using a double strategy emerged. The share of self-employed persons is considerably higher among the latter group, although in both categories wage-earners form the largest proportion. Nevertheless this supports to some extent the popular thesis that, because of their separate pension system and consequent lower pensions, the self-employed save for old age through acquiring (and letting out) property. Concerning income distribution, SRA landlords are less well-off than landlords generally, but this can partly be explained by their age, with retirement generally accompanied by a decrease in income. A majority of the landlords say they deliberately purchased the dwelling(s) either to move into later in life or for one of their children to move into; meanwhile they let it out.

Motivation to work with SRAs

SRAs historically offer two major advantages: rent is paid on time even during periods of vacancy and the upkeep of the dwelling is guaranteed. On top of that (some) SRAs take initiatives to increase the housing quality. The motivation to work with SRAs was surveyed using a motivation topic list. The overwhelming majority of respondents stated that it is precisely because of the guaranteed and timely payment of rent (97 per cent) that they wanted to work with SRAs. A second important factor is the guarantee that the quality of the dwelling is maintained or even enhanced (96 per cent). Additionally, 80 per cent of respondents prefer working with SRAs as it is 'easy': they are not obliged to look for tenants and they are not confronted with the inconveniences of private renting. Seventy per cent of the landlords work with SRAs because of their expertise, and where the distance between the landlord's place of residence and the rental house is large, working with an SRA becomes more interesting for 47 per cent of landlords.

⁵ If they own more than one rental house they let via SRAs as well as via other channels: difficult-to-let properties are passed on to SRAs; better quality dwellings in good locations are let directly or via real estate brokers because these dwellings get higher rents and usually cause less trouble.

It is clear that 'security' in all its forms (payment of rent, succession of tenants and housing quality) together with the ease of renting via SRAs are the most important reasons for using the SRA model. Landlords do not tend to use SRAs for social reasons (offering an affordable dwelling) or because of negative experiences with private renting. With regard to the latter, and contrary to the views of landlord associations, only a small number of the landlords involved solely in private renting in the past had experienced problems, and where they had, these were restricted to a single case. The most frequent problem was non-payment of rent.

Evaluating collaboration

To assess the levels of satisfaction of landlords working with SRAs, the survey focused on the SRAs' guaranteed payment of rent, monitoring of housing quality, renovations if necessary and monitoring of tenants. The research shows that without exception the rent is paid on time, which is widely appreciated by landlords. On the monitoring of housing quality, no clear conclusions can be drawn as few SRA landlords have yet experienced the termination of a lease. However, it was revealed that landlords have no objection to quality norms and are prepared to adapt the house to meet those norms. What is probably at play here is that in 72 per cent of cases SRAs organised the renovation process themselves out of necessity (letting the landlords off the hook) and, consequently, very few landlords intend to stop working with SRAs notwithstanding the existence of quality rules.

These findings challenge the negative reputation of private landlords with respect to housing quality being equated with slum landlordism and a mismatch between rent and quality. This can be linked to the fact that both federal rental legislation and Flemish housing law have introduced minimum quality standards. In addition each SRA, as a recognised and subsidised housing institution, is obliged to work only with minimum standard housing.⁶ One of the findings of the preliminary research was that by letting a dwelling to an SRA, landlords would experience a loss of control over their property, particularly in terms of the selection of tenants. This statement is not supported by the survey findings, which show that although landlords have little control over the evolution of the tenancy they are content to trust the SRAs. The survey also shows that landlords are very satisfied with the

⁶ In contrast to the past, the risk of being caught for letting out bad housing has risen, and with that the risk of punishment, although one should not exaggerate the risk of being caught. According to federal law, the enforcement of basic housing quality is still a matter of negotiation between landlord and tenant (and by extension the court) and so the federal government does not organise quality control here. At the Flemish level, inspection work has started, but its impact is still very minimal. With regard to housing quality control – following media exposure of scandalous housing for asylum seekers – the law and the penalties have become more severe (including imprisonment), but enforcement remains weak.

different aspects of how services are rendered by the SRAs. This includes capability of doing the job, accessibility of offices, quality of reception and ease of making appointments.

More than two-thirds of respondents state that letting a dwelling to an SRA entails only advantages; just 3 per cent of current landlords working with SRAs see only disadvantages. The guaranteed payment of the rent is the most important advantage, with others following at a distance (see Table 1). The different responses dealing with security (income, tenancy and security in general) total nearly 80 per cent, making security the main attraction of the SRA model.

Table 1: Advantages of working with an SRA, answers to an open question

	N – first answer (1)	N – second answer (2)	N – third answer (3)	N – total (4)	% of (4)
Income security	232	63	3	298	57.2
Less work and fewer worries	88	14	–	102	19.6
Guaranteeing the dwelling quality	25	41	8	74	14.2
Continuity of renting out/no vacancy	46	16	5	67	12.9
Avoiding problems with tenants	31	29	2	62	11.9
Guaranteeing control	24	23	6	53	10.2
Security in general	31	4	1	36	6.9
Reliability/professionalism	20	5	4	29	5.6
A form of social renting	9	10	4	23	4.4
Follow-up legal features	5	2	1	8	1.5
Possibility of renovation	7	–	–	7	1.3
Good for both parties	3	–	–	3	0.6

Source: De Decker et al (2009b)

Landlords who see disadvantages in working with SRAs (see Table 2) refer to rent as being too low (36.8 per cent of the complaints).

Table 2: Disadvantages of working with an SRA, answers to an open question

	N – first answer (1)	N – second answer (2)	N – total (3)	% of (3)
Low(er) rental income	156	4	160	36.8
None	106	–	106	24.4
No/little participation, control over subtenant	61	5	66	15.2
No/little participation, control in general	31	3	34	7.8
Restriction on rental agreement	20	3	23	5.3
Bad service	21	2	23	5.3
Type of subtenant	15	2	17	3.9
Obliged renovation	2	2	4	0.9
Problems with neighbours	2	1	3	0.7
No warranty	3	–	3	0.7
Necessity for collaboration	3	–	3	0.7
Too costly	2	–	2	0.5
Too many troubles in general	2	–	2	0.5

Source: De Decker et al (2009b)

The rent is also the element landlords referred to when asked for initiatives to ameliorate the SRA model. The main proposals/suggestions concerned (rent) income: landlords would prefer, and suggest, other types of financial support such as a decrease of real-estate taxes or renovation grants, instead of increasing the rent. As Table 3 shows, approximately half of the respondents say that the rent received is lower than the rent they wanted (51.5 per cent), and in 70.5 per cent of cases it is lower than the market rent for a comparable dwelling.

Table 3: Appreciation of the SRA rents by the landlords

Is the obtained rent lower, equal or higher than the desired rent?		
	N	%
Lower	304	51.5
Equal	276	46.8
Higher	10	1.7
N	590	100
Is the obtained rent lower, equal or higher than the rent you could get when renting out via a channel other than an SRA?		
	N	%
Lower	407	70.5
Equal	125	21.7
Higher	45	7.8
N	577	100

Source: De Decker et al (2009b)

Future collaboration with SRAs

Almost nine out of ten landlords indicate that they will work with SRAs in the future. The most important reasons are: less work and fewer worries (25.9 per cent), good experience (21 per cent) and income security (19.5 per cent). When we aggregate the motives, security (in general; of income; no vacancy), good experiences and less worries are the most important. One in six respondents intends to let more dwellings to SRAs. It should also be stressed that 94 per cent of landlords who 'inherited' a lease with an SRA, for example after a purchase, are (very) satisfied. This is an important finding since these landlords had not intentionally chosen to rent through an SRA.

From this survey one can conclude that the disadvantages of SRA letting, often referred to by landlord associations and including the loss of control over the dwelling, are outweighed by the advantages. That these advantages are linked to conditions like minimum housing quality or restrictions on the terms of contract termination is found to be normal. This appreciation is possibly linked to the fact that the dwellings in question are situated at the bottom end of the housing market: for this kind of dwelling the disadvantages do not outweigh the advantages of being guaranteed rent security and handing over management of the dwelling. Although it was not one of our research goals, it was no surprise to find indications of a double rental strategy: dwellings let to SRAs are older, of poorer quality and charge lower rent than dwellings let directly or via real-estate brokers. Some respondents clearly indicate that these are the reasons they work with SRAs.

On the Future of SRAs and Some Concluding Remarks on the Governance Debate

Social rental agencies grew out of grass-roots welfare organisations that dealt with, among others, homeless persons, and that aimed to house vulnerable people who found it difficult to access the regular housing market in general, and social rental housing in particular. After an initial period wherein working conditions were precarious, SRAs became institutionalised by the different governments and are now seen as indispensable housing agents.

As Silkens (2008) shows, of all new tenants taken on each year, three out of four survive with some form of income support and 50 per cent of them live on absolute minimum benefits.⁷ More than half of new tenants are single individuals, and one-quarter are lone parents with children. Many city tenants are foreigners, with large shares of asylum seekers; many have housing-related needs. One out of ten new

⁷ 462 out of the 682 applicants for an SRA dwelling in Ghent lived on a subsistence income (Baeck, 2005).

tenants in Flanders had no home previously or had stayed in a shelter. The fact is that conditions on the private rental market today hardly differ from thirty years ago. Ownership is not an option for vulnerable people (De Decker et al., 2009a), social housing waiting lists are increasingly long and private renting is less and less affordable (Heylen et al., 2007; De Decker et al., 2008). In addition, local authorities hesitate to build new social rental housing and a substantial rental allowance⁸ is not (yet) in sight. So, vulnerable and/or poor people are left out in the cold, a fact underpinning the need to enlarge the SRA sector.

This study of landlords adds to the existing support for the SRA model. In the run-up to the regional elections of 7 June 2009, the 'popularity' of the SRA model among political parties⁹ and lobbyists¹⁰ was surprising, with many pleading for an expansion of the model, as did the new governmental agreement negotiated after the elections (Vlaamse Regering, 2009). Nevertheless, despite this growing social basis, the question remains whether a strong growth for SRAs – which today account for a share of less than one per cent of the shrinking private rental market – is possible in the (near) future.

SRAs operate within the private rental market. The fundamental structural problem here is the division of responsibilities between federal (Belgium) and regional (Flanders, Brussels, Wallonia) governments. The Belgian government is responsible for the private rental sector, including the regulation of rent setting, contract terms and quality criteria. The regional governments are responsible for determining both the conditions of regulating and subsidising SRAs and the eligibility criteria of SRA tenants. Since federal private renting law allows for the free determination of private rents and relatively easy termination of contracts, regional governments must take care when intervening in order to avoid unwanted effects such as a rise in rents or an increase in short-term contracts. This need for caution

⁸ In preparation for the regional June elections 2009, a working group with representatives of the real-estate sector, tenant associations, civil society organisations working with the poor, the Flemish housing administrations and experts – brought together by the Housing Administration – advised in a joint paper the introduction of a sound rent allowance scheme (Woonbeleid, 2009).

⁹ The Christian Democrats (CD&V), the Socialists (SP.A), the Greens (Groen!) and the Democratic Flemish Nationalists (NVA) are in favour of the expansion of the SRA model, as is the current Flemish Prime Minister K. Peeters (2009).

¹⁰ The memoranda of the following organisations, advisory boards and networks contain pleas for an expansion of the SRA model: Christian Workers Movement (ACW), Flemish Housing Council (Vlaamse Woonraad), organisation of municipalities (VVSG), Knowledge Centre of the Cities (Kenniscentrum Grote Steden) and the organisation of the poor (Flemish Network of Organisations working with the poor; Steunpunt tot bestrijding van armoede, bestaansonzekerheid en sociale uitsluiting).

renders regional governments less keen to speed up their efforts, which leads to the call for a reshuffling of housing responsibilities, including the transfer of private rental legislation to the regions.

A second problem concerns rent levels. Our research shows that low landlord incomes from rent constitute the Achilles heel of the model. For landlords working with SRAs this means limited rental income, which undoubtedly prevents landlords from entering, or remaining in, the system. The demand for reasonable rent conflicts in a structural way with the necessity of SRAs to offer rent at affordable prices, since (very) poor people are, after all, the end users. In order to solve this structural problem pleas have been made for tax exemptions and/or an enforcement of the now very modest rent allowance scheme. None of these is yet in sight, however, which brings us back to the problems previously described.

When analysing the rhetoric, one can conclude that there is broad societal support for SRAs, but due to the aforementioned issues there is some reluctance to proceed without a great degree of caution. Or is it more likely that the division of responsibilities creates a good means of limiting efforts? After all, Belgian governments do not have a good track record with regard to the regulation of private renting (De Decker, 2001). In addition, even more so now than before, Belgian governments are first and foremost, almost to the point of obsession, advocating homeownership (De Decker et al., 2009a).

A critical success factor for SRAs is the role played by local governments, which are the directors of housing policy under Flemish housing law. The largest Flemish SRA, De Poort (Kortrijk) is deeply embedded in a local social service and housing network, and links its success both to that and to the existence of a local rent allowance. Given the fact that this is the only municipality (out of 308) that has such a policy,¹¹ an overwhelming majority of the SRAs are largely left on their own, which can hamper, for example, the renting of dwellings and finding of landlords.

Another concern involves the regulatory environment. SRAs and landlords are subject to federal and local legislation, which creates a bureaucratic overload that can hamper activities. It is stipulated, for example, that the rent SRAs pay to a landlord may not exceed a certain amount. For a long time this rent ceiling was not connected to fluctuations on the rental market, such that the ceiling remained impossibly low, and even where an offer was made by a landlord and the willingness to rent existed, it was not legally possible to rent it.¹²

¹¹ A recent study revealed that an overwhelming majority of municipalities have no housing policy at all (Tratsaert, 2009).

¹² After years of advocacy, this has now changed and the new ceilings are connected to the evolution of consumer prices.

The same holds true for the workload. Subsidies for staff are linked to the number of dwellings and not to the number of dossiers. Lately, the number of dossiers rose as a consequence of more applications, all of which must be dealt with, and a rise in turnover, implying that the staff must invest more time per dwelling. As a consequence some SRAs delay the rental of new dwellings, and even introduce periods without new hires.

A final feature concerns the objective to which SRAs are dedicated. The average SRA is small and the sector as a whole has a minor market share, as a consequence of which waiting lists are long and continue to grow. The result is a situation that sees SRAs now confronted with the problems their founders originally wanted to solve. SRAs are rooted in small-scale welfare services in which welfare work methods dominate. Originally they were not housing agents, but they became so out of necessity. Their success, in combination with the failure of general housing policies to offer enough affordable housing places, means that SRAs are facing a difficult choice. Either they stay small, keeping welfare work as their core business but consequently risking undermining their built-up legitimacy, or they can become real housing agents with the risk of phasing out welfare work altogether. This debate has not yet begun.

On governance

Coming back to the debate on governance, which in the literature is very much linked to the increased role of non-state agents, private companies and not-for-profit sectors working with public bodies to realise certain goals (Vranken et al., 2003), there are doubts about whether this should be presented as a new development. In the case of Belgium and Flanders it is not new at all, but a well-established practice (Huyse, 2003).

In Belgium all housing partners and numerous welfare services started out as local grass-roots organisations aimed at solving a problem, often without government support, subsidies or rules. Depending on the circumstances and their embeddedness in one of the ideological pillars, some were able to set their own agenda, and later became recognised and subsidised, often as a sector. The origins of health insurance organisations go back to the nineteenth century and the first social housing company was founded in Ghent in 1904, long before the sector became recognised in 1919. Community work, welfare work, different types of homeless services and the SRAs grew in the same way: they started as voluntary organisations, enduring financial austerity for years, and later – if lucky – gained recognition and structural subsidies. If this happened they became a kind of subcontractor for the government. Thus, if working with non-state organisations is typical of 'governance', then governance has a long history in Belgium.

A second comment concerns the new and/or changed relationship(s) between the partners involved, which are often presented as a new element and as part of a reduction in bureaucratic procedures in the governance debate. Are they really less bureaucratic? Has autonomy risen? For Flemish SRAs – and also for the social housing companies – this is not the case. On the contrary, they complain, as does the Flemish Housing Council, about the huge increase in legislation imposed on all housing institutions (Vlaamse Woonraad, 2009). As such the ‘new’ SRAs are, like many other players, confronted with ‘very old’ top-down, bureaucratic government structures.

Although these last paragraphs are not a profound elaboration of the debate, we can conclude that, with respect to the field within which SRAs are working, there is little new, and government definitely rules over governance. The opposite conclusion would have been sensational, since in the end – and this echoes the conclusion of Imrie and Raco (1999) with regard to local governance in the UK – ‘new’ policies cannot be disconnected from history or from former policies, since policies very often become locked in past policies and the institutional structures that were set up to implement them.

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