

European Observatory on Homelessness

# European Journal of Homelessness

Quality and Standards in Homelessness Services  
and Housing for Marginal Groups

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## **EUROPEAN JOURNAL OF HOMELESSNESS**

### **Journal Philosophy**

The *European Journal of Homelessness* provides a critical analysis of policy and practice on homelessness in Europe for policy makers, practitioners, researchers and academics. The aim is to stimulate debate on homelessness and housing exclusion at the European level and to facilitate the development of a stronger evidential base for policy development and innovation. The journal seeks to give international exposure to significant national, regional and local developments and to provide a forum for comparative analysis of policy and practice in preventing and tackling homelessness in Europe. The journal will also assess the lessons for Europe which can be derived from policy, practice and research from elsewhere.

The European Journal of Homelessness is produced by FEANTSA's European Observatory on Homelessness.

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**Call for papers**

The next volume of the Journal has the theme – “Effectiveness of policies and services for the homeless”. The Editors welcome articles on this topic. Draft articles should be submitted by June 16th 2008. Details of submission and notes for contributors can be downloaded from the FEANTSA website [www.feantsa.org](http://www.feantsa.org).

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# Foreword

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Hannu Puttonen, FEANTSA President

This is the first volume of the European Journal of Homelessness which is produced by FEANTSA's European Observatory on Homelessness. FEANTSA hopes that this Journal, which will be an annual publication, will provide a valuable platform for debate on issues affecting policy-making, intervention and service provision in the field of homelessness in Europe. The Journal has been structured to provide a range of formats for discussion. The articles in the journal provide an academic reflection on the issues drawing upon existing research and empirical knowledge. The *think pieces* are intended to provide more provocative viewpoints on controversial issues or on issues for which little academic evidence exists. The think pieces will hopefully stimulate debate in the academic world but also amongst service providers and policy makers. The Journal also has a section where a interesting policy is reviewed from different country perspectives to better understand if and to what extent the policy would be transferable to other countries. Finally, the Journal aims, in the review section, to provide exposure to research that may otherwise not be visible to the wider European academic, policy and practitioner audience.

Each volume of the Journal will focus on a selected theme chosen to reflect the interests of policy makers and service providers. The theme of this volume is timely in the light of the on-going European debate on how to legislate on social services of general interest in order to protect their quality and promote their effectiveness. While there is an intention to modernise social services (including homeless services) and to improve standards of provision, FEANTSA member organisations are all too well aware of the pressures and unintended consequences of contracting and procurement procedures that can act to drive down standards in the search for cost effectiveness and value for money.

While the FEANTSA member organisations have a strong input to the choice of theme, the content of the Journal is the responsibility of the editorial team and the European Observatory on Homelessness. As such the opinions expressed do not necessarily reflect the opinions of FEANTSA or its member organisations.

My sincere thanks go to the contributors and editors of the Journal for the hard work involved in launching this new contribution to the debate on solving homelessness in Europe. I am excited by the structure and content of this first volume and trust you will find it stimulating and informative.





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# Editorial

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Bill Edgar

## ***The Purpose and Approach to the Journal***

We are pleased to introduce this first volume of the *European Journal of Homelessness* and trust that you will find it stimulating and thought-provoking as well as informative. The aim of the Journal is to stimulate debate on homelessness and housing exclusion at European level and to facilitate the development of a stronger evidential base for policy development and innovation. The journal seeks to give international exposure to significant developments at national level and, in particular, to provide a forum for comparative analysis of policy and practice in preventing and tackling homelessness in Europe. Future editions of the journal will also assess the lessons for Europe which can be derived from policy, practice and research from elsewhere.

The main articles in each volume of the Journal will focus on a specific theme of relevance to current policy and practice developments across Europe. The theme selected for this first volume is the *quality* of services and housing for homeless people and households vulnerable to homelessness. The next issue will focus on the *effectiveness* of policies to prevent and tackle homelessness. These broad annual themes will be informed by the interests of FEANTSA member organisations across Europe but the editorial independence of the Journal is assured. Thus the views expressed in the Journal should not be taken to reflect those of FEANTSA or its member organisations.

We intend that the Journal will be of interest to policy makers at all levels of government, practitioners and volunteers, funding agencies, academics, researchers and students. While aiming to maintain the rigorous academic standards, in keeping with an international scholarly journal, the editors will strive to ensure that the content is relevant and accessible to a range of audiences with an interest in homelessness policies at both national and European level. In order to ensure a broad dissemination, the Journal will be available (from FEANTSA) in hard copy format and will also be produced as an electronic journal ([www.feantsa.org/research/journal](http://www.feantsa.org/research/journal)).

This volume of the Journal represents the output of the research activity of the *European Observatory on Homelessness* whose functions are funded entirely by the work programme of FEANTSA (which, in turn, is funded by DG Employment and Social Affairs of the European Commission). The content of the Journal is made up, for the most part, by contributions from national advisors of the Observatory or by papers commissioned by FEANTSA.

The Journal is structured to provide scholarly *Articles*, a detailed *Policy Review*, provocative *Think Pieces* and *Research Reviews*. The *Articles* are intended to examine diverse aspects of the annual theme in a manner that allows for an extended critical assessment of issues and, where appropriate, a comparative analysis of approaches across different EU member states. The *Policy Review* is intended to provide a detailed evaluation of a specific intervention or area of policy development in a particular member state, including the background to the initiative, the progress made in implementation, and an assessment of the lessons relevant to other EU Member States. The *Think Pieces* are short, argumentative papers designed to provide a platform for debate on contentious issues. These will also be disseminated as separate documents in hard copy and electronic format (from the FEANTSA web site) and will be available in French and English. Finally, the Journal provides a section for *Research Reviews* where the aim is to provide an international profile for significant research, particularly that which may not otherwise gain exposure beyond the national level.

### ***The Content of the Journal***

The provision of quality services, which are effective in addressing the needs of homeless people, is of concern to policy makers, funding bodies and providers of services as well as, most crucially, the users of those services. The modernisation and improvement of social services (including homelessness and housing services) is a current concern of policy development at European and member state level specifically in the context of debates surrounding the introduction of the Directive on Services of General Interest. In the first article in the Volume *Wolf and Edgar* provide a context to the theme of quality and standards in service provision by describing this EU context, and discussing the drivers of quality and standards. The article provides a conceptual definition of the notion of quality and examines some of the key factors affecting the measurement of quality and implementing methods to achieve it in practice.

This framework is employed by *Fitzpatrick and Wygnanski* who examine the regulation of hostel standards in central and western Europe, employing Poland and the UK as detailed case studies. This paper concludes that, although it is difficult to envisage a levelling up of actual or normative hostel standards, it should be possible to develop transparent EU-wide benchmarks to allow for consistent comparison in

hostel standards. The changing role of hostels is examined in the article by *Busch-Geertsema and Sahlin*. This paper considers the main functions provided by hostels and suggests minimum standards (concerning legal security, standard and support) if decent quality of hostels is to be ensured. The paper contends that the need for hostels could be minimised with the organised provision of mainstream housing coupled with support. The consequences of various forms of public procurement on standards in the provision of services to the homeless are discussed by *Dyb and Loison*. In particular the article focuses on how competition (especially for funding) takes place and how different forms of competition may affect service provision for the homeless.

Two articles consider how access to good quality housing for homeless households can be pursued in a context where there is little (if any) social housing. The article by *O'Sullivan and De Decker* recognises the importance of the private rented sector in the mix of housing services that can provide accessible accommodation for households who are at risk of homelessness or are unable to enter social renting or owner occupation. The article critically examines the different strategies that governments have devised to regulate the sector, particularly rent control. More subtle and flexible regulations (than characterised earlier forms of rent control) are also assessed and the article concludes that it is unclear what impact these looser regulations are having on the quality of accommodation available to marginal households at the 'lower end' of the private rented sector. *Edgar, Dandolova and Filipovic* discuss the situation of marginal households in countries where the predominant tenure is home-ownership. These tend to be countries with high levels of poverty which have, in recent years, been characterized by an embryonic and growing mortgage market and house price inflation. The article considers the specific situations of restitution and of de-nationalisation of the housing stock in central and eastern Europe and the impact of these processes on the security and adequacy of housing for marginal households.

In the *Policy Review* section in this edition, *Isobel Anderson* critically examines the implementation of the Scottish legislation which aims to radically expand the categories of homeless people entitled to permanent housing. Her article examines the origins of the legislation and the political consensus surrounding its introduction following the inception of the new Scottish Parliament. The legislative objectives are described and the article proceeds to provide a critical assessment of the progress made to date and the problems experienced (or anticipated) in its implementation. The article concludes with a consideration of the potential implications of this experience for other countries, based upon comments given to the author by contributors to this journal. Following *Isobel Anderson's* article, a complementary contribution by *Marie Loison*, compares the Scottish situation to the recent French legislation on the enforceable right to housing; it provides a detailed analysis of a distinctly contrasting legislative response.

In the *Think Pieces* section of the Journal four articles in this edition provide comment on a range of issues which are not necessarily related to the annual 'theme'. The piece by *Mark Stephens and Suzanne Fitzpatrick* provides an exploratory consideration of the complex relationship between welfare regimes, housing systems and homelessness. *Busch-Geertsema* examines the contentious issue of social mix. While social mix within neighbourhoods or communities is supposed to promote social cohesion and to prevent the negative effects of "poverty of place", this paper contends that, in reality, the measures driven and legitimised by the concept of social mix often reduce poor and disadvantaged people's access to regular housing. *Tosi* reviews the evidence from Europe and elsewhere on the impact of the control of public spaces on homeless people. He argues that the process of regulation in Europe is less punitive and less pervasive than in the USA and the practices employed for the control of urban space are less harsh. He argues however, that in many European countries, the most prominent target group of public fear and hence of control measures are homeless migrants. *Benjaminsen and Tosi* discuss the problems and dilemmas involved in improving quality of accommodation for marginal groups. They explore two specific programs that aim to improve the quality of accommodation for marginal households in order to draw out the dilemmas involved in either enforcing high standards or in defining special provision or standards for specific groups.

### ***Future Intentions***

We encourage feedback from all our readers and especially, in this first volume, we would welcome comment on the purpose, structure and content of the Journal. Please write to us or leave your feedback on the comments page on our website ([www.feantsa.org/forum](http://www.feantsa.org/forum)). We will continue to invite commissioned papers and, in particular, introduce comparisons from beyond Europe. Volume 2 of the Journal focuses on the theme of the *Effectiveness of Services and Policy*; the Editors welcome submission of articles based on this theme (see the inside cover for details).



# Articles



***Part A***





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# Measuring Quality of Services and Provision in Homelessness

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Judith Wolf and Bill Edgar

› **Abstract\_** *This article provides a framework for the themes and issues addressed in detail by the articles in this Journal. The issue of the provision of quality services, which are effective in addressing the needs of homeless people, is of concern to policy makers, funding bodies and providers of services as well as, most crucially, the users of those services. The article considers the concepts and perspectives associated with the meaning of quality that elaborate the definition and principles underlying service planning, implementation and evaluation. The aim is not to derive a generic definition of quality that can be applied to all social services but rather to draw out the principles and perspectives that have relevance to understanding the nature of services and measuring quality. This leads into a consideration of the key drivers that can be expected to influence the quality and improvement of services and which, in different mixes, may be significant in understanding service provision and delivery.*

*The article employs Donabedian's model of structure, process and outcome and the process management model to derive and elaborate a conceptual and operational understanding of the notion of quality. The paper discusses the factors affecting the measurement of quality improvement in homeless services. Finally the paper describes some illustrative examples of the way in which regulatory frameworks operate to implement and monitor the quality of homeless services. Other articles in this volume elaborate in detail the evidence in relation to the quality of services for homeless people.*

› **Key Words\_** *quality, outcomes, structure, process, services, improvement, regulation*

## Introduction

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This article provides a framework for the themes and issues addressed in detail by the articles in this volume. The issue of the provision of quality services, which are effective in addressing the needs of homeless people, is of concern to policy makers, funding bodies and providers of services as well as, most crucially, the users of those services. The issue has relevance from a European perspective where recent EU initiatives aim to improve standards and, where possible, seek to harmonise standards of services between member states. It also has direct relevance for member states since central or local governments are responsible for the regulation and, in large measure, the funding of homeless services. The increasing professionalisation of homeless services in many countries in recent years and the increasing diversity of services broadening out from an emergency focus to re-settlement and prevention services, means that this is an issue of direct concern to service providers as they plan and manage growth in their organisations.

The article begins by examining some of the implications of the Directive on Services in the Internal Market (the Bolkestein directive) for domestic legislation and Commission Communications on the modernisation and quality of personal social services. This section establishes the relevant policy issues arising from this drive to regulate, harmonise and improve standards of social services across Europe. This leads into a consideration of the key drivers that can be expected to influence the quality and improvement of services and which, in different mixes, may be significant in understanding service provision and delivery in different member states or in different welfare regimes. The section examines the drivers of change leading to quality improvement in homeless services. Using this framework the section concludes by considering the current state of play across Europe in the articulation and regulation of service standards.

This discussion leads to a consideration of the definition of quality in different country contexts in order to identify the diversity of approaches adopted across Europe to secure, improve and monitor the quality of service provision.

The article proceeds to consider the concepts and perspectives associated with the meaning of quality that elaborate the definition and principles underlying service planning, implementation and evaluation. The aim of this section is not to derive a generic definition of quality that can be applied to all social services, but rather to draw out the principles and perspectives that have relevance to understanding the nature of services and measuring quality.



For the purposes of this article homeless services are defined to include all those residential and non-residential services provided with the specific purpose of preventing or alleviating homelessness, as well as social and health services accessed by homeless people.

## **Quality of Social Services in Europe**

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The issue of the provision of quality services, which are effective in addressing the needs of homeless people, is key aspect of the EU strategy to combat poverty and social exclusion. In this context, understanding the barriers to access to decent and affordable housing has direct relevance to the prevention of homelessness for those households who are vulnerable to exclusion from the housing market or who live in insecure or inadequate housing.

The framework of EU regulations is an important contextual element for the articles in this volume in relation to the regulation and public procurement of social services (including homeless services). This section describes the complex framework of the EU competition rules and the Communications of the European Commission on the nature of social services of general interest. The section uses that framework to briefly consider the nature of social services in order to identify different dimensions to the consideration of service provision and standards. Next, the drivers of quality and standards are considered in relation to the strategic, organisational and operational levels of decision making. Finally the section briefly reviews the evidence on the state of play of quality management and improvement as regards homeless services is being described..

### ***EU Services Directive and Communication on Social Services of General Interest***

The modernisation and improvement of social services (including homelessness and housing services) is a current concern of policy development at European and member state level specifically in the context of debates surrounding the introduction of the Directive on Services in the Internal Market.

Although freedom of competition belongs to the basic principles of the EU agreement (i.e. the Treaty article 81-89), the member states acknowledge that not all types of services should be left solely to the market. The services in question are recognised in the terms of services of general interest, perceived and defined by the member states as being subject to specific public obligations. The ongoing debate about services of general interest deals with the basis for increased competition and harmonisation of regulation within the service sector which traditionally has been delivered by public authorities.

With the aim of achieving one of the key elements of the Lisbon strategy, namely, the establishment of a genuine internal market in services, the European Commission (EC) presented in January 2004 a proposal for a Directive on Services in the Internal Market, also known as the Bolkestein Directive. Services of General Interest (SGI) are defined as “market and non-market services which the public authorities class as being of general interest and subject to specific public service obligations”. They include road and rail transport, electricity, water and gas supply, hospitals and other important public services including social services. The Council adopted the Services Directive as amended by the European Parliament on 11 December 2006. Member States will have to transpose the Directive into their national laws within three years.

The Court of Justice has established that any activity consisting of supplying goods and services in a given market by an undertaking constitutes an economic activity, regardless of the legal status of the undertaking and the way in which it is financed. Almost all services offered in the social field can be considered “economic activities” within the meaning of Articles 43 and 49 of the EC Treaty (*COM(2006)/177 April 2006*). However, for the moment, the only legal interpretation of what constitutes a SGI is one from the Court of Justice in the *Altmark* case in which the Court defines four criteria which have to be fulfilled to be considered a SGI.

Hence, the Bolkestein Directive creates an open market for service provision but excludes non-economic Services of General Interest (SGI) and some social services, namely:

*(j) social services relating to social housing, childcare and support of families and persons permanently or temporarily in need which are provided by the State, by providers mandated by the State or by charities recognised as such by the State.*

This means that member states are still responsible for regulating these services and can impose quality criteria which are different from country to country. Importantly, then, social services of general interest are excluded from the scope of the Bolkestein Directive – which means that there will not be an open European market for them. However, there is no legal definition specifically on Social Services of General Interest (SSGI). Many find the criteria defined by the Court for SGI to be too strict and want a political decision on what should constitute a SSGI.

In 2006, the Commission issued a Communication on Social Services of General Interest in the European Union (*COM (2006)/177*). In that Communication the Commission emphasises that, except for the basic social security schemes, social services are not in strict terms considered to be a part of public administration, but public policy and public funding play a major role and may be decisive for the provision of these services. The conclusion about what sectors and types of social services of general interest should be subject to competition remains unclear. The

member states are nevertheless obliged to follow EU legislation and directives, in particular if the services encompass financial activity associated with public procurement or grant aid. On the other hand, what should be considered financial activity in social services is yet to be clarified.

In order to ensure that social services respond to the varied and very individual needs of their users, most member states have systems in place to regulate their social services and ensure quality standards. Such regulations are crucial to ensure that social services are accessible to all and that they are in a position to guarantee that everyone has access to their fundamental rights via social services. These include authorisation schemes to regulate who can provide such services. Systems of regulation and quality standards vary from member state to member state.

It is argued that the measures proposed by the Directive under Chapter IV to ensure the quality of the services are not suitable for vulnerable clients of non-profit social services, such as homeless people (FEANTSA, 2005). References to insurances, guarantees, commercial communications, after-sales guarantees, and settlement of disputes, leave no doubt that the principle target of the draft Directive is commercial services for the average consumer. The European Social Platform<sup>1</sup> also expresses concerns about the potential impact of the services directive on quality standards in services more generally, particularly with regard to their accessibility and suitability for more vulnerable groups (ESP, March 2005; [www.socialplatform.org](http://www.socialplatform.org)).

This debate raises significant issues in relation to service provision. First, social services (including homelessness) can be classed as an economic sector. This in turn raises the question of how personal social services are defined. Clearly some services (e.g. personal and residential care for older people) are a growing sector in many countries and have a strong element of private market provision. In this case the concern is the extent to which Competition Rules (under article 86) apply to personal social services. On the other hand most social services are the responsibility of public bodies (the central state or local government) but are outsourced by the public sector under regulated competition. Hence there is a concern to establish that public procurement rules are adhered to in relation to public service contracts including principles of transparency and equal treatment.

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<sup>1</sup> The Platform of European Social NGOs (the Social Platform), which was established in 1995, is the alliance of representative European federations and networks of non-governmental organisations active in the social sector,

### *Personal Social Services in Europe*

This section considers the nature of personal social services, how homeless services fit within this typology and what implications this may have for understanding quality of service provision.

Under the Bolkenstein Directive Member States are given the freedom to define services of general economic interest and particularly social services of general interest, and to define the obligations and missions relating to such services and their organisational principles. On the other hand, the Community framework requires Member States to take certain rules into account when they determine the arrangements for applying the objectives and principles they have established. These principles have been described in Commission Communications (COM(2006)177; see also Quintin, 2004). A key aspect is that it is the nature, tasks and objectives of the service that is important rather than the legal status of the body providing the service or how it is financed.

Commission Communications and Court of Justice rulings imply that two key principles are employed to define a social service:

*Solidarity Principle* – the service is provided in accordance with a person's needs in order to ensure one of his/her fundamental rights is guaranteed (independent of that person's contribution).

*Social Cohesion Principle* – the social service is required to practise universality and equality in relation to its users in order to fulfil a legitimate objective in the public interest. It must therefore comply with a fixed rule stating clearly how the service is to be provided.

In addition to these principles, social services are also generally defined by the fact that the relationship between the provider and the beneficiaries are not a one to one supplier/consumer relationship. Third party finance is usually involved to ensure the delivery of the service which is usually provided by not-for-profit organisations (at least in the homelessness sector).

The Annex to the EU Communication 2006/177 identifies three main situations or forms of intervention for social services. These are defined in relation to meeting crisis needs, developmental needs or long-term needs. In relation to the debate on the quality of service provision and the improvement of service standards, this definition of personal social services suggests that the structure, tasks and objectives of services provided will be distinctive across the three domains of intervention and that the definition and measurement of quality of provision will need to reflect this difference.

### *Drivers of quality and standards*

The restructuring of welfare and social systems that has taken place throughout Europe in the latter quarter of the 20<sup>th</sup> century indicates a certain commonality of response (Edgar et al, 1999). Most prominent has been the retreat of the state from the direct provision of welfare services and the assumption of an enabling and regulatory role (COM 2006/177). No less prominent, and paralleling this changing role of the state, has been the increasing role of non-governmental agencies (NGOs) in the provision of welfare and related services to the homeless. While new (and innovative) forms of service provision have emerged during this process of change these vary between welfare regimes and can not be understood in any mechanistic manner according to the regime characteristics.

It is argued that changes in service provision “reflect not only the inherited traditions, customs and bureaucratic arrangements of different regimes, but also the action of conscious agents acting in the context of permissive and constraining structural conditions” (Edgar et al, 1999 ; p22). More recently the crucial role of social services in an enlarged Europe has been highlighted by the establishment of an extensive body of case law of the Court of Justice as well as by the coordination of social welfare policies including the fight against exclusion. Although the Treaty on European Union (1992) provides that many areas involving social services are primarily within the member states jurisdiction, member states must comply with Community Law and the rulings of the Court of Justice have shown that European integration also concerns social services (Quintin, 2004).

It is arguable that the drive to establish a genuine internal market in services in the European Union will affect the manner in which services are provided even though the Bolkestein Directive excludes some social services. That is to say quality criteria may differ from country to country but the drive to improve the quality of services and the manner and effectiveness of their delivery will have universal relevance. Thus, although the harmonisation of services across Europe is unlikely to be achieved in the foreseeable future, and while regulatory frameworks can be expected to differ between member states, such structural factors can be expected to lead to an improvement in services. The improvement in hostel provision for homeless people described in this volume is evidence of effect of distinct regulatory frameworks driving service improvement in very different governance structures in Poland and the UK (Fitzpatrick and Wygnanski).

As the state has moved towards an enabling and regulatory role, the allocation of public expenditure to services through different forms of public procurement and of competitive tendering should lead to the formalisation of standards of services and quality measurement as the basis of public service contracts. The principles of accountability underlying public procurement procedures (e.g. transparency and equality of treatment)

should foster a climate of excellence and innovation within organisations reliant upon public funding. However, the shift to a culture of quality and improvement in services may be impeded by inherited structures or weakly developed NGO capacity involving oligopoly structures of provision as well as dominant agents. These issues are explored elsewhere in this issue (Dyb and Loison).

During recent years, there has emerged a European-wide recognition that homelessness is a complex and multi-faceted problem requiring programmes geared to individual needs for successful reintegration. Policies and programmes that focus on prevention and on re-integration, as well as on alleviation of the crisis of homelessness, require inter-agency cooperation and structures. The drive towards more holistic approaches involving health, employment, housing and support and to the management of sustainable outcomes has involved endogenous drivers to improvement within organisations. This has, for example, led recently to the certification of agencies in some countries (discussed later in this article). In addition, organisational goals (as well as the reliance upon public funding and regulation) have resulted in an increased professionalisation of staff and management structures which in turn drive change to improve standards and service delivery.

The traditional roles of the structuring agents of housing and social service policy and provision have now to be complemented by the advent of what has become known as 'user involvement'; the users of services emerging as agents in their own right in determining the type of services offered and the conditions under which they are provided (Edgar et al, 1999). Although structures of user involvement in service planning and delivery are still embryonic in many countries, the principles involved have underpinned the development of tools for outcome management and measurement (which are discussed later in this article).

### ***State of play***

In Europe there is very limited research evidence available on quality standards and frameworks for homeless services. It therefore is perhaps pertinent to review the (limited) evidence on approaches to quality management in social services generally in Europe since this often provides the regulatory framework within which homeless services operate. The European Social Network (<http://www.socialeurope.com>) has identified some of the differing approaches to project performance measurement.

The ESN study (2004) identifies that there are no national service standards in many countries. In France the department and municipalities develop their own approach. In Sweden, where social service monitoring is the responsibility of the regional health and social services boards, about half of local authorities have developed a policy on quality with accompanying guidelines and standards are tested in court

with case law informing social policy practice. A local initiative in the City of Stockholm has developed a programme of quality based on three principles: integrating programme goals based on a common structure at all levels and in all activities, developing central support to initiative quality development procedures with appropriate training and common terminology, a focus on outputs and outcomes. While there are no national monitoring quality standards in Germany instruments for measurement of quality of services are in place with regard to contracting at the local level. In England, by contrast, central government has adopted a very firm approach to regulating standards and measuring performance of mainstream social services. This has involved the introduction of a comprehensive framework for measuring social service performance called the Performance Assessment Framework (PAF). This is a range of fifty separate indicators covering all aspects of a service. Hence accountability for service quality and expenditure takes place at a national level.

The ESN study (2004) did not identify examples from Mediterranean countries or from Central and Eastern Europe (CEE). While different factors may account for the diversity identified it has been argued that “a sea-change in approach to measuring the performance of mainstream services is underway, and that this is beginning to impact on the measurement of performance in projects run by or in partnership with non-statutory bodies” (ESN, 2004; p. 4).

## **Definition and Conceptual Models of Quality**

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This section considers how the concept of quality is understood as a social good. At one level quality can be considered in relation to standards of provision that society either defines as essential to meet the goals of fundamental human rights or social cohesion (minimum standards) or as desirable to ensure the norms of equality and universality (normative standards). This highlights that the concept of quality is about improvement or progress as well as about enshrining rigid or fixed rules of service provision. The aims of quality improvement can be described as (see Health Resources and Services Administration, 1996):

1. To monitor and evaluate costs, quality, and access of homeless services in a rapidly changing system of care.
2. To ensure accountability. Measures can provide justification for continued services, which help programs sustain activities in difficult fiscal environments.
3. To evaluate the progress of homeless services in meeting strategic goals and objectives in relation to costs.

Quality can also be perceived as a property that services can have in varying degrees. It follows that an assessment of quality is a judgment of whether a specified type of service has this property, and if so, to what extent (Donabedian, 1980: 3). Judgments are based on expectations with regard to what homeless services are considered to achieve but also on comparisons with similar services (benchmarking) within and outside the country or for example on previous experience with such services.

### ***Structure, process and outcome***

A well known and often used concept of quality is that derived by Donabedian (1980, 1982) who provides a conceptual model in relation to structural aspects, processes and outcomes. This model is described below, while the manner in which the model is operationalised in different countries (in relation to support services and homeless services) is described in later sections of the article.

*Structure* relates to the relatively stable characteristics of the providers of care, of the tools and resources they have at their disposal, and of the physical and organizational settings in which they work. It includes the human, physical, and financial resources that are needed for the service delivery to homeless people. Examples include the level and composition of the workforce and the buildings or accommodation. In Donabedian's view structure is an indirect measure of quality because it increases or decreases the probability of good performance (1980: 81-82).

*The process of care*, considered as the primary object of quality assessment, pertains to the relationship between the characteristics of the care process and their consequences to the health and welfare of individuals and of society, in accordance with the value placed upon health and welfare by the individual and by society (p.80). The relationship is determined by the state of science and technology at a given time, and also by normative behaviour (norms derived from science or from ethics and values in society) that govern interpersonal relationships. Insight in the process of care can help determine what factors influence the realisation of outcomes, and gives clues for the improvement or adjustment of the contents, the co-ordination and/or the organisation of service delivery. A good practitioner is required only to do what is known or believed to be the best of the client (1980: 80).

*Outcomes* are the tangible results of the actions undertaken and pertain to changes in a client's current and future housing, health and employment status that can be attributed to service delivery. The overall quality of life of homeless people and user or client satisfaction are considered significant outcome measures in the evaluation



and monitoring of homeless services<sup>2</sup> (Donabedian, 1980; DTZ, 2007). Quality of Life refers to the “goodness” of life. “This ‘goodness’ resides in the quality of the life experience, both as subjectively evaluated and as objectively determined by an assessment of external conditions” (Zautra & Goodhart, 1979: 1). Quality of life is often operationalised in terms of the actual state of affairs within the various life domains, and also how satisfied clients are with each domain-specific condition (that is, their subjective well-being) as well as satisfaction with overall quality of life (Lehman, 1995; Lehman et al., 1995; Wolf, 1997).

Client satisfaction represents an individual’s perceived experiences regarding the care they receive and the extent to which these services meet the person’s expectations and needs (DiTomasso & Willard, 1999 in McCabe et al., 2001). A randomised experiment with various case management programs for homeless individuals with severe mental illness shows that there is a significant mediating effect of the working alliance as perceived by homeless people on client satisfaction (Calsyn et al., 2002). Research has found that client satisfaction often does not correlate with other client outcomes (Calsyn et al., 2003). Client satisfaction is not related to outcomes strongly enough to serve as a substitute for other outcome measures (Kaspro et al., 1999).

Examples of the operationalised aspects of Donabedian’s conceptual model are summarized in Table 1.

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<sup>2</sup> Client satisfaction is in Donabedian’s view of fundamental importance as a measure of the quality of care because it gives information on the provider’s success at meeting those client values and expectations which are matters on which the client is the ultimate authority (1980: 25).

**Table 1\_ Operationalisation of the three differing aspects of Donabedian's conceptual model**

<b>Structural aspects</b>	<b>The Process of care</b>	<b>The Outcome of Services</b>
Physical properties of buildings	Working alliance	Overall Quality of Life
Safety	Cultural competence	Quality of Life domains
Staffing levels	Privacy and Confidentiality	User or client satisfaction
Staffing Qualifications	Rights	Housing status
Access to services	Safety	Social / Employment Status
Financial resources	User involvement in planning	Mental health status
Service Objectives	User involvement in evaluation	

### ***Input, throughput, outcome and output***

With its economic and market-oriented approach, the process management reference framework offers a different approach to quality, although there are some similarities to elements of Donabedian's model. Quality is defined from this managerial point of view as the suitability of a product or service for addressing a specific function or need (Hardjono & Bakker, 2002: 19). Process or quality management may be employed as a model for managing and evaluating organisations. Quality systems have been developed on the basis of such principles, including the INK Model propagated by the Dutch Quality Institute. It uses managerially relevant index numbers to ascertain whether predetermined targets have been achieved, what activities were performed to achieve them and what resources were used. Four types of indicators are often distinguished (Bakker et al., 2006):

*Outcome indices* show the targets an organisation has set and the degree to which they have been achieved, in terms of outcomes such as perceived benefits to clients or effects in the community. The inclusion of both baseline and target values in the outcome indices enables insights into the effectiveness of the activities pursued.

*Output indices* can shed light on achievements or products that are expected to contribute to target attainment. Examples are numbers of client contacts, contact duration, and occupancy and discharge rates in services. Other output figures aid in evaluating costs and efficiency.

*Throughput indices* involve the process that is carried out to achieve the targets. Examples are case finding and outreach, training and professional supervision for staff, and activities to improve service access and to link clients to services.

*Input indices* concern the resources that can be mobilised towards achieving the targets, including staff competencies and qualifications as well as financial resources and material goods.

The elements described here are closely interconnected. It is extremely difficult to achieve client-level targets, for instance, if insufficient input (competencies and material resources) is available or if the quality of processes is inadequate. Principles from process and quality management are now applied not only by organisational managers, but increasingly by commissioning agencies and service purchasers as well. Awareness is growing that it is insufficient to evaluate services merely in output terms like numbers or duration of client contacts (van der Laan, 1998) – not least because such management focuses can lead to perverse outcomes. Managers and staff may consciously fixate their efforts on reaching the required output, even engaging in strategic behaviour to do so. Another consequence of an excessive focus on output is that services may turn away the clients with the most serious problems. The ultimate test of a service still remains whether the clients benefit from it and whether it produces positive community effects (such as reduced public nuisance).

## **Factors Affecting the Measurement of Quality**

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Given this understanding of the definition and conceptual models of quality, this section considers some of the factors that may affect the measurement of quality.

Judgments of quality are often not made about the homeless service itself but indirectly about, for example, the staff who provide care and about the settings or systems within which care is provided. These elements are often not considered equally important. This implies that the relative weighting of the various elements needs to be determined in the construction of a set of standards (Donabedian, 1982).

To define quality is to establish a norm or benchmark; this means that the definition must be defensible on normative grounds (Donabedian, 1980: 13). Normative standards can be developed on the basis of three different sources of knowledge: objective knowledge from scientific research, professional knowledge (based on expertise of practitioners) and existential knowledge (i.e. from clients own experiences) (Kunneman, 2005). Hence, part of the quality assessment framework is the specification of the 'referent', that is the thing to which the standards or norms apply and the thing that needs to be judged (Donabedian, 1982).

What is considered to constitute high quality services is subject to change. Moreover, what will be included in the concept of quality is very much dependent upon the location and context of services. Homelessness services are not a static phenomenon, but subject to ongoing growth and development. Equally, services for homeless people reflect, to some degree, the differences in the welfare regimes in which they are embedded (Edgar et al, 2003). Within each national context the definition of homelessness services needs to be reviewed regularly in order to reflect the changing patterns of provision and quality assessment systems need to be adapted to these changes.

The balance of benefits and harm is the essential core of a definition of quality according to the Donabedian model described above (Donabedian, 1980: 22, 27). The overall benefit of homeless services can be understood as an improved quality of life of clients. Harm or risks can be defined in terms of unintended negative outcomes as a result of lack of coordination, lack of continuity of care, incompetence of staff, problems with access to care (long waiting lists), and unnecessary care and dependence (institutionalisation syndrome). According to Donabedian (1982) the highest standards of net benefit attainable as a consequence of service delivery should be specified in absolutist terms, without regard to monetary costs.

The definition of quality and of homeless services as well as the definition of the benefits and harms of these services will often be undertaken in highly politicised environments where critical decisions have to be made on, for example, the allocation of scarce resources, the planning and designing of new services, the division of labour among professional groups, the run down of obsolete services or the merging of established agencies. Different parties have strong vested, potentially conflicting, interests in (re)formulating policies and implementing changes. They are the potential users of the data on quality, have different priorities and aims, and therefore will try to influence what will be defined as quality and what aspects will be assessed. Different perspectives of the concept and meaning of quality can be perceived among different stakeholders. For example, see Wolf and Ford (1998) for a detailed description of the values and vested interests of different parties involved with the quality assessment of crisis services.

Decisions on the measurement of homeless services can be made at the strategic, organisational or operational levels of decision-making (see Edgar et al, 1999). The different levels of service delivery are summarised in Table 2. Depending on the objectives of the quality assessment, and the developmental stage of homeless services, one can decide to select specific features of homeless services at the different levels (Wolf & Ford, 1998). Processes on the different levels are strongly interdependent. It is, for example, well known that training of professionals will only result in desired changes in performance when it is accompanied by changes in

their work circumstances, the organisation of service delivery, and by adjustments in the system of care as a whole (Wolf, 1995). Even if one wants to focus the quality assessment on only one level, say the process of care, it is important to collect so-called contextual data on other levels.

**Table 2 Levels of service delivery in homeless services**

<b>Domains</b>	<b>Levels</b>	<b>Description</b>
<b>Operational Domain</b>	Care process	pertains to the process in which the treatment, care and support offered by practitioners is being tailored and fine-tuned to the individual needs, problems and possibilities of clients as well as of carers. Key players: clients, carers, and professionals.
	Interdisciplinary co-operation	pertains to the substantive cohesion and co-ordination of the actions of those who are involved in the service delivery to individual clients. Key players: clients, professionals, non-professionals (e.g., carers, support workers), and people in the community at large.
<b>Organisational Domain</b>	Organisation of service delivery	pertains to how, when and where agencies offer their services to clients and carers. Key players: senior staff and managers.
	Interagency co-operation	pertains to the cohesion and co-ordination of the functions and service delivery among programmes and agencies in a local area. Key players: managers.
<b>Strategic Domain</b>	Policy, planning and commissioning	pertains to the development of (local) policies and strategic planning (on the basis of needs assessment), as well as the designing and commissioning of services. Key players: managers, purchasers, local politicians.

(Wolf & Ford, 1998); See also Edgar et al 1999

## European Approaches to Improving Quality

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Given the conceptual understanding of the meaning of quality elaborated above, this section considers the approaches adopted to monitor or improve services to homeless people in Europe. There is limited evidence available in the literature and little, if any, research evidence on the topic and so this section uses case examples and material discussed in this volume to illustrate different approaches.

### *Defining homeless services and service standards*

In order to assess or measure the quality of services, or their effectiveness, in meeting the needs of homeless people it is necessary to have an understanding of the principles that are considered important for service delivery in homeless services. The benefits that homeless services, here perceived as personal social services, are expected to achieve can be described in terms of services to meet the immediate life or crisis challenges, developmental services and services addressed to the long term needs of homeless people (derived from COM, 2006; 177 annex 1).

Services to facilitate access to social rights or resources that homeless people need in order to master immediate life challenges may include, for example, social housing and stability of housing, income, debt management and reduction of debts, work or meaningful day activities, positive relationships with families and social contacts and access to health care. Developmental services necessary to increase or improve the skills necessary for full inclusion in society and participation in social activities and networks include, for example, training of debt management skills, rehabilitation, mentoring of ex prisoners, labour market training, language training, professional rehabilitation. Finally, a range of support services are required to ensure the inclusion of people with long term needs due to their mental health, physical or learning disability or addiction.

Homeless services have traditionally been associated with meeting the crisis associated with a lack of housing but have diversified to provide re-settlement and developmental support to people who are homeless or at risk of homelessness and, in more recent years, support (in their own home or in supported accommodation) to people with longer term needs that place them at risk of homelessness. Homeless services also involve a combination of 'support' services and 'accommodation' services. Hence the debate on quality of service provision in the homeless sector involves issues of the quality of care as well as in terms of the Donabedian structural aspects, for example, the physical standards of accommodation which may be subject to statutory provisions developed outside the social sector (e.g. health and safety regulations and building regulations).

There is not a comprehensive European typology or classification of homeless services. Neither, at present, is there an authoritative classification of homelessness services in any country. However, in some countries classifications have been developed though for different purposes; in some cases for the purpose of collating directories and databases, in others for administrative or for legal or regulatory purposes (Edgar et al, 2007; see Box 1). They all distinguish between accommodation and non-accommodation based services; they distinguish between outreach / emergency / crisis type services and support or resettlement services (including employment and training). The range of services identified highlight that they may be provided by a wide range of service providers including the public or state sector (at a national, regional or local level), NGOs and the private sector. Funding for services may be provided by state, private or charitable sources, or a combination of these sources. It is reasonable to expect that the definition and measurement of quality of provision or services will be different between these different service types. The different concepts and understandings across Europe of what constitutes homeless services, may very well lead to different formulations of what constitutes quality.

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#### **Box 1\_ Services provided to homeless people**

In examining the range of services provided to homeless people across the European Community, a broad typology of services emerges. Edgar et al (2007) propose a methodology for identifying those services that may be classified as homeless services in order to contribute to a statistical understanding of the levels of homelessness. This procedure builds upon that outlined by FEANTSA in their fourth annual review of statistics on homelessness in Europe (Edgar et al, 2005).

Accommodation for homeless people –

*eg. emergency shelters, temporary hostels, supported or transitional housing*

Non-residential services for homeless people –

*eg. outreach services, day centres, advice services*

Accommodation for other client groups that may be used by homeless people -

*eg. hotels, bed and breakfast, specialist support and residential care services for people with alcohol, drug or mental health services*

Mainstream services for the general population

that may be used by homeless people -

*eg. advice services, municipal services, health and social care services*

Specialist support services for other client groups

that may be used by homeless people -

*eg. psychiatric counselling services, drug detoxification facilities.*

An overview of the legislative and regulatory frameworks to which homeless services must adhere, would provide a structure of the quality criteria that are prescribed within these frameworks. To our knowledge such a review has not been undertaken at a national or European level and so it is not possible to assess the articulation of service standards for different types of homeless service across Europe. However, the state of play overview described above suggests that there are few countries where standards for homeless services are set (a priori) at national level and that there are regional variations in approach within countries.

### *Regulation of homeless services*

Fitzpatrick and Wagnanski (this volume) argue that regulation is defined in relation to three elements – the definition of standards, the mechanism for measuring compliance with the standards and the sanctions or enforcement procedures attached to the breach or non-compliance. They suggest that regulation may occur through legal, administrative and financial mechanisms and that self-regulation (or self-certification) may be employed to promote good practice among networks of service providers.

One administrative mechanism by which quality compliance can be measured is the regular inspection of homeless services. One example of a national inspection service for homeless services, through which quality criteria are developed, is to be found in Scotland where an executive agency of government (Communities Scotland) implements a single regulatory framework for social landlords, which brings together the regulation and inspection of all registered social landlords (RSLs) and the homelessness functions of local authority landlords. Scottish local authorities are responsible for implementing national homelessness legislation under the Scottish Homelessness etc Act 2003. Communities Scotland produces inspection reports for each local authority in relation to the homeless functions. A review of the inspection approach (Communities Scotland, 2005) identified that, while the inspectors saw some examples of clear standards and targets for homeless services, generally these were not well used by the local authorities as a way to let people know what to expect from the services or as the basis for monitoring and reporting performance<sup>3</sup>.

Inspectors use a range of techniques to assess the reality of service outcomes for homeless people: they review individuals' cases to see how people are treated; have discussions with councillors, staff and service users about the way services

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<sup>3</sup> an example of an inspection report for Edinburgh can be found at:  
[http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/ripcs\\_013302.pdf](http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/ripcs_013302.pdf)



are delivered; observe interviews with service users; and, shadow staff carrying out specific tasks, such as putting people into temporary accommodation. Inspectors then use this information to make assessments on the quality of a council's services to homeless people in relation to factors including:

- the impact of performance levels on the service user;
- performance against key indicators in comparison with others;
- compliance with legislation;
- how far good practice is embraced;
- the council's awareness of strengths and areas for improvement;
- its commitment to, and track record of, improvement; and
- local context and legitimate local priorities.

Financial regulation is a further mechanism of ensuring adherence to or improvement in quality service standards among homeless service providers. In the debate on what constitutes a social service of general interest, it has been argued that it is the nature, tasks and objectives of the service itself that matters rather than the legal status of the body providing the service or how it is financed (2004). However, the solidarity criterion highlighted by the Court in the area of social welfare (see above) establishes that a service must be provided in accordance with a person's needs, in order to ensure that his/her fundamental rights are respected, *independently* of that person's financial contribution. Hence, a defining characteristic of social services (and of homeless services) is the reliance upon third party funding. Third party funding (of NGOs by public authorities) has led to different approaches to public procurement of homeless services. It is argued that competitive tendering procedures of public procurement will lead to improved quality of services more effectively and efficiently than other mechanisms of administration or regulation (Le Grand, 2007). However, Dyb and Loison (this volume) question whether competition necessarily leads to improved quality of homeless service delivery. They describe systems of service provision characterised by oligopoly structures where the sanction mechanisms are ineffective in facilitating competitive tendering procedures. They further argue that non-economic forms of competition, which exist beyond public procurement funding mechanisms, lead to inefficiency, duplication and waste of resources.

Our description of the drivers of quality (above) identifies multi-agency working as an important aspect of change. Our rationale for suggesting this is that the multi-dimensional nature of the needs of homeless people has led to an increase in multi-agency working and that there is evidence that this has led to increase

professionalisation of homeless services (Edgar et al, 2004). There is evidence in the Netherlands (and elsewhere) that this can lead to self regulation or certification by homeless agencies to define normative standards of service quality. A key factor behind the certification trend in the Netherlands is that increasingly health insurance companies require quality certificates as a condition for signing contracts with service providers. Hence, certification is an important part of a regulatory framework. Dutch homeless services began developing quality systems to meet the requirements set in 2003 for funding under the Exceptional Medical Expenses Act (AWBZ). The quality systems are required to satisfy the standards set by the Dutch Foundation for Harmonisation of Quality Review in Health Care and Welfare (HKZ), an organisation funded largely by the Health Ministry. The HKZ is one collaborator in an international project to develop European quality guidelines for health care and welfare services (which will be based on ISO 9001 : 2000). HKZ has developed a generic conceptual framework for certification (called the HKZ Harmonisation Model – see [www.hkz.nl](http://www.hkz.nl)) which is suited to all health care and welfare sub-sectors.

In addition, the professional trade associations to which such homeless agencies belong also set standards for their members, and those standards are increasingly approaching the status of generally recognised requirements. In some cases, a desire for certification also arises within the agencies themselves, which may see it as a route to further professionalisation. It is also a way to favourably set themselves apart from other providers and to demonstrate that their services are well run in a competitive tendering environment. The specific standards applied by the Dutch homeless sector were established in the spring of 2007 which is indicative of the embryonic stage of such approaches in the European context.

### *The user perspective*

The Donabedian model, described above as the conceptual model for understanding quality, makes a distinction between the definition of quality in terms of the structural aspects of care, the process aspects of care and outcomes. From the perspective of the users of homeless services the most important of these possible interpretations of quality are probably those concerned with process (how they are treated by the system) and those concerned with outcome (how effectively their needs are met). Although it is often difficult to disentangle the three elements, it is the latter that is most difficult to measure and hence has attracted least attention until recently. Arguably it is that aspect which is most critical in giving voice to the user.

To ensure services continue to improve, it is necessary to look at longer-term methods of ensuring services are delivering what customers need. The development of outcome measurement tools aim to allow comparison of services and benchmarking

in order to provide reports on a consistent basis. A number of examples are evident in the UK. The Regional Outcomes System for Yorkshire and Humberside (ROSYH) in England provides a model to allow housing support services to move away from measuring service activities and focus on outcomes for clients by measuring change in 14 support areas. In Scotland, the government has funded research to find a model that can be introduced consistently at local authority level, to capture useful information locally that can then be used as a means of public reporting nationally. This has developed a Housing Support Outcomes Matrix which measures change in support needs in four summary categories of accommodation, health, safety and security, and social and economic well-being.

There are several methods available to discover the opinions of clients (about criteria as well as about the expected benefits of homeless services) including surveys among participants with a 'choice questionnaire', focus groups, interviews, concept mapping and the Rand appropriateness method. It is not feasible to discuss all these methods here in detail (see Cnaan et al., 1992; Trochim, 1989; Brook et al., 1986). Ensign (2004) describes the use of interviews and focus groups to identify outcome measures for health care services for homeless youth (see Box 2)

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**Box2\_ Development of structural, process and outcome measures of quality of health care (Ensign, 2004).**

*Structural aspects*

Health care sites separate from those for homeless adults, and sites that offered a choice of allopathic and complementary medicine.

*Process*

Cultural competence: how providers can tailor their health care advice and interventions to the realities of life for homeless youth  
Interpersonal aspects: treated with respect, not judgmental, clear communication, not having a lecturing tone of voice, ongoing encouragement

*Outcomes*

Survival of homelessness, functional and disease-state improvement, and having increased trust and connections with adults and with the wider community.

## Conclusions

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Most social services, including homeless services, are the responsibility of public bodies (the central state or local government) but are outsourced by the public sector under regulated competition. The ongoing debate at EU level on the extent to which social services of general interest are affected by Community objectives including those of competition and internal market is unresolved. Although Member States are free to determine the way in which social services (including homeless services) are performed public procurement rules apply. Hence there are strong drivers to improve and modernise the quality of services including those provided by homeless agencies.

In most countries there are no national service standards and very limited research evidence on quality standards in homeless services. Quality standards can be articulated either to meet the goals of human rights (minimum standards) or as normative standards to ensure equality and universality. Quality can be measured in relation to the structural aspects of care, the processes of care or in relation to outcomes. In each of these domains quality can be operationally defined in relation to different aspects. We identify a range of factors that can affect the measurement of quality.

In view of the limited evidence available in Europe this article has provided a contextual framework and illustrative examples of issues affecting the measurement of service quality. Articles in this issue develop several of these topics (see especially the articles by Fitzpatrick and Wygnanski, by Dyb and Loison and by Busch-Geertsema and Sahlin).

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# Harmonising Hostel Standards : Comparing the UK and Poland

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› **Abstract\_** *This paper reviews the progress being made towards harmonising and regulating hostel standards in Europe, employing the UK and Poland as illustrative case studies. It argues that a 'levelling up' harmonisation of 'actual' hostel standards appears to be taking place within the UK and Poland, as evidenced by general reductions in the scale of hostels, increases in the level of support they provide, and some attention being paid to user rights and involvement. There are also established 'normative' physical and management standards for hostels in both countries, which are enforced to a greater or lesser extent via legal, administrative and financial mechanisms, albeit that with respect to Poland the emphasis to date has mainly been on self-regulation (a situation that is likely to change in the near future). However, as things stand, it is difficult to envisage a rapid levelling up harmonisation in actual or normative hostel standards between the UK and Poland (or indeed across western and central Europe in general), because of the gap that currently exists with regards to physical conditions in particular. On the other hand, it should be possible to develop transparent EU-wide 'benchmarks' to allow for consistent comparison in hostel standards within and between countries. The paper contends that such harmonised benchmarks require to be outcome-focussed, and to be fully informed by the perspective of service users.*

› **Key Words\_** *hostels ,standards, harmonisation , regulation*

## Introduction

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This paper reviews the progress being made towards harmonising and regulating hostel standards in Europe<sup>1</sup>, employing the UK and Poland as illustrative case studies. An important part of the backcloth for this paper is the pressure for European-wide harmonisation that may arise from the EU Directive on Services of General Interest (Wolf *et al*, this volume), but also the recent steps that national governments, and in some cases local authorities and NGOs, have taken to improve and harmonise hostel standards within their countries. The paper starts from the assumption that there is a continuing role for hostels in homelessness provision in Europe (see Busch-Geertsema & Sahlin, this volume, for a discussion of what that role should be), and that so long as they exist, hostels should provide as high a quality service to homeless people as is possible.

There are three types of standards the harmonisation of which this paper seeks to explore:

- ‘benchmarking standards’: these are descriptive standards, which seek to clarify the content and nature of a service, rather than to impose a minimum qualitative content. The purpose of this type of standard is simply to achieve transparency about what is provided, not least to enable systematic comparison in competitive tendering and other forms of public procurement, so that equity is achieved between service providers and value-for-money is gained for the public purse.
- ‘normative standards’: these are standards which are aimed at ‘levelling up’ services, so that at least a required minimum is achieved, with aspirational higher standards also sometimes articulated to be worked towards over time. This type of standard is more clearly concerned with improving the experience and outcomes for service users.
- ‘actual standards’: the standards implemented in practice.

The paper’s focus on hostel standards in the UK (specifically England and Scotland) and in Poland enables a detailed comparison to be conducted of the position in a western and in a central European country, where the approach taken to the regulation of hostel standards (and standards within other aspects of social provision) are very different. This particular comparison also enables a consideration of hostel standards in one context (Poland) where provision is heavily NGO-dominated, as compared with the more mixed economy found in the UK (in England, hostels are mainly run by the larger voluntary sector providers, and lower end ‘shelters’ are usually provided by smaller charities or church groups; in Scotland, there has

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<sup>1</sup> ‘Hostels’ are defined as in Busch-Geertsema & Sahlin (this volume).

traditionally been more direct local authority provision, but housing associations and NGOs are now heavily involved).

The paper employs the following structure within which we consider hostel standards in Poland and the UK (Donabedian, 1980; see also Wolf *et al*, this volume):

- the '*structure*' of provision: the current attributes of hostel settings (i. e. their 'actual standards').
- the '*process*' of regulation: monitoring and regulation of hostel standards.
- the '*outcomes*' for residents: level of satisfaction with hostels; and the effectiveness of the reintegration process.

It ends with a consideration of the prospects for harmonisation of hostel standards both within and between countries such as the UK and Poland.

## The Structure of Hostel Provision

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There are a range of hostel attributes which contribute to the 'structure of provision', including:

- physical standards;
- social standards – including staffing and support services; and relations between residents; and
- residents' rights and obligations.

### *Physical standards*

A key aspect of the general shift towards improved physical standards in the UK (and elsewhere in Europe, see Busch-Geertsema & Sahlin, this volume) has been an emphasis on re-provisioning traditional large-scale hostels to provide smaller forms of provision with more privacy; these smaller units are also usually more specialist and offer higher levels of support (see section on social standards below).

In the UK, there have been substantial improvements in hostel standards over the past two decades reflecting this re-provisioning trend (Crane & Warnes, 2000; Randall, 2003). A central government 'Hostels Initiative' led to the closure of many large, poor quality hostels in the 1980s, and their (partial) replacement with alternative provision by housing associations, while at the same time the Department for Social Security closed or re-provisioned all of its very basic 'resettlement units' (Deacon & Vincent, 1995). In the 1990s, a series of 'Rough Sleepers Initiatives' enabled further improvements in hostel standards so that, for example, the proportion of beds provided in dormitory-style accommodation reduced significantly (by 2003, around 90 per cent of all hostel

beds in London were provided in single rooms; see Warnes *et al*, 2004). More recently, there has been a move towards 'cluster' arrangements within hostels, to create a more 'home-like' environment (Pleace & Quilgars, 2003). Despite these gradual improvements, concerns about hostel standards have persisted (Randall, 2003), and in January 2005 the Government launched the 'Hostels Capital Improvement Programme' to further upgrade the interior of hostels across England (Communities and Local Government, 2006). Only single room accommodation will be built under this programme; while other stated priorities with regards to physical conditions and layout include a 'welcoming reception area', non-institutional décor, and integrated 'activity' spaces allowing for interaction with the local community.

However, running counter to this dominant trend towards smaller, higher quality provision, is the development since the mid-1990s of 'winter' and 'Open House' 'shelters' providing free accommodation to rough sleepers in basic, large-scale settings in a range of locations across England (Pleace, 1998; Crane & Warnes, 2000). These sorts of facilities have been said to offer '... a tolerant and non-judgemental environment with minimal barriers to access' for those homeless people who may find it difficult to deal with more structured regimes (Pleace & Quilgars, 2003, p. 24). They also seem to play a particular role in providing emergency accommodation to migrant workers and others who do not have recourse to public funds (London Housing Foundation, 2005). However, these basic shelters remain controversial as 'low threshold' is often taken to justify 'low quality' provision (Busch-Geertsema & Sahlin, this volume), and for some they represent the 'danger of the return of the basic hostel' (Swain, 2007).

In Poland there is no research evidence on the actual physical standard of hostels (Wynanska, 2006), but the following general description gives a flavour of the rudimentary standards that often still pertain:

- a typical 'night shelter': located in a barrack or unconverted building, with two large rooms, equipped with ten to fifteen bunk beds. These night shelters will also usually have an entry/admission room, and common bathrooms. They are normally staffed by a manager and a helper (who may or may not be trained in First Aid). They are open only at night, but many clients come back on a regular basis.
- a typical 'shelter': located in a barrack or former railway or other institutional old building, with five to 15 rooms, providing for between two and five people in each, in bunk and single beds. These shelters typically have common bathrooms, a kitchen, and laundry facilities. They are usually run by a manager and a social worker, supported by volunteers recruited from among the clients.

Both the 'night shelters' and the 'shelters' have generally been sited on the fringes of towns and cities, often in proximity to industrial rather than residential areas.

However, in cities such as Warsaw, Gdansk, Wroclaw and Poznan there is a proportion of higher quality provision located in new buildings, and in better neighbourhoods, offering single room accommodation. Diversity in hostel standards in large urban areas is encouraged by the traditions of particular service provider networks: there are five major NGOs in Poland, and each of them has a deeply rooted ideology which underpins the way in which they provide their services, including the quality of their hostels. For example, in the 1990s the practice of one of these large NGOs – the MONAR Association – was to colonise abandoned spaces like subways and unused buildings and equip them as low threshold shelters. Lack of resources meant that physical standards were poor in these makeshift, large-scale shelters, and little support was provided to residents. In contrast, homes for expectant mothers and single mothers with infants, run mostly by church organizations, tended to be smaller in scale and to offer better physical standards, with trained support staff on site.

Recently, and consequent upon a growing recognition that homelessness is a complex, multi-dimensional problem, standards of service have gradually improved across the board, and one result has been a tendency to restructure large-scale facilities (like those of MONAR) into smaller and more specialised provision. While the initiative has largely come from the NGO sector (Wyganska, 2007), local as well as national government have also developed more sophisticated policies to address homelessness. The most important current example is the National Programme for Financial Support for the Construction of Facilities for the Homeless<sup>2</sup>. Local authorities and NGOs can apply to this programme for partial funding to construct new hostels and other facilities for homeless people, or to improve the quality of existing facilities. This National Programme is the first government funding stream in Poland dedicated to capital investment which is open to NGOs. NGOs have traditionally had access to only revenue funding from national government, and any capital investment has tended to be sourced from in-kind charitable donations or from European sources. The absence of capital funding from domestic sources has contributed to the low physical quality of much of the hostel provision in Poland.

However, it is important to stress that both in Poland and in the UK poor conditions in hostels are not always solely attributable to a lack of resources. Thus, a diversity of physical standards (as well as differential requirements with regards to standards of behaviour and levels of engagement with social workers) explicitly accompanies the ‘hierarchical structure’ in Pomeranian Standards for Services in hostels in

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<sup>2</sup> Parliament of the Republic of Poland (2006) *Ustawa o finansowym wsparciu tworzenia lokali socjalnych, mieszkań chronionych, noclegowni i domów dla bezdomnych* (*The Act on Financial Support for Gminas in Construction of Social Housing, Homes and Night Shelters for the Homeless*) (see Wyganska (2006) for a description).

Poland (see section below on reintegration). In the UK, Evans (1991) concluded that local authority hostels were often kept deliberately basic to minimise statutory homelessness applications, albeit that this was not formally acknowledged. More recently, a 'pathways' approach has been established in some local authority areas in England (such as Camden in London), whereby homeless people are initially accommodated in a short-term 'assessment' hostel where conditions are kept basic in order not to create any expectation of permanence. This sort of approach is also a feature of hostel policies elsewhere. In the Czech Republic, for example, it is an explicit policy objective to avoid 'excessive comfort' to discourage long-term residence in hostels:

'The objective of the [physical] setting in hostels is to support the users and motivate them in not remaining dependent on the social service for too long but wanting to leave to a more favourable background of a home.' (Hradecky, 2007, p. 11)

### ***Social standards***

This topic covers two key elements:

- staffing arrangements and support within hostels; and
- relations between residents in hostels.

*Staffing and support.* The staffing and support arrangements within hostels can be even more critical to residents' quality of life and future prospects than physical standards:

'Hostel residents say that it's the way front-line staff work with them that makes the biggest difference.' (Communities and Local Government, 2006, p. 9).

In the UK, hostel staff are relatively poorly qualified, requiring only a basic vocational (non-university) qualification. In Poland, in contrast, a requirement for shelters to employ a (university-educated) social worker is one of the key attributes which differentiates them from night shelters, and in other countries (e. g. Germany) there is a similar expectation that hostels will employ at least one qualified social worker. However, there is some evidence of greater flexibility in the qualifications and specialised experience expected from hostel staff in some countries. For example, there is the beginnings of a shift away from emphasising social work qualifications to more practical skills in the recruitment of hostel staff in Germany, and in England there has been a move away from insisting on previous experience of the homelessness sector (Communities and Local Government, 2006).

Hostel staff treating residents with dignity is, it is argued, paramount in making hostels 'humane' places to be (Ann Rosengard Associates, 2001), but at the same time it is acknowledged that hostel staff face difficult and draining work, meaning that appropriate support and training is crucial (Communities and Local Government,

2006). In Poland, staff attitudes are central to the 'ethical standards' specified by all of the current initiatives to 'self-regulate' Polish hostels (see section below on 'self-regulation'). These ethical standards are intended to counter a tendency, revealed by research (Frieske, 2000), for Polish social workers to divide clients into either 'nobles' (young people who have only recently become homeless, and who are considered 'worth' working with), and 'hobos' (usually alcoholics who, according to social workers, have chosen their homeless lifestyle and are not worth working with).

There is evidence in the UK of a growing complexity of needs amongst hostel residents over the past decade or so – particularly in relation to drug, alcohol and mental health problems – and research has highlighted the major challenge this poses for hostel staff (Warnes *et al*, 2004). The shift towards smaller units noted above is partly a way of increasing staff/resident ratios and offering more supportive and manageable environments within hostels. All hostels in England are now supposed to have a structured 'key worker' system, with each hostel resident having a named member of staff who is responsible for their 'care management', and for linking them into the specialist addictions, mental health or other support they may need (Communities and Local Government, 2006). A major part of the role of key workers is to facilitate the 'resettlement' of hostel residents, as is discussed further below.

In Poland, standards of service in the homelessness field have gradually improved with the growing professionalisation of NGOs, as well as modest increases in the revenue resources available (mostly through European funding). Individual service providers in Poland do not usually employ specialist staff such as psychiatrists and legal advisers. However, in urban areas where there are coordinated networks of service providers such specialist services are organized for all members of the network. In Warsaw, for example, there is a Specialist Health Clinic for Homeless People employing a range of medical practitioners. In less urbanized areas, 'homeless centres' have been created combining many services (e. g. health services, detoxification services, legal advice, long term shelters, youth shelters, job training programmes) within one venue. Moreover, the support that should be offered to individual homeless clients is now specified in legislation (this is discussed further below with respect to residents' rights and obligations).

*Relations between residents.* Relations between residents are a crucial dimension of hostels that is often given insufficient attention (Neale, 1996). Some people report benefiting from the company in hostels (Deacon & Vincent, 1995), and it is well known that social isolation can be a major barrier to the resettlement of former hostel residents (Jones & Pleace, 2004). However, large-scale hostels in particular can be intimidating places (Pleace & Quilgars, 2003), and research from across the UK has found that people sometimes sleep rough rather than use hostels because they are

frightened of other residents (Fitzpatrick & Jones, 2005). There has been a push towards 'specialist' rather than 'generalist' hostel provision in the UK in recent years (Swain, 2007), prompted in part by a desire to improve the social environment within hostels, so that people with different sorts of needs do not have to live in close proximity to each other (Ann Rosengard Associates, 2001; Crane & Warnes, 2000). Thus there are now often separate hostels provided for men and women; for families with children and single (childless) people; and for younger and older people (this trend can also be seen in other western European countries, see Busch-Geertsema & Sahlin, this volume). A particularly important 'divide' now acknowledged in much hostels commissioning in the UK is between drug users and people with alcohol problems – these two groups are perceived to 'mix' badly, as they are often mutually antagonistic, and to be best accommodated separately.

There has been no research on relationships between shelter residents in Poland, but a concern raised by both staff and the clients in discussion on standards for services in Warsaw was the difficulties created by accommodating both recovering and drinking alcoholics in the same hostels, with the former feeling that their efforts to overcome their addiction were undermined by sharing accommodation with the latter. An argument has therefore been made that there should be separate 'wet' and 'dry' hostels in the city; a development that has already taken place in many cities in the UK.

### ***Residents' rights and obligations***

Hostel providers have a duty to provide a safe and supportive environment for all of their residents, and balancing the maintenance of an acceptable communal living environment with the rights and freedoms of individual occupiers is a particularly difficult challenge.

Highly relevant here is the disempowerment many hostel residents feel in their interactions with hostel staff because of their vulnerability to eviction. In most European countries people living in hostels have few if any legal rights with regards to occupancy of their accommodation. This issue has been the subject of lively debate in the UK, with the argument frequently made that if more rights are given to residents then providers will be more circumspect with regards to who they will accommodate (i. e. they will be less likely to accept those with the most complex needs or challenging behaviour). Nonetheless, in Scotland there are plans to introduce minimum statutory rights for people living in temporary accommodation, including hostels, to protect them against arbitrary eviction, and also against other poor practice, such as unreasonable restrictions on visitors<sup>3</sup>. The relevant draft regulations also set out the legal responsibilities of the occupiers of temporary accommodation, for example, not to

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<sup>3</sup> The Housing (Scotland) Act 2001 (Section 7)



endanger staff or other occupants or to engage in anti-social behaviour<sup>4</sup>. However, these regulations have not been brought into force as yet.

In England, there are no plans to introduce statutory occupancy rights for hostel residents, but the Government's (non-statutory) 'Hostels Review Toolkit' specifies good practice on evictions (such as no evictions on to the street, and no evictions at night except in an emergency) to which all hostels are expected to adhere (Office of the Deputy Prime Minister (ODPM), 2005). Most hostel residents in England are now given written occupancy agreements or 'licences' (Warnes *et al*, 2004) which should set out these eviction and other key rules within the accommodation. In 'higher end' hostels, in the context of a strongly re-integrationist national hostel policy, occupancy agreements also tend to require each resident to work with the service to achieve resettlement (Pleace & Quilgars, 2003). Also relevant to this discussion on residents' rights and duties is the push within the UK for greater flexibility within hostels so that the most chaotic groups are not excluded from (all) provision (Swain, 2007). Thus there has been a relaxation of the no-drinking rule in many hostels, and a significant growth in 'wet' provision for those who are not ready to address their dependency problem through complete abstinence from alcohol as some regimes require. There are also other signs of greater tolerance and flexibility with, for example, day-time occupancy now allowed in the overwhelming majority of hostels (Ann Rosengard Associates, 2001 ; Warnes *et al*, 2004).

In Poland, there is no statutory protection against eviction. While written 'contracts' between shelter residents and social workers are usually constructed within one week of the resident moving in to the hostel, these contracts focus on a 'plan of activities' for hostel residents rather than their legal or other rights. The plan of activities should be based on an assessment of individual needs, values, and what outcomes the homeless person wants to achieve. Progress over time is evaluated and, at least in theory, should influence the length of stay in the hostel. Attempts are made to resettle hostel residents through the activities specified in these contracts, but lack of low cost housing with specialist support has been a major barrier to resettlement, at least until recently (this is discussed further below in the section on reintegration). As in the UK, there is a strong emphasis on reintegration of homeless people into the labour market, and many job training facilities have been established in the immediate vicinity of homelessness services.

While Polish NGOs have specified their own contracts with homeless clients for many years, a statutory 'Individual Programmes for Exiting Homelessness' (IP) was introduced by the Social Welfare Act of 2004. However, adherence to this programme is not compulsory and there are no statistics on the extent to which it is used. The

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<sup>4</sup> 'Rights and Responsibilities in Temporary Accommodation', December 2004, Scottish Executive.

Polish Government is trying to encourage more widespread use of this tool by various means (for example, to apply for resources from the National Homeless People Reintegration Programme<sup>5</sup>, service providers have to declare the number of their clients who have signed an IP). Nevertheless, many service providers appear to prefer to continue using their own contracts. There are no specific benefits for hostel residents in signing an IP – apart from health insurance which is also available through unemployment status – nor are there legal consequences for breaking an IP contract.

Another potentially important aspect of homeless people's rights is the scope given for their participation in the general management and delivery of the services they use. Such 'user involvement' is said to be better developed in the UK than in many other European countries (Feigelfeld, 2005), but even here collective forms of involvement are under-developed as compared with other fields of social policy, such as disability (Kennedy & Fitzpatrick, 2001). In a study of hostels across in Scotland, Ann Rosengard Associates (2001) found that regular meetings between staff and residents were a rarity in most hostels, and tended to be restricted to specialist hostels for women or young people, though this may have changed more recently (particularly as a result of regulation under the Supporting People programme, see below). User 'voice' seems sometimes to be neglected within hostels because short-stay tenants are assumed to be uninterested in participation (Van Doorn, 2000), but as the Government in England has recently argued:

'Even if the service has a high turnover, such as a direct access hostel, the people using the service have an expert perspective on the effectiveness of the services they receive – they should be consulted regularly to make sure that the service meets their needs' (Communities and Local Government, 2006, p. 5)

The specific approach taken to user involvement by the MONAR Association in Poland is worthy of note. This NGO has for many years engaged in the practice of 'therapeutic community', with all programme participants taking part in meetings which decide on issues such as the process for accepting new clients, the allocation of daily chores, staff selection, and the choice of resident activities. Such therapeutic communities are also found in the UK, but are limited to small, marginal providers, such as Emmaus Communities.

Also important in the Polish context is the 'self-help' character of some major service providers. In MONAR, again, the majority of shelter managers are former clients. Aside from social workers (who need a university degree), employees in most Polish homelessness NGOs are 'recruited' from shelter residents, with their work (often as

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<sup>5</sup> Ministry of Labour and Social Policy (2006) (*pl. Program "Powrót osób bezdomnych do społeczności*), (*National Homeless People Reintegration Programme*)

canteen or maintenance staff) treated as ‘voluntary’ or in lieu of their rent. This emphasis on recruitment of homeless people to work for service providers has been encouraged by both the stress laid on achieving employment outcomes for hostel residents, and funding through the European ‘EQUAL Initiative’ which emphasises client ‘empowerment’. However, obtaining unpaid work from hostel residents could be viewed as an exploitative practice, especially as it may be encouraged by their weak legal position and vulnerability to eviction, and for this reason many would consider it illegitimate to refer to this practice as ‘user involvement’. In the UK, some hostel providers have targets for the percentage of their staff with a history of homelessness – Thames Reach Bondway, for example, have a target of 15 per cent – but this is quite different from the Polish situation, as these ex-homeless people are paid for their work and have normal employment contracts.

## The Process of Regulation of Hostel Standards

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This section considers how hostel standards are regulated in Poland and the UK. Regulation is defined here as concerned with three elements:

- the *articulation* of a standard (either a normative standard or a benchmark standard);
- *the mechanisms* for ascertaining (non-)achievement of specified standards (i. e. whether a normative standard has been complied with or breached, or how performance/quality compares to a benchmark standard); and
- *the sanctions* attached to breach (normative standards) or relatively poor performance/quality (benchmarking standards).

There are four distinct arenas within which all of these elements of regulation of hostel standards could potentially take place, though they are often closely inter-related, and specific regulatory interventions often straddle more than one arena, as the discussion below will demonstrate:

- the *legal* arena: comprising legal obligations and entitlements (always normative); licensing, inspection, court and tribunal processes; and legal sanctions (both civil and criminal).
- the *administrative* arena: comprising practice standards and guidance (usually normative); inspection regimes (that go beyond ensuring compliance with basic legal requirements), monitoring and complaints procedures; and administrative sanctions (such as a poor grading in public inspection reports, and having functions removed).

- the *financial* arena: competitive tendering and/or other forms of public procurement within which standards (both normative and benchmarking) are taken into account; financial penalties (e. g. loss of funding, ineligibility to apply for funding) if required standards are not met.
- the *self-regulation* arena: imposed, for example, by regional networks of service providers on its members, usually via joint drafting of standards by members and then their promotion as a good practice; sanctions here are generally confined to a loss of prestige or standing amongst peer organizations.

### **Legal regulation**

In both the UK and Poland, as well as in the majority of other European countries, there are basic health, safety and building regulations which the law requires hostels to adhere to. In the UK hostels are subject to health and safety standards applicable to all dwellings<sup>6</sup>, and local authority officers have a variety of enforcement mechanisms open to them if any accommodation does not adhere to these standards, including ordering demolition in the most extreme cases. In Poland, all hostel facilities should meet fire safety requirements<sup>7</sup>, enforced by the State Fire Service, and sanitary requirements, regulated by the Chief Sanitary Inspectorate<sup>8</sup>. They are also supposed to meet building construction regulations. However, it seems that all parties are aware that imposing these legal standards would, in many cases, lead to hostel closures as service providers do not have the resources to cover adjustment costs. Therefore, while the legal provisions are in place, they are often not actively enforced by the relevant official bodies. That said, Mazovian<sup>9</sup> shelters are systematically inspected before each winter season. These sanitary reports address the general physical condition of the buildings (water system, central heating, gas fittings and plumbing); the number of hostel places available; equipment such as beds and blankets; and the provision of common facilities such as kitchens and bathrooms. According to the 2006 inspection report (Uramowska, 2006), five of 46 hostels were not meeting the required standards and these were temporarily closed down until required renovations were carried out. Results of sanitary inspections are binding and breach of statutory sanitary standards can lead to hostel closures.

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<sup>6</sup> In England there is a new Housing Health and Safety Rating System, with additional standards required in shared accommodation, such as that provided in hostels and Bed & Breakfast hotels (ODPM, 2006). See The Housing Act 2004 (Section 9).

<sup>7</sup> Parliament of the Republic of Poland (1991) *Ustawa o Ochronie Przeciwpożarowej*, (*The Act on Prevention of Fires*), Dz. U. 1991 nr 81 poz. 351

<sup>8</sup> Parliament of the Republic of Poland (1985) *Ustawa o Państwowej Inspekcji Sanitarnej*, (*The Act on National Sanitary Inspection*), Dz. U. Nr 90, poz. 575

<sup>9</sup> Mazovia Voivodship is the biggest of 16 Polish 'regions', and is where the capital, Warsaw, is located.

In the UK, there are myriad additional legal regulations affecting hostels beyond basic health and safety. Thus, hostels and Bed & Breakfast hotels are subject to mandatory licensing arrangements for Houses in Multiple Occupation (HMOs)<sup>10</sup>, and conditions relevant to the granting of HMO licenses include both accommodation standards (e. g. space standards, kitchen and sanitary facilities, fire safety, etc.) and tenancy management standards (e. g. the provision of written occupancy agreements, notice of landlord inspections, prevention of anti-social behaviour by occupants, etc.). To operate an HMO without the appropriate license is a criminal offence.

In England, there are specific legal provisions with regards to the temporary accommodation of 'statutory' homeless households (usually families with children) who are awaiting re-housing by a local authority. Any temporary accommodation allocated to these households must be 'suitable', with detailed statutory guidance (and an appeal to the courts) provided on 'suitability' in this context (Department for Communities and Local Government, 2006)<sup>11</sup>. There have for many years been particular concerns regarding the use of commercial Bed & Breakfast hotels for families with children, and it is now prohibited for local authorities to accommodate statutory homeless families in Bed & Breakfast hotels for more than six weeks<sup>12</sup>. In Scotland there is similar though not identical legal regime for the regulation of temporary accommodation allocated to statutory homeless households<sup>13</sup>.

In Poland, a Ministerial order on standards of services for homeless people is expected to be issued next year, which will include legal regulation of hostels. There is controversy amongst Polish homelessness NGOs over the imposition of these legal standards, and two opposing views can be identified:

- a positive view, which holds that legal standards are useful because they allow for evaluation and improvement in hostels and professionalisation of the sector. The NGOs which hold this view have been actively advocating for the introduction of legal standards, but only so long as these standards are consistent with the self-regulation measures already in place.
- a negative view, which posits that the activities of NGOs are so diverse that they cannot be regulated by law, that legal standardization threatens the independence of the voluntary sector, and that there are in any case no resources within the sector with which to implement the process of legal harmonization.

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<sup>10</sup> In England and Wales, Housing Act 2004 (Part 2); in Scotland, the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000.

<sup>11</sup> Housing Act 1996 (Section 206)

<sup>12</sup> Homelessness (Suitability of Accommodation) (England) Order 2003

<sup>13</sup> Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004

A fear that the Ministry will impose 'hard measures' on matters such as the number of people per room, size of the hostel, minimum temperature, and formal qualifications of staff, underlies the negative attitude to legal standardization on the part of some Polish NGOs. Such hard measures are difficult for many hostel providers to fulfil due to inadequate resources, thus their imposition may lead to hostel closures. On the other hand, the lack of an appropriate inspection and monitoring regime (see below), means that an existing Ministerial standard on Homes for the Disabled, Chronically Sick and Elderly<sup>14</sup> in Poland is often violated (Mizejewski, 2007), and the same may well happen with any attempted regulation of homelessness services.

### ***Administrative regulation***

In the UK there is extensive administrative regulation of hostels. This regulation regime comprises inspection programmes to establish whether *minimum* 'normative' standards are met (including, but extending beyond, basic legal requirements), and the relevant criteria also allow for testing against *aspirational* standards too.

Thus in England, the Housing Inspectorate arm of the Audit Commission inspects hostels and all other temporary accommodation used by local authorities for statutory homeless households, focusing on its quality, appropriateness, and location. Also, as part of the Housing Corporation's regulatory function, they inspect hostels run by housing associations (for statutory and non-statutory groups). A poor assessment of hostels and temporary accommodation can affect a local authority's or housing association's published grading, which can impact upon their funding opportunities. Persistent concerns about hostel standards in England (Randall, 2003) meant that consideration was recently given to the feasibility of establishing a specialist 'Hostels Inspectorate' (ODPM, 2002). However, the Government has instead produced a voluntary 'Hostels Review Toolkit' which is intended to '... enable local authorities and hostel providers to work together to raise standards.' (p. 5). The Toolkit specifies both minimum standards that all hostels should reach (e. g. individual rooms with locking doors, and key workers for all residents), and good practice that they should aspire to (e. g. non-institutional appearance of exterior of building, and access to specialist services). The extent to which local authorities have actually used the Hostels Review Toolkit to evaluate and improve hostel standards in their area is unclear, and as no sanctions are attached to breach, use of this Toolkit resembles self-regulation more than administrative regulation.

Communities Scotland, as part of their rolling programme of inspection across all social housing in Scotland, investigates the quality and appropriateness of hostels

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<sup>14</sup> Minister of Labor and Social Policy (2000) *Rozporządzenie w sprawie domów pomocy społecznej*, (Order on Social Welfare Homes), Dz. U. Nr 82, poz. 929

and other temporary accommodation used by local authorities for statutory homeless households. The Care Commission inspects all hostels registered as 'social work' facilities in Scotland, measuring them against a set of 'National Standards for Care'<sup>15</sup>. This is a rather stricter form of regulation than pertains in housing-led inspections, reflecting the assumption that if facilities are registered with social work departments they are catering for particularly vulnerable people and should be more closely regulated. There has been no suggestion of a 'Hostel Inspectorate' in Scotland, but the Scottish Executive Homelessness Task Force commissioned a report on the 'The Future of Hostels for Homeless People' (Ann Rosengard Associates, 2001), which highlighted that the key 'hostel standards' issue in Scotland was Glasgow's large (250-bed) male hostels, several of which have now been closed.

In Poland hostels may be inspected by the National Audit Chamber (NAC) to the extent that they use public funding from the Polish state (private and European funding is not subject to the NAC's control). Such inspections take place on an *ad hoc* basis, usually when the issue of homelessness moves up the political agenda for some reason. Thus inspections took place in the late 1990s during severe winter conditions when some rough sleepers were reported to have died from hypothermia. Inspections focus on issues such as the bed-spaces provided in proportion to the public funding provided, access procedures, and overall standards within the hostel. These inspections often result in an increased interest in homeless provision amongst the general public in Poland and the sanctions are financial – shelters can apply for new funding but are unlikely to get it and their current funding may be withdrawn.

### ***Financial regulation***

Finally, financial incentives and penalties can be used to regulate standards; very often these complement legal and administrative regulation, so that those who fail to meet specified standards are ineligible for funding streams. In the UK, for example, hostel providers have to comply with the relevant Quality Assessment Framework in order to gain access to Supporting People funds which provide 'housing-related support', and a poor inspection report can make it difficult for housing associations to gain access to development funding. Further, in order to gain funding under the Hostels Capital Improvement Programme in England, hostel providers will have to adhere to its quality principles as outlined above. Existing hostels and other projects can be also 'decommissioned' by local authorities – the support service passed on to another provider – because of poor performance, or because the service is no longer considered 'strategically relevant'.

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<sup>15</sup> The Regulation of Care (Scotland) Act 2001

Poland provides an example of where financial mechanisms can impact on hostel standards even in the absence of associated legal or administrative regulatory regimes. As noted earlier, in 2006 the National Programme for Financial Support for the Construction of Facilities for the Homeless was established whereby local authorities and NGOs can apply for partial funding for the construction of social housing, supported apartments, night shelters and 'homes for the homeless'. A Ministerial order<sup>16</sup> provides criteria for evaluating applications, focusing mainly on cost, and on physical attributes, such as overall number of places provided. The 'social' criteria (i. e. on staffing arrangements and support) resemble the conditions within current (typical) night shelter and shelters, and so are unlikely to prompt any general improvements in this respect, though they may lead to increased physical quality in those shelters which manage to get through the application process.

### **Self-regulation**

In Poland, there is currently a heavy emphasis on self-regulation of hostels and other homelessness services. This reflects the relatively recent recognition of homelessness as a social problem, and the rapid expansion in services from around 1990 (mainly in the NGO sector) to tackle the problem. There are at the moment at least three relevant initiatives by NGO networks to self-regulate hostels and other homelessness services: Standards for Services of Institutional Support for the Homeless of Pomeranian Forum (Meller & Szczypior, 2006); Shelter Standards of Caritas Kielce (Słowik, 2005); and Warsaw Council for the Homeless Draft Standards for Services. All of these initiatives cover similar ground including, for example, the suggested number of places in each facility, the specialization of the staff, ethical codes for staff, and the general aims of the service.

The Pomeranian Standards offer both *minimum* and *optimum* standards, and have now gone beyond a purely self-regulatory function, with *gminas* (the lowest level of local government) in Pomerania allocating public funding only to those homelessness services which adhere to the self-regulation standards. Applicants who do not meet the minimum standards – which are the subject of inspection – are given time to adjust but may also be denied funding. The standards are also included in the Pomeranian Strategy for Social Policy for 2007-2013<sup>17</sup> and are the subject of the Homelessness

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<sup>16</sup> Minister of Construction, (2007), *Rozporządzenie w sprawie szczegółowego trybu i terminów składania i rozpatrywania wniosku o udzielenie finansowego wsparcia na tworzenie lokali socjalnych...*, (Order on the Procedure and Time Limits for Applications for Financial Support for *Gminas* in Construction of Social Housing...), Dz. U Nr 52, poz. 346

<sup>17</sup> Pomeranian Strategy for Social Policy 2007-2013 is a medium-term planning document drafted to meet legal obligations under The Social Welfare Act requiring each level of Polish local government to create a strategy for addressing social problems.



Agenda Partnership<sup>18</sup> funded through the EQUAL Initiative. The Standardisation Working Group of the Partnership regularly adjusts the standards according to the experience of its members, and external experts are consulted as well.

Moves towards self-regulation can often be interpreted as an attempt to avoid, or to act as a substitute for, 'harder' forms of legal or administrative regulation, as in the example of the 'Hostels Review Toolkit' in England. There is also anecdotal evidence that many providers in England now engage in self-regulation as a 'dry run' to prepare themselves in advance of Supporting People reviews, for example. In the case of Poland, the measures specified within self-regulation frameworks tend to be rather 'soft' (so, for example, the number of recommended places ranges from 30 to 50). As previously noted, a Ministerial order is expected next year on standards for hostels and other homelessness services, and those NGOs which are advocating for the establishment of legal standards hope that these will be consistent with the existing relatively 'soft' self-regulation standards. However, the evaluation criteria used in the national capital funding programme suggests a conflict is possible, as this included 'hard measures' rejected by the NGO networks. The main motivation for the development of mechanisms of self-regulation amongst Polish NGOs was a desire to achieve transparency of provision in order to enhance the fairness and efficiency of public procurement. Amongst those Polish NGOs which now support the establishment of legal standards, it is likewise hoped that such standards will improve the financial position of the best performing NGOs by facilitating a closer match between funding levels and service quality; this has already happened in Pomerania. It is these financial considerations that are driving NGO support for legal standards, rather than an expectation that they will lead to an immediate improvement in standards for service users, though it is hoped that this will also follow in due course.

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<sup>18</sup> Homelessness Agenda Partnership (Partnerstwo Agenda Bezdomnosci [www.ab.org.pl](http://www.ab.org.pl)) was established in 2005 to work out a 'standard for active reintegration into the labour market' for the homeless. The Partnership is managed by the Pomeranian Forum [www.pfwb.org.pl/en/index.php](http://www.pfwb.org.pl/en/index.php)

## Outcomes for Hostel Residents

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There are two key sets of outcomes which one may expect to be related to hostel standards:

- residents' level of satisfaction with hostels; and
- the effectiveness of the reintegration function of hostels.

Unfortunately, the evidence on both is currently limited.

### *Resident satisfaction*

The available evidence on residents' satisfaction is very limited in the UK and, especially, in Poland and there appears to be no data which links the regulation of hostel standards with residents' satisfaction. Thus while there is much advice available to service providers on how best to gather the views of hostel residents (Manzi & Smith-Bowers, 1998; Communities and Local Government, 2006), there is very little central collation of the results of such exercises. There are limited examples of research into these issues, such as Ann Rosengard Associates (2001) report on the hostel experience across Scotland, but even in the UK most evidence is very dated (e. g. Garside *et al*, 1990). This is a clear research gap, though it should be acknowledged that it would be challenging to directly link regulation of hostel standards with residents' level of satisfaction, as this would require longitudinal or experimental research designs.

### *Reintegration on leaving hostels*

Across many countries in Europe, there is now a strongly re-integrationist approach within services for homeless people (Fitzpatrick & Stephens, forthcoming). Thus, at least in theory, hostels are generally intended to act as temporary provision within which 'resettlement' or support staff attempt to move homeless people on to mainstream housing (or other suitable long-term accommodation); encourage them to engage in paid work (or other meaningful activity); reconnect them with family, friends, their home area or last settled base, or help them to build up new social networks; address any addiction or other health issues; and generally help them to reintegrate with 'ordinary' life. However, the precise approach taken to reintegration varies considerably, and can be a matter of some controversy (see also Busch-Geertsema & Sahlin, this volume). In both the Czech Republic (Hradecky, 2007) and Sweden (Sahlin, 2005), for example, there seems to be a 'staircase'-type approach taken, with all homeless people expected to spend a period in night shelters and other basic forms of accommodation, and only after a period of 'active cooperation with social workers' may they be considered for move-on accommodation (Fitzpatrick & Stephens, forthcoming). This staircase model has come

under heavy criticism in Sweden in particular because of its judgmental and social control dimensions, and also because very few homeless people actually manage to 'get to the top' of the staircase and access mainstream housing (Sahlin, 2005).

Within Poland, there is evidence of a such a staircase-type approach in the Pomeranian Standards for Services, as the predominant idea here is that of a hierarchical approach within which clients are supposed to be willing to graduate from one level of the service to another, finally ending up in stable and independent housing. Each level up is more demanding in terms of the expected input from clients (e. g. sustaining stable employment, staying sober, and resolving family conflict.) An explicit staircase model is not deliberately used elsewhere in Poland, although in practice homeless people have tended to graduate from one service to another (for example, from night shelters, to shelters, then to training apartments) as a consequence of a lack of 'post shelter' services enabling them to move on to independent living (Wyganska, 2005, 2006).

For a long time access to mainstream housing and work appeared an unrealistic aspiration for most homeless people in Poland. However, there have been recent improvements, in part as a result of falling unemployment rates which mean that at least some homeless people are able to maintain stable incomes and therefore gain access to mainstream private rented apartments. Moreover, partnerships of municipalities and NGOs are beginning to establish programmes of supported housing for homeless people who were formerly denied access to municipal housing. One such programme, in the Wola District of Warsaw, provides a good model for mainstreaming and implementation in other communities (Starzynski & Wyganska, 2006; see also book review by Debski, this volume), but resettlement initiatives like this still tend to be *ad hoc* rather than systemic in Poland. Various Acts of the Polish Parliament have established Social Integration Centres (SIC), Social Integration Clubs and Social Enterprises to facilitate the access of homeless people and other marginalised groups to the labour market. The impact of these innovations on outcomes for homeless people have not yet been systematically researched in Poland (although see Les & Nalecz, forthcoming).

In the UK there is not an explicit 'staircase' model, and insofar as 'pathways' approaches are advocated (for example, in Camden London Borough Council) it is made very clear that these are not linear models (i. e. stages can be jumped). As noted earlier, the national hostels policy in England is strongly re-integrationist and thus in the Hostels Capital Improvement Programme, the Government is clear that: 'The purpose of the programme is to help [residents] to move on to sustainable independent living' (Communities and Local Government, 2006, p. 5), although it is acknowledged by many in the field that 'move on' accommodation is now a major problem in England, especially in London (Swain, 2007). Government has

placed a particularly heavy emphasis on encouraging participation in employment, training or other 'meaningful activity' amongst hostel residents, and various projects now provide financial incentives for residents to find paid work. This emphasis on labour market participation has been prompted by the very low rates of employment now found amongst hostel residents in England (usually under 10 per cent); this is a big change from the 1970s and 1980s when a substantial proportion of hostel residents were in work, albeit typically in casual employment (Swain, 2007). However, the Hostel Capital Improvement Programme is very new and there is little evidence so far concerning its success or otherwise in making hostels a route to mainstream housing and/or employment.

In Scotland, the major resettlement programme relates to the closure of four large male hostels in Glasgow. This programme is, unusually, accompanied by a longitudinal evaluation of the quality of life outcomes for ex-residents. However, the evaluation has just commenced and the report will not be published until 2010.

Perhaps most significantly, in both England and Scotland individual 'outcomes' measures have recently been established for the Supporting People funding programme. These measures require the actual housing, employment, health and other outcomes to be recorded for every client in receipt of these services, including (ex-)hostel residents. These new outcome measures are important innovations which appear to be unusual in the European context.

Thus, at best, information on the actual outcomes of the reintegration function of hostels is patchy and often non-existent. It is not possible, based on current data, to evidence any link between regulation of hostel standards and resettlement outcomes. As already noted, this would be a difficult methodological exercise, though in the UK at least that may change in the future as a result of the innovations in monitoring Supporting People funding just noted.

## Conclusions

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There appears to be a ‘levelling up’ harmonisation of actual and normative hostel standards taking place *within* the UK and Poland. Thus actual physical and other standards appear to have improved in recent years in these countries, with reductions in the size of hostels, increases in the level of support they provide, and some attention paid to user rights and involvement. These trends are not universal but are prominent and can be interpreted as (mostly) progressive. There are also established normative physical and management standards for hostels which are enforced to a greater or lesser extent via legal, administrative and financial mechanisms, albeit that in Poland the emphasis to date has mainly been on ‘self-regulation’ (a situation that is likely to change in the near future).

However, as things stand, it is difficult to envisage a rapid ‘levelling up’ harmonisation in actual or normative standards *between* the UK and Poland (or indeed across western and central Europe in general), because of the gap that currently exists with regard to physical conditions in particular (see Fitzpatrick & Stephens, forthcoming). This gap may narrow over time as central European countries such as Poland apply more resources to social problems including homelessness, possibly under pressure from more knowledgeable citizens who have heard of or experienced better quality provision in western Europe (a point that is especially relevant to a comparison between Poland and the UK, given the recent migration of many workers from the former to the latter). However, for now a likely political reaction to advocacy about poor hostel standards in countries like Poland is that general standards of living are lower than those in the west, and so there can be no special priority for those in hostels. More generally, where the costs of improved standards fall on NGOs, or private actors, the enforcement of such standards is likely to lead to at least some hostel closures (see also Dyb & Loison, this volume). If the result is an unmet need for hostel places, harmonised (improved) hostel standards may well act to the detriment rather than to the advantage of many homeless people. Thus, programmes of substantial hostel improvements will usually require significant government investment, rather than simply the introduction of legal or other sanctions to impose minimum standards on providers.

On the other hand, it should be possible to develop transparent EU-wide ‘benchmark’ standards to allow for consistent comparison in hostel standards within and between countries. Such harmonised benchmark standards require to be outcome-focussed, and to be fully informed by the perspective of service users. We emphasise this latter point because in Poland in particular, discussion of hostel standards has hitherto focused excessively on the service provider perspective to the neglect of service users’ views.

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We would recommend that, in addition to physical standards, and staffing and support arrangements, there should also be attention paid to the following aspects of how residents experience hostel life:

- staff attitudes – hostel residents should feel that they are treated with respect;
- relations between residents – residents should not feel bullied, intimidated, etc.
- rules and regulations restricting hostel residents – these should be reasonable, and limited to those necessary for tolerable communal living;
- occupancy rights – residents should be protected against arbitrary eviction; and
- user involvement – residents should have a say in both what happens to them individually and more generally in the running of services.

There should also be standards for the reintegration function of hostels, focused on:

- how the resettlement process is experienced by hostel residents (as empowering or controlling);
- the sustainability of mainstream tenancies or other settled accommodation secured for ex-residents; and
- the quality of life of ex-residents in their new accommodation (e. g. engagement in social networks, employment or other meaningful occupation, access to services, etc.).

Finally, research is required to evidence how (if at all) regulation of hostel standards influences satisfaction levels and outcomes for (ex-)residents.

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# The Role of Hostels and Temporary Accommodation

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› **Abstract\_** *The provision of hostel accommodation for those who are homeless has a long history. Despite the fact that their functions and consequences are often questioned, hostels remain a basic element in the provision of services for those who are homeless in all European countries. The aim of this paper is to consider the present-day role of homeless hostels as temporary accommodation, and to discuss its qualities in an “ideal” situation. We do this through presenting and discussing the main functions allegedly served by the hostel, as well as its inherent and associated problems. Following a brief review of housing-led approaches to reduce homelessness, we suggest minimum requirements concerning security of tenure, standard and support if a decent quality of existing and future hostels is to be ensured. Our conclusion is that the reasons for hostels boil down to a need for physical shelter in emergency and transition situations where self-contained dwellings and regular hotels are unavailable or deficient. However, an organised provision of mainstream housing, let with security of tenure and coupled with support when requested by the residents is the only working solution to homelessness and would also minimise the need for homeless hostels.*

› **Key Words\_** *hostels, shelters, temporary accommodation, homeless accommodation, security of tenure*

## Introduction

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Hostels are perhaps the oldest institution for homeless people, existent long before there were any explicit policies to mitigate and resolve homelessness. They emerged as a response to some effects of industrialisation and urbanisation in the 19<sup>th</sup> century. Domestic migration increased as landless and unemployed people moved to the cities to look for work, and hostels of various kinds, run by private landlords, philanthropic societies or towns and cities became a common solution to homelessness, especially in periods of economic recession and failed harvests (Anderson, 1923). Homelessness was extensive during the Great Depression in the 1930s, and after World War II, but in the subsequent decades it was to a growing extent perceived as a residual problem in a developing welfare state, and many shelters were closed. However, in response to increased rough-sleeping following, for example, the neo-liberal shift in the US and the UK in the 1970s, the transition of Central and East European countries in the 1990s and local and national strains and constraints elsewhere, hostels of varying standard, quality and size have been established again all over Europe.

However, the nature, purpose, access and physical form of hostels and temporary accommodation for the homeless differ between countries and have been changing over time. In some countries and cities overnight shelters, homeless hostels for single people and temporary accommodation for families form spatially distinct forms of provision; elsewhere different functions are contained in the same building. In some countries municipalities are obliged to provide temporary accommodation; in other countries no such duty is acknowledged.<sup>1</sup> In most European countries third sector organisations (NGOs), especially faith based charities, play an important role in running hostels and other types of temporary accommodation, but here, too, there is variation across countries and over time.

In many countries the perception of the role and value of hostels and temporary accommodation has been changing. Often the development of large shelters with very basic conditions was (and still is) legitimised by the fact that many people are in desperate need for physical shelter, while setting up smaller hostels allowing more privacy and more individualised support has been presented as an improvement. However, both forms of provision may co-exist as part of a staircase system or a “continuum of care” and provide the basis for differentiating between deserving and undeserving homeless people.

The hostel sector has been criticised as becoming increasingly institutionalized and having developed into an organisational barrier, rather than an instrument to remedying and reducing homelessness (see Stark, 1994; Gerstel *et al.*, 1996;

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<sup>1</sup> But see Kenna (2006) and Helenelund (2007) on UN's convention on human rights.

Sahlin 1998, 2005). We will discuss a number of reasons why hostels are established as well as arguments against this kind of institution. The necessary conditions to reduce the need for them will be outlined. We question whether, as policies shift towards a 'housing first' approach, there will still be a role for the hostel. In a policy framework aiming at preventing homelessness from occurring and aiming at a reduction of the length of time people spend as homeless, which groups and circumstances, if any, will still give reason for an organised provision of temporary accommodation? What qualitative standards would then have to be applied?

After two short sections on the definition of temporary accommodation and hostels and of their development over time, we present and discuss some arguments for and against hostels. Although the literature available to us does not suffice for a "European overview", we provide examples from different countries<sup>2</sup> and present arguments that are more or less applicable in many places. The following parts of our paper concern policies emphasising housing provision instead of temporary accommodation and the possible remaining role (and minimum standards) of hostels in an "ideal" system. Finally the arguments are summarised in a concluding discussion.

## **What are we talking about ? How to define Hostels and Temporary Accommodation for Homeless People**

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Edgar & Meert (2005, p. 22) note that "in no country is there a clear or agreed definition of a homeless hostel" and that it is difficult to distinguish hostel dwellers from homeless people living in other types of temporary accommodation. In line with their conceptual model of defining homelessness as exclusion from the physical, legal and social domain, they propose the following characteristics of "homeless accommodation":

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<sup>2</sup> Being the authors' home countries, Germany and Sweden will be over represented. In both countries – with more or less developed welfare provision in place – a radical reduction of places in hostels for homeless people seems achievable, while colleagues in other parts of Europe find such a vision "utopian" and unrealistic in their countries.

**Table 1\_ Generic description of characteristics of homeless accommodation (as proposed by Edgar & Meert 2005)**

<b>Physical space</b>	Communal in form (normally larger than normal dwelling). Shared space (living, eating and/or food preparation).
<b>Social space</b>	Staff supervision on premises. Limited (or no) private space (i. e. from which others can be excluded).
<b>Legal space</b>	Temporary occupancy No tenancy or occupancy agreement. Exclusion (eviction) without court action.

Source: Edgar & Meert 2005, p. 22

Some elements of this definition are open to debate (e. g. the criterion of size). While it is true that hostels are mostly larger than normal residential dwellings (and some may have more than 100 beds), homeless accommodation is also provided in residential dwellings shared by only very few persons, but with the same social and legal restrictions in place.

Hostels are distinguished from other temporary accommodation not least through limited private space. Especially in overnight shelters, several people often sleep in the same room. Space for cooking and eating is usually communal, and shared space may also include sanitary facilities (bath/toilets).

Most temporary accommodation will have some staff supervision, but its level is variable. In some hostels there are ambulatory support visits by social / care workers or other specific staff, but these will be present only at daytime, or at certain hours. In other hostels, security guards make regular visits to monitor the residents, but social service supports are generally only available off-site.

As a general rule, homeless hostels are intended for temporary occupancy, but in reality people may stay much longer than anticipated. On the other hand, the classification of long-term accommodation of people with special needs, for example elderly frail persons, as homeless accommodation does not adequately reflect the nature of the service provision. On this basis, Edgar *et al.* (2007, p. 81) recommend that we focus on “the intended length of stay rather than the actual average length of stay” when classifying homeless accommodation.

Homeless people usually have by definition no tenancy rights. Some kind of contract may be signed for temporary accommodation, but usually the rights of occupants in hostels are severely restricted and considerably weaker than in a regular tenancy in, for example, the private rented sector. Communal living often implies additional prescriptions in the occupancy agreement and complying with such rules, as well

as accepting social support and staff supervision, are frequent preconditions for staying in a hostel.

“Institutional control of access” is a common element for organised homeless accommodation; the staff may decide who gains admittance in short-term shelters with “direct access”, while a reference agency may select residents in other hostels, but the hostel residents themselves are rarely, if ever, allowed to determine who will be accommodated with them.

On the basis of this discussion, we suggest that the characteristics of a hostel as described by Edgar and Meert (2005) be slightly amended as shown in table 2.

**Table 2\_ Generic description of characteristics of hostel (as amended by the authors of this article)**

<b>Physical space</b>	Communal in form ( <i>mostly, but not always</i> larger than normal dwelling). Shared space (living, eating, food preparation <i>and/or</i> bath/toilet).
<b>Social space</b>	<i>Some kind of</i> supervision. Limited (or no) private space (i. e. from which others can be excluded).
<b>Legal space</b>	<i>Institutional control of access</i> Temporary occupancy <i>intended</i> No <i>regular</i> tenancy agreement Exclusion (eviction) without court action.

Several attempts have been made to set apart hostels from other types of temporary accommodation, such as specialised shelters or supported or transitional housing. But problems of ambiguous or overlapping definitions are common even in one country (e. g. Rosengard *et al.*, 2001, p. 27) and at a European level the situation becomes even more complicated. Edgar and Meert (2005, p. 23) propose to differentiate homeless accommodation by referring to access criteria, intended period of stay and purpose/intention. But as the authors point out, the different types are difficult to identify in practice. This is because they often serve different purposes at the same time, the length of stay is longer than initially planned, or different parts of the same institution have different purposes, target groups and periods of stay. Furthermore in the EU 15 the differentiation follows disparate types of logic:

“In some countries there is a clear separation between emergency provision and other forms of a hostel (for reception, assessment, transitional living or temporary accommodation), while in other countries there is more of a continuum of provision. In some countries (e. g. Denmark) this

division is a reflection of social service provision; in other countries (e. g. France) it is more a reflection of funding; and elsewhere it is a reflection of the structure of the (confessional and non-confessional) historical sources of provision (e. g. Portugal, Belgium). ” (Egdar & Meert 2005, p. 24).

For the purpose of this article, we propose to adopt the definition of a hostel as outlined in table 2, although the degree to which the definition is relevant in part depends on a country’s specific composition of accommodation supply, housing market, service provision and unmet needs. We understand “shelter” as a somewhat less specified concept but use it sometimes as a synonym. In addition, we at times mention temporary accommodation of other kinds, such as transitional housing in self-contained dwellings, but without tenancy rights and/or without power to exclude supervising staff from it.

## **The Development of Hostel Provision in Europe**

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Basic temporary accommodation has often been legitimized by the sheer need of desperate people for physical shelter. There are still a number of European countries – including the relatively “young” Eastern European member states – where homeless people have problems finding any form of physical shelter and where no legal responsibilities exist to provide such shelter. The existence of poor standards of temporary accommodation (the use of derelict buildings or barracks, large dormitories, closed premises at day time, personnel without training and often even without paid wages etc.) in such situations are often due to a lack of resources and conceived as a provisional response to an urgent but temporary problem.

Very often temporary accommodation functions as a substitute for permanent housing, either because of housing shortage or because homeless people are excluded from regular housing. However, there has been a trend in many European countries to develop hostels, not only to provide a basic accommodation, but also to serve needs for care and support. The de-institutionalisation of patients from mental health facilities from the 1970s onwards and the critique of large scale institutions, also had some impact on the development of hostels and support in housing for homeless people (see also Edgar *et al.*, 2000, 33ff). Large scale hostels with dormitories are in many countries seen as outmoded and have increasingly been replaced by smaller units that claim to be more oriented towards the individual needs of the users and towards respecting a certain minimum of privacy and autonomy (although both privacy and autonomy remain restricted by definition in temporary accommodation for the homeless). In a number of countries we find an increased share of single rooms and of support concepts aiming at empowerment and reintegration into regular housing. The call for more individualised support has



led to an increase of hostels targeting specific client groups such as young people (for whom accommodation is sometimes integrated with employment and social support as in the “foyers” in the UK), single mothers, women, persons released from prisons, HIV-patients, people with addiction problems and double diagnoses (mental illness and substance abuse problems). However, the trend from more generalist to more specialist provision has also led to tighter control and conditioning of access to such provision.

In many places new types of hostels have not only replaced old and more institutionalized kinds of temporary accommodation, but also non-institutional provision like hotels, low cost but substandard housing and hostels for itinerant workers.<sup>3</sup> In Scotland a rationale for opening new hostels in the 1990s by local authorities was “to reduce their reliance on bed and breakfast for accommodating homeless people” (Rosengard *et al.* 2001, p. 14). The development of homeless hostels to replace commercial tourist hotels that were being used as accommodation for homeless people can also be observed elsewhere (e. g. in Germany and Sweden).

While the general trend towards smaller scale hostels can be confirmed for countries like the UK (see May *et al.*, 2006, p. 721) and Germany, we still find large scale homeless hostels in a number of European cities. In Madrid a new shelter for the homeless with 120 places opened in May 2007 and in Paris the largest hostel (in the 13<sup>th</sup> Arrondissement) has 450 bed spaces. A new plan for developing temporary accommodation in Paris defines a maximum of 50 bed spaces as a maximum “human” size (de Brunhoff, 2007). It should be noted that sometimes several smaller hostel units can be located in the same building, which may imply that the organisation but not the physical image of a large shelter is down-scaled through internal differentiation.

In several European countries the number of direct access overnight-shelters, which have to be vacated during daytime, appears to be in decline. A shift away from basic crisis intervention has been stated as a European trend (Meert 2005, p. 26). However, in a number of cities in the UK, Germany, Sweden and France new types of “winter shelters” have opened in recent years, some of which provide very basic shelter and are closed during the day as well as in summer time. One of the main justifications in favour of such shelters is that some homeless people are deterred or excluded by the regulations of “better” types of hostels and would otherwise freeze to death in the winter. Often such “low threshold” accommodation

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<sup>3</sup> The four largest hostels of Glasgow City Council, each with approximately 250 beds “were built in the 1970’s, initially aiming to cater for itinerant workers, but then becoming a key resource in the response to increasing homelessness amongst single people” (Rosengard *et al.* 2001). In the meantime they have been closed (see Fitzpatrick & Wagnanski in this volume).

is seen as an equivalent to “low standard”- accommodation, so that in these cases shared bedrooms and less privacy (or none at all) is seen as legitimate.

An important reason for the creation of new hostels and shelters has been the uneven distribution of those which already exist. They are often concentrated in the largest cities of the country while smaller municipalities and rural counties with no or little provision of hostel places are blamed for “exporting” their homeless people to the large cities.<sup>4</sup>

While in a number of countries there is a relatively strict division between provision for single people and for families, this is not the case in others. In Germany, municipalities traditionally provided homeless families with temporary accommodation – often in substandard flats in specific “homeless estates”– while NGO-services provided for the majority of homeless single persons. In recent years the number of homeless families has decreased substantially in some countries and cities, and there are cities in Germany claiming to have reduced family homelessness to zero. Many of the municipal facilities for homeless people have been demolished or upgraded into regular, permanent housing and the share of single homeless people in the remaining units has increased accordingly. Low numbers of homeless families are also reported in Finland. Both examples show that it is possible to almost eliminate the need for temporary accommodation – at least for families – and to prevent them from becoming homeless in the first place.

## **Hostel problematics**

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Despite tendencies to down-scale and differentiate the sector, hostels are found all over Europe and remain a key response to homelessness in many countries. In this part of the paper we will attempt to explain why the hostel remains central to both the construction of homelessness and its solution, but also why it is still problematic. Not only do hostels fail to serve many of the functions they allegedly serve, but they may also have side effects that are detrimental for homeless people, particularly in terms of exiting homelessness.

### ***Hostel functions***

The actual reasons why hostels open, are maintained or reappear as a solution to homelessness are found in both the policy context and traditions. Applying new institutionalism theories, Knutagård and Nordfeldt (2007) claim that hostels tend to re-open in situations when a confluence of problems, solutions and political troubles

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<sup>4</sup> See May, Cloke & Johnsen (2006) on the “uneven distribution” of emergency accommodation in Britain and Brunhof (2007) on the concentration of hostel places in Paris. Similar problems are reported by Cabrera in Spain.

emerge, such as when news media report on increased rough-sleeping, when local charity NGOs are looking for a visible task to fulfil (or for project funding)<sup>5</sup> and politicians and local authorities are urged to “do something” now. Hostels are frequently conceived as a “last resort” in combating homelessness, and hence they are not compared to alternative accommodation or regular housing but viewed as the only possible, hence “necessary”, solution in a crisis situation (Emerson, 1981).

Once in place, hostels appear to fulfil a number of functions which contribute to their reproduction. The following items are extracted from ad hoc observations of recent local policy discussion, historical accounts as well as research :

1. Hostels satisfy emergency needs for a bed, a roof and a place to stay (including temporary accommodation while waiting for regular housing): *provide (physical) shelter.*
2. The time period spent in the hostel can be used for investigating and working with the homeless persons’ needs regarding work, financial problems, family relations or other problems that may have contributed to their homelessness and/or provide an obstacle for accessing housing: *preparation for housing.*
3. Hostels facilitate the provision of social support, since the providers know where to find their clients: *support.*<sup>6</sup>
4. In hostels, it is possible to control homeless people (Stark, 1994 ; Wagner, 2005) in the sense of supervising their behaviour, health and personal contacts in order to protect themselves, their families or their environment: *protection/control.*
5. Homeless people enjoy the company of others and fear loneliness, thus hostels provide a form of *community.*
6. Low quality night shelters make up an “appalling alternative” to other kinds of accommodation, which helps motivate homeless people to qualify, strive, and apply for, or try to remain in, other forms of housing (Sahlin, 1996), hence, they serve a function as *punishment and deterrence.*
7. Some people have repeatedly failed to keep regular housing and are seen as incapable of independent living among ordinary people, for these the hostel may serve as an *end station.*

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<sup>5</sup> See Gerstel *et al.*, 1996. In turn, homeless people lining up for overnight shelters and soup kitchens give visible proof of the need for such facilities (and makes clear who supplies them), which might attract volunteers to the NGO in charge and further encourage this kind of solution.

<sup>6</sup> For local authorities responsible for homeless people, hostels may also serve as a waiting-room for clients whose future accommodation is unavailable or uncertain (Sahlin 1996).

All or some of these functions are often referred to as arguments for the development of hostels and constitute part of the rationale for the maintenance of such services.

### *Problematising hostels*

We will now provide some arguments against hostels as a solution to homelessness. These will sometimes dispute or question the above-mentioned functions, or highlight unintended side-effects, but at other times functions and drawbacks need to be balanced; this discussion is left to the concluding section. Here, we will point out some general misconceptions in the homelessness discourse, then present dilemmas with the shelter *per se* and in practice, and finally account for problems caused by the policy or market context of the hostel.

*General misconceptions.* Several misunderstandings of the nature of homelessness need to be addressed. Our first point is that the causes of *becoming* homeless are not necessarily the reasons for *remaining* homeless (see, for example, Rossi, 1989). Even if the problems that caused the loss of a previous home were indeed solved while in the hostel (or even due to the stay there), the prerequisites for getting access to a new home may be somewhat different. For instance, the loss of a home may be due to divorce, but being single is not *per se* a hindrance to getting a new home. Conversely, being unemployed does not put your lease at risk as long as you are able to pay the rent but can make it hard to be accepted by a new landlord.

Secondly, it follows from the previous paragraph that the transition period can become much longer than it takes to prepare the homeless individual for a new settled period. Hence, the fact that people are homeless does not reflect that they are not "housing ready".

Thirdly, staying in a hostel requires a special competence which is quite different from living independently. Whether or not people behave well in hostels has very little to do with their capacity and capability to manage in a self-contained dwelling, with tenure security and regular social space (Busch-Geertsema, 1998).

Fourth and finally, the fact that a number of people stay in hostels does not logically imply that they would otherwise be sleeping rough or that the rough-sleeping population is reduced. We will come back to this issue; suffice here to state that the existence of hostels can in fact aggravate the situation of homeless people and increase their number (Sahlin, 1998, 2006).

Accordingly, while the immediate cause of becoming homeless may indeed have been an individual problem, the way back to the housing market is highly dependent on the situation of the market and the prevailing housing and social policy; preparation for housing may not be necessary or even possible in hostels; and these may have perverse and contra-productive effects. We will expand on some of these

counter-arguments through focusing on the communal living, the institution as a problem, and the market and policy context in which hostels are caught.

*The problem of sharing.* Hostels where the residents share some space, for instance, the bathroom or the kitchen, will be at risk of in-house conflicts to a much higher extent than in homes that are self-contained or where the residents have agreed to share space and equipment on the basis of friendship or family relations. There is no reason to believe that hostel residents selected by social workers or other social service personnel will develop close relations just because they happen to be put in the same flat or institution. In addition, lack of social space makes it difficult for residents to maintain contact – or build up new relationships – with people *outside* the hostel. The possibilities for reintegration are further reduced if the residents are subjected to rules stating that they must be in at a given time in the evening or must not have guests (Stark, 1994).

Many people have more or less articulated difficulties with being close to other people and being forced to interact with them. Having to share living-room or bedroom with unknown others is often seen as a necessary evil for a limited period of time, as in hospital care, but few housed people want the company of strangers at breakfast or in front of the TV, and even less so in the bathroom or where they spend the night. Still, it is often claimed by those running and funding shelters that homeless people benefit from such involuntary company.

*The downside of institutions.* Institutions have a long tradition within medical care and treatment, as well as within care provisions for people who are elderly or who, because of learning difficulties or other disabilities, are unable to take care of themselves. Besides special physical arrangements, the advantage for the residents consists in immediate and continuous access to services, care and staff. Institutions are also a key component within the criminal justice system, where a key function of incarceration is to ensure relentless control and surveillance.

Since the 1970s, institutions have been under severe criticism for being inhumane, expensive and ineffective. As a consequence, the provision of care for the elderly, those disabled and diseased is to a growing extent de-institutionalised. Although the number of prisoners has grown in absolute and relative terms in many European countries over the last decades, their share of all convicted people has also decreased in some countries as a result of new forms of punishment, such as electronic surveillance.

While the categories of people who were previously institutionalised are to an increasing extent taken care of in their own homes or in small-scale units where they themselves can influence house rules and have their own private space, new institutions have emerged for other categories of people since the 1970s (Sahlin,

2004). These include women fleeing violent husbands, asylum-seekers and newly arrived refugees who are, in the main, accommodated in special reception centres which have many of the traits of an institution. A further group is homeless people accommodated in various kinds of shelters and hostels. However, none of these three categories of people is offered special services that such arrangements would facilitate. On the contrary, they are mostly physically fit and capable of cooking and cleaning for themselves – and expected to do so. The reason for offering them places in institutions instead of regular homes is not to provide service and care, but rather protection and control (Wagner, 2005).

Regardless of their purpose, “total institutions” tend to have certain perverse consequences for their residents. Instead of learning how to cope in society outside, inmates have to struggle to defend their identity and adapt to their role as, in this case, shelter residents (Stark 1994). They spend much energy on either primary adaptation (to learn and to comply with the rules of the institution) or secondary adaptation (i. e. to learn to act as *if* they had conformed to the programme and house rules as a way of preserving their self-identity and privacy; Goffman, 1961/1991). Even though overnight shelters hardly qualify as total institutions (Marcus, 2003), many specialised hostels do, especially if they are targeting substance abuse (Snow & Andersen, 1993, p. 228).

In an institution, there is always a contradiction between the requirements of rational provision of service and control, and the inmates’ or service users’ demand on privacy and influence over the provisions to make them fit with their own needs and preferences (Stark, 1994). Several factors make it especially hard for homeless hostel residents to affect how support and services are organised. First, homeless people are always poor and have no resourceful next-of-kin demanding high quality services and institutions on their behalf. Rising hostel standards and quality would also not gain votes for politicians. Second, unlike the situation for people in need of institutional living because of severe diseases or disabilities, homeless hostels are always *intended* to be temporary accommodation (Wagner, 2005). Third, hostels are often embedded in a system of sanctions, such as a staircase of transition, which tend to need a lowest rung to intimidate or motivate residents elsewhere to behave where they are. To keep that inferior status implies that hostels should not be too comfortable or nice, as people should be motivated to work for other solutions (Sahlin, 2005). Fourth and finally, where people stay because of homelessness, the staff will be oriented towards control more than services. As a result of this, and as the residents mostly have no other options, hostels tend to be much less open for users’ influence than other kinds of institution.

### ***Market and policy context***

The problematics of the hostel are frequently reflected in, and reinforced by the market context and the policy systems in which it is embedded. We want to highlight a few important mechanisms in society that in the final instance make the hostel less functional than it has potential to be.

*Reactions with other housing market actors.* Part of the hostel problem stems from the way the housing market works. When landlords know that if they reject or expel tenants, these will be offered some temporary accommodation by NGOs or the municipality, this fact may facilitate evictions and make it easier to reject housing applicants even if there are vacant flats available. In addition, staying in a hostel will probably reduce the chances of being accepted when applying for a flat. Landlords require “housing references” confirming that the applicant is of ‘good character’, and staying in a hostel may be interpreted as an indication of the opposite. Hostels often have a negative reputation, either because some people staying there are indeed misbehaving (or were known to be misbehaving before they got there), which may stain the image of the whole hostel (cf. Elias & Scotson, 1965/1994), or due to lasting prejudice. Hence, the mere address will often lead to suspicions.

The existence of a hostel will also produce a conception of who is fit to stay in it – and, hence (so to speak) not fit for regular housing. In the same way as the existence of super-secure prisons will give rise to an image of its inmates as especially dangerous criminals, special housing for people considered in need for training and surveillance creates a perception of its residents as incapable of regular housing.

Hostels may also suffer from historical disrepute (Knutagård & Nordfeldt, 2007). As long as the idea prevails that some people cannot live amongst “normal people”, settled residents will be appalled by the idea that a hostel may be located “in my backyard”. NIMBY-ism not only makes it hard to find sites for new hostels (Oakley, 2002) but also entails the production and distribution of forceful arguments against it, including speculation about what kind of people will be staying there and the damage they will cause the neighbourhood. The counter-argument by planners and service providers is often that hostels are the only possible solution to alleviating street homelessness, implying again that homeless people are not fit for regular housing. The construction of such images of the homeless as either wretched or villains (Runquist, 2007) reinforces prevailing popular ideas that homeless people are of a different, inferior kind – “not like us”.

*The hostel as the bottom rung in a staircase.* An important part of the policy context is existing homelessness policies and their understanding of the role of hostels. The “staircase of transition” – developed in Sweden in the 1990s but akin to other conceptions of housing careers for homeless people, such as “continuum of care” in the US – serves as a justification of low-quality hostels and a differentiated supply of accommodation.

The idea of a staircase of transition is that temporary housing with different levels of standard and control are organised like a ladder or a staircase, comprising a number of steps or rungs for the homeless client to climb up, ultimately exiting from homelessness through acquiring a flat with regular leasehold. The assumption is that the client be trained in independent living and gradually qualify for regular housing. However, the flip side of this use of standards and freedom as a reward for good behaviour is that the individual who does not “improve” is stuck on a rung, while the one who misbehaves is either degraded to a lower step or pushed down to the bottom floor, often a night shelter, as a punishment (Sahlin, 2005). Since more people are being evicted or transferred to lower steps in the staircase, than upgraded to higher steps, and as there is a continuous flow of new homeless people who failed to get regular housing or were evicted from ordinary dwellings, the local staircase typically tends to expand on the lower rungs, while the top steps make up a bottleneck.

A quantitative study in Sweden showed that the number of people in the secondary housing market and the number of homeless people sleeping rough or in hostels are significantly positively related, when different years or different municipalities are compared. These results remain significant when the size of the municipality and the local housing market are controlled, that is, they cannot be explained by the number of people living in the municipality, nor by the local vacancy rate in public housing. Furthermore, the higher the share of the local population in homeless accommodation, the higher was the proportion literally homeless five years later (Sahlin, 2006). Qualitative studies in Swedish cities support these findings (Löfstrand, 2005; Runquist, 2007).

The statistical analysis further demonstrated that the effect of the regular housing market was not what is usually claimed. Where and when the vacancy rate of public housing was high, more special accommodation was found for the homeless, but the proportion of homeless people on the streets and/or in emergency hostels was not reduced. This result from Sweden indicates that the existence of a secondary housing market with homeless accommodation, under certain circumstances, might hamper the normal market mechanism that would reduce the landlords’ demands on housing applicants (financially and with regard to their previous “housing merits”) (Sahlin, 2006).



*The everlasting “temporary” status.* Two aspects that tend to legitimate shelters as a solution to homelessness relate to the limited time that they will be used. One aspect was approached above in the discussion of conflating causes of becoming homeless with solutions to homelessness, namely the assumption that each individual will only spend a short time in the hostel. However, there is ample evidence that many people either remain for months or even years in the same shelter, or keep coming back after short intermediate periods of sleeping rough or staying in friends’ apartments (Swärd, 1998). The other account claims that the low standard night shelter is only a provisional emergency solution in a period of housing market crisis or while waiting for the production of better accommodation. However, history shows that the night shelter has a long and remarkably consistent history and even if it has sometimes been abandoned, it tends to come back in times of housing crisis (Hopper, 2004 ; Wagner, 2005 ; Knutagård & Nordfeldt, 2007) ; church-based NGOs in particular tend to favour this kind of help to the homeless (see Runquist, 2007 ; Olsson, 2007).

In brief, many residents stay much longer than intended in hostels that remain in use much longer than anticipated. Although constantly expected to be but provisional, or a residual element of the local homelessness policy, hostels often manage to survive, or return after having been closed, in roughly the same shape for decades or even centuries. Ironically, this survival capacity is actually reinforced by the image of being a temporary solution for the individual as well as the community.

## **Housing-led Approaches**

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The hostel idea is currently challenged by housing first approaches in the US and new ways of providing support in housing for ex-homeless people living as long term tenants with full tenancy rights in mainstream housing. Since the 1990s, there have been several attempts to provide housing for homeless people without requiring that they fully prove in advance that they are good tenants or “housing ready”. Four examples will be reviewed here: evaluated NGO projects, especially Soziale Wohnraumhilfe in Hannover, Germany, where homeless people in hostels were offered regular housing with support when they wanted ; the recent national homelessness policy of the U. S. A, according to which homeless people should be provided with “housing first”, then treatment and support ; the related Norwegian “normalisation approach” which explicitly favours permanent housing as solution to the homelessness problem ; and the Scottish right to housing which is hitherto the only European example of a rights-based approach to ending homelessness.

### *NGO re-housing projects in Europe*

In Germany, as elsewhere in Europe, NGOs have initiated the provision of self-contained housing with full tenancy rights for their clients while offering social support on a voluntary basis if needed. Evaluation of such projects has shown positive results in a number of examples (see Busch-Geertsema, 2005 for projects in Dublin, Milan and Hannover). The “housing factor” and integration into mainstream, self-contained housing with a long-term perspective as regular tenants had an important impact also for single homeless people with additional problems because it helped them to acquire normality, stability, a private sphere and (relative) autonomy. The evaluation also showed the need for flexible and individually tailored support measures for a considerable part of homeless people after re-housing took place. The study of a social rental agency in Hannover (Soziale Wohnraumhilfe) showed that of almost 200 tenancies arranged over a period of ten years for single homeless people with severe social difficulties, around 19 percent ended with a clear negative outcome (notice of eviction, abandonment) while the majority (72 percent) had a positive outcome (i. e. tenants were still living there or had moved to other mainstream dwellings) (Busch-Geertsema, 2002b, p. 29).

### *Housing First (USA)*

The background to this approach in the USA was the consistent research finding that services for the homeless, however well they were designed, failed to reduce homelessness unless housing was provided (Burt, 2005, p. 5). The official definition of “chronic homelessness” according to HUD (US Department of Housing and Urban Development) is, besides having a disability, to be continuously homeless for one year or more or having been homeless at least four times in the past three years.

“Research provided the first step toward developing today’s emphasis on ending chronic homelessness. Early federally-funded demonstrations, showed that very long-term homeless people with many disabilities and problems will come directly into housing and stay there, with appropriate services and supports. Subsequent studies and evaluations have demonstrated the same thing. /... / Finally, financial analyses showed that the public cost of not providing housing and supportive services for this population came very close to equalling the costs of making housing available” (Burt, 2005, p. 10).

Interestingly, and quite unlike the tendency in many European countries, those “chronic homeless”, many of whom suffer from double disabilities (mental illness and substance abuse problems) have been prioritised as targets in this approach, which has proven to be reasonably successful. However, Burt (2001, 2005) underlines the importance of preventing homelessness altogether through providing

affordable housing so that people do not become homeless in the first place and so that, if they do, they can return to the regular housing market.

### ***“Normalisation” as governmental approach (Norway)***

“Project Homeless” 2000-2004 in Norway, led by the state institution *Husbanken*, and aimed at providing “secure housing for all”, involved several local projects. Initially, many towns and cities planned to use the Swedish staircase model. However, due to poor initial results and reflection, the project was reoriented towards a model where permanent housing was to be the standard provision – also for “double diagnosed” homeless people (Dyb, 2005). In addition, the project has funded services and support for homeless people, with a preference for expanding home support or outreach work where support is designed according to the client’s subjectively defined needs and not a condition for housing. Despite overall positive results, however, the big cities are still prone to organise special contracts without tenure security and where support is mandatory (Ytrehus *et al.*, 2007, p. 86).

### ***Right to permanent housing (Scotland)***

In the UK, several projects have applied a “housing led strategy” to end homelessness. There is also a growing acknowledgement that support sometimes should be financial, in order to enable homeless people to rent dwellings from private landlords. Although homelessness has kept a high position on the political agenda ever since the Housing (Homeless) Act of 1977, underpinned by the Rough Sleeping Initiative 1990–1999 (and similar programs thereafter), the British right to housing is still a good example for many European countries without such entitlements; Scotland has gained a special reputation in this field (Kenna, 2005). The Housing (Scotland) Act (2001) obliges local authorities to provide permanent housing for all unintentionally homeless people with priority need. The scope has been expanded since, to the effect that “priority need” is gradually widened and will vanish 2012, when every homeless person will have a right to permanent housing. Those found to be “intentionally homeless” will be entitled to temporary accommodation with a “short” secure tenancy, and to support meanwhile. After 12 months, the tenancy will be converted into a regular, permanent leasehold. Since local and national authorities now have to supply affordable housing, this legislated vision has caused considerable action, planning and hope in Scotland (Fitzpatrick, 2004), but it remains to be seen whether local authorities will be able to deliver (see Anderson in this volume).

## The Possible Role of Hostels in an “Ideal” System

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It is increasingly accepted that the vast majority of those experiencing homelessness have the potential to live in long-term housing and sustain a tenancy and that some of them will need social support in order to reach that goal. Surveys among homeless people in a number of countries also show that most prefer living in self-contained flats to staying in shelters, hostels and other types of temporary accommodation. Rosengard *et al.* (2001, p. 43) reports that more than 80 per cent of hostel residents wanted a house of flat for their future accommodation, and the results for homeless clients in the NGO sector in Germany are similar (Busch-Geertsema, 2002a, 2002b).

Housing-led approaches to homelessness – combined with the necessary measures in housing policies and social services (see below) – not only correspond to the preferences of homeless people but would also contribute substantially to reducing the need for temporary accommodation to a minimum, something hostel programmes have failed to do. Even in a much improved system, however, a need might still remain for a certain provision of temporary accommodation and some types of hostels.

In the following we discuss five different types of provision which might still be needed and some basic requirements to ensure a minimum of quality.

1. It remains an open question, to what extent the need for some kind of interim, transitional accommodation providing physical shelter can be minimised in an “ideal” system. People newly arriving in a country, region or a city will need some form of transitional accommodation until permanent housing can be organised. There will always be a need to provide shelter for cases of emergencies (e. g. fire or other natural disasters). People will have to find new housing after a relationship breakdown, after leaving the parental home or institutions such as prisons or hospitals. To a certain extent tourist hotels could be used in such cases and are, in practice, used in many places. The point here is to have a type of temporary accommodation which does not exclusively serve homeless people and which is decent enough to be used by “ordinary” guests as well. As experience from different countries shows, relying on hotel beds as temporary accommodation for homeless people is costly, both to the user and the taxpayer.<sup>7</sup> It is essential to organise temporary accommodation in a non-stigmatizing way (for example by using dispersed apartments within the usual housing stock) and make every effort to ensure quick access to permanent, regular

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<sup>7</sup> A consultation paper by the UK Homeless Directorate (2003: 5) referred to bed and breakfast accommodation as “being the least acceptable form of temporary accommodation in which to house homeless people”. In 2003 it was decided that no local authority should place any homeless family with children in such accommodation other than in emergency case, and even then for no longer than six weeks.

housing with security of tenure. Temporary accommodation has to be kept temporary (i. e. stays should be as short as possible).

Given the enormous differences of housing standards and general wealth across Europe it is difficult to define a “European” minimum standard for temporary accommodation. However, homeless hostels – including “low-threshold” provisions – remaining in an “ideal” system should have:

- A defined (and short) maximum time limit for authorities to organise access to permanent and self-contained accommodation.
- Minimum provision of necessary support for residents in need (regarding clothes, papers, health problems, financial problems, care needs, social isolation etc.).
- Staff qualified to provide such services.
- Minimum standards for cleanliness and hygiene.
- Privacy should be ensured, including single rooms for individuals with the possibility to lock the room. Families should be accommodated together if they want to, and the necessity of sharing sanitary and cooking facilities should be minimised. (This could easily apply to low threshold provision as well as to hostels with a stronger “integrationist” approach.)
- Standards should be the same as accepted for long-term living in special housing.
- Overnight shelters which are closed at daytime should generally be abolished.
- Residents should not be evicted without legal grounds, reasonable time of notice and offer of alternative accommodation.<sup>8</sup>
- Even where the flow through is high, user involvement should be organised in order to improve and control the quality of temporary accommodation and its management (e. g. legal complaint mechanisms, user surveys and user organisations, see Koch-Nielsen, 2003; for a national homeless user organisation in Denmark see Anker, 2003).
- Written contracts which not only define duties of the users but also services and minimum standards of the hostel. These need to foresee an external complaint procedure.
- To ensure quality standards a hostel inspectorate should be introduced with powers to make unannounced visits and to react to anonymous complaints.

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<sup>8</sup> This is in fact what the European Social Charter, art. 31, § 2 states as minimum requirements (see Helenelund 2007).

(For further dimensions see also the benchmark standards proposed by Fitzpatrick & Wygnanski in this volume.)

2. There are people who prefer to live in a “protected environment”. The problem of social isolation and of specific support needs, especially among older people who have a long-term experience of life on the streets and in institutions has been highlighted in a number of studies (for references see Meert, 2003, 31ff. ; Fitzpatrick *et al*, 2000). While some might be happy to resettle into regular permanent housing with adequate support, for others a more “protected environment” might indeed be adequate. The same might be true for people with mental health problems. The key issue here is whether or not this is also what these people themselves claim that they want. A Danish program called “skaeve huse for skaeve existenser” claims to support people characterised by “unusual lifestyles” with unusual types of housing (see Meert, 2005; Benjaminsen & Tosi in this volume). The residents have a permanent rent contract, while similar programmes emerging in Sweden offer only special contracts without secure tenancy (Nordfeldt, 2007). Housing with a high degree of support and with communal facilities can and should be organised as permanent provision with full tenancy rights. Other options should always remain open to the residents of such “protected” or “unusual” facilities.

3. In some countries there are so called “wet hostels” which provide an accepting regime for people with severe alcohol problems. Aldridge (1998) presents such a hostel in Aberdeen and similar places exist in other countries. Residents regard the hostel as their home, they can bring drink and friends into the hostel, the ethos of the house is creating an atmosphere of security and keeping rules to a minimum. There are also attempts to involve residents in decisions about house rules and management. As there is no limit on the length of stay these provisions lack one essential element of definition of temporary accommodation. However, often protection of privacy is nevertheless restricted (no regular rent contract), to give staff the opportunity to intervene, for example if people run the risk of harming themselves by excessive drinking. The important difference between this kind of provision and the one mentioned under 2 is that full tenancy rights and lack of (relatively permanent) supervision might be dangerous for persons whose lives might be threatened by their life style, excessive drinking or drug use etc. or because of mental disorders. Legal measures are necessary in order to reduce the risk of misuse of powers in such cases. In countries like Sweden, where there is a legal possibility to put substance abusers as well as people with mental illness into forced institutional care in situations of acute danger, it can be doubted if the threat of eviction is necessary as a means of protection, and enforcing evictions is hardly adequate as a protective measure in such crises.

4. There will remain a need for victims of domestic violence (primarily women and their children) to find protection from their violent partners. Certain measures may reduce the need for shelters for abused women (for example by banning violent men from the family home) and there are alternatives to organising such shelter in communal hostels (e. g. using dispersed apartments). However, some kind of temporary provision for victims of domestic violence will have to be secured. An important requirement in these cases – as in any other type of temporary provision – is access from there to regular permanent housing for those who decide to separate from their partners.

5. In the youth welfare sector there is a fraction which criticizes early “dumping” of young people into self-contained dwellings without making them more active (through educational measures, training and supervision). Some countries have developed new forms of hostel provision (like the foyers in UK), which include professional training and are seen as a positive provision for disadvantaged young people. In Germany similar provision exists but here they are viewed as part of the youth welfare system. Like students’ homes, accommodation for young people in training and education can be organised outside of the homeless sector.

## Concluding Discussion

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Although the institutional, policy, and housing market contexts differ across (and within) the European countries, the arguments presented in the preceding sections have emphasised a number of significant issues. In this final section of the paper, we will summarise our argument and relate findings and views speaking against the hostel institution to the functions that it is supposed to fulfil and link the result to the requirements of hostels that would possibly remain in an “ideal” system.

Although homeless people might need to *prepare for future regular housing*, there is no reason why this should take place in a hostel. Learning how to dwell in an institution does not facilitate independent living, conversely, it might entail opposite results: institutionalisation, secondary adaptation and stigmatisation. Successful strategies to provide “housing first” cast additional doubts over the idea that housing requires exercise, preparation and support *somewhere else* than in a permanent dwelling. In addition, there is no reason why *social support* could not be just as well (or better) provided if homeless individuals have self-contained dwellings. In general, support works better if recipients want or at least accept it, and when it is detached from force and control.

The need to control homeless people or protect the environment against them should not be satisfied through shelters. Furthermore, there are both ethical and rational reasons to avoid the situation where hostels are used as a *punishment* or

*deterrence*, or as a “worse alternative” for those homeless people who are accommodated in other ways. If they are, the hostel cannot be expected to serve as an emergency solution at the same time, since the punishment function unavoidably stigmatises both the hostel and its residents.

Nevertheless, there may still be homeless people in need of *protection* (e. g. in women’s refuges), and it sometimes makes sense to provide this collectively in a hostel. In this case, there should always be a possibility to choose individual living and private space should be ensured. In addition, there may always be a need for *physical shelter* in emergency situations, although the hostel is by far not the only solution to such crises. Caution is also needed against extending the meaning of emergency or crisis to cover deficient political ambitions to end homelessness. As Kim Hopper (2004, p. 502) puts it:

“For the vast majority, shelters are temporary way stations in what – short of an exit premised on securing affordable housing – turn out to be persisting cycles of residential instability. So long as the image of a homeless crisis could be sustained, the answer of emergency shelter seems to suffice, even as evidence mounts of its manifest insufficiency.”

Hence, we can conclude that hostels as a solution to literal homelessness is only motivated as a way to provide temporary, physical shelter in cases of emergency, including pressing needs for protection against violence. Long-term living in hostels for people with mental illness, substance abuse problems and/or “unusual lifestyles” is only motivated insofar as these people *themselves prefer communal living* to independent, secure housing with ambulatory support on request, and should always include security of tenure. Even in these cases, however, a number of minimum requirements should be fulfilled. These include access to privacy (single rooms) and social space (also in daytime), protection against immediate evictions and evictions without legal grounds, standards equalling those in special housing intended for long-term living, access to support when needed, and an institutional structure that secures users’ influence as well as individuals’ right to issue complaints. The quality of all hostels should be subject to public control and also those who claim they prefer hostels should be provided with opportunities to find mainstream housing instead.

Reducing homelessness and the supposed need for temporary accommodation has to go along with important measures in the fields of housing policies and social services. First of all enough regular housing has to be made available and to be affordable. In addition, access to regular and permanent housing must be secured for all people living in a country (with some special provision for those in need of intensive care and support or special facilities because of disabilities – but a lot of this can also be provided in regular housing). For some groups perceived as “risky



tenants” by landlords it will be necessary to secure financial support for rent-paying and to provide guarantees for covering potential rent arrears or property damages. Influence on the allocation of housing for disadvantaged households is essential.

Adequate social support for those people who have difficulties in sustaining a tenancy is necessary, but this can be offered on a flexible basis and tenancies should not be conditioned on receipt of such support. Preventive measures have to be implemented or improved in order to stop people from becoming homeless because of rent arrears/reposessions or institutional discharge or for other reasons. There is a need for legislation which protects tenants (and owner occupiers) from evictions. Last, but not least, a general consensus in society is required that in wealthy European countries, homelessness, no more than starvation, should not be accepted as legitimate punishment for any kind of behaviour.

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# Regulating the Private Rental Housing Market in Europe

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› **Abstract** *This paper provides an overview of the nature and extent of the private rented sector in Europe. It highlights the growing interest in enhancing and regulating the sector after a prolonged period of neglect by policy makers in many countries. The different strategies that Governments have devised to regulate the sector, particularly rent control, are outlined and their evolution reviewed. More subtle and flexible rent regulations than characterised earlier forms of rent control have emerged, but it is unclear as to what impact these looser regulations are having on marginal households at the ‘lower end’ of the private rented sector. The strategies for promoting the private rented sector and the enforcement of the regulatory instruments vary by country, often a reflection of the experience of the sector during the 20th century. For some countries, the private rented sector remained robust after the strains of the 20th century, for others it was in a perilous position. Thus, strategies employed at the beginning of the 21st century, reflect in part these different historical end points as much as economic globalisation and the alleged ascendancy of neo-liberalism in the housing markets of Europe.*

› **Key Words** *private renting, rent regulation, enforcement, homelessness*

## Introduction

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The private rented sector is increasingly viewed by Governments across the European Union as a crucial element in the mix of housing services that can provide accessible accommodation for households, unable or unwilling to enter homeownership or social rented housing, who are at risk of homelessness. In addition, Governments increasingly view the sector as capable of assisting households who are homeless to rapidly exit homelessness and maintain a long-term reasonably secure tenancy.

In a range of countries, various access programmes and projects to sustain tenancies in the private rented sector are operative. How best to organise the private rented sector to achieve these objectives is subject to considerable debate, and practices vary considerably between jurisdictions. However, a number of common trends are becoming evident across the European Union and we reflect on how these changes have the potential to impact on rates of homelessness. As homeownership continues to increase its share of private dwellings in Europe (Scanlan & Whitehead, 2004; Doling & Ford, 2007), and social housing programmes are either in decline or not of sufficient quantity to meet demand, it is likely that the private rented sector will assume a more prominent and expanded role than was envisaged twenty years ago. Rather than viewing the sector as largely transitional, with households exiting the sector to what are often viewed as the more desirable tenures of home-ownership or social renting, with only a residual constant population, it is increasingly envisaged that the sector will become a long-term alternative to both social renting and home-ownership, particularly in the countries where the sector had declined most during the 20<sup>th</sup> century. To facilitate the growth of the private rented sector to meet these new expectations, the mode of regulation has shifted in some countries. Currently, the dominant policy instrument for regulating the sector is what has been termed 'tenancy rent control' or 'third generation rent control'<sup>1</sup>, the key principle of which is rent control *within a tenancy*, but not between tenancies. This has occurred in tandem with a general deregulation and liberalization of the sector from statutory controls.

However, in many countries, a range of *de facto* controls still exist, which set limits on rents and other elements of private rented housing, usually in, the form of rent allowances / benefits and standards. As Carr *et al* observe, '[a]lthough it is a commonplace assertion that the private rented sector is deregulated and decontrolled, the types of control and regulation that exist in the sector have been dispersed through, for example, controls on housing benefit, property quality, and, less so, security of tenure' (2007: 122). While the paper is not in a position to evaluate the efficacy of these rental regimes in terms of reducing homelessness, either by preventing it from occurring in the first instance or by providing an exit route out of homelessness, it can provide a basis for such a discussion. The primary reasons for our inability to more formally evaluate the impact of different rental regulatory regimes on rates of homelessness relate to the well known difficulties in enumerating homelessness comparatively, particularly in relation to flow

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<sup>1</sup> First generation rent controls were, in effect, rent freezes and emerged primarily in the second decade of the 20<sup>th</sup> century. From the 1970s onwards, particularly after the energy crisis of 1973, many governments imposed rent controls as part of their strategy of reducing inflation, but did allow for rents to be increased by a defined annual amount, usually related to the general cost of living, and that improvements to the dwelling etc. could be taken into account in setting the annual rent. These more flexible rent controls are known as second-generation rent controls.



data (Edgar & Meert, 2006), and secondly the methodological difficulties in evaluating the costs and benefits of various forms of rent control and regulation. In this context, Turner and Malpezzi (2003) observe that housing markets are regulated in a vast number of areas from rent control to planning processes, zoning regulations and so on, and if any lesson is to be taken from the myriad of studies that examined regulation of the housing market it is: 'regulation per se is neither good nor bad. What matters are the costs and benefits of specific regulations under specific market conditions' (2003: 15). In addition, as Haffner et al (2007: 4) observe, despite a now voluminous literature on rent regulation in the United States 'there is little evidence from Europe with its various types of rent regulation'. However, a voluminous literature does not guarantee consensus on policy issue and Keating has sardonically observed in relation to the United States:

The heat generated by the debate over rent control has produced little agreement about the impact on tenants, landlords, or rental housing markets. Disagreement over the social and economic impacts of rent control, whether short-term or long standing, continues, despite numerous studies. Experts disagree over data, methodology, and the interpretation of research results (1998: 3).

## The Extent of Private Renting in Europe

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Private rented housing as a percentage share of total housing stock varies considerably across the EU. Based on the data presented in Table 1, only in Germany<sup>2</sup>, Latvia and Austria do the number of private rented dwellings exceed one-third of the total housing stock.<sup>3</sup> For most commentators in the 1980s, the private rented sector in most countries was in terminal decline, brought about by *inter alia*, rent control which eliminated the incentive to invest in the sector, the development of financial service companies and building societies that provided capital to prospective owner occupiers, and substantial investment by govern-

<sup>2</sup> Kirchner (2007) persuasively argues that the high proportion of private rented dwellings in Germany is attributable to the expiry of commitments, which is a uniquely German phenomenon, the advantageous tax treatment of the sector and the regulatory framework.

<sup>3</sup> However, as is well known, considerable difficulties exist in accurately defining the private rented sector in a comparative context. In particular, distinguishing between purely private rented accommodation and various forms of social or non-profit renting appears especially problematic. For example, as Whitehead (1998: 362) observes 'it is usual in some countries to regard as 'social' any landlord who receives supply subsidies to provide for particular groups, even where in certain circumstances the prices at which the lettings are offered may actually not be below market rent or even where the property is privately owned and the landlord is acting commercially. In other countries such landlords would be defined as private'.

ments in social rented housing (Harloe, 1985). Over the *longue duree*, it is undoubtedly the case that the private rented sector shifted from being the most common tenure in a majority of countries in the first decades of the 20<sup>th</sup> century to being the minority tenure in the majority of countries by the 1970s.<sup>4</sup>

**Table 1\_ Private Rented Housing in Selected EU member states as a Percentage of Total Stock, 1990-2000.**

	Private Rented circa 1990	Private Rented circa 2000
Austria	25	40.3
Belgium	31	25
Bulgaria		0
Czech Republic		17
Denmark	26	17.8
Estonia		9
Finland	9	17
France	23	19.7
Germany	43	51
Greece	23	19.9
Hungary		10.4
Ireland	8	11
Italy	23	16
Latvia		39.6
Lithuania		8
Luxembourg		27.5
Malta		22.4
Netherlands	12	10.8
Poland		0
Portugal	32	21
Romania		0
Slovak Republic		0.1
Slovenia		2.6
Spain	17	9.7
Sweden	19	22
United Kingdom	7	9.3

Source : Doling, J. 1997. Comparative Housing Policy : Government and Housing in Advanced Industrialized Countries. Basingstoke : Macmillan. p. 198 ; Norris, M. and P. Shiels. 2004. Regular National Report on Housing Developments in European Countries. Dublin : Stationery Office. p. 5.

<sup>4</sup> A well known exception to this trend is Switzerland, where second generation rent controls were introduced in the early 1970s, but where approximately two-thirds of households consistently rent privately (see Werczberger, 1997 for further details).

From this data, we can tentatively identify (Table 2) four worlds of private renting drawing on the well-known work of Esping-Andersen (1999).<sup>5</sup> Mediterranean countries, where the sector is in decline in all countries; liberal regimes, where the sector is growing in all; social democratic regimes, where an even mix of growth and decline is observed, and finally a corporatist world, where in most cases a modest decline is evident.

**Table 2\_ Private Rented Regimes in Europe, c1990-c2000**

Mediterranean Regimes – (Greece, Italy, Portugal, Spain)	<i>Liberal Regimes +</i> (UK, Ireland)
<i>Social Democratic Regimes + / –</i> (Denmark, Finland, Sweden, Norway)	<i>Corporatist Welfare Regimes – / +</i> (Belgium, France, Germany, Netherlands)

However, overall, Europe in housing terms is, as Doling and Ford (2007: 113) have observed, a Union of owners. Close to two-thirds of all households in the European Union are home-owners, with only Germany, Sweden and the Czech Republic having a homeownership rate of less than 50 percent. The majority of those who are not homeowners occupy rental properties of various types, although for analytical purposes, rental properties are usually divided between social rented and for-profit rental. Although variable, it is apparent that social rental housing has declined as a share of total stock over the past two decades (Whitehead & Scanlan, 2007). This is particularly the case in relation to state managed social housing, with an increasing share of social housing provided by the non-profit sector. Difficulties in the management of State social housing estates has led towards a decided shift towards demand led subsidies for low income households, rather than a ‘bricks an mortar approach’ that characterised many countries from the 1950s to the 1970s (Gibb, 2002; van der Heijden, 2002).

Over the past decade or so, a revival in the fortunes of the private rented sector in countries like Ireland, the UK, Finland and Austria is evident. The reasons for the reversal in the fortunes of the private rented sector in these countries are complex, but if a consensus exists, it is that the deregulation of the sector, to varying degrees, across Europe, has facilitated this transformation. This is certainly the view of the European Central Bank (ECB) who have argued that ‘EU governments have responded over the years to the fall in the size (and quality) of the market for private rented dwellings and have to various degrees relaxed rent regulations’ (ECB, 2003: 27).

<sup>5</sup> The Central and Eastern Countries are excluded from this table on the basis that we do not have accurate time series data for these countries, thus making it problematic to describe trends over time.

Consequently, most countries now allow for various forms of rent indexation linked to consumer price inflation and rent adjustment clauses (see Box 1). In the process, the ECB noted that ‘[t]he process of decontrolling rents in new contracts has been closely linked to a revision of contract termination rules’ (2003: 28).

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**Box 1\_ Major reforms of rent regulations since 1980 in selected EU countries**

**Belgium** 1984-2005): rents and terms of contract become free; for existing contracts rent increases are linked to CPI. 1991: increasing tenure security by introducing 9 year contracts; 1997: Limits set to new short-term agreements; 2005: enforcing the combat against landlordism; attempt to take conflicts out of courts; attempt to make rents more transparent

**Denmark** 1990: Condominiums built after 1991 exempt from rent control.

**Germany** 1983: Introduction of upper limit of 30% in a three-year period on rent increases for sitting tenants, rent escalation clauses and rent contracts linked to a price index permitted. 2001: Upper limit on rent increases in a three-year period reduced to 20%. Period of giving notice for tenants reduced to three months.

**Greece** 1997: Freely negotiated rents in new contracts. Minimum duration of contracts of 3 years.

**Spain** 1985: Freely negotiated rents in new agreements. 1995: Minimum lease of five years (at tenant’s option); CPI indexation; One-off updating of existing contracts (to be implemented over ten years).

**France** 1997: New contracts liberalized.

**Ireland** 1982 Rent control abolished. 2004. Residential Tenancies Act, 2004. Provides ‘security of tenure’ for up to 4 years, sets market rents, and establishes a regulatory body for the sector, the Private Residential Tenancies Board.

**Italy** 1992: Freely negotiated new fixed-term contracts introduced. 1998: Two types of “free” contracts: freely negotiated at the individual level at the start and contracts where yearly rent increases are collectively negotiated by landlords and tenants.

**Luxembourg** 1987: Increases in the rents of dwellings built before 10 September 1944 and clarification of the meaning of invested capital for those built after this date.

**Netherlands** 1994: Liberalized more expensive segment of rental market.

**Austria** 1986: Partial liberalization of new tenancies. 1984: “Indicative value rent system” introduced.

**Portugal** 1981: Freely negotiated rent contracts for new tenancies introduced (but no indexation allowed in these contracts). 1985: Mechanism of updating all rents with CPI; one-off updating of old contracts (but still remaining very distant to rents in new contract. 1990: Possibility of setting a limit on the duration of rental contracts. 1993: Possibility of introducing different indexation mechanisms under specific circumstances

**Finland** 1990-1992: Gradual liberalization of rent controls. After 1995: Rents are practically free from public control, they should not be “excessive” (in a legal sense).

**Sweden** No major reforms that could improve the efficiency of allocation in the rental sector have been undertaken.

**UK** 1988: Assured tenancy—eviction easier and initial rent and indexation negotiated.

Source: European Central Bank. (2003: 52); Authors updates.

## Understanding the Private Rented Sector in Europe

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We can understand the structure of the private rented sector in a number of ways. Perhaps one of the most influential is that of a model of unitary *versus* dualist rental systems devised by Kemeny (1995, 2006), albeit that his thesis primarily aims to explain rates of homeownership rather than the dynamics of the private rented sector *per se*. *Dualist rental systems* are generally found in countries with liberal economic philosophies. The overarching role of the State is to allow the free play of markets and through this mechanism, social and economic needs will be realized. However, for various reasons, a minority of the population will not be able to satisfy their housing needs through the market and the State reluctantly intervenes to provide a residual service. Significantly, in order to avoid market distortions, this residual service is insulated from the market and a command economy instituted to determine need and allocation. Thus, dualist systems are characterized by on the one hand a largely unregulated profit-driven rental market and, on the other, a tightly controlled state or social rental sector. With restricted access to a generally stigmatized state rental sector and little security of tenure or regulation of rent in the private sector, households enter into homeownership in lieu of other satisfactory alternatives.

On the other hand, *unitary rental systems* find their origins in the social market model that originated in Germany in the 1930s and constructs markets in such a way as to strike a balance between economic and social priorities and thereby ameliorate the undesirable effects of the market from within (Kemeny, 1995: 11). Thus, while no ideological block exists to prevent intervention in the market, nonetheless, a key principle is that any intervention must be market conforming. Rental sectors are not segregated as they are in countries with unitary systems, but rather the non-profit and the for-profit rental sectors are structured by the State and through the regulatory regime that it imposes will be in competition with one another. The competition between for-profit and non-profit renting leads to restricted rents in the for-profit sector, greater security of tenure for tenants and a viable alternative to homeownership. Table 3 outlines the hypothetical differences between unitary and dualist rental systems and identifies the countries that appear to match these ideal types.

**Table 3\_** Hypothetical differences between unitary and dualist rental systems

	<b>Dualist rental system</b>	<b>Unitary rental system</b>
<b>1. Share of owner-occupancy sector</b>	relatively large	relatively small
<b>2. Distribution of dwelling types and dwelling sizes</b>	social rental and private rental dwellings are not necessarily present in the same segments of the housing market	social rental and private rental dwellings are present in the same segments of the housing market
<b>3. Level of housing quality</b>	relatively large housing quality differences between the owner occupancy and the rental sector	relatively small housing quality differences between the owner occupancy and the rental sector
<b>4. Income distribution of tenants</b>	relatively strong residualisation in both rental sectors	relatively limited residualisation in both rental sectors
<b>5. Rent levels, corrected for housing quality</b>	large differences between social rental and private rental dwellings	small differences between social rental and private rental dwellings

Source : Hoekstra (2005).

### *Rent controls*

A second way of understanding rental markets is the degree to which the State regulates the conditions under which private renting can occur, particularly, the latitude given to landlords to raise rents.<sup>6</sup> In very broad terms, most European governments introduced rent controls during or immediately after the First World War. Now known as *first generation rent controls*, these rent controls were, in effect, rent freezes. These first generation rent controls were particularly crude instruments and contributed in part to the decline of the private rented sector through the inability to remove them or adapt them to changing economic circumstances. However, we do need to be cautious about attributing, in full, the blame for the decline in the private rented sector to first generation rent controls. As Harloe has noted '[t]he impact of rent controls was far from simple and self-evident. In some countries the most rapid decline in the sector occurred after 1960, at a time when rigid controls were giving way to decontrol or to more flexible controls which attempted to relate rent levels to quality and costs' (Harloe, 1985: 298). It is also clear that additional reasons for the decline of private rented housing included the mass provision of social rented housing from the 1950s, which reduced the dependency of low-income households on the private sector and the increased affordability of homeownership for middle-income households (Brown, 1970). From the 1970s onwards, particularly after the energy crisis of 1973, most governments imposed rent controls as part of their strategy for reducing inflation. However, these controls did allow for rents to be increased by a defined annual amount, usually related to the general cost of living, and also allowed for improvements to the dwelling etc. to be taken into account in setting the annual rent levels. These more flexible rent controls, known as *second-generation rent controls*, were in the main, replaced from the early 1990s by tenancy rent control, or *third generation rent controls*, that is, rents are regulated within an individual tenancy, but not between tenancies. A key reason for the introduction of second and third generation rent controls were the introduction of rent allowances / benefits in many countries from the 1970s onwards. According to Turner and Elsinga (2005: 104) '[t]he introduction of housing allowances also enabled to state to relax the rather stringent post-war rent controls in the private rented sector without jeopardizing housing provision and affordability for low-income households facing rent increases. They were seen as a cost-efficient tool that permitted rents to rise, thus helping to keep the market efficient.'

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<sup>6</sup> A radically different regime in relation to rent regulation was introduced in the former state socialist regimes, where rents were set at very low levels and were rarely increased until 1989. For a brief overview of the changes that have occurred since 1989 in these countries, see Roberts, (2003).

According to Arnott (2003), *tenancy rent control* is now perhaps the most common form of rent control. Part of the reason for its popularity is that it straddles a middle ground between those who advocate full deregulation of the private rental market and those who demand full rent control. It satisfies both landlords and tenants in that allows starting rents to be market clearing and hence avoids the well known difficulties of rent controls such as the mismatch of housing to tenants and the issue of key money. Furthermore, it provides tenants with a degree of security of tenure by preventing excessively sharp rent increases, which can generate economic evictions, nor generally does it allow eviction for the purposes of rehabilitation or redevelopment. Useful as these broad trends are for understanding the private rented housing market in Europe, they do not fully capture the complexity of the changes taking place, particularly with respect to lags in deregulation. Lind (2001) has suggested that five regulatory systems operate in Europe. These are:

**Type A:** Weak transaction cost related rent regulation. Protecting a sitting tenant against rents higher than the market rent

**Type B:** Strong transaction cost related rent regulation. Protecting sitting tenants against certain types of increases in market rents

**Type C:** Monopoly related rent regulation. Protecting all tenants against rents higher than the market rent

**Type D:** Smoothing changes in market rents. Rent regulation related to overshooting

**Type E:** Protecting all tenants against certain types of increases in market rents. Segregation related rent regulation

Lind suggests (Table 4) that Austria and Sweden maintain rent regulation that can keep the rent level permanently below the market level (type E). Germany maintains rent regulation for sitting tenants that protects them from certain increases in market rents (type B) and also some system for keeping rents in new contracts from increasing rapidly, without “permanently” holding them below market level (type D). The Netherlands and France are borderline cases for types B/D. Switzerland and Spain have rules protecting sitting tenants against certain types of increases in market rents (type B). Finally, Great Britain has only rules protecting tenants against landlords demanding rents above the market level (type A and/or type C).



**Table 4\_ Rent regulation system in some European countries<sup>7</sup>**

Country	Type A Weak transac- tions cost related	Type B Strong transac- tions cost related	Type C Monopoly related	Type D Over- shooting related	Type E Segregation related
Austria	=>	=>	=>	=>	Yes
France	=>	Yes	Yes	(Yes)	No
Germany	=>	Yes	Yes	Yes	No
Great Britain	?	No	?	No	No
Netherlands	=>	Yes	Yes	(Yes)	No
Spain	=>	Yes	?	No	No
Sweden	=>	=>	=>	=>	Yes
Switzerland	=>	Yes	?	No	No

Source: Lind (2001 : 50)

In broad terms, the rent regulation systems approach by Linds (2001) mirrors, in part, the unitary – dualist schema developed by Kemeny (1995). The countries identified by Kemeny as unitary are also those that cluster closely both geographically and ideologically (with mixtures of type B/D/E rental systems) in the Linds schema and *vice-versa*.

In its earlier manifestations, rent control was seen as an instrument that could reduce homelessness, as it would remove the likelihood of economic eviction; that is households having to leave their dwelling due to their inability to pay the increased rent demanded by a landlord. Indeed, such a perspective remains a reasonably common refrain amongst certain advocates for the homeless. On the other hand, some have argued that rent control, while benefiting marginal households in private rented accommodation does little for those seeking accommodation and, in distributional terms, many of those in rent control dwellings are privileged insiders whose incomes do not require rent control.<sup>8</sup> In the 1980s in the United States, as homelessness was rising, in some cities quite dramatically, William Tucker, a journalist

<sup>7</sup> The symbol => means that this kind of rent regulation exists, not as a special system but as an implication of a more encompassing system of rent control. A question mark means that it is not clear from the sources if this type of regulation exists. A 'yes' in parenthesis means that the practical application of another type of system leads also to this kind of protection.

<sup>8</sup> For example, a recent study in Sweden found that even with rent regulation, higher income groups will still obtain the best quality and best located dwellings (See Lind and Hellstom, 2006 for further details).

with the *American Spectator*, claimed that rent control was the single biggest contributor to homelessness in the US and that '[u]nless these cities (which have recently adopted rent control) can be persuaded to give up rent control, the ranks of this minority – the homeless – will continue to grow' (Tucker, 1987). However, Quigley, on reanalysing the data used by Tucker and incorporating income and price variables concluded that the 'existence of rent control is, according to these results, irrelevant to the extent of homelessness in these cities' (1990: 93). Similarly, Appelbaum *et al* (1991) refuted Tucker's thesis and argued that the increase in homelessness had to do with factors other than rent control. Arnott (1995: 116), in his state of the art review of rent controls, sagely observed that 'since no empirical studies adequately account for the many possible linkages between rent control and homelessness, whether rent control contributes to homelessness remains an open issue'. More recent North American reinterpretations of the 1990 census suggests that the existence of a rent control can contribute very marginally (increases of 0.03% in a city's shelter population and a 0.008% in its street count were identified) to homelessness by decreasing the rental vacancy rate and by increasing rents in the non-controlled sector (Grimes & Chressanthis, 1997).

### ***Recent trends***

One perennial difficulty with typologies is that while they capture very succinctly the state of play in rental markets at a particular point in time, they are by their nature static in terms of the description of any particular country. For example, in the case of the Netherlands, policy in relation to the private rented sector shifted in late 2004, with the announcement that one-quarter of the 3 million private rented properties would be gradually deregulated, with the remaining stock subject to substantial rent increases – from 1.5 percent above the rate of inflation in 2005, rising to 3% over the rate of inflation in 2009 (Boelhouwer, 2006a and b). In summary, the nature of the private rented sector is changing in Europe, but rather than seeing a uniform shift to less and less regulation and the liberalization of this sector of the housing market, different countries are adapting to new demands in distinctive ways. While first generation rent controls are exceedingly rare, rent allowances do provide a cap on the rent that governments pay, and in some countries, the rent allowance market makes up a considerable part of the overall private rented market (see Kemp 2007 for further details). Second generation rent controls are still evident, but increasingly we are likely to see third generation rent controls becoming the norm. Aside from the regulation of rents, we are witnessing the enhanced regulation of standards in the private rented sector in a number of countries and the development of new dispute regulation mechanisms e. g. Ireland and Belgium (De Decker, 2001 ; Ryall, 2006). In addition, irrespective of the regulatory mechanisms utilized, the majority of Governments in the European Union see the private rented sector as an increasingly important element of the housing market, particularly in countries

where the sector had withered during the 20<sup>th</sup> century. In the case of the UK, Cowan *et al* argued that '[c]entral government has argued since the mid-1980s that it needs the private rented sector and the sector has taken up a privileged position in housing policy debates. No longer are landlords perceived in this discourse as rachmanites<sup>9</sup> – rather, they are partners in local housing strategies' (2001 : 853).

## Homelessness and the Private Rented Sector

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In recent years, social science research on homelessness has increasingly come to understand homelessness as the outcome of a dynamic interaction between individual deficits and structural change. From this understanding of homelessness, a broad conceptual framework has emerged that aimed to understand pathways into and out of homelessness underpinned by the notion of a homeless 'career' (Clapham, 2003). This notion of a career stands in contradistinction to understandings of the homeless as static entities. The 'career' concept emerged as research became methodologically more sophisticated, and moved away from cross-sectional or point-in-time surveys to longitudinal approaches (Wong, 1997). In doing so, researchers became increasingly aware that households moved into and out of homelessness on a more frequent basis than cross-sectional studies had revealed. More importantly, cross sectional studies over-estimated the severity of homelessness, as at any point in time, those who are long-term or chronically homeless will be over-represented. From an almost exclusive focus on routes or pathways *into* homelessness, a focus on routes *out* of homelessness emerged as it became clear that homelessness was more likely to be episodic than a progression towards chronic homelessness and understanding the conditions for successful long-term exiting from homelessness came to the fore in researchers' and indeed policymakers' agendas. Thus, by the beginning of the 21<sup>st</sup> century, homelessness was increasingly seen as a situation that could occur for a much greater number of households than was envisaged some twenty years earlier. Importantly, this longitudinal research highlighted that individual deficits were not as significant as previously thought in determining, either entry to homeless, length of time homeless or success at existing homelessness. Rather, the provision of institutional support, particularly affordable independent accommodation and / or financial assistance towards housing costs was demonstrated to be the most important factor in existing homelessness on a long-term basis.

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<sup>9</sup> Peter Rachman was a London landlord in the mid-20<sup>th</sup> century. He became so notorious for his exploitation of tenants that the word "Rachmanism" entered the OED as a synonym for any greedy, unscrupulous landlord.

In understanding whether or not a household experienced an additional episode of homelessness following an initially successful exit, both Sosin *et al* (1990) and Piliavin *et al* (1996) distinguished between 'dependent' and 'independent' exits. Independent exits, as the term suggests, were to private accommodation, without formal support from social service type agencies and where the costs of the accommodation were largely borne by the resident, albeit with support in the form of housing allowances. 'Dependent' exits on the other hand ranged from transitional housing to staying with family and friends. Those who made independent exits were less likely to return to homelessness than those who made 'dependent' exits. This appeared to be particularly the case when accompanied by welfare support in the form of financial assistance. This led the authors to conclude that 'accessibility and availability of sustained institutional support influence the likelihood of exists from homelessness' (Piliavin *et al*, 1996: 52). The availability of affordable housing also emerged as a key determinant of successful homeless exits in Wong *et al*'s (1997: 459) study of family shelter users in New York who argued that 'our data clearly indicate that subsidized housing is linked with substantially lower rate of readmission to the Family Shelter System.' Zlotnick *et al*, (1999: 220) argued in a similar vein in their study of homeless exits in California that 'entitlement-benefit income, and an exit into subsidized housing, were significantly associated with an exit from homelessness into stable housing,' but that those homeless who were substance users were less likely to exit homelessness than those who were not (Zlotnick *et al*, 2003).

Dworsky and Piliavin (2000: 209) further elaborate on these findings and confirm that 'the type of housing situations to which people exit significantly affects the likelihood of them becoming homeless again'. In other words, not all homeless exits are equal and greater specificity as to the nature of the initial exit could assist in predicting future returns to homelessness. In particular, they argue that the most important factor in not returning to homelessness appears to be access to a private residence<sup>10</sup> rather than agency-managed transitional housing or informal arrangements such as staying with family or friends. The apparent lack of success of transitional housing in preventing returns to homelessness is compounded by other research which highlights the fact that those homeless households who resided in service intensive homeless services did not have shorter stays than those in less service intensive projects (Gerstel *et al*, 1996). What the authors describe as the 'therapeutic incarceration' of homeless families in transitional housing, whereby a disciplinary regime was imposed to ensure adherence to the 'life-skills' that would prevent homeless, actually worked to maintain dependency. This, the authors

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<sup>10</sup> By this they mean private residences that individuals considered their own and for which they paid all or a substantial part of the housing costs, rather than, for example, social service agency run transitional housing.

concluded was because individual deficits were not the primary reason for homelessness; rather it was the lack of affordable housing.

Based on qualitative research in England, May (2000: 615) argues that, 'for the majority of single homeless people the experience of homelessness is neither singular nor long term but episodic, with each homeless episode interspersed with often extended periods in their own accommodation and with no increase in either the frequency or duration of homeless episodes over time'. Crucial to exiting homelessness was the supply of good quality private rented accommodation and employment. Likewise, Hall (2003), in his ethnographic account of the lives of young homeless people in a town outside of London, notes the episodic nature of their homelessness. Describing a world of grimy private rented bedsits, where evictions are commonplace and security of tenure non-existent, he argues that:

... young people leaving Lime Street struggle to find themselves at home and happy as bed-sit tenants in houses of multiple occupancy. About half of those who are rehoused in this way are on the move within a matter of months, trading one tenancy for another nearby, or homeless again. This pattern – shifting back and forth between cheap rented rooms and returning to the hostel in extremis – is one that some of those who pass through Lime Street cannot seem to shake, and amounts to a continuing, episodic homelessness (Hall, 2003: 75).

On the other hand, Crane and Warnes (2000: 763) in their study of 45 older homeless individuals who had experienced an eviction, suggest that none were evicted from the private rented sector, rather local authorities or housing associations evicted them.

Although based on relatively limited research evidence, it is clear that the private rented sector plays an important role in the lives of homeless people. In particular, the 'lower end' of the private rented, described so graphically by Hall, is one of the few housing options available to those precariously situated at the intersection between emergency / temporary accommodation and reasonably secure accommodation. In addition, it seems that the sector offers considerable potential to assist individuals achieve 'independent' exists from homelessness, particularly if coupled with financial assistance.

A proxy for the 'lower end' of the private rented sector is the number of households in receipt of a rent subsidy (sometimes known as a rent allowance or benefit). Housing allowances are described by Turner and Elsinga (2005: 103) as schemes which 'enable low-income households to consume more housing than their incomes would normally permit'. Housing allowances, while sharing this overarching objective, they vary considerably in the way in which they are constructed and administered. Detailed comparative estimates for the number of such households

as a percentage of the private rented sector are difficult to compile, and appear to vary considerably (Haffner & Boelhouwer, 2006; Kemp, 2007).<sup>11</sup> In addition, we have little information on the characteristics of those who inhabit the private rented sector. Scanlon and Whitehead (2004: 17) suggest that residence in the private rented sector is on average across Europe, more common for young housing entrants than it is for midlife households (30 percent compared to 10 percent).

It is clear that the bottom end of the private rented sector is often volatile and unpredictable in terms of security of tenure and that the quality of the accommodation remains geared towards short-term lets, and as a result, standards are often poor. Thus, a key policy challenge is to devise mechanisms that improve the standards of the 'lower end' of the private rented sector, provide enhanced security of tenure and stability in rent levels without pricing the sector out of reach for marginal households. This appears all the more important in a policy context where social rental housing output is likely to remain marginal relative to demand and heavily rationed. Thus, the private rented sector, particularly for single person households, is likely to be the key source of accommodation for those unable to enter owner-occupation. In terms of speedy exits from homelessness, it may offer certain advantages, but to ensure such exits are sustainable, enhancing standards and security of tenure are vital.

## Regulating the Private Rented Sector

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A perennial issue is how best to regulate the sector. The previous sections have highlighted the various strategies employed over the course of the 20<sup>th</sup> century and the difficulties associated with them. In addition to the efficacy of the various strategies deployed, a key problem has been enforcement of the desired policy objectives. In this respect, considerable difficulties exist in relation to ascertaining the most effective modes of regulation. As Turner and Malpezzi (2003: 17) note '[I]nformation about the efficacy of enforcement systems tends to be uneven, at best. In some countries, regulations are widely flouted; for example, in cities as disparate as Cairo and New York, tenants commonly pay large deposits for strictly regulated apartments, even though such payments are illegal.'

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<sup>11</sup> One of the difficulties in accurately assessing the extent to which households in the private rented sector are in receipt of a housing allowance, is that that many countries do not differentiate between private and social renters in estimating the number of renters in receipt of a housing allowance.

### ***Enforcement strategies***

To varying degrees, modes of regulation that imposed rigidities, such as rent control, and which were implicated in the stagnation and in some cases decline of this private rented sector, have gradually been withdrawn. The observed increase in the share of private rented housing in many countries has been accompanied by a parallel increase in homeownership, with social housing squeezed between these two tenures into a declining and residual tenure. This reflects, in part, the greater use of the private rented sector, *via* a complex series of demand subsidies, to accommodate households that until recently would have had expectations of accommodation with the social housing sector. As the private rented sector increasingly accommodates, on a longer term basis than would have been the norm in the past, marginal households that either cannot access, do not wish to access, or have been excluded from social housing, new strategies for both regulation and enforcement are required. However, in some instances, given the increasing dependence of housing authorities on the private rented sector to meet, in some cases, their statutory obligation to house marginal or homeless households, any intervention that could potentially adversely affect the supply is treated with great caution. For example, in Scotland, it was observed that 'local authorities were generally circumspect about strengthening security of tenure, or indeed other forms of regulation, for fear of restricting supply' (Houston *et al*, 2002 : 51). However, in the case of the Republic of Ireland, increased regulation of the sector from 2004 did not result in supply restrictions, rather the sector has expanded. Carr *et al* (2007) suggest in the case of the UK, an attempt has been made to create two types of landlord, the majority who are responsible and minority who are irresponsible. From this stems two regulatory strategies. For the responsible landlords 'responsible self-government, community regulation and self-policing (voluntary licensing, accreditation, kitemarks) – are appropriate. For the latter, an array of more intrusive, disciplinary regulation is prescribed – licensing, housing benefit restriction, risk-based regulation of property quality (2007 : 109). A key reason for the hesitant and fragmentary approach to regulating the private rented sector, in the UK at least, is attributable to 'the fact that entrenched positions have developed amongst the interested parties, and that often appear to be based on a degree of mutual suspicion and lack of trust (Rugg & Rhodes, 2003 : 944).

## Conclusion

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Across the European Union, the role of the private rented housing sector in meeting a range of housing needs that cannot be met *via* homeownership or through social housing is increasingly to the forefront of housing policy debates. A key aspect of the debate is how best to regulate (or not) the private rented sector to ensure an adequate supply of units, but simultaneously protecting tenants from the vicissitudes generated by market provision. In comparison with relatively rigid controls on the sector that were evident in the 20<sup>th</sup> century, more subtle and flexible rent regulations have emerged, but it is unclear what impact these looser regulations are having on marginal households at the 'lower end' of the private rented sector. It is this end of the market that enforcement strategies are most problematic. Those who occupy such housing tend not to be fully aware of their rights as tenants, and for those that are, may be fearful of retaliatory eviction if they complain to the appropriate regulatory body.<sup>12</sup>

The strategies for promoting the private rented sector and the enforcement of the regulatory instruments vary by country, often a reflection of the experience of the sector during the 20<sup>th</sup> century. For some countries, the private rented sector remained robust after the strains of the 20<sup>th</sup> century, for others it was in a perilous position. Thus, strategies employed at the beginning of the 21<sup>st</sup> century, reflect in part these different historical end points as much as economic globalisation and the alleged ascendancy of neo-liberalism in the housing markets of Europe. From the limited empirical evidence available to us, it seems that it is the countries with dualist rental housing markets that have the greatest difficulties enforcing standards in the private rented sector, due in large part to an absence of a sufficiently large public or non-profit rental market to either provide an alternative to market renting or to provide an internally competitive rental market that would bring about more effective enforcement.

In the context of minimizing the risk of homelessness and providing exits out of homelessness, and viewing the private rented sector as a key element in the mix services to achieve these objectives, clearly the larger the private rented sector the better. Thus, intuitively, unitary rental markets are more desirable than dualist ones if the Kemeny thesis holds true. Regulating the 'lower end' of the private rented

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<sup>12</sup> Interestingly, in both the UK and Ireland, the regulatory agencies are the local authorities and additionally in Ireland, the Private Residential Tenancies Board. In both cases, the police have little or no role to play, particularly in the case of illegal evictions. As Cowan *et al* note, many crimes that are policed via regulation tend to be victimless, but 'landlord crime has a clear victim in the occupant. This suggests it is of a different nature to much regulatory crime and hence more like ordinary crime. Yet, not allocating the primary prosecutorial role to the police sends a message that landlord crime is also different from ordinary crime. The status of the landlord therefore appears rather ambiguous' (2001 : 839).



market may be better achieved through promoting a unitary rental system, than by attempting to regulate the private rented sector *per se*. However, it has been noted that considerable difficulties exist in relation to shifting from a dualist to a unitary housing system and it would require very substantial changes not just in housing policy, but also in labour market policy and social security systems (Stephens *et al*, 2003; National Economic and Social Council, 2004). Thus, in the short-term, moving those countries with dualist systems towards unitary systems is not a feasible option. In addition, we need to recognise that the countries with unitary systems, while undoubtedly producing a greater proportion of private rented dwellings than dualist systems, do not necessarily result in marginal households being satisfactorily accommodated. The trajectory of the private rented sector into the 21<sup>st</sup> century, despite some broad similarities, is unique to each member state and crucially was and is dependent on not only housing policy, but on the fiscal treatment of property. Thus, cognizance needs to be taken of both the broad policy environment in which the private rented sector operates in individual countries rather than attempting to outline a pan-European blueprint for both the role and nature of the regulation of the private rented sector.

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# Impact of Service Procurement and Competition on Quality and Standards in Homeless Service Provision

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› **Abstract** *This article aims to examine the consequences of various public procurement approaches on standards in the provision of services to the homeless. In particular, the article considers the effect of competitive tendering since the public procurement guidance of the EC requires transparency and equality in awarding service contracts. The drive in the new public management ethos to achieve value for money and the imposition of performance standards can have both beneficial and negative impacts. The concept of competition is controversial and ambiguous, reflecting a variety of meanings. The article focuses on how competition takes place in homeless service provision, utilising France and Norway as case studies, two nation states with divergent constitutions, welfare systems and approaches to the procurement of homeless services. A variety of competitive forms are identified and examined in the article. The article highlights different types of problems associated with competition and public funding of homeless services and suggests how to measure quality and standards in homeless service provision.*

› **Key words** *homeless services, competition, rivalry, standard, quality, comparison*

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## Introduction: Competition in Welfare Services

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This article aims to examine the consequences of various public procurement approaches, and in particular competitive tendering, on standards in the provision of services to the homeless. The article focuses on how competition takes place in homeless service provision, utilising France and Norway as case studies, two nation states with divergent constitutions, welfare systems and approaches to the procurement of homeless services. The paper is divided into three main sections. This first section introduces the central terms and defines the issue in question and briefly presents different types of competition, which might be identified within welfare services in general. Following a brief description of homeless services in the two case study countries, the second main section describes examples of competition in homeless service provision in France and Norway and how competition is implemented. The third part discusses whether competition drives up standards or not in homeless service provision and presents suggestion of how standards should be measured.

Competition in the delivery of welfare services is associated with new public management ideas to improve efficiency and increase customers or users freedom of choice. In this context, competition is understood in terms of a public market and involves tendering for the provision of welfare services. However, this understanding of competition is only partial. Competition may also occur in more subtle and variegated forms and is often context specific. In some cases for example, particularly France, the term 'rivalry' more accurately defines relations between the various service providers than does the term 'competition' Furthermore, the term competition is often narrowly understood, particularly in the Anglo-Saxon countries as referring only to forms of economic competition and unfettered market provision, whereas a broader less reductionist interpretation is evident in other EU member states.

The framework of EU regulations is an important contextual element for the discussion in this paper and provides the framework here for the definition of public procurement and competition in relation to welfare services (including homeless services). Although freedom of establishment and competition belong to the basic principles of the EU agreement (i. e. the Treaty article 81-89), the member states acknowledge that not all types of services are suited nor should be left solely to the market and free competition. The services in question are recognised in the terms of services of general interest, perceived and defined by the member states as being subject to specific public obligations. The ongoing debate about services of general interest deals with the basis for increased competition within the service sector in general, including the service sector, which traditionally has been delivered by the authorities:



Services of general interest are at the core of the political debate. Indeed, they touch on the central question of the role public authorities play in the market economy, in ensuring, on the one hand, the smooth functioning of the market and compliance with the rules of the game by all actors and, on the other hand, safeguarding the general interest, in particular the satisfaction of citizens' essential needs and the preservation of public goods where the market fails. (COM [2003]).

In 2006, the Commission issued a Communication on Social Services of general interest in the European Union (COM [2006]). The Commission emphasises that, except for the basic social security schemes, these services are not in strict terms considered to be a part of public administration, but public policy and public funding play a major role and may be decisive for the provision of the services. The conclusion about what sectors and types of social services of general interest should be subject to competition is to-date unclear. The member states are nevertheless obliged to follow EU legislation and directives, in particular if the services encompass financial activity. On the other hand, what should be considered financial activity in social services is yet to be clarified.

As noted above, competition is a wide and not very well defined or universally understood concept. Oxley *et al* (2007) emphasise that competition in public services is to a large degree driven by new public management ideology and is thus rooted in public choice theory. In this context, the terms choice, efficiency and quality become keywords; public choice theory argues that public organisations need to be competitive in order to be efficient and deliver high quality services. Le Grand (2007) describes four means of delivering services of high quality:

- trust, where professionals, managers and others working in public services are trusted to deliver a high-quality service;
- targets and performance management, a version of what is often termed command-and-control, where those workers are instructed or in other ways directed to deliver a good service by a higher authority;
- voice, where users of public services communicate their views directly to service providers; and
- the 'invisible hand' of choice and competition, where users choose the service they want from those offered by competing providers.

He argues that, properly designed, systems that incorporate substantial elements of choice and competition will deliver services that are of higher quality, more responsive and more efficient than ones that rely primarily upon trust, command-and-control or voice. According to Le Grand, competition is simply the presence in

the public service of a number of providers, each of which is motivated to attract users. This is in contrast to a unitary or monopoly service where one provider dominates. In the public arena the term is often associated with the 'quasi-market' which differs from a normal market to the extent that services are paid for by the state rather than the user of the service but "with the money following users' choices through the form of a voucher, an earmarked budget or a funding formula" (2007, p. 41). Le Grand argues that there are three principal arguments in favour of competition as a model for service delivery: "It fulfils the principle of autonomy and promotes responsiveness to users' needs and wants; it provides incentives for providers to provide higher quality and greater efficiency; and it is likely to be more equitable than the alternatives" (2007, p. 42). However, he admits that to achieve this outcome provider competition relies upon user choice.

There is an academic tradition that reacts strongly against the arguments in favour of choice and competition. Lipsey (2005) is representative of this tradition drawing attention to three characteristics of public services which distinguish them from the private for profit sector: "they generate 'externalities' (that is, they benefit people other than the immediate user) and they have agency and information problems for users" (quoted by Le Grand, 2007, p. 57). All forms of competition identified within homeless service provision involve financial activity, although profit or surplus is not at all a driving force. One important contention in this paper is that competition in welfare services takes place in quasi markets; the services are mainly publicly funded, purchasing power does not come directly from the consumer but from the state or another authority, decisions are made on the basis of market criteria of price, quality and delivery time, competition exists between providers, but they are not necessarily profit-driven (Struyven & Steurs, 2005). Other examples of what is called competition, and which is frequently found in homeless service provision in both France and Norway, may be named as rivalry without a "real market". As described in the next section, rivalry influences service performance and thus is likely to affect the quality of the services.

### *Tendering*

Tendering is recognised as the purest form of competition in a market in that, ideally, all competitors have equal chances of attaining a contract. In connection to tendering arrangements in welfare services, there are generally two major types of private enterprise defined as block purchase and spot purchase. Block purchase is based on a fixed contract between statutory authorities and a company or organisation. The contract defines a certain amount of services to be delivered, as well as the quality of the services, in exchange for an agreed price.

The principle of spot purchase is based on payment per client. This may be based on individual voucher-system or alternatively "unit price financing". The point of

intersection between the two modes of financing services is that the money follows the client or user. The individual voucher-system provides the client or user with a certain amount of money and allows the client to choose both service provider and type of services. This may be organised either as a pay-check to every citizen who is eligible to a specific service or, more commonly, the clients choose the provider and the authorities pay the bill. The services may be financed both by the authorities and sometimes by additional payment from customers or service users. However service provision for homeless people and other destitute groups are largely, or entirely, reliant upon public funding.

### ***Competition for public funding***

Other types of competition in this field, which might have as much influence on service provision, are the purer forms of market-based competition, for example competition among providers for public funding. One type of public funding is allocated through experimental schemes (for example to develop services), and another type through time limited programs. Such funding may lead to competition among voluntary associations and between associations and other public parties (for example municipalities and associations competing for governmental funding). Governmental funding is also assigned to specific projects or organisations and is not necessarily linked to experimental schemes.

### ***Donations***

Associations working with the homeless also compete for donations. Increased competition for donations has led to a professionalized process of branding within the voluntary sector. In some countries, large associations increasingly employ professional fund-raisers and undertake extensive advertising. An illustration of this is the marketing of the Salvation Army. The Salvation Army has a tradition of almost 150 years in working among the most socially excluded people under the slogan “Soup, Soap, Salvation”. Branding is a necessity for any association aiming to remain visible in the complex and overwhelming body of actors demanding attention and funding from the general public (Rieunier *et al*, 2005). We can thus say that there is a “donation market” from an economic point of view. As demonstrated in the next section of the article, rivalry between associations is a very dominant form of competition in the field of homeless service provision in France.

### ***Rivalry concerning the “customer”***

The last type of competition presented in this section of the paper, is rivalry about the service users; the “customers”. Contrary to other welfare sectors, where one might find affluent customers both willing and able to pay for extra services on top of public provision, the homeless are by definition poor, and therefore characterised by lack of purchasing power. However, as will be further discussed below, rivalry

between service providers for service users or clients may be intense and a strong competitive driving force. The service users are, at the end of the day, the justification for the existence of any service provider.

## The Provision of Homeless Services in France and Norway

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The provision of homeless services, as well as welfare services in general, differs widely among the EU member states (Edgar *et al*, 2003). Rather than attempting to cover all welfare regimes and homeless service arrangements within the European Union, the article highlights focuses on the cases of France and Norway. It is necessary to give an outline, albeit briefly, of the constitutional systems within which services for homeless people are implemented and service delivery takes place. France, as Blanc (2004, p. 283) points out “is often identified as the centralized nation state *par excellence*”. Blanc further emphasises that the role of the French state after 1945 may be divided into three distinct phases. The first phase lasting till the 1960s is clearly rooted in the French revolution and recognised by a highly centralised form of government in which even decisions on minor local issues “were taken ‘in Paris’ by central government officers following bureaucratic procedures”. Local specific interests, when presented, were often defined as going against “general interests”. Another specific feature of government in this first phase, recognised by Blanc, is a distinct distrust in the ability of civil society in solving problems such as housing shortage. During the 1960s, the role of the state gradually changed from “provider” to “enabler”. The third phase, dating from the 1980s, is influenced by EU policies and recognised by the implementation of decentralisation laws and transfer of power to the regions. However, “central government in France has been and continues to be reluctant to accede power and decision making to local authorities and the debate on ‘more’ or ‘less’ decentralization is a never-ending process” (Blanc 2004, p. 284). In the comparative welfare regime literature, France is generally seen as a member of the corporatist world of welfare.

In contrast to France, Norway is a highly decentralised nation state and the right to welfare services is increasingly established as a statutory individual right and not as a duty to perform imposed by statute on local authorities (Østerud *et al*, 2003). Local authorities are responsible for providing the services and they hold a strong autonomous position and largely choose their own models of organizing, developing and modernising services, but within the framework of certain statutory standards. Norway is, together with Sweden, Finland and Denmark, considered a prime example of a social democratic welfare regime. As part of the EEA Agreement<sup>2</sup> between EU and non-members, Norway is committed to implement directives and

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<sup>2</sup> European Economic Area Agreement

regulations issued by the European Commission. These structural differences between France and Norway, as well as the difference in population size (60 million versus 4.5 million people), do have an impact on the homelessness question. The scope of this paper does not allow pursuing these issues. However, they indeed influence the topic in question and the comparative discussion.

### *Comparing competition in homeless service provision*

The differences between the two case studies selected help shape how homeless services are organised, how competition is played out and how the notion of competition is conceptualised. It is rare to talk about competition within the voluntary sector in France and indeed the very concept of “competition in welfare services” is perceived as being in opposition to the spirit of welfare provision. Although the term competition in respect of welfare services is also controversial in Norway, a debate is taking place on the basis that competition in welfare service provision is in place and likely to expand, albeit that many are uncomfortable with these developments.

The provision of services to the homeless can be conceptualised in two broad ways: services specifically designed for homeless people, and mainstream services used by homeless people. This article focuses primarily on services specifically designed to meet the needs of homeless households, but without excluding services not delimited to homeless persons (for example services targeted at people with addiction problems) but where the majority of the users may be homeless. Services specified for homeless people range from soup kitchens and other street services to shelters and health services and intervention for (re)settlement in temporary lodging or permanent housing.

### *Structures of homeless service provision*

In France, public action for homeless people comes up against a complex bureaucratic machinery of institutions, measures, procedures and legislation. At first sight, the field seems to be dominated by the associations and local authorities, with central government largely absent. However, Damon has stressed, that given “the increasing segmentation of policies, it would be wrong to deduce that public action is disintegrating and the State is withdrawing” (2002, p. 179). Damon goes on to suggest that “it seems more plausible that the current movement in policies, appreciated in terms of caring for the homeless, should be seen as a stepped up effort of actors, resources and representations around the state” (2002, p. 179). The State henceforth out-sources to the local authorities and associations certain responsibilities that formerly fell under its exclusive purview. Because of the implementation of the EU decentralisation law, the abilities and the financing of homeless service provision are ascribed to the State, the Regions and the Departments.

We can broadly identify two types of intervention in France (Damon, 2002): emergency actions geared to persons in serious difficulty, and integration actions for those deemed with “potential for reintegration”. Paradoxically, the people in serious difficulties are cared for by the more precarious (i. e. emergency) sector, which has more financial difficulties, and in which professionals and volunteers have a more insecure status. Homeless people “in less difficulty” are cared for by associations better endowed with resources (i. e. integration sector), which are staffed by professionals who tend to be better educated and better paid. Thus, humanitarian associations are present in the emergency sector, and associations that manage shelter and social rehabilitation centres are more involved in the integration sector. A similar, although less pronounced division of labour and responsibilities is evident in Norway.

### ***Actors in homeless services provision***

Non-profit groups dominate the field of homeless service provision in France. Public providers have a minor role and are represented by local authorities and public undertakings like the railway services (RATP and SNCF), which also provide support to homeless people. Although the state has the political responsibility for homelessness, homeless services are financed by the state, local authorities (regions, departments, municipalities), social bodies (such as the CNAF; the family allowance department) and partnerships with undertakings (SNCF, RATP). In Norway, on the other hand, the local authorities dominate service provision for the homeless. Traditionally the non-profit sector plays a minor role in welfare provision in the Nordic countries compared to other European countries. However, precisely in services aiming at those most in need, including homeless persons, non-profit associations are significant actors. One important distinction between France and Norway is that in the first case the associations are the most significant service providers, whereas in the latter case they are supplementary to public services.

We can distinguish the various types of associations involved in caring for the homeless, according to four variables: expertise; dependence upon public funding; governance structure; and dependence upon voluntary or activist support. We can identify a wide associative diversity that forms a heterogeneous whole (Damon, 2002). On the one hand, one finds associations that are administrative divisions and operate in line with policy orientations, relying on public budgets (e. g. Secours Catholique, Salvation Army, ATD Quart-Monde). On the other hand, there are activist associations that manage services with less connection to the public authorities (Restaurants du cœur), or who take action to notify the public authorities (DAL which concerns people who are not only homeless but also in insecure and inadequate accommodation). Most associations are concentrated on certain homeless categories: addicts, young people, women, etc.

**Table 1\_ The associations involved in caring for homeless people. (F)=France, (N)=Norway**

<i>Type</i>	<i>Expertise</i>	<i>Dependence on public funding</i>	<i>Service providers</i>	<i>Militantisme</i>	<i>Examples</i>
<i>Type 1: Administrative</i>					
<i>(1/a) Private</i>	***	**	***	*	<i>Secours catholique (F)</i> <i>Salvation Army (N)</i> <i>ATD Quart-Monde (F)</i> <i>City Mission (N)</i>
<i>(1/b) Public</i>	***	***	***	**	<i>Associations of FNARS (F)</i>
<i>Type 2: Humanitarian and militant</i>					
<i>(2/a) Interpellation</i>	*	*	***	***	<i>Restaurants du coeur (F)</i>
<i>(2/b) Denunciation</i>	*	*	*	***	<i>DAL (F)</i>

(source: adapted from Damon 2002)

A similar diversity may also be found in the larger cities in Norway. The non-profit or associative sector is dominated by long-established associations (such as the Salvation Army and City Mission operating a wide range of activities including homeless services provision), but also includes smaller scale religious organisations and informal groups. Beside the non-profit sector, there is a significant branch of private for-profit actors in the largest cities. These are operating in the temporary accommodation market, which developed in the wake of closure of the large-scale municipal shelters in the 1980s. Changes in the private temporary accommodation market are discussed below as an example of competition in service provision for homeless persons. Outside of the larger cities, municipalities responses to homelessness are ad hoc, comprising a mix of municipal services, provision from associations and private for profit suppliers (like shelters, B&B, and cabins) (Solheim 2000; Drøpping 2005).

### ***Tendering in alcohol and drug treatment services***

An example of the “purest” kind of market related competition can be found in the municipal Alcohol and Drug Addiction Service (RME) operating in Oslo. Since 1994, RME has accomplished tendering before entering into contracts with private

providers. Of the 34 units within the Department, private providers run eleven on contract to the authorities, and the authorities run the other 23. The eleven units, which are out-sourced, represent very different types of services; a complex of dwellings with tenancies, home/settlement services to former homeless persons, emergency services, health services and rehabilitation/treatment services. With the exception of rehabilitation and treatment institutions, which receive people in tenancies, the majority of users of these services are homeless or former homeless people. Resettlement services (dwelling with care/service) encompass contracts of both block purchase and spot purchase; a fixed price paid by Oslo central authorities (RME) and in addition, a "unit price" paid by Oslo district authorities. The district authorities may choose between different providers the municipality already have entered into contract with.

Apart from two rehabilitation institutions owned and run by foundations, the services are owned by Salvation Army, City Mission and Blue Cross. No private for profit companies are running the services, though such undertakings have tendered for services. The results of the competitions so far are that the providers have been chosen to continue to run "their own" services (i. e. the services they traditionally have run on contracts with Oslo municipality prior to competition). Competitive tendering has not brought forward any changes in choice of providers.

### *Irregular and insecure funding*

Tendering is just one, and until now a rather limited, type of competition in the area of homeless service provision. In particular in France financial subvention, limited in scale and infrequently renewed, just as much as calls for tender, results in competition amongst the associations. As Bertrand et al (2006) have observed:

"The associations have positioned themselves in the field of accommodation services for homeless people during the 1980s and have participated in bringing forward a public policy. Recognised as experts in the field, they nevertheless depend on the authorities and public contribution for funding [...]"

The regulation of the activities of these associations is exercised by funding per project and exercising control following the budgets. For Bertrand et al (2006) "[I]f the associations have to extract funding by public plea for private donations, they remain dependent on public money". The funding of these associations rests upon the definition of their mission and not on their structure. However, some associations worry about the changes in their activities in the way their activity is funded, in that they are increasingly dependent on the public market. The transition to the public market is rationalised by the local authorities who fear that they will be subject to



juridical sanctions if they do not respect the legal system of the public market. The associations within FNARS have experienced this new type of contract during the last couple of years.

According to the associations, this type of competition has generally resulted in negative repercussions for those who are homeless, in addition to conflicting with the ethos of the associations. For example, associations are “forced” to select the “public” in ways which are likely to give a positive outcome in order to reach the quantitative target fixed. They are no longer obligations of means, but rather obligations of results.

Short term public funding of specific homelessness projects is also evident in the Nordic countries. The overt aim is to establish projects that may become part of the regular services in the municipalities and within the associations. Both associations and local authorities apply for governmental funding, sometimes in competition with each other. Sahlin (2004) has described project funding as a new way of governing the homeless and controlling how to address policy responses to homelessness. The origin of, and arguments for increased short term project funding may differ in France and Scandinavia, however the associations, far more than the municipalities, experience insecurity in relation to the sustainability of their services. Thus, increased competition may exacerbate the insecurity because it adds another unpredictable element<sup>3</sup>.

### *Competition about defining the needs*

Since October 2006, the field of homelessness services in France, particularly in the larger cities, has been subject to renewed debate. Less funding and other difficulties facing the associations have contributed to tensions in the field. One particular incident, initiated by the association Enfants de Don Quichotte released existing, but not hitherto articulated, conflicts with the voluntary associations. Enfants de Don Quichotte attracted attention from both the media and the public in relation to the situation for homeless people. Enfants de Don Quichotte articulated a “civil rights” analysis of homelessness was “difficult to digest” for the majority of actors working with homeless people, because it expresses a long term need for improvement of services for homeless people. Enfants de Don Quichotte has also placed on the agenda that competition exists in relation to the nature of assistance and services that homeless people require.

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<sup>3</sup> Competition and tendering renders the actors involved to the risks of income losses thus creating insecurity among employees and even job losses. It is frequently questioned whether increased insecurity may cause qualified staff to leave services exposed to such risks, but there are so far no empirical evidence that this is the case. This side of competition, affecting the working conditions, is important but nevertheless has to be considered beyond the scope of this article.

Competition among the associations has increased the battle between the providers of services illustrated by the following example quoted in *Le Monde* (January 2nd 2007):

“The association Notre Dame Des Sans Abri, running the major emergency centres for homeless people on Greater Lyon, deemed Tuesday afternoon that the establishment of the Enfants de Don Quichotte as “indecent”, because it “denies the work of the associations” already present in the field, which know the needs of homeless people for continuous attendance to deal with their daily needs and problems. “This is a media hype which is disturbing and urged me to speak”, declared the president of Notre Dame Des Sans Abri, Yves Perret and called upon an action against the “bobo parisien” (Bourgeois bohemians).”

This example illustrates the “schizophrenia of the associations”. The term encompasses several contradictions. The first contradiction may be explained by the tug of war between militants and activists on one side and, on the other side, the demand for improved quality in the services. The second contradiction, closely linked to the first, are illustrated by the ongoing manoeuvres by the associations, between the urge to expose themselves to competition with other associations to obtain donations and their mission of public service to homeless and other excluded people (Hély, 2006). As the state has only partial knowledge of the needs of homeless people, it turns to the associations, not only to provide direct services, but also to evaluate the need for services and to tender for funding to provide the required services. The associations need competence to legitimate themselves in relation to the authorities. Institutionalisation of the associations has given them knowledge and competence about how to get in position to obtain public funding (Lochard *et al*, 2003). Professionalisation may further lead to the associations losing their distinctive features.

### ***Competition about service users***

Competition between the actors working with homeless people emerges at the level of service provision and frequently in the streets. On this level, the competition about service users is significant and conspicuous. Damon (2002, P. 187) noted that since the 1990s:

“flotillas of vehicles have been assigned to criss-crossing the streets of the capital to spot homeless people, offer them aid, and if necessary, to refer them to an accommodation centre, a meal-dispensing facility or a hospital. In addition to the police cars of the homeless assistance brigade (known by the French acronym “BAPSA”), there is also the minibus of the social emergency medical services, but also the “Camions du cœur” [lorries of the heart] (made available by the “Restos du Cœur”), the vans of the Paris

Mayorality from operation “Cœur de Paris” [Heart of Paris], and the minibus of the association Médecins du Monde. Each of these mobile measures was created to target a particular period, sub-population or sub-problem. ”

A similar competition was noted in the case of distribution of meals a decade earlier. At the beginning of the 1980s, soup kitchens and the distribution of food and warm meals multiplied. Large associations such as the “Restaurants du Cœur” prepared and served numerous meals to the homeless people in or near train stations, in the street, in front of churches or at squares.

“Thus, in the winter up to four or five different associations can be found round large stations on certain evenings, a few dozen metres from each other, offering meals, food parcels or coffee. Tensions are high between these associations, which at times have a different view of the problem. This coexistence is unstable and leads, rarely but spectacularly, to confrontations, albeit only verbal, between volunteers or permanent staff members of these organisations, eliciting the surprise or consternation of passers by or the homeless. ” (Damon, 2002, p. 188)

According to Mélanie King, in charge of emergency sector at FNARS in Ile de France, “*maraude*” (cruising or prowling minibus) is a reoccurring problem in France and particularly in Paris. Although not covering every part of Paris, the concentration is quite high in certain areas, like the Halles (1<sup>st</sup> district of Paris) and close to the railway stations. Certain places are also visited repeatedly during one day or night (and homeless persons are wakened several times for a cup of coffee, in spite of their need to sleep).

One distinguishes between two types of *Maraudes* on the basis of their competence: those who intervene “rapidly on the basis of judgement of the health and social needs in a given situation and act on the available measures” (RATP, Samu Social de Paris, BAPSA) and the *Maraudes* of social intervention “which work on longer terms with the objective to establish a social link with the homeless persons they meet and to offer shelters and/or social support” (Samu Social de Paris, Emmaüs, Restaurant du Cœur, Cœur des Haltes). Some of those services might be considered complementary to each other; but at the same time, they are competing about offering services.

### ***Unregulated field***

In Paris, many of the large associations, like Emmaüs, Les Restaurant du Cœur, Cœur des Haltes and Red Cross constitute the *maraudes*, and so does Samu Social de Paris, Paris municipality, and BAPSA (which constitutes the main element of the homeless services in the Préfecture de Police) and even the railway services RATP and SNCF. All these institutions are supported and/or funded by the state for their

*maraude* activity. In addition, there are other associations, religious and/or “*caritative*”, e. g. a student association or a small group of parishioners may spontaneously and independently decide to go out and distribute coffee and sandwiches to homeless persons in their neighbourhood.

A similar picture, but in a small scale, may be observed in the largest cities and in a few towns in Norway. In Oslo the authorities have taken an initiative to regulate the actors’ access to the streets and their activity. In the cities of France the diversity of actors, the scale of the areas and homeless persons create a complex situation. The main problem identified in this area relates to the coordination of the different services. The absence of coordination evokes competition between the actors and rivalry between the leaders of the services. Everyone aims to become known, to be valued for his or her efforts, but without trying to link one’s own work with the other actor’s work.

The complexity opens up the possibility for provocative activity towards persons living in the streets. The most quoted example is the “pig soup”. In the winter of 2006, a group of extreme right wing political activists distributed soup containing pork to rough sleepers. Their slogan “Ours before the others” clearly indicates hostility towards Muslims who are homeless. In 2006 the Ministry responsible for social inclusion instructed the “*prefet de Paris*”, in cooperation with the associations and other actors involved, to report on how to coordinate the services of the *maraudes* in Paris, “with the aim of reaching an agreement about the exhaustive coverage in Paris”. This charter of good practices and measures was signed in May 2007 aiming at avoiding discriminating practices (like “pig soup”) but also to organise and coordinate the services in the streets of Paris.

### ***Competition and quality agreement***

Finally, an example of call for tenders in shelter services may illustrate some of the difficulties in achieving competition in relation to homeless services. The provision of temporary accommodation in Norway is unregulated in relation to controlling delivery of services, standards of the services and standards of buildings. There are no statutory imposed minimum standards for services (i. e. minimum number of employees or professionals trained in social work or health care). Pricing is on an overnight basis and more on a level with hotel and B&B costs than with shelter costs. All studies of the hostels showed that it was an extremely low standard service, very expensive and it did not function as short-term accommodation.

Criticisms from workers in detoxification services, together with repeatedly negative publicity led to intervention from authorities. Oslo, the far biggest user of the private hostels, initiated a ‘hostel project’ in 2000 and over a period of two years achieved a 50% reduction in the number of persons staying in hostels, which accounts for the total reduction in homelessness figures in the period (Ulfrstad, 1997; Hansen

*et al*, 2004; Hansen *et al*, 2006). Although a hostel was considered temporary accommodation, some people were living in the same hostel for ten years or more and others circulating between different hostels for years (Dyb, 2005b; Hermansdottir, 2002).

Oslo also initiated another important improvement in this type of accommodation. Quality agreement between private contractors and the authorities was introduced securing a certain standard and a minimum of services in the hostels. Quality agreements have been put forward by the government and are adopted by other local authorities. Hostel providers were selected on the basis, firstly, that the authorities approval of the facilities and, secondly, the providers were willing to sign the quality agreement. The main elements of the quality agreement are to secure basic standards with respect to room equipment, cleaning, minimum staff and ensure privacy and safety of the clients. In addition, single room provision was introduced as standard.

The authorities in the two largest cities, Oslo and Bergen have within the last year completed tendering for contracts in temporary accommodation. Authorities in Oslo launched the first call for bids for the provision of temporary accommodation in August 2006, however no bids were submitted. Of the four providers who had already entered into quality agreements, one did not want to renew the contract stating that hostel services had become less rentable than ordinary hotel operation (Dagsavisen August 30<sup>th</sup> 2006). None of the voluntary actors who are running services for homeless people tendered for the contracts on temporary accommodation. The City Mission and Salvation Army are very explicit that they did not want to run temporary accommodation without being able to offer professional and sufficient services. Improvements of standard and quality in this case resulted from political action.

## **Competition and Impact on Standards in Services**

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There are at least two opposite positions concerning the term “competition”. One is that applying the concept of competition in the field of welfare services is inappropriate because it introduces the commodification of services for marginal individuals (Lipse, 2006). The second, more liberal position, argues that competition has favourable effects and this position, which is described by Le Grand (2007), is briefly discussed above. This part of the paper examines whether competition has an effect on the quality and standards of homelessness service provision. This question leads to another; how should quality and standards be measured? As demonstrated above, services for homeless persons embrace a wide range of providers and types of services. However, some common measures should be applicable to all:

- User satisfaction; does the user experience that their needs are met and how does the user evaluate the quality of the services?
- Coherence between ends and means; does competition affect the results whether these are shelter provision, meal distribution in the streets or more extensive integration measures?
- Rivalry; is the quality and standards of services affected by tensions and rivalry among providers?
- Efficiency; does competition improve efficiency in service delivery?
- Value for money; is public funding spent in justifiable ways?

A subordinate question is whether competition leads to increased professionalisation and qualifications among associative providers, a question particularly important in France and other countries where associations and the voluntary sector are major providers of homeless services. Answering all the questions is beyond the scope of this article. Indeed, it is doubtful if there are available evaluations or assessments of homelessness services to allow consideration of all these questions. Nonetheless, the examples presented above do however allow some reflections to be made.

### *User satisfaction*

In both countries, there is little investigation of user satisfaction. In France, there is no published study of user satisfaction with homeless services. BVA conducted a survey among user of the emergency centres run by the association Emmaüs involving a representative sample consisting of 401 users above 18 years were interviewed by the staff in the centres. The questionnaire covered questions about lodging, health, daily problems, social support, “solidarity” and the future. Except for a question about the utility of the centres, there were no questions covering the user (dis)satisfaction with the services.

Since Oslo introduced quality agreements with private shelters in 2003/2004 regular user surveys have been conducted. In all three surveys, the majority of service users reported their satisfaction with conditions. However, these surveys do not provide figures from the period before quality agreements were introduced. Improvements are resulting from political actions. Introducing tendering within the Alcohol and Drug Addiction Service (RME) in Oslo was accompanied by the development of tools to measure (among others) user satisfaction. User satisfaction was not conducted before the introduction of competition and thus do not allow the measurement of the impact of competition.

### *Competition and results*

In France, the NGO sector is at a turning point between two models of work. Each association presents their needs, mainly financed by the State and the State has no general policy for intervention, coordination and guidance for supplying services for homeless persons. However, by introducing public contracting (“commande publique”), the service providers see themselves forced into competition on a public market to obtain the necessary funding of their activities. The challenge for the sector is to obtain knowledge about how to fit these two models to evaluate the objectives and needs and to propose a form of cooperation between the associations and the other suppliers of homelessness services, which allows coordination and guidance of the associations on national level.

According to the Oslo authorities, competition brings forth an urge to specify standards and be very specific about what is expected from providers. Thus, competition represents a driving force to improve quality and standard. Nevertheless it may be questioned whether competition has led to improved services by introducing tendering in alcohol and addiction treatment services (RME). Two of the services, one owned by the City Mission and another by Salvation Army, were established as part of Project Homeless, a national development scheme partly funded by the government. Generally, services and housing brought forth by Project Homeless hold high standards (Dyb, 2005a). These services were also the ones most entailed with conflicts during the project period because the Oslo authority had decided to call for tenders.

### *Tension among providers*

In France, “competition” is not connected to improvement of services per se. Rather, competition is founded in personalised conflicts attached to the legitimacy of the head of different associations, competition for obtaining funding for the services and in rivalry about the areas of operation. Competition in this case may also be presented as lack of cooperation. The tensions are numerous both between the associations and equally between association sector and other actors in the field of social services. According to Damon (2002, p. 110):

“If the social problem of homelessness is entered in the policy agenda, without conflicts between the actors of the care system, more conflicting relations may arise between associations and/or the policy entrepreneurs. Within this “coalition for a cause, ” that brings together associations, competition may arise between interests and beliefs. Competition between the representations is easily spotted. Conflicts, in particular for recognition and access to public funds, may emerge. Behind a strong public unanimity, which is not merely a façade, oppositions take shape in the corridors and offices of the administrative authorities, ” and we could add, in the corridors of the associations.

In Norway, competition within alcohol and addiction treatment services has so far not created any particular tension among the organisations. They have tendered for the services they traditionally ran and stayed out of each other's fields. However, the large providers, City Mission, Salvation Army and the Church Social Services foresee that more extensive tendering may lead to increased competition and tensions if they come to a point where they are tendering for each other services. Thus, the outcome of increased competition is likely to be less cooperation.

### *Efficiency and value for money*

Advocates for competition in welfare services claim that service will be more effective, be better value for money and achieve higher quality. The extent to which this is the case is highly contested. Expenses involving tendering are often high and efficiency is not always in accordance with the aims of the services. The associations in Norway make a distinction between treatment services, which are more limited in time, and housing and reintegration services which may encompass long-term follow up of the recipient. NGOs in Norway claim that competition is not very fruitful in the development processes and that voucher financing (spot purchase) applied in some of the re-housing services creates an unpredictable situation because every change in the user's needs is subject to negotiation between the authority and the service provider. Placed in a situation where continuous negotiation with the authorities over each service user is vital for obtaining funding, the associations are forced into role as a neutral partner in order to maintain credibility, which results in a discontinuance of their role as advocates for the marginalised.<sup>4</sup> In addition, competition among providers might be counter productive. As demonstrated in the French case, associations are working in the same field and although some types of provision are complementary, the competition about the users is more striking. Public funding as donations from the public is spent on the same users and often leads to duplication of services.

In Norway, the large associations professionalised their health and social services at an earlier stage and competition has probably not contributed to this. The major changes occurred in the 1990s. Today the wage level, tariffs and other conditions are similar to those in public services. Employees are highly qualified. The associations believe they are competitive because they offer high standards on services. However, they also question whether they are becoming too similar to public services and increased tendering, encompassing specified and detailed demands, accelerate the process.

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<sup>4</sup> Sources: City Mission and Salvation Army, oral presentations at an open seminar arranged by Norwegian Institute for Urban and Regional Research, Oslo, September 19th 2007.



## Conclusion

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This paper has attempted to disentangle the meaning of the term competition in welfare, in both policy and practice, utilising a case study approach, which focused on the provision of services for the homeless in France and Norway. The two countries selected, while having different administrative structures, different actors taking primary responsibility for homeless services and different levels of homelessness, are nonetheless experiencing pressures to remodel existing services under the broad rubric of competition. However, perceptions of what competition entails varies considerably by country and what is clear is that competition in welfare services and more particularly, homelessness services is a contested and problematic concept in both theory and practice. Competition as we highlight in the paper is very broad and reflects strategies that range from various administrative techniques for the achievement of greater transparency in the allocation of public funding to the full commodification of welfare services. While some evidence can be found of a greater or creeping 'marketisation' of homeless welfare services, the overall impact is relatively slight to-date in both countries. This is not to deny that changes are occurring and that, certainly in the case of France, are creating certain unease amongst existing NGO service providers in relation to recent changes. However, this unease in part reflects the fact that existing arrangements between statutory agencies and certain voluntary agencies are under review and this unease is a consequence of the fragmentation of these arrangements rather than as a consequence of competition per se. In France, competition is not only an economic question affecting the way organisations function and the quality of service they can provide, it also affects and constrains cooperation between voluntary associations. This lack of cooperation and of the political choice it implies (private interest instead of general interest) has direct consequences for homeless people. As we point out, rivalry rather than competition between services may more accurately reflect the current situation. We are not in a position to offer any evidence about whether this creeping marketisation of homeless services has improved the quality of service provision for the homeless people. This reflects both the relative novelty of some of these changes and the lack of detailed data evaluating the changes, particularly from the viewpoint of the homeless themselves. In conclusion, the article highlights that competition in welfare services is a multi-faceted phenomena, with multiple layers and a range of actors. In particular, competition should not be reduced to a narrow economic understanding of the term. Homeless service providers compete for not only finance, but also compete for status, power and influence.

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# Home Ownership and Marginalisation

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› **Abstract** *Access to decent and affordable housing has been a key aspect of the social inclusion strategy since its inception. The implicit assumption of this objective is that housing is a primary contributor to social inclusion and that factors that can lead to marginalisation in the housing market can result in social exclusion. Approximately two-thirds of the housing stock in the EU-15 is in home ownership. However, among the EU-15 as well as in the EU-27 there are countries where that tenure is predominant (more than four-fifths of all housing). This article examines the implications of this tenure structure especially for poorer households and for the insecurity and risk to homelessness that it may pose. This examination is illustrated by reference to countries in Central and Eastern Europe (Slovenia and Bulgaria) and the Mediterranean (Portugal) where high levels of home ownership and of poverty combine with limited state intervention in housing policy.*

› **Key Words** *home ownership, insecurity, indebtedness, inadequate housing, restitution, mortgage*

## Introduction and Purpose of Paper

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Housing tenure provides a basis for distinguishing housing market structures in Europe providing a distinction between countries with higher levels of rented housing and those with high levels of owner-occupation (Balchin, 1996). Although homeownership is usually associated with higher income groups “differences in income (GDP) across countries have little power in explaining homeownership rates” (Fisher & Jaffe 2003, p. 34-35). Hence, the countries with the highest share of homeownership are those with lower GDP (e. g. Central and East European countries), while some

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<sup>1</sup> This paper is based also upon a paper prepared by Isabel Baptista and Pedro Perista commissioned by FEANTSA for this journal

countries with a high GDP have a lower share of homeowners (e. g. Germany, Denmark, The Netherlands, Sweden, Finland). Indeed, one of the most noticeable features of housing systems in Mediterranean countries and in central and eastern Europe (CEE) is the very high levels of owner occupation (Fisher & Jaffe, 2003). Immediately following the collapse of state socialism, most of the countries in CEE engaged in a rapid privatization of their state rental housing to the extent that “from a base in which home ownership was already high, especially in rural areas, this has caused the creation of a number of super-owner occupied nations” (Lowe, 2004). Among the new accession countries to the European Union only the Czech Republic retains a significant proportion of rental housing. Homeownership is also growing in many of the Member States (Grecianu, 1992; Kozłowski, 1992; Mihailovic, 2002; Hegedus, 1996). Portugal, for example, has experienced a continuous growth in the share of owned housing in the total housing stock (in 2001 it represented 75% of the total housing stock compared to 65% in 1991).

In this context, this paper considers the processes creating housing vulnerability in housing markets where the predominant tenure is owner-occupation. The paper refers primarily to Slovenia, Bulgaria and Portugal to illustrate the different drivers of change which may be associated with housing exclusion. In Slovenia and Bulgaria, as in the CEE more generally, the processes of home ownership growth have been associated with privatisation and this, together with the development of housing and mortgage markets, create some specific drivers of vulnerability. Portugal provides an example of a situation of continuing growth of home ownership in the context of high levels of household poverty and weak state housing and welfare policies. For Portugal (as for other southern European countries) addressing the issue of home ownership and marginal groups implies taking the discussion into the broader context of housing dynamics which are strongly influenced by three major specific characteristics of the social structure: a dual labour market where a formal (and secure) sector coexists (and cooperates) with the strong presence of an informal (and insecure) sector; a late coming welfare-state struggling with the need to grant universal benefits in a context of a growing adverse public spending; and a cultural importance attached to family relationships and their role in providing support (welfare families).

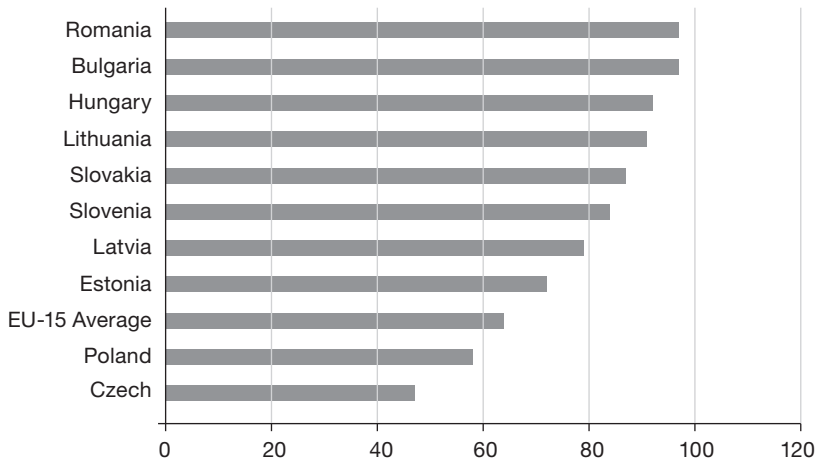
In the EU social inclusion strategy, which was launched by the European Council of Lisbon in 2000 to improve the fight against poverty and social exclusion of the member states, common objectives were agreed by all EU countries to stimulate coordinated national policy developments in relation to social exclusion. These included objectives to ensure access to decent and affordable housing and to address personal crises such as those associated with homelessness and indebtedness. This paper considers the issues of vulnerability in the housing market and housing exclusion specifically in relation to insecure and inadequate housing associated with the home ownership tenure. The question of how to alleviate or prevent

homelessness in housing systems that are dominated by owner-occupation is to be the subject of a future paper in this volume.

## The Production of Owner-occupation

The level of owner occupation in CEE countries is far higher than the old EU15 average of 64% of all dwellings (Figure 1). Only the Czech Republic and Poland have a relatively lower proportion of owner occupation<sup>2</sup>. Ball (2006) reminds us that, with the exception of Poland, most of these states have small populations and their housing markets are thus relatively limited in size and tend to be dominated by one (or at most two) major conurbations. Portugal (population 10.1 million) also fits this description. This is significant in a context where standards of living are relatively low and where the impact of foreign investment can have marked effects making market developments appear to be relatively more volatile.

**Figure 1\_ Owner occupation levels in central and eastern Europe**



Source: Housing Statistics in the European Union, 2006

The processes of housing production in countries where home ownership is the predominant tenure can include a mix of self-build, tenure transfer, contract building and speculative building. Compared to countries with more mixed tenure structures the growth of home ownership has depended significantly on either self-build (or

<sup>2</sup> These countries have a co-operative sector where rights can be bought and sold, which accounts for 17% of the stock.

contract building) where individual households arrange the construction of their own dwelling, or on the transfer of dwellings from the rental sector. In CEE the process of tenure transfer has been well described in the literature (Lowe, 2004; Ball, 2006) and is associated with privatisation of former state rental housing. In Portugal at least part of the growth of home ownership has resulted from the process of rent-freezing that occurred after 1974 and led to a stagnation of the private rental market, tenure transfer and the gradual degradation of houses (as a consequence of the lack of investment from landlords) particularly in the main urban centres.

In CEE new building is slowly expanding but still remains insufficient to meet investor and occupier demand especially in the major cities (Ball, 2006). The limited supply of new homes is a transition-specific factor that has affected the owner occupied housing market and house prices. During the 1990s, as the public sector withdrew from housing construction and the private sector only gradually filled the resulting void, housing construction declined (Egert and Mihaljek, 2007). In 1995 less than 2 new dwellings were completed on average per 1,000 inhabitants in CEE compared with 4 to 8 dwellings in Western Europe. In 2005, the supply of new housing in countries such as Bulgaria, Estonia and Lithuania, which recorded the fastest growth in house prices, was far below the supply in Western European countries. It is against this background of constrained supply that the rapid increase in house prices in some CEE countries can be partially explained. Egert and Mihaljek (2007), using a sample of 8 transition economies, find very high coefficient estimates with GDP per capita in those countries that have experienced a rapid or more sustained growth in house prices (Bulgaria, Estonia, Lithuania and Slovenia). However, their findings suggest that in some countries (e. g. Bulgaria) a growing external demand for housing during the accession period may also be a key to understanding developments in house prices in the region.

In contrast the past two decades in Portugal have seen a substantial growth in housing output. This has added significantly to the housing stock which has risen by almost 50% in 20 years, much of it concentrated in the home ownership sector, giving Portugal one of the youngest housing stocks in Europe. However, the strong drivers of unmet demand and the housing growth in recent decades – government subsidies, the tradition of low levels of second hand sales, the limited impact of existing housing equity on demand as well as the stimulus to new building caused by the recent development of a mortgage market (Bradford *et al*, 2005) – mean that the Portuguese housing market, like those in CEE, is still an immature one.

Housing market processes have evolved slowly over the fifteen years since the transition to a market economy in CEE. The factors associated with the development of a private market in housing following transition in CEE and with the growth of home



ownership in Portugal can be seen to be associated with the growth of mortgage debt (and hence an increasing level of indebtedness) and a process of market segmentation which is associated with relatively low levels of residential mobility.

According to Ball (2006), mortgage borrowing has been the keystone in the transition to a normal financial and market based housing system in CEE. Although mortgage markets have had to be established from scratch since 1989, in recent years mortgage interest rates have tended to come into line with those in the EU-15 which has fuelled consumer demand. With sluggish supply this easing of access to mortgage finance “has been absorbed into house price inflation” (Ball, 2006, p. 22).

From 1976 to 2002, the Portuguese government grounded its housing policy almost entirely on a means-tested subsidised mortgage credit system. However, it is only since the beginning of the 1990’s that the credit rationing system was terminated by the Bank of Portugal and commercial banks were de-regulated in relation to mortgage finance. This has resulted in a significant growth in mortgagors; from 1981 to 2001 the proportion of homeowners who are mortgagors rose from 7.9% to 23.8%.

The evidence suggests that housing market transactions and exchange are relatively low both in CEE and in Portugal (see Ball, 2005, 2006). In the CEE the current housing situation does not encourage mobility despite the growth of a mortgage market. For a large proportion of the population even the second hand market offers limited opportunities that are affordable. In Portugal also households tend not to move frequently once they have settled into a dwelling, so that the second hand market is noticeably less active than in some Northern European countries (Baptista and Perista, 2007).

In both the CEE and in Portugal the lack of housing policies and weak welfare systems have important implications for vulnerability in the owner occupied housing sector.

Lowe (2004) describes three phases of transition to the market in CEE states. Immediately following the collapse of state socialism most of the countries rapidly privatized their state rental housing. Privatisation occurred most rapidly in south-eastern European countries such as Bulgaria and Romania (Tsenkova, 2000; Tosics *et al*, 2001). The second phase, Lowe argues (2004, p. 16), is characterized by the problem of affordability related to the costs of housing related services (energy and utility costs and the price of building materials). This phase coincided with serious recession in regional economies and thus continues to impact on housing market performance. The third phase began at the end of the 1990s when, he suggests, governments realised the need to develop housing policies that would support labour mobility, address the problems created by a lack of investment in housing and face the consequences of the absence of a stock of social housing.

The Portuguese housing market is highly conditioned by the events of 1974. In the absence of an integrated housing policy, the dynamics of the housing market, pushed by state incentives, have reflected the “preference” of the Portuguese for homeownership. If the deep Catholic roots, which privileged the strong links with the family and the land, stimulated the perpetuation of the idea of owning, the lack of social rented housing and the state support to home owning – the public policy that lasted longest in the history of housing policies in Portugal – would introduce rationality in the “option” for homeownership among Portuguese families, even among marginal groups. On the other hand, the Portuguese government never really invested in social housing thus providing little choice in the housing market. Even the important push given in the last ten years to major re-housing programmes in the big metropolitan areas does not represent a reversal of the social housing development pattern in Portugal since new social housing is designed to provide alternative accommodation almost exclusively for those being re-housed from the demolished shantytowns.

## **Insecurity in Housing**

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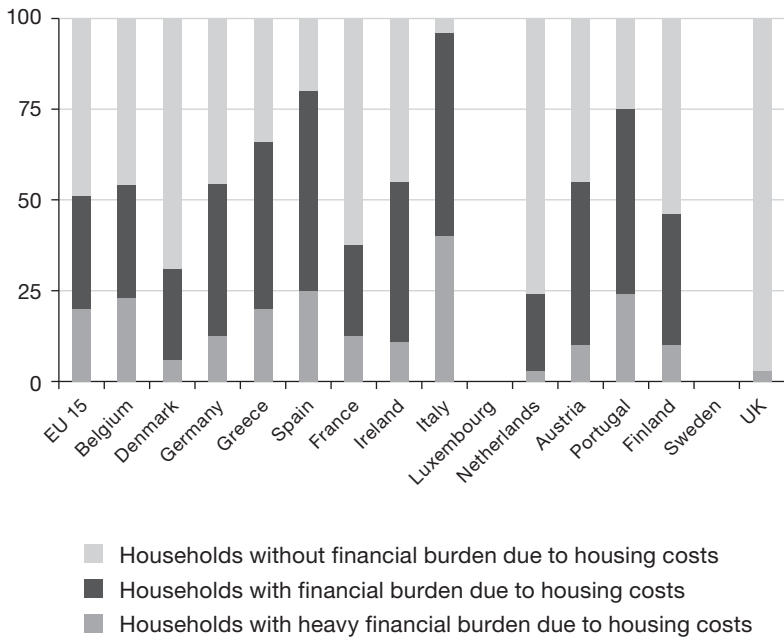
In the context of the EU strategy to combat poverty and social exclusion the creation of indebtedness arising from mortgage costs and high utility costs can lead to increased poverty levels and to the risk of homelessness. A specific issue of concern in a number of CEE countries is associated with the restitution of dwellings to former owners. A further element, not considered in this volume due to a lack of existing research evidence, concerns the impact of home ownership on access to housing for migrants. In relation to the housing of migrants two issues in particular require further research. First is the creation of an informal market (Meert & Bourgeois, 2005; Edgar *et al*, 2004) with some home owners becoming irregular landlords or sharing their accommodation with lodgers. Second is the process of remittances from migrating workers in western Europe to families back home which, according to Ball (2006), is boosting housing demand in CEE with both positive and negative consequences.

### ***Mortgages and Indebtedness***

Indebtedness arising from the inability to pay the mortgage is one of the most extensive problems linked to homeownership. Financial hardship arising from mortgage payment can involve a large proportion of households who find the expenditure to be a financial burden and can also lead, for a smaller proportion of households, to indebtedness and re-possession of the dwelling leading to homelessness. Transition in Central and Eastern European countries brought massive

problems of affordability in which housing utility costs (especially energy for heating), local taxes for ownership and other utilities (Lowe, 2004) exacerbate household financial burden arising from mortgage costs. However, among the EU-15 several countries with high levels of home ownership (Spain, Italy and Portugal being the most visible cases) also have a very high proportion of households with a financial burden according to ECHP survey data (see Figure 2).

**Figure 2\_ Proportion of households with financial burden due to housing costs**



Source: Eurostat yearbook 2006-07 ; data drawn from European Community Household Panel where available ; data not available for Luxembourg and Sweden ; data for UK drawn from national survey with only two categories

The development and maturation of mortgage markets in the countries under consideration has resulted in a growth in the number of mortgagor households. It has been argued that the easing of mortgage finance in CEE, in a context of sluggish supply, has led to house price inflation (Ball, 2006). However, the reduction in interest rates as markets come more into line with those in the EU-15 can also be assumed to have cushioned the impact of indebtedness to some degree. However, vulnerability to mortgage rate inflation combined with continuing house price inflation is a continuing danger for many households in CEE in that it heightens the possibility of mortgage default; the consequences of extending mortgage credit (often at disadvantageous rates) to lower income households were seen during the instability of the U. S. mortgage loans and housing market in 2006 and 2007. The impact of this crisis was felt in Europe where financial action on the part of European Central Bank was necessary to stabilize the European banking system<sup>3</sup>.

Although there is limited empirical or research evidence, it can be argued that indebtedness in CEE arising from mortgage costs was less of an issue following the transition since the process of privatization involved purchase of the dwellings at below market prices. During the socialist period in many countries the purchase price of dwellings was relatively low or affordable and therefore did not lead to major indebtedness of the population. The dimensions of these housing prices were kept low during the first phase following the transition period. This is reflected in low ratios of mortgage debts to GDP in Eastern European countries (below 10% in 2003 – see table 1). However, this situation has changed and is slowly becoming more problematic. In Slovenia according to Cirman (2006a) mortgages as a proportion of household income (among those that have a loan) is 31%. Combined with other housing and utility costs this presents a significant financial burden. In Bulgaria, the growing impact of the mortgage burden in recent years has been similarly described by Dandolova (2002).

This increasing financial burden associated with home ownership can be seen as an emerging problem, particularly for young families and new households who are faced with house price inflation and a dependence upon mortgage purchase. It has been argued that this leads to a situation of instability “due to worsening of the price-to-income ratio, the inchoate market for housing finance with short loan maturities (on average 10-15 years) and relatively high nominal interest rates coupled with the low level of government subsidies to support homeownership” (Cirman 2006b, p. 130).

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<sup>3</sup> This has been covered in major media all over Europe (e. g. San Francisco Chronicle, 8/10/2007), see overview on: <http://www.wsws.org/articles/2007/aug2007/mark-a13.shtml>; [http://en.wikipedia.org/wiki/Subprime\\_mortgage\\_financial\\_crisis](http://en.wikipedia.org/wiki/Subprime_mortgage_financial_crisis)

However, this is not only a problem experienced among CEE countries. According to the Bank of Portugal, in 1992, on average, every Portuguese household was in debt to about 18% of their available income while by 2005 that value had increased to 117%. In 2001, only one in four Portuguese households felt they did not have a financial burden due to housing costs. For another quarter it was described as a heavy burden. It is not unusual for households to spend very significant amounts of their monthly income on housing, a situation aggravated by the low salaries which characterise the Portuguese labour market. The significant growth in mortgages translates, according to Eurostat, into a significant percentage of Portuguese families who have a weak saving capacity with which to build the financial reserves that would allow them to face unexpected economic adversities. Between 2001 and 2005 there has been a continuing decrease in the saving rate of Portuguese households.

Although there is only limited information available (Edgar & Meert, 2006) the evidence suggests that the number of repossessions occurring in many countries in Europe with high levels of home ownership has been rising.

**Table 1\_ Ratio of outstanding mortgage debt to GDP**

	1999	2000	2001	2002	2003
Czech Republic	Na	na	1.4	2.0	3.0
Hungary	Na	na	2.3	4.8	7.8
Latvia	0.8	1.7	2.6	4.6	8.3
Poland	1.8	2.2	2.8	3.5	4.7
Portugal	39.0	43.9	46.7	50.0	50.6

Source: European Mortgage Federation, Hypostat 2003

Source: Housing statistics of the European Union 2004

### ***Restitution of dwellings***

In many countries in CEE the privatisation of dwellings meant returning some (previously nationalized) dwellings to their previous owners. Following the collapse of socialism private ownership of nationalized housing has undergone a process of restitution and former homeowners (or the people inheriting them) have been able, in law, to re-assert their rights to the estates. However, all this housing has been occupied. The process of restitution has involved difficult and complex arrangements which vary between countries of CEE but in all cases has serious implications for owners and tenants. In effect the process of restitution has created a problem of 'sitting tenants'. The process of privatisation has created problems for sitting tenants also among public flats (Czech Republic) and privatised flats (Poland)

as well as in property subject to restitution. This section focuses on the situation of restitution and uses Slovenia, where a collective case against the government has been lodged at the European Court, to illustrate some of the issues involved that can lead to insecurity of tenure for households.

In Slovenia, after independence, approximately 13,000 requests for restitution of dwellings were submitted although the exact number of dwellings and the split between renters and owners is not known. In many of these dwellings tenants had permanent contracts and the restitution to former owners was not possible. On the other hand, the relocation of the tenants of this existing and occupied housing has been difficult since there is not enough public housing to accommodate those involved. The two groups, tenants and owners, are thus placed in a conflicting and difficult situation by the state's decisions.

The problems of 'denationalised' dwellings in Slovenia have been well described by Debevec (2002). The renters in the previous system had a so-called housing right to the (state-owned) dwellings which ensured permanent and unlimited use of the dwelling and was transferable to the family members (during life, or after the death of person with the housing right). The renters paid a rent which was not intended for profit but only to cover the amortization and maintenance of the dwelling. Almost one third of the dwellings in Slovenia (approximately 230,000) were nationally owned and consequently people living in them had this housing right.

People in these dwellings did not differ among themselves in respect of the right they had to occupy the dwelling. The difference was that some of the dwellings were built by the state and some were acquired through nationalization and confiscation. This difference became crucial after denationalization, when renters living in dwellings that were nationalized (and consequently had previous owners) were not able to purchase the dwelling while others, living in state owned dwellings (e. g. that were built later), were able to purchase them at a very low price (or decide to stay as renters in the not-for-profit rental sector). This is the consequence of the Slovenian decision to rectify past wrongs arising from nationalization by allowing the restitution of nationalized dwellings. However, the state still tried to protect the renters by ensuring approximately the same housing right – i. e. rent contracts for an indefinite period at a non-profit rent and with the possibility of family members to succeed to the lease contract on the lease-holders' death. These rights have been practically abolished<sup>4</sup> since the national Supreme Court decided against the right of a family member to demand a new non-profit rent lease after the tenant of the denationalized flat died. The Supreme Court reversed the jurisprudence and decided that family members cannot demand a

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<sup>4</sup> As national tenants organization (Združenje najemnikov Slovenije) reported on its web-site (<http://www.zdruzenje-najemnikov.si/novosti2.html>).

continuation of a non-profit lease following the tenant's death; they are entitled only to a lease, whereas the owner determines the amount of the rent freely and without any limitations.

Under the legislation there are three 'legal' ways of evicting sitting tenants from restituted flats in Slovenia: eviction on the ground of culpable reason, forced removal to a substitute dwelling and eviction of the family after the holder of the contract is deceased. The legislation prohibits tenants from renovating the dwelling and so failure to maintain the flat by the landlord can be an informal way for owners to force tenants to leave their homes. Insecurity in restituted properties is manifest in three main elements. First, the legal security of tenure is reduced since former occupancy rights were forcibly changed into contractual lease with lower levels of legal protection. Second, there is an economic incentive for owners to remove tenants so that the flats can then be traded for profit on the free market. Third, unlike the majority of the population whose housing status improved during transition, sitting tenants in this situation became a marginalised group with little political influence.

As Debevec (2002) emphasizes, this process of restitution has meant a severe degradation in living conditions of people living in denationalized dwellings. These negative conditions have been made worse by the Housing Act 2003, where the number of reasons for termination of the contract has been increased and the legislation allowed for rent increases. Also, the state has by this act unequally treated people with the same housing right.

The Slovenia tenants association (which also incorporates tenants in de-nationalised apartments) has given evidence to the Human Rights Ombudsman in Slovenia to show that many tenants are under constant pressure from owners. Pressure includes harassment of tenants designed to make them move from their apartment or accept the new terms of tenancy and the levy of unjustified operating and other costs. The introduction of profit-making rents has meant that many tenants are under the constant threat of having their tenancy contracts cancelled.

However, it should be noted, that neither are the owners of these denationalized dwellings in a good position. With return of the dwelling the old wrongs that have been done to them should be rectified. However, they received back a dwelling, which they cannot use for living, and from which they cannot derive any profit (renting them out for non-profit rent) and which consequently has a very low market value. As Debevec (2002, p. 123) concludes, this relationship leads to conflicts that are inherent in the design of the law by the state. There is a clear conflict between the right of homeowners (property rights) and the right of tenants, who were previously protected by housing legislation.





dwellings, that the responsibility for maintenance is unclear or that the mechanism for managing and paying for common repairs is absent.

Strategic approaches to dealing with inadequate housing were developed in Portugal at a time when private rental decline and internal migration was not accommodated by the rigidities associated with a housing market dominated by home ownership. The Special Re-Housing Programme (PER) which officially began in Portugal in 1993 was launched in order to specifically address the most serious and extensive housing problems affecting large urban areas. Along with the legal housing market, an illegal market grew. Illegal allotment processes and the proliferation of shantytowns occurred, namely in the Metropolitan Area of Lisbon and, to a lesser degree, in the Metropolitan Area of Porto. The main objectives of PER were to eradicate all shantytowns in the major metropolitan areas by 2000, solving the problem of the clandestine occupation of land and transferring the majority of social housing from the Central State to local authorities. Although the 2000 goal has not yet been attained in all areas considerable progress has been made.

Compared to the EU-15 national housing policies designed to tackle poor housing conditions remain weakly developed in CEE member states. In France<sup>5</sup>, for example, the National association ANAH (financed by the State) provides grants and loans to private owners while local authorities also provide support through special services and associations. Hence the fight against substandard housing is a real political issue. In CEE the political priority for this issue is frequently absent or where subsidies are available to private owners they are often regressive in nature (Lowe, 2004) and the decentralization of responsibility to local authorities has not been accompanied by adequate resources. Hence, with some exceptions like Hungary or Estonia the authorities in CEE countries are not active in practice. In Bulgaria the authorities are offering, under conditions, loans to the flat associations for the refurbishment of the condominiums but most of them are not juridically established as associations and this makes them ineligible for the loans.

Dwelling sizes are also notably smaller in CEE (and in Portugal) compared to EU-15 averages and this is associated with high levels of overcrowding (despite relatively small household sizes). The evidence would further suggest that this situation is not being addressed by new building since, as house-building in the owner occupied sector is expanding, the average size of units is falling (Ball, 2006). Countries with less than 30 square metres of useful floor area per person include the Czech Republic, Estonia, Latvia, Lithuania, Poland, Slovakia and Slovenia. Slovenian space standards are among the lowest in Europe, with floor

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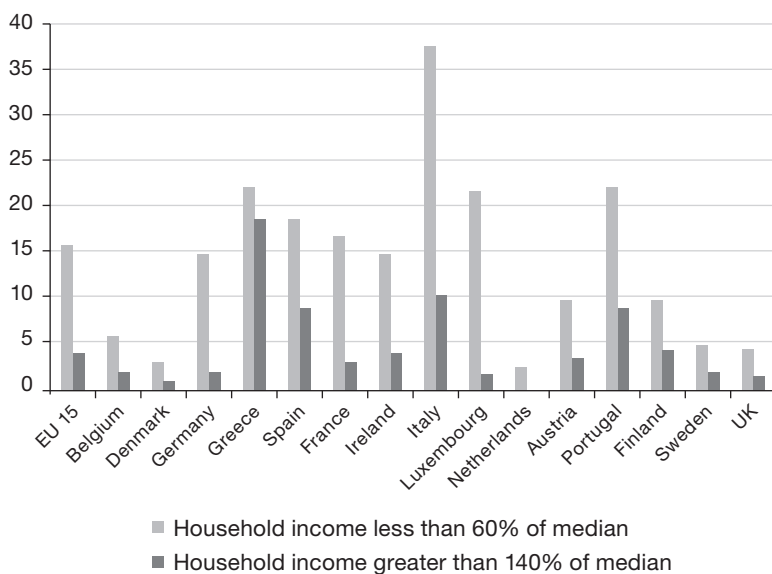
<sup>5</sup> French policies towards sub-standard housing are currently the subject of Peer Review in 2007 under the Community Action Programme for mutual learning and exchange.

areas averaging 68 sq. m. for 2-3 bedroom units, and 55 sq. m. for high-rise flats (Dimitrovska Andrews & Čerňič Mali, 2004). This indicates that overcrowding is one of the most problematic issues in high rise buildings in Slovenia. The share of those with very low space standard (less than 12 sq. m per person) is higher among those living in high rise buildings. In Bulgaria the average housing foot print per person is about 30 sq m.

Since fertility rates are low throughout the region (compared to the EU-15) and household sizes are falling, persistent high levels of overcrowding (combined with low space standards) may indicate that this is an issue of market imperfection (i. e. the inability to trade-up at affordable prices) as well as an issue of supply.

Among the EU15 the countries with the highest proportion of households living in overcrowded conditions are typically in countries with the highest levels of home-ownership and in these countries the proportion of overcrowding are highest among lower income groups. The most significant problems associated with lower space standards and overcrowding are to be found in Greece, Italy, Spain and Portugal.

**Figure 3\_ Proportion of all households living in overcrowded houses, 2001**



Source: Eurostat yearbook 2006-07; the indicator shows the share of all persons living in overcrowded conditions (more than one person per room) for two income groups

The importance of the issue of unfit housing and low space standards is significant not only in its own right but in the insight it provides into the effect of the segmentation of the housing market in a context of high home ownership rates. The concentration of such problems in localized areas and especially in the high rise estates affects residential choice in the housing market leaving many households in weak positions to move. According to some this situation “has frozen housing transactions in wide parts of the stock and created difficulties in renovating rundown buildings” (Ball, 2006, p. 20). Of course, the effect on the wider economy is also a significant factor in labour mobility and economic recovery.

The use of the high rise building type in Central and Eastern Europe has been most extensive since the 70s to the end of 80s, and now it represents 20-40% of the housing stock (average in CEE of 34%) (Dimitrova *et al*, 2000) while in Western European countries it represents only 2-15%. These housing estates are usually much bigger in Eastern than in Western Europe, often providing more than 30-50,000 dwellings in one location (Knorr-Siedow, 1996). While the flats themselves were often small in size, the standards for the social and cultural infrastructure (schools, programs for youth, cultural centres and clubs) were usually well planned with functional connections via public transport to workplaces and city centres.

Despite some similarities found in all housing projects in the former state socialist countries between 1960 and 1990, the qualities of the buildings and construction standards vary greatly. At the very beginning, in the 1960s and 1970s the large housing estates were constructed correctly, on ‘world-class standard’ (e. g. in the Polish city of Lublin, and in Budapest and Sofia). However, the growing pressures of rationalization and economy forced cost-cutting from the 1980s and reduced the quality of construction and urban design and meant a neglect of building maintenance (Knorr-Siedow, 1996).

Although large housing estates elsewhere in Europe were primarily a public sector responsibility (Wassenber *et al*, 2004), in CEE countries they have been either owner-occupied following privatization (e. g. in Bulgaria) or corporate housing (typical for former Yugoslavia). Brattbakk and Hansen (2004) argue that, in Scandinavian countries, the good maintenance of the buildings is due to management by the co-operatives. This highlights a significant difference from the situation in the Central and Eastern Europe, where homeowners predominate in these housing estates but are unable to ensure the adequate management and maintenance of the dwellings.

During the transition large housing estates in CEE countries changed the social profile of the population (Dandolova, 2005). A process of selection of inhabitants led to rapid pauperisation and, at present, it is observed to be an important concentration of poor homeowners and problems though not everywhere. For example,

Dimitrovska Andrews and Sendi (2001) indicate that in Slovenia the out migration of wealthier residents is not yet strong, which means that there is still a significant social mix in these estates. Moreover, the problems arising from poor construction are far less prevalent in Slovenia due to greater regulation control over construction standards after 1963 aimed at protecting buildings from earthquakes. Still, the decay of large housing estates has in many cases warranted reconstruction which some owners were not willing or able to pay. In a survey of managers in large housing estates the problem of non-payment was often cited as a key problem of rehabilitation (Dimitrovska Andrews & Sendi, 2001).

This points to one aspect of the difficulty of dealing with poor housing in multiple ownership in CEE countries which relates to the lack of legislation or regulation to enforce common maintenance and management of common areas. For example in Slovenia, "whilst the 1991 Housing Act placed legal obligations on new owners to maintain their blocks and to share the costs, no effective system has been developed for the management of blocks or their infrastructure, or for managing public and semi-public spaces in neighbourhoods" (Ploštajner *et al*, 2004). The new Housing Act 2003 in Slovenia was a reaction to problems of maintenance and management that arose after the change of the ownership. There is a large part devoted to high-rise or multi-dwelling buildings. The new law regulated the relations of owners, prescribing that in all multi-dwelling buildings have to hire a housing manager. Additionally, a fund for emergency repairs has to be established and owners in high-rise buildings have to pay a monthly amount into this fund. However, this does not ease the burden of ownership for poor owners and only adds to their financial burdens. However, such legislation remains an exception rather than a rule in the CEE member states.

## Conclusions

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This article has examined the situation of marginal households living in home ownership in a selection of countries where home ownership is the predominant tenure. The countries considered here, which are characterised by high levels of home ownership combined with high levels of poverty, are countries where mortgage markets are relatively immature but are growing rapidly. A significant proportion of poorer households find housing costs to be a significant burden and there is evidence of an increase in levels of indebtedness as mortgage markets develop.

Despite evidence of recent growth in house building for sale, these countries have relatively high proportions of poor households occupying poor quality inadequate housing compared to other EU member states. In all the countries examined the processes of home ownership production (especially self-build and privatisation of

former state-owned housing) compound the difficulties in improving housing quality especially for the most marginal households. The article has argued that the issue of unfit housing and low space standards is significant not only in its own right but in the effect it has on the segmentation of the housing market in the context of high home ownership rates.

There is evidence that accession to the European Union has had an impact in all countries concerned. For example, direct housing programmes such as the PER in Portugal have led to the increasing supply of social housing but this is targeted mainly at inhabitants of former shanty towns. In the CEE countries recent rapid growth in house prices has often accompanied EU membership. However, in both CEE countries and in Portugal, the lack of housing policies and weak welfare systems continue to have implications for vulnerability in the owner occupied sector.

An issue which is specific to the CEE countries is the feature of the restitution of dwellings and the effect this can have on the insecurity of housing for both tenants and owners. The evidence of Slovenia – the recent collective complaint against the Slovene Government and the Slovene Human Rights Ombudsman reports – demonstrates that the Government response to this issue has exacerbated the insecurity of many households. However, the article recognises that this is a complex issue with diverse consequences across the CEE countries. However, given the scale of the problem it merits further detailed research.

The article also recognised the need for further research on the housing situation of marginal households in countries with high levels of home ownership especially in relation to the operation of an informal housing sector and to the impact that home ownership has on migrating households (both in the assimilation of households and on the impact of remittances on families).

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# Evaluation



***Part B***

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# Sustainable Solutions to Homelessness : the Scottish Case

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› **Abstract** *In the post-1997 period of devolved government to Scotland, both housing and homelessness have been high on the policy agenda. A Homelessness Task Force reviewed longstanding homelessness policy and legislation. The Scottish Executive fully accepted the recommendations of the Task Force and instigated an implementation programme to 2012, by which time there would be a duty on local authorities to ensure housing for all homeless households. This target, and the broader strategy for tackling and preventing homelessness, was held up as an exemplar for the rest of Europe. Five years into a ten year programme, this paper will examine progress on implementation and consider the potential for policy transfer with reference to other European countries. The paper will summarise the process of policy review and the key recommendations of the Homelessness Task Force which reported in 2002. It will then examine the legislative and other policy instruments adopted to ensure implementation, prior to assessing progress and the mechanisms in place to monitor and evaluate outcomes. Finally, the paper will raise some questions with regard to possible lessons for other countries seeking to tackle homelessness. Conclusions will reflect on the sustainability and transferability of the Scottish approach to homelessness and whether Scotland might also learn from its European neighbours<sup>1</sup>.*

› **Key Words** *homelessness, policy review, policy transfer*

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## Introduction

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The post-2000 framework for tackling homelessness in Scotland attracted national and international attention from an early stage. Fitzpatrick (2004) provided a comprehensive analysis of the process of policy review (1999-2002) and early implementation (2000-2003/4) concluding that the distinctively Scottish agenda was both 'very ambitious' and 'radically different' from that of its English neighbour. A range of factors, including consensus across political parties and housing interest groups, as well as a high degree of commitment from Ministers and government in a recently created Scottish Parliament resulted in a significant overhaul of a framework which had been largely unchanged since its introduction in 1977. Goodlad (2005, p.86) examined the new framework in terms of its contribution to social justice in Scotland, noting that:

'On 6 November 2003 the Centre on Housing Rights and Evictions (COHRE, an international Human Rights NGO) awarded the Housing Rights Protector Award to the Scottish Executive for its homelessness legislation in recognition of its contribution to protecting human rights and safe-guarding human dignity'.

Such an accolade, along with wider dissemination through European housing research and practice networks, undoubtedly contributed to the elevation of the new Scottish homelessness framework as some kind of exemplar for the rest of the European Union. However, only time would tell if the implementation of the new framework could live up to these high expectations. After summarising the evolution and approach of the Scottish framework, this paper seeks to provide an updated assessment of progress at the half-way stage of a ten year implementation programme. It then raises some questions about the possibilities for policy transfer and cross-national policy learning from the Scottish experience.

## Policy Review and Recommendations: The Homelessness Task Force (1999-2002)

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This analysis covers the period 1999-2007, during which the Labour/Liberal Democrat coalition of the newly created Scottish Parliament undertook a major review of homelessness legislation which had been in place, largely unchanged, since 1977. Established in 1999, the Scottish Parliament was a creation of the UK Parliament at Westminster as part of the New Labour devolution programme. It has jurisdiction over all policy areas except for those 'reserved' as UK level matters: for example defence, immigration, the national economy and taxation/benefits.

Consequently, the Scottish Parliament has powers over policy and legislation in housing as well as social work, health, education and social justice. The first two administrations of the Scottish Parliament were New Labour/Liberal Democrat coalitions. Arguably, however, the policy programme which developed on housing and homelessness, up to the elections in May 2007, was very much a New Labour initiative, with all relevant Ministers coming from the New Labour part of the coalition (see Kintrea, 2006, for a full discussion of housing policy review in Scotland post-devolution). The May 2007 election was narrowly won by the Scottish National Party which subsequently formed a minority Scottish Government and the implications of this political change are considered towards the end of this paper.

The legal and policy framework for homelessness which existed prior to devolution had been in place across England and Scotland since 1977 and was the focus of considerable research and debate over the subsequent decades (e.g. Drake, 1989; Evans, 1999). Designed at the peak of mass local authority housing in Britain, the framework placed a legal duty on local *housing* authorities to take action where individuals or households presented themselves as homeless or threatened with homelessness. The legislation did not, however, treat all homeless households equally. From its inception, local housing authorities were required to apply four 'tests' to those in housing crisis:

1. Is the household 'homeless' as defined in the legislation? It should be emphasised that the UK legislation incorporated a very wide definition of homelessness. Besides rooflessness, it included anyone who does not have housing which it is reasonable for them and their family to occupy and embraces almost all of the categories in the ETHOS framework (Edgar and Meert, 2005).
2. Is at least one member of the household in 'priority need' of accommodation, defined as:
  - a) Household with dependent children or an expectant mother?
  - b) Households 'vulnerable' due to old age, health, disability or other 'special reason'?
  - c) Household homeless because of an emergency such as a fire or flood?
3. Has the household become homeless 'intentionally' (by deliberate act or omission which led to homelessness)?
4. Does the household have a 'connection' with the local authority to which they have presented (for example through residence or employment)? If the household does not have such a connection with the local authority to which it applies, it may be referred to another area for long-term housing (but the duty to provide 'interim' accommodation pending a decision and

'temporary' accommodation until long-term rehousing can be secured, remains with the local authority to which the household applied).

Where homeless households met all four of the above criteria, the local authority had a duty to secure long-term accommodation and the most straightforward solution was the allocation of council housing from local authorities' own stock or referral to an independent housing association. For many years, UK homelessness statistics indicated that the criterion which had the most substantial bearing on access to social housing through the homelessness route was the question of whether a household was considered to be in 'priority need'. Despite guidance requiring local authorities to look closely at the interpretation of 'vulnerability' most single people or couples of working age, who did not have evident and serious physical or mental health problems, were deemed to be 'non-priority' and entitled only to advice and assistance, not to access to council housing. This division between priority and non-priority need became increasingly entrenched in the UK homelessness system. The economic restructuring of the 1980s precipitated a crisis of street homelessness among the 'non-priority' households to which the statutory legal system was not designed to respond. This resulted in the development of separate 'Rough Sleeper Initiatives' during the 1990s, which were separately funded to deal with single homelessness, but which found that a high proportion of clients were vulnerable in all sorts of ways not fully covered by the existing legislation, or at least, not covered in ways always recognised by local authorities (Yanetta *et al* 1999; Fitzpatrick *et al*, 2005; Anderson, 2007).

By 1999 then, the new Scottish Executive was convinced that the 1977 framework was out of date and that Scotland needed a new homelessness framework for the 21<sup>st</sup> century. Simultaneously, the relative proportions of 'family' and 'single' homelessness had been changing in Scotland with single people eventually constituting a majority of those accepted as homeless. This was not the case in England, suggesting that the Scottish system had already become 'more generous' towards 'non-priority' homeless households.

As a first step to change, the Executive commissioned a Task Force to conduct a 'root and branch' review of the nature of the homelessness problem in Scotland and the effectiveness of current responses, as well as to make recommendations for change. The Task Force was made up of representatives from central and local government, housing and support service providers, voluntary sector and campaign agencies which worked with/for homeless people and an academic (Fitzpatrick, 2004). The Task Force had access to administrative support from the Civil Service and a budget for research and evidence gathering visits. Indeed it commissioned and published 13 research studies to inform its deliberations (Fitzpatrick, 2001). The

HTF published an interim report in 2000 and its final report and action plan in 2002 (Homelessness Task Force, 2000, 2002).

Key recommendations from the interim report were incorporated into the Housing (Scotland) Act 2001, a wide ranging Act which set out the broad framework for the Scottish Executive's new housing policy and legislative programme (Office of Public Sector Information, 2001). The 2001 Act required local authorities to produce comprehensive strategies to assess the level of homelessness in their areas and develop appropriate multi-agency responses, with effect from October 2001. The 2001 legislation also placed an expanded duty on Scottish local authorities to provide *temporary accommodation for all* homeless households, both during the process when their application is assessed, and for a short period (typically 28 days) after a decision is reached on their application' with effect from 30 September 2002 (Scottish Executive, 2005).

Perhaps the most significant recommendation for legislative change was the phasing out of the longstanding differential treatment of households according to 'priority' or 'non-priority' need status by the target date of 2012. The HTF also recommended suspending the requirement to prove a 'local connection' with the area where households become homeless, and softening the impact of the 'intentionality' test by offering fixed-term (12 month) tenancies and support to deal with what ever 'act or omission' resulted in the decision that the household had become homeless intentionally (for example persistent non-payment of rent or serious breach of tenancy conditions). Essentially, the four tests of the 1977 legislation were reduced to one test – is the household homeless? Although not explicitly announced as a 'right to housing', this combination of measures would mean that by 2012 there would effectively be a duty on local authorities to ensure that all households in Scotland had some form of accommodation.

### **Programme implementation: the First Five Years (2002-2007)**

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The mechanisms adopted for policy implementation included the important tool of legislative change; continuation of a version of 'consensus governance' of the programme; and a raft of non-legislative financial incentives and guidance for practice. Goodlad (2005, p.88) identified 'a sum of £127m for spending in 2003/4-2005/6' on the broad range of homeless policy and service developments.

The HTF final report (2002) recommended the setting up of its own successor governance body, the Homelessness Monitoring Group (HMG), charged with monitoring implementation of the HTF recommendations. The HMG again comprised representatives from central and local government housing, health and social work services as well as key voluntary sector/campaign agencies and an independent

academic. A core group of the personnel from the original Task Force remained on the Monitoring Group, with some new members joining. An important difference from the Task Force was that the HMG was no longer chaired by a Minister, but by a senior civil servant. While this may be appropriate for the differing nature of implementation compared to policy review, it arguably resulted in lower political profile for the successor body. A specialist team of civil servants took the lead on implementation at the national (Scottish) level, reporting activities to the HMG. Together the civil service homelessness team and the HMG group reported annually on progress across all 59 HTF recommendations (Homelessness Monitoring Group, 2004, 2005, 2006).

While the Homelessness Monitoring Group was given national level responsibility for overseeing the programme, implementation at the frontline was largely led by Scotland's local authorities as part of their statutory homelessness and strategic housing functions. Their partners in delivery included local authority social work services, Registered Social Landlords, the National Health Service and non-statutory providers of care and support services for homeless people.

The primary piece of legislation enacted to take forward the HTF programme of change was the Homelessness etc (Scotland) Act 2003 (Office of Public Sector Information, 2003). Section 1 of this Act (implemented with effect from January 2004) extended the statutory definition of priority need to include key groups of vulnerable single people whose status was previously the subject of discretionary judgement on the part of local authority officers, but for whom research (Fitzpatrick, 2001) clearly indicated a high risk of homelessness:

- All homeless young people aged 16 or 17 years
- Homeless young people aged 18 to 20 years, at risk of financial or sexual exploitation or substance misuse, or looked after by a local authority on or after school leaving age
- Vulnerable adults with a personality disorder
- Those discharged from prison, hospitals, and the armed forces
- Those at risk of violence or harassment.

The Act also gave Scottish Sheriff Courts the discretion *not* to grant repossession to landlords seeking to evict tenants in cases where rent arrears were due to delays in receiving Housing Benefit payments (effective from July 2004).

The Homelessness etc. (Scotland) Act 2003 also set out the framework for achieving the long term goals of the HTF, with the ultimate aim of ensuring that by 2012, everyone assessed as being unintentionally homeless in Scotland would be entitled



to permanent accommodation. This would involve gradually removing the priority/non-priority distinction and increasing flexibility regarding the local connection requirement. As recommended by the HTF, the Act made provisions to move to a situation where households found to be intentionally homeless would be provided with accommodation and an appropriate programme of support to deal with the 'intentional' action or behaviour which had resulted in homelessness.

A separate Unsuitable Accommodation Order was passed to prohibit the use of Bed and Breakfast hotels as temporary accommodation for homeless families with Children (Office of Public Sector Information, 2004). A consultation exercise commenced in January 2004 to seek the views of housing providers and other stakeholders on minimising the use of B&Bs to exceptional circumstances and only for a very short period of time (14 days). Local authority homelessness strategies were also to include proposals to eliminate the use of B&Bs for families. The final order was in place by the end of 2004.

In considering policy transfer or lesson learning, it is important to ask whether this is an appropriate approach which can both work in the Scottish context and offer some valuable principles for the international context. The remainder of this section will consider the available evidence on progress and outcomes at the mid-way point towards the 2012 target.

The Homelessness Monitoring Group produced three annual reports on progress (2004, 2005 and 2006) using a 'traffic light' system to summarise progress. At April 2006 only 8 out of 59 recommendations were recorded as Green (fully implemented) (Homelessness Monitoring Group, 2006). Just one recommendation was recorded as red (not started). This related to attempting to change the UK wide rule that tenants sent to prison may only claim housing allowance (Housing Benefit) for the first 13 weeks of their sentence. Thereafter, no assistance is paid, resulting in the likelihood of arrears, loss of the tenancy and homelessness on discharge from prison. The failure to make any real headway with the HTF recommendation to challenge this regulation reflects the limited influence of the Scottish Executive over Westminster reserved matters. The 50 remaining recommendations were at various stages of progress (amber) (Homelessness Monitoring Group, 2006) and some further comment can be made on the most significant aspects of 'the Scottish model'.

The first recommendation of the Task force was that the empowerment of homeless people be widely promoted and given practical effect in all activities, and this remains the area with least real progress. While the Regulation and Inspection regime has incorporated elements of 'customer feedback' at the local level (Communities Scotland, 2005), and the umbrella agency for homelessness NGOs in Scotland has undertaken a study in relation to youth homelessness (SCSH, 2006), there has been no national government-led initiative either to document or

develop meaningful change on homeless people's involvement in policy or practice. Instead, programme implementation has, ultimately, been driven by the powerful national-level stakeholder agencies.

The elimination of the priority need distinction was the recommendation which has caught international attention as approaching a 'right to housing' by 2012. Research was commissioned to model application figures and propose options for implementing this recommendation (Strachan *et al*, 2005a). The report noted that local authorities themselves needed to move to better modelling of the impact of change, which they had not been doing well prior to 2005. Nonetheless, in keeping with Task Force recommendations, a Ministerial Statement on the abolition of Priority Need was published in December 2005, setting a target for local authorities to reduce the proportion of 'non-priority' assessments by 50% by 2009 (Homelessness Monitoring Group (2006). Thereafter there would require to be a further gradual reduction in 'non-priority' assessments to zero by 2012 in order to fully meet the agreed target.

Local authorities argued for and were given discretion on how to implement the reduction in non-priority acceptances in accordance with local needs and supply in their areas (for example in deciding which categories of applicant such as young or vulnerable in some way would be brought into the wider safety net and when). This means that for the first time since 1977, Scotland accepted, for at least an interim period, the differential treatment of homeless people according to the local area in which they apply. While it can be argued that there was already 'de facto' (and de jure) discretion operating in the system, there is an important point of principal in terms of a national strategy seeking to enhance fairness in the system. An alternative strategy would have been to agree a national approach of expanding priority by, for example age and special needs, to ensure the most vulnerable/most at risk of homelessness were brought into the safety net earlier rather than later. That said, it is important to acknowledge the 'real world' pressures and dilemmas which constrained progress.

The Scottish Executive and Homelessness Monitoring Group identified resources to allow two experienced homelessness strategy officers (from local government) to operate at the national level in order to support local authorities in meeting their targets of expanding priority need acceptances to 50% by 2009 and to 100% (thereby abolishing the non-priority distinction) by 2012. A newsletter produced by these officers admitted that progress was slow; that authorities were waiting to see what others did; and that there was a wish for further guidance (Nolan and MacLean, 2007). While this key HTF recommendation probably merited a stronger lead from Central Government and the Homeless Monitoring Group, fundamental problems of housing supply (Bramley *et al*, 2006) will also have constrained the capacity of local authorities to implement the strategy.

Early research commissioned to support implementation of the HTF programme showed that referrals from one local authority area to another (on grounds of *lack of local connection*) accounted for just over 1% of households in priority need (Strachan *et al*, 2005b) and suggested that implementation of the suspension of the local connection requirement could have been relatively straightforward. However, delay in implementation, combined with the potential impact of discretionary criteria for expanding priority need acceptances has resulted in this aspect of the recommended programme becoming more contentious than it might have been. An internal update from the Homelessness Monitoring Group (2007) confirmed that the umbrella group for local authorities (COSLA – Convention of Scottish Local Authorities) had withdrawn support for the suspension of the local connection provisions.

New research was also conducted to identify the causes of intentional homelessness and the support needs of households in these circumstances (Rosengard *et al*, 2006). This study found that only 3.8% of priority need households were considered intentionally homeless (no figure was given for non-priority households, as the intentionality test is only implemented with respect to households found to be in priority need). Moreover, the research identified a downward trend in 'intentionally homeless' decisions, possibly reflecting the overall progressive national strategy. The main reasons for such decisions were eviction for rent arrears and having given up suitable accommodation. Most local authorities were not routinely investigating the support needs of intentionally homeless households, although these were not found to vary significantly from those of other homeless households. Some authorities already offered intentionally homeless households temporary accommodation and support in ordinary housing or specialist/hostel accommodation. The Supporting People programme provided important funding for support, although some households required formal social work support or specialist health care, and some were resistant to accepting support. Models of support for those deemed intentionally homeless needed to be related to the specific needs of households rather than seeking a simplified solution to 'intentionality' which the research indicated did not exist (Rosengard *et al*, 2006). At the time of writing, no firm timetable for implementation of this recommendation had been agreed.

The Homelessness Monitoring Group (2006) identified a number of key criteria to be monitored as part of the process of assessing progress on programme delivery:

- number of households applying as homeless
- number assessed as homeless
- % households placed directly into permanent accommodation
- number experiencing repeat homelessness

- households/families in B&B
- time taken to deal with cases
- indicators of customer satisfaction.

The Scottish Executive's own statistics (2007a) allow some analysis of changes in outcomes up to 2005/6. Firstly, the number of households applying as homeless increased from around 45,000 per annum in 2000/1 to over 60,000 in 2005-6. However this was likely to reflect improved recording and the widening of the homelessness safety net during that period. Nevertheless, the recorded increase in homelessness represents a significant challenge for the Scottish programme. Similarly, the number of households in temporary accommodation doubled from around 4,000 at March 2001 to 8,500 by March 2006. Only 2,954 of those were households with children. However, most (60%) were offered temporary tenancies in ordinary social housing with only 17% in hostels and 17% in B&Bs. Only 3% of total acceptances were placed in Bed & Breakfast accommodation (as at December 2006, only 93 households with children or a pregnant woman were accommodated in B&Bs).

Besides the legislative change, local authorities were expected to embrace the prevention of homelessness within their strategies. Research by Pawson *et al* (2007), argued that homelessness prevention should become *more* important as Scotland moves towards the 2012 target. So far prevention strategies were limited and largely experimental. Many focused on tenants facing eviction and individuals facing discharge from institutions. Mechanisms in place included early warning procedures/protocols, family mediation and tenancy sustainment schemes. This has been quite different to the approach in England where prevention (rather than widening the safety net) has been a core strategy in reducing statutory homelessness. However, this has raised concerns around possibly undermining the core legislation by attempting to use preventive measures to 'manage' or control the level of homelessness acceptances.

The separate, Supporting People, programme is also an important tool in terms of funding support services for homeless people. In 2005/6 the programme funded support for 170,500 clients across Scotland, or 4% of the adult population (Scottish Executive, 2007b). While the largest client category (49%) was older people, homeless people or rough sleepers made up the second largest category (20%). More than 50% of clients in all categories received support in mainstream housing, and more than 50% received support on a permanent/open-ended basis (ranging from a few hours a week to 24 hour support).

Lipsky (1980) first recognised the extent to which frontline 'street level bureaucrats' can influence policy implementation, and staff in housing agencies have a key role in delivering the 2012 framework. A survey of staff in local authorities, RSLs and

voluntary sector agencies working with homeless people found a high level of general support for the policy/legislative programme (over 90%), but some dissent on the detail (Jardine & Bilton, 2006). More than half of respondents felt the abolition of local connection and non-priority need was unfair. That is to say, key staff still made judgements about the relative merits of different homeless households. This related to views of nearly three quarters of respondents that the new legislation would make it more difficult to 'achieve balanced communities' in lettings policies and demonstrates the complexity of detailed implementation compared to the more idealistic nature of the national strategy and the process of its development.

While significant progress has been made then, there are also some indications that local authorities are struggling to deliver on aspects of what was initially a very high profile policy programme very much reflecting the complex practical challenges of implementation in the real world.

## 2007 – a Year of Change?

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The 2007 elections to the Scottish Parliament resulted in The Scottish National Party<sup>2</sup> gaining the highest number of seats in the Parliament (47) but having to form a minority administration, thereby constraining its capacity to implement policies which were not supported by at least some of the opposition parties. This could result in some stability in relation to implementation of policies set in motion by the previous New Labour/Liberal Democrat coalition. The SNP appointed a more streamlined cabinet with the Deputy Leader becoming Secretary for Health and Well-being and the housing/homelessness brief falling to a Minister for 'Communities and Sport'.

Local government councillors in Scotland were also elected by proportional representation for first time in 2007, resulting in dramatic changes in local politics. For example, where Labour had long dominated local government, it controlled only three of the 32 Councils after May 2007. Further, a high proportion of new, less experienced, councillors were elected for the first time. Together, these political changes in the lead agencies for implementation of the homelessness programme may present some challenges for service delivery and central/local government relations over the next four years.

The SNP renamed the Executive or Administration in power, the Scottish Government, and publicly confirmed commitment to the 2012 homelessness target, with a switch of emphasis to service delivery (Scottish Government, 2007a; Chartered Institute of Housing, 2007). At the time of writing, new arrangements to

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<sup>2</sup> The Scottish National Party campaigns for Scottish independence from the rest of the UK but is broadly a progressive/centrist party in relation to social and economic policy.

reconstitute the Homeless Monitoring Group and its functions were being set up. A Housing Supply Task Force, to be chaired by the Minister, was launched with a remit to look at land supply and planning issues for housing. Other early proposals included a Scottish Housing Support Fund (to provide financial assistance to those struggling to purchase their first home); reform of subsidy to social housing (though recognising an overall need for increased public funding for more affordable housing); improved joint working on housing and health; a review of regeneration, including the role of Communities Scotland; and a commitment to the eradication of fuel poverty. A consultation paper on the Scottish Government's more detailed proposals on housing was published on 31 October (Scottish Government, 2007b) with responses due by 25 January 2008. The paper argued that greater use of the privately rented sector could offer more choice for homeless people, although there was no discussion of affordability or how associated needs for housing support would be met in this tenure.

It is still too early to fully assess what will be the implications of political change for the Scottish homelessness model but the broad framework does not appear to be imminently at risk. What will be important is whether the Scottish housing policy community is able to maintain a sufficiently high policy profile for homelessness with the new administration.

## **Some Issues in Considering Policy Transfer/learning from the Scottish Homelessness Model**

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### ***The Scottish legislation and the development of national strategies to prevent homelessness***

So does the Scottish framework offer a model for other nations? This is a highly complex question but some preliminary comment can be offered at this stage. This section discusses three broad issues which emerge from the Scottish framework in relation to the development of national homelessness strategies.

Firstly, although the HTF can be characterised as a 'rational' (after Simon, 1957) and fundamental review of homelessness policy, it did not in fact start from scratch with a blank sheet of paper. In many ways the process was much more incremental (after Lindblom, 1959) as Scotland (and indeed the whole of the UK) had 30 years of previous policy, practice, research and debate from which to draw for the review process. The key policy change of abolishing the priority/non-priority distinction was one which had been hotly debated in policy and research circles for many years (see for example Anderson & Tulloch, 2000, commissioned for the Homelessness Task Force). Arguably it was the change of government from Conservative to Labour/Liberal Democrat, combined with the additional impetus

given to housing policy as one of the main areas of devolved government which allowed the Scottish campaigners to achieve greater success in achieving policy change than their English counterparts (see, for example, Fitzpatrick, 2004 for a comparative analysis between Scotland and England, and Fitzpatrick & Jones, 2005 for a discussion of the more coercive approaches to street homelessness in England). Two emerging questions then would be whether other European countries had an adequate research base for evidence-based policy change? And the extent to which a similar 'head of steam' could be generated to provoke similarly momentous policy change if the opportunity arose?

Secondly, the Scottish homelessness programme has been very much a housing-led solution to homelessness, albeit with significant emphasis on multi-agency working to support resettlement. Effective implementation hinges on the power and ability of local authorities to find sustainable housing solutions for homeless households. Traditionally this has been achieved by allocating housing from the pool of social housing. At 26.5% of the total dwelling stock, Scotland still has a higher proportion of social housing than the rest of the UK, although less than, say, the Netherlands. So the second transferability question arises around the capacity of central or local government to (a) ensure a sufficient supply of suitable housing; and (b) ensure a degree of enforcement upon landlords to rehouse homeless/formerly homeless households in their rented stock. For example the Scottish legislation includes provision for official referral of homeless households to other social landlords (Homelessness etc. Scotland Act, 2003). To what extent is this feasible or desirable in other European countries? The case of Austria, for example, suggests that regions such as Vienna which control a good supply of social rented housing may well be able to implement such a strategy but this may not be the case in other regions which take a very different approach. The Netherlands has a high proportion of social rented housing, but appears to give relatively limited priority access to vulnerable homeless households. Of course joint working and sufficient resources to provide adequate support services to vulnerable tenants is also crucial to a sustainable housing-led solution to homelessness. It may also be relevant to note that Scotland (indeed the UK) has a recognised 'housing profession' and a professional body (the Chartered Institute of Housing) which is active in developing and promoting good practice to frontline service providers on housing and homelessness.

Thirdly, the Scottish model is based on a ten year programme which is a relatively long time span in contemporary politics and reflected the early confidence of the post-1997 New Labour UK regime (which subsequently won two further UK-wide general elections and was still in power in 2007). The model was based on *consensus* across the housing policy community (central and local government, housing associations, NGOs and support service providers) for a long term, sustainable approach. At the party political level, with proportional representation a relatively new phenom-

enon in Scotland, the nation should perhaps look to some of its European neighbours to learn about consensus politics and coalition government over the long term. Countries such as the Netherlands may well provide a useful model here. However, the wider question would be to what extent other European countries can build sufficient consensus for a realistic, long term programme which will at least treat all households fairly, and at best minimise the impact of homelessness on the lives of those who experience such a crisis at some point in their housing careers.

### *Issues arising from the Scottish homelessness model*

Looking at the possible practical application of the Scottish model to other EU countries, a further set of themes emerge. Firstly, the question of what might be meant by a right to housing and how this could be implemented needs to be considered. It must always be remembered that the Scottish Executive/Government has never explicitly described the Scottish model as offering a right to housing for all. Rather, the practical reality of the new framework can be broadly interpreted as coming very close to giving such a right to most Scottish households if they find themselves in the position of being homeless. This is very different to the more recent legal changes in France which explicitly attempt to achieve an enforceable right to housing, albeit that there appear to be very significant constraints with respect to the practical implementation of the new law (see Loison, this volume). In comparison, Italy has no national government involvement in homelessness which is largely seen as a poverty issue rather than a housing-led initiative. In contrast, in Denmark and Norway, strong welfare regimes effectively mean that housing rights are not a key campaigning issue, although homelessness remains a cause for concern amongst the most marginalised groups in Norway. Ireland has completed a review of homeless policies and the revised Government strategy on homelessness has rejected an explicit rights based approach. It aims to ensure that from 2010, long-term homelessness and the need for people to sleep rough will be eliminated. The risk of a person becoming homeless will be minimised through effective preventive policies and services, which include strengthening locally based partnerships between statutory and NGO agencies and the development of rental accommodation schemes and other social and affordable housing options.

The potential difficulties in implementing a housing-led strategy in countries with a limited public housing sector must also be considered. In the German case, for example, there is a need for more effective instruments to control the allocation of private housing, and rights in relation to homelessness only allow for the provision of temporary (not permanent/long term) accommodation. Moving beyond housing there is an increasingly widely recognised need for support as part of ensuring sustainable solutions for some homeless groups. This may be achieved through



the definition of specific vulnerable groups or by funding targeted support as needed, within a broader definition of homelessness/vulnerability. The link between social support and homelessness appears to be still embryonic in places. Mediation approaches are being developed in France and in the UK, homeless households are just one of a number of groups which compete for the finite resources allocated to the Supporting People programme.

In most EU countries local authorities will be the key agencies responsible for implementation of homelessness strategies and it is important to discuss which policy mechanisms may be available for local delivery/implementation, in comparison to the Scottish approach. The notion of a Homelessness Task Force/Homelessness Monitoring Group depends on the recognition of the key roles of different stakeholders (local and national state; interprofessional working across housing, health and social work; involving the NGO sector and potentially private sector providers). Success of such a model also depends on the willingness of this range of agencies to work together towards achieving consensus (and almost inevitably compromise) in order to work towards agreed national and local approaches. The existence of a clear regulatory framework for social housing/homelessness through Communities Scotland provides a separate mechanism for performance monitoring and review. Separate mechanisms exist for regulation of health and social care services and England also has well developed regulatory regimes.

For those countries where central government approval or review of local homelessness strategies is not currently in place, this could only be made effective over the long term by building consensus across both political parties and professional organisations/service providers. Eventually, it may be feasible for most EU countries to evolve towards some kind of phased strategy with targets to reduce or 'end' homelessness in a defined period as has happened in Ireland and Finland. Some degree of consensus on the need to eradicate homelessness at the level of the European Parliament or Commission would strengthen the case of those agencies seeking to raise the profile of homelessness policy and strategy at the national and local level across member states.

## Conclusions

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### *Homelessness and the future role of social rented housing*

Ultimately, the Task Force programme is a 'housing-led' solution to homelessness and was never going to be a cheap policy option. Progress continues to be constrained by an overall lack of sufficient affordable, secure, good quality housing and support, irrespective of the latest proposals for increasing use of the private rented sector (Scottish Government, 2007b). The question of adequate resources

for the programme remains and Scottish devolution remains limited by the economic constraints set by the UK treasury (Kintrea, 2006). There also seems to remain some uncertainty over the overall requirement for additional housing in Scotland. In their housing need and affordability model for Scotland, Bramley *et al*'s (2006) approach takes account of new households unable to buy, migration, owner occupiers needing to move into social renting and the existing backlog of unmet need. Indeed, the updated model was designed to better respond to delivery of the 2012 homelessness objectives. Bramley *et al* (2006) estimated a net annual need of 8,045 units of affordable housing for Scotland in 2005 (up from 6,860 in 2003), although there was excess stock in some local authority areas. Looking forward however, net need was projected to fall and surpluses were projected to increase, which in theory would assist delivery of the homelessness programme goals. The SNP Government recognised the overall shortfall in new housing in Scotland and proposed expanding the overall supply of new houses to at least 35,000 per year by 2015 (Scottish Government, 2007b).

Notwithstanding the impact of the Scottish homelessness programme, the future role of the social rented sector has been under review in both Scotland (Newhaven Consultancy, 2006) and England (Hills, 2007). Prior to the 2007 election, the Scottish Executive embarked on an 'internal review' of social housing through a series of workshops with representatives of local authorities, social landlords and other key stakeholders. The discussions revealed complex issues around changes in demand for social housing, perceptions that the sector was increasingly stigmatised, and that the increased proportion of lettings to homeless households constrained any broader housing role, such as implementing renewal and regeneration and helping to nurture balanced/sustainable communities (Scottish Executive, 2007c; see also Busch-Geertsema, this volume). The role of social housing had changed significantly over the previous 30 years, not least due to the impact of sales to sitting tenants and reductions in overall investment. Issues around land pricing and ineffectiveness of affordable housing planning guidance constrained the ability to develop new housing. A key tension emerged between the broad consensus to support homelessness policy but also an awareness of its impact on an already vulnerable and marginalised housing sector.

Fletcher (2007) builds on the findings of research by Newhaven Consultancy (2006) to take forward the views of the Chartered Institute of Housing on current research and issues for future development. Fletcher acknowledges an underlying downward trend in demand for social housing but argues this is dependent on the impact of the homelessness programme. However, looking at the composition of social housing tenants, Fletcher accepts the trend towards housing single adults without children, single pensioners and lone parents – all relatively disadvantaged groups compared to the population as a whole – thus increasing the concentration of the

poorest/most disadvantaged groups in the social rented sector. Key challenges for the sector emerge in delivering sustainable mixed communities and making affordable rented housing a positive choice for 'ordinary' (working) people. Central government support for the wider role of sector would be a crucial determining factor here. The Hills (2007) review for England also recognised the increasing polarisation between tenures and identified similar trends in the tenant profile within social housing (e.g. high dependency on benefits and low economic activity). An extreme outcome for Scotland could be the prospect that the sector would only house homeless households and become even more highly stigmatised.

Such a fear was reported in Anderson and Thomson's (2005) study of the early impact of legislative change with respect to young people:

'....the homelessness legislation, when fully in place, will see the end of people in the area being housed from waiting lists. We are already receiving twice the number of homelessness presentations as we get in empty homes each year. As the priority groups extend, we will not be able to cope' (respondent in Scottish local authority survey, p.34).

To counter this possibility of Scottish social housing becoming a sector of the last resort, the Chartered Institute of Housing recommends that the social sector embraces provision of mid-rent and low-cost ownership housing options, collaborates better with the private sector, and generally works to improve quality (Fletcher, 2007). It also urges the Scottish Government to commit to a building programme of 30,000 dwellings over the coming 3 years – although an even higher target of 35,000 per year was set in the Scottish Government's own (2007b) discussion paper.

### ***Future progress and opportunities for policy learning***

If review and design was the glamorous element of the policy process, desired outcomes will only be achieved through the hard graft of implementation. Having accepted the Task Force recommendations, the 'rational policy process' would require sufficient ongoing political commitment and resources for effective implementation, as well as ongoing evaluation of outcomes, in order to achieve the 2012 target.

Returning to Scotland in 2007, the new First Minister and the Minister for Communities have an opportunity at the mid-implementation point to take stock of progress and instil any required new momentum into programme delivery. This is an agenda which retains genuine and strong consensus across the Scottish housing and homelessness sector and on which the international housing community is waiting to see if Scotland delivers a model which they can follow.

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# The Implementation of an Enforceable Right to Housing in France

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› **Abstract** *This paper was prepared in response to the review of the Scottish ‘right to housing’ (see Anderson, this volume) because there have been particularly important developments in France with respect to housing rights recently, which provide a useful counterpoint and comparison with the Scottish position and approach. The paper explores in detail why and how an attempt has been made to introduce an ‘enforceable’ right to housing in France, before considering how the French approach compares with the Scottish model. This French implementation is particularly interesting because contrary to what happens in Scotland, the enforceable right to housing owes nothing at all to political will. Housing and the homeless dominated the French headlines from the end of 2005 and those current developments linked to the media pressure “forced the government’s hand” and played a major role in the implementation.*

*The following pages are divided into four main sections. This first section describes the French political housing context. Secondly it narrates the different events involved in the quick adoption of the law. The third section describes that part of the law that particularly affects homeless people. Finally, the fourth part compares the French law to the Scottish and examines the transferability of the two approaches to other countries.*

› **Key words** *enforceable right to housing, homelessness, France, housing exclusion*

## **The Introduction of an Enforceable Right to Housing in France**

In France, the right to housing is a recognised social right and is enshrined in subparagraphs 10 and 11 of the preamble to the Constitution of 27 October 1946:

“The Nation shall provide the individual and the family with the conditions necessary to their development.

It shall guarantee to all, notably to children, mothers and elderly workers, protection of their health, material security, rest and leisure. All people who, by virtue of their age, physical or mental condition, or economic situation, are incapable of working, shall have to the right to receive suitable means of existence from society”.

This right is reaffirmed in a series of laws enacted during the last twenty years including: the Quilliot Act of 22 June 1982 (“*the right to housing is a fundamental right*”), in the Mermaz Act of 6 July 1989, the Besson Act of 31 May 1999 and in the Anti-Exclusion Act 1998. The Besson Act was passed to implement the right to housing and Section 1 therefore provides that “Guaranteeing the right to housing is a duty of solidarity incumbent upon the whole nation”<sup>1</sup>. The nation has no obligation to provide housing to anyone on demand but must provide assistance (though not necessarily permanent housing) to those who meet the statutory criteria to qualify for it. Worded this way, the right to housing is not “enforceable” (i.e. it gives no entitlement to relief through the courts for those who cannot find somewhere to live).

The Anti-Exclusion Act 1998 also has a housing focus emphasizing measures for better prevention of evictions, reform of housing allocation, action on empty homes and tackling substandard housing. The SRU Act (Loi relative à la solidarité et au renouvellement urbains / Urban solidarity and town planning renewal Act) confirming the right to decent housing supplements some of these measures.

The expression “enforceable right to housing” was first used in France in 2002 in a report by the homeless housing committee Haut Comité pour le Logement des Personnes Défavorisées (HCLPD) which has been studying housing issues since 1993<sup>2</sup>. Since that time, the HCLPD reports have developed thinking on the implementation of an “enforceable right to housing” which would give society not simply the ‘best efforts’ obligation required on the part of the State by the Besson Act, but a performance obligation under which central government’s responsibility for guaranteeing the right to housing would be devolved to local

<sup>1</sup> <http://www.legifrance.gouv.fr/texteconsolide/MDEAB.htm>

<sup>2</sup> “Vers un droit au logement opposable”, 8th Report of the Haut Comité pour le Logement des Personnes Défavorisées, October 2002

authorities and homeless persons would have official forms of redress first by mediation then through the courts.

The enforceable right to housing (DALO) found a resonance with civil society, as evidenced by the repeated demands of voluntary welfare agencies. In 2003, the voluntary community came together to create a platform for the enforceable right to housing linking together more than 50 voluntary organizations under the aegis of ATD Quart Monde. In an opinion adopted in 2004, France's Economic and Social Council recommended that an enforceable right to housing be introduced and at the housing conference of 1 July 2004, followed by the National Conference to Combat Exclusion, the Right to Housing Task Force (which came out of the National Housing Council and the National Council on Policies to Tackle Exclusion) unanimously adopted a report whose main proposal was to make the right to housing enforceable.

The DALO returned to the headlines after the summer 2005 fire deaths in Paris of inadequately housed people living in converted flat buildings<sup>3</sup>. Public outrage prompted a private member's bill "establishing an enforceable right to housing", which was introduced in the French National Assembly<sup>4</sup> on 28 September 2005 but did not make it to enactment. Finally, in the debate on a government housing bill on 11 April 2006, the socialist MPs proposed that the law should include the concept of an enforceable right to housing. The government rejected the DALO and the Minister for Social Cohesion, Jean-Louis Borloo, described the initiative as "untimely and unrealistic"<sup>5</sup>.

The 11<sup>th</sup> HCLPD report argues that "the right to housing is stalled, and will remain so until an effective shield has been raised against exclusion (...). Enforceability is that shield, and it is important to implement it as soon as possible. Obviously, there is no question of legislating the right to housing into enforceability overnight. Enforceability is about making government face up to its responsibilities for a right that requires complex policies to be implemented. It must be framed in an organised and planned manner, and based on consultation which is the only way to allay concerns."<sup>6</sup> The HCLPD proposed a 6-year plan of action in order to lay the groundwork for successful implementation of the DALO.

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<sup>3</sup> On 26 August 2005, seventeen people died and about thirty were injured in a fire in a 6-floor multiple-occupation building at 20 boulevard Vincent-Auriol (in Paris' 13<sup>th</sup> district). Most of the victims were Malian nationals and included 14 children. The families had been temporarily housed since 1991. The building is owned by the State and had been lent to the Emmaüs association which was doing renovation work in it.

<sup>4</sup> <http://www.assemblee-nationale.fr/12/propositions/pion2541.asp>

<sup>5</sup> <http://hebdo.parti-socialiste.fr/2007/01/04/342/>

<sup>6</sup> "Face à la crise: une obligation de résultat", 11<sup>th</sup> Report by the Haut Comité pour le Logement des Personnes Défavorisées, December 2005, p. 57

However, the DALO was then implemented in France by the government which, just months earlier, had rejected it in Parliament. The “organisation”, “planning” and “consultation” called for by the HCLPD were to be abandoned in the light of the events of late 2005, hastening the enactment of the legislation which established an enforceable right to housing.

## **An Enforceable Right to Housing (DALO)**

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Housing and the homeless dominated the French headlines from the end of 2005. After the fires in the low-cost residential hotels and substandard converted flat buildings in Paris at the end of 2005, the campaign to distribute tents to the homeless by Médecins du Monde at the start of 2006, and the problems created by these “tent cities” in the summer<sup>7</sup>, the end of 2006 was marked by the action taken by the Enfants de Don Quichotte voluntary organization, which was to be behind the introduction of the enforceable right to housing in France.

In October 2006 Augustin Legrand, an occasional entertainment industry worker and founder of the Enfants de Don Quichotte association, decided to go and live “a homeless person’s life” in the streets of Paris. He set up a blog<sup>8</sup> and contacted the media to get a public spotlight on the association. In December, he pitched nearly 200 red tents on the banks of the Saint Martin canal in Paris (10<sup>th</sup> district) to call attention to the plight of the homeless. The public were encouraged to come and spend one or more nights sleeping outside in solidarity with the homeless. In the run-up to the elections, the Enfants de Don Quichotte were trying to raise politicians’ and public awareness of housing and temporary accommodation for street homeless people.

On 25 December 2006, the Enfants de Don Quichotte drew up a 6-point Saint Martin’s Canal Charter for access to housing for all<sup>9</sup>:

1. keep hostel provision open 24 hours a day all year round and make admission more humane;
2. stop throwing people back onto the streets. Everyone accepted into a shelter must have the opportunity to move on to settled accommodation;
3. create a supply of temporary housing now;

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<sup>7</sup> The Médecins du Monde organization handed out tents to the homeless in Paris in winter 2005-2006. But the tents did not disappear when spring and the summer arrived. In July and August 2006, local residents began to protest against the presence of the tents and their occupants who had taken up permanent residence in the streets and squares of Paris.

<sup>8</sup> <http://www.lesenfantsdedonquichotte.com/v2/index.php>

<sup>9</sup> <http://www.lesenfantsdedonquichotte.com/v2/charte.php>

4. create more social housing that is accessible to the poorest households;
5. develop alternative forms of housing;
6. make a right to housing enforceable nationwide.

The following day, the Enfants de Don Quichotte were received by the Junior Minister for Social Cohesion, Catherine Vautrin, to whom they handed the new charter. Two days later, Augustin Legrand announced that the movement for civic solidarity with the homeless would be spread to other towns in France and tent cities grew up in Orléans, Lyons, Toulouse, Marseilles, Nice, Strasbourg, Bordeaux and elsewhere.

Jacques Chirac then used his televised New Year's message to the French population to announce his intention to create "an enforceable right to housing": "What is needed is to establish a real enforceable right to housing, that is, to make the right to housing a reality. I am asking the government to move forward on this in the next few weeks."

Events moved quickly at the start of 2007, and the policy decisions were taken: on 2 January, Augustin Legrand was received in Parliament by the parliamentary group, then met Social Cohesion Minister Jean-Louis Borloo. On 3 January, Dominique de Villepin announced his intention to table a Bill on the enforceable right to housing. On 8 January, Jean-Louis Borloo announced a radical "overhaul" of the emergency accommodation system. "Anyone taken into a emergency accommodation must be offered a long-term solution relevant to their circumstances (...)”<sup>10</sup> and social support.

Bill No. 2007-290 of 5 March 2007 introducing the enforceable right to housing and miscellaneous measures to promote social cohesion was presented to the Cabinet on 17 January 2007 and published in the Official Journal on 6 March 2007<sup>11</sup>.

In the wake of the Government Framework Act for Social Cohesion (18 January 2005) and the National Commitment to Housing Act (13 July 2006), both of which included measures for disadvantaged groups, the new Act placed a performance rather than just a 'best efforts' obligation on the State. The new legislation establishing an enforceable right to housing is to be brought into effect in two stages. It is set to apply firstly to the poorest groups from the end of 2008, and from 1 January 2012 the enforceable right to housing should extend to everyone who qualifies and has applied for, but not been allocated, social housing.

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<sup>10</sup> Decision record of 8 January 2007, [http://www.logement.gouv.fr/IMG/pdf/Releve\\_de\\_decision.08.01.07.pdf](http://www.logement.gouv.fr/IMG/pdf/Releve_de_decision.08.01.07.pdf)

<sup>11</sup> <http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=SOCX0600231L>

Once the Enforceable Right to Housing Act comes into effect, some categories of social housing applicant – those who are living lawfully in France but do not have decent housing – will be able to apply to an administrative tribunal for legal relief against the authorities. If they have been waiting for housing for an ‘abnormally long time’ during which they have been offered no alternative permanent housing that matches their needs and ability to pay, the case can be referred to a mediation committee whose main concern is to settle the matter by agreement and to determine what priority the applicant should have. If the decision goes against the State, it will have to compensate the complainant.

Broadly, the Enforceable Right to Housing Act contains five key measures:

1. The State guarantees the right to housing as propounded in the Besson Act. So any legal proceedings in the administrative tribunal at the end of a regulated procedure will lie against the State.
2. From 1 December 2008, the DALO will cover the 6 highest-priority categories of applicant, who will in future be able to claim housing: roofless people; tenants facing eviction with no prospect of rehousing; people in temporary accommodation; people placed in housing considered to be substandard or unfit; people with at least one dependent child living in housing not regarded as decent; people with a disability (or with a disabled dependent) whose housing is not regarded as decent;
3. From 1 January 2012, it will be extended to all other people who qualify for social housing but have been on the waiting list for an abnormally long time without being allocated housing.
4. All these groups of people will be able to take their case to the mediation committee and appeal to the administrative tribunal if a committee ruling in their favour is not acted on within a reasonable time. The court (i.e. the administrative tribunal) will be able to order the State to house the applicant and if they fail to do so will be subject to a default fine.

Apart from the enforceable right to housing, the Act also includes financial and tax measures, some of which are intended to stimulate the supply of housing and temporary accommodation places (e.g. housing and additional accommodation places programme, tax breaks for accommodation and resettlement centres (CHRS), some accommodation provision for older people, up-rating housing benefit and assistance, measures on landlord-tenant relations).

The Enforceable Right to Housing Act is supplemented by two measures. One measure aims to continue and augment efforts to improve the social housing supply. A social housing stimulation policy has already been put in hand by the

social cohesion plan (section 87 of Act No. 2005-32 of 18 January 2005). The second measure relates to the enhanced plan of action on homelessness (PARSA) which is considered in the next section.

## **The Enhanced Plan of Action on Homelessness (PARSA)**

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The record of decisions signed on 8 January 2007 by Jean-Louis Borloo, Minister for Employment, Social Cohesion and Housing, laid down the principle that: “Anyone taken into emergency accommodation provision must be offered an appropriate, permanent and if need be supported solution appropriate to their circumstances in the public social housing stock, the officially approved private stock, a CHRS, a CADA (asylum seeker reception centre), LogiRelais (government-subsidized residence hotels), a halfway house or community reintegration accommodation”<sup>12</sup>.

These decisions were strengthened by section 4 of the Enforceable Right to Housing Act, which provides that “anyone taken into emergency accommodation provision must be able to remain there if they so wish until offered a referral. Such referral must be to stable temporary accommodation or care provision, or to housing, appropriate to their circumstances”<sup>13</sup>.

A departmental instruction dated 19 March 2007<sup>14</sup> instructs prefects on how to implement a principle of continuum of care for homeless people. The idea is to ensure continuity between intake and accommodation of the homeless in emergency provision pending a proposed referral towards a settled solution. The continuity principle is based on three requirements:

- the idea of a maximum length of stay in emergency accommodation provision is discarded (length of stay will be determined by reference to the proposed referral towards permanent provision);
- an assessment/referral interview will be held to enable referral towards stable temporary accommodation provision, care provision or housing, appropriate to the individual’s circumstances;
- appropriate social follow-up will be provided with the individual’s consent, coordinated with the ordinary social follow-up, including health problems and especially psychiatric care. The emergency provision will be relieved of this

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<sup>12</sup> Decision record of 8 January 2007, [http://www.logement.gouv.fr/IMG/pdf/Releve\\_de\\_decision.08.01.07.pdf](http://www.logement.gouv.fr/IMG/pdf/Releve_de_decision.08.01.07.pdf)

<sup>13</sup> <http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=SOCX0600231L>

<sup>14</sup> DGAS departmental instruction of 19 March 2007, [http://www.fehap.fr/social/personnes\\_en\\_difficultes\\_sociales/07\\_90t0.pdf](http://www.fehap.fr/social/personnes_en_difficultes_sociales/07_90t0.pdf)

requirement only if the individual voluntarily leaves the establishment or fails to attend it during the period set by the house rules, refuses the interview, or behaves in a dangerous manner towards the other users or staff.

Emergency accommodation provision “will be designed or modified so as to preserve the privacy of residents, including couples and young transients. The accommodation must include support towards achieving a freely-chosen settled continuum-of-care solution for those making their way back into society”<sup>15</sup>.

The new scheme comprises restructured temporary accommodation places and new temporary accommodation and housing provision, replacing the existing 13,500 emergency accommodation places with 27,100 new places (including 10,500 converted emergency places) distributed as follows:

- 6,000 emergency places converted into community reintegration accommodation
- 4,500 emergency places converted into CHRS places
- 9,000 halfway house places in addition to the existing 3,000 places
- 1,600 places on the LogiRelais programme
- 3,000 public social housing stock units offered as a priority to those coming out of CHRS provision
- 4,000 homes in the officially approved private stock offered as a priority to those coming out of CHRS provision

Community reintegration accommodation is to be seen as the period needed to provide individual support and must lead on to officially approved private social housing or any freely chosen appropriate alternative. “In all, these 27,100 homes, residence hotels, CHRS or community reintegration accommodation places instead of the 13,500 existing emergency accommodation places should make it possible to meet the aim of appropriate accommodation for all. This scheme will guarantee fit and decent accommodation which will be supplemented by support for the groups concerned in shelter and hostel provision”<sup>16</sup>.

Section 2 of the Act of 5 March also sets target figures for local authorities to achieve in emergency accommodation subject to default fines. The target figures are backed up by quality objectives:

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<sup>15</sup> Decision record of January 8, 2007, [http://www.logement.gouv.fr/IMG/pdf/Releve\\_de\\_decision.08.01.07.pdf](http://www.logement.gouv.fr/IMG/pdf/Releve_de_decision.08.01.07.pdf)

<sup>16</sup> Decision record of 8 January 2007, [http://www.logement.gouv.fr/IMG/pdf/Releve\\_de\\_decision.08.01.07.pdf](http://www.logement.gouv.fr/IMG/pdf/Releve_de_decision.08.01.07.pdf)



- emergency accommodation opening hours must be extended from 5.00 pm to 9.00 am and round-the-clock at weekends;
- experimentation will be encouraged (accommodating users with pets, adapted housing, converting emergency places into private rented flats operated by voluntary organizations);
- support will be provided for emergency shelter professionals with voluntary organizations.

A National Monitoring Committee of Voluntary Organizations will be set up, co-chaired by the Junior Minister for Social Cohesion, Catherine Vautrin, and the president of Enfants de Don Quichotte, Jean-Baptiste Legrand. Implementation of the continuity principle will also be kept under review by the departmental social observation committees (set up by the national standard for intake, accommodation and integration). These committees, which bring together the authorities and operators concerned to ensure that front-line workers take joined-up and complementary action, identify failings and propose the necessary adjustments, will have to put in place a watchdog system to assess implementation of the PARSA and its impact on emergency accommodation provision. The findings of continuity implementation monitoring will be sent to the national PARSA implementation monitoring committee.

## **Comparison Between Scotland and France**

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A number of interesting points of comparison can be drawn between the Scottish and French experience. These points highlight not only the approach adopted in the two countries but are also suggestive of issues that may affect the transferability of these approaches to other countries.

### ***Background to the legislation***

The Scottish model had its origins in legislation and policy frameworks stretching over a long period. As Anderson (this volume) explains, there has been an enforceable right to long-term housing for priority groups (such as families with dependent children and ‘vulnerable adults’) in Scotland (and indeed elsewhere in the UK) since 1977. The key legal change that has now been made in Scotland is that, by 2012, this right to long-term housing will no longer be restricted to priority groups, but rather will apply to (almost) all of those who are defined as homeless. These recent developments are therefore best seen as a (radical) extension of a long-standing approach.

The establishment of a new Scottish Parliament in 1999, and the dominance of the centre-Left in Scottish politics, facilitated the development of a consensual style of policy development rooted in an evidence-based understanding of the problems and a broad agreement on the approach to be taken. In Scotland, there was clear political will to put homelessness issues high on the political agenda. However, there was little, if any, media or public interest in the work of the cross-sectoral Homelessness Task Force, established by the Scottish Government, which recommended the changes in law and policy which culminated in the 'Scottish model' that is now much discussed across Europe.

In France, by contrast, the enforceable right to housing owes nothing at all to political will. It was the **media pressure** brought to bear by the Enfants de Don Quichotte association that "forced the government's hand". Hence, Fnars emphasizes that the PARSA "is no more than the makings of a real public policy in that it is not underpinned by a consensus of all stakeholders (voluntary organizations, State, local authorities, health professionals, etc.) on how to provide care and support (appropriate responses) for those confronted with exclusion at a time when insecurity is becoming more widespread and varied"<sup>17</sup>.

The French Enforceable Right to Housing Act (March 2007) cannot be said for certain to provide the legislative basis of a policy for homeless people. This is because, unlike the Scottish case, the conditions in which the French legislation was established were arguably not conducive to an effective policy for tackling homelessness. In France, the right to housing was enshrined in the 1946 Constitution but was not enforceable: the State had to use 'best efforts' but this was not a performance obligation. The entrenching of an enforceable right to housing in 2007 now imposes a performance obligation on the State. France's DALO will be rolled out from 2007 to 2012. Scotland chose a longer period, from 2001 to 2012.

The Scottish model is often referred to as simply a 'right to housing' but in fact this enforceable entitlement to long-term accommodation is only one aspect of a broader set of policies to tackle homelessness which include, crucially, a duty on local authorities to produce and implement a strategy to prevent and address homelessness in their area. The Scottish policy attempts to link together housing, health, social welfare and labour market integration and deploys preventative measures. Arguably, the French legislation does not take all these elements into account: it was enacted in response to media pressure, and there was no preliminary consultation with the different stakeholders (e.g. researchers, voluntary organizations, local authorities) to identify and analyse the processes that produce

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<sup>17</sup> Brégou F., Robion S., "Réforme de l'accueil des sans-abri: les conditions de la mise en œuvre", la Gazette, 30 March 2007, FNARS, [http://www.fnars.org/default.asp?LINK=zoom&ID\\_ARTICLE=3765&ID\\_TOPIC=28](http://www.fnars.org/default.asp?LINK=zoom&ID_ARTICLE=3765&ID_TOPIC=28)

exclusion from and by housing. There is therefore a need to mesh together all the policies for tackling exclusion that must take into account the needs for action on social welfare and health linked to vulnerability. This is what the Haut Comité pour le Logement des Personnes Défavorisées recommended: “The very nature of the processes of exclusion requires action on all the policies that directly or indirectly touch on housing, with extensive State involvement and management at sub-national level”<sup>18</sup>.

### ***Broadening the definition of homelessness***

The term “sans-abri” as used in France implies a very narrow definition of homelessness. The concept of “homeless” is closer to that of “mal-logé” which embraces having nowhere to live but also includes living in temporary accommodation, insecure, substandard or inappropriate housing (see ETHOS definition). But the Enforceable Right to Housing Act arguably takes these different situations into account in that it refers to six affected groups: homeless (i.e. roofless or sans-abri), threatened with eviction without rehousing, in temporary accommodation, living in premises that are not meant for habitation, substandard or dangerous, and families with under-age children in housing that is not decent or is too small. Priority also goes to those who are disabled or are living with a disabled person.

From 1 January 2012, it will be extended to all other people who qualify and have applied for but not been allocated social housing.

From its inception in 1977, the UK legislation incorporated a very wide definition of homelessness. Besides rooflessness, it included anyone who does not have housing which it is reasonable for them and their family to occupy and embraces almost all of the categories in the ETHOS framework (Edgar and Meert, 2005). However, entitlement to long-term rehousing was, as noted above, confined to those who were not only ‘homeless’ but were also in a ‘priority need’ category (homeless people who were not in priority need were entitled only to advice and assistance). The effect of the new Scottish legislation is to gradually expand, and by 2012 eliminate, the ‘priority need’ categories so that all households who come within this (broad) statutory definition of homelessness are entitled to permanent housing.

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<sup>18</sup> “Face à la crise: une obligation de résultat”, 11<sup>th</sup> Report by the Haut Comité pour le Logement des Personnes Défavorisées, December 2005, p. 53



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Private member’s bill establishing an enforceable right to housing of 28 September 2005:  
<http://www.assemblee-nationale.fr/12/propositions/pion2541.asp>

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Speech by Jean-Louis Borloo on the Bill establishing the enforceable right to housing and miscellaneous measures to promote social cohesion to the French National Assembly (15 February 2007):  
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Enforceable Right to Housing and Promotion of Social Cohesion (Miscellaneous Measures) Act No. 2007-290 of 5 March 2007:  
<http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=SOCX0600231L>

Departmental instruction DGAS/1A/LCE/2007/90 of 19 March 2007 on the implementation of a principle of continuum of care for homeless people:  
[http://www.fehap.fr/social/personnes\\_en\\_difficultes\\_sociales/07\\_90t0.pdf](http://www.fehap.fr/social/personnes_en_difficultes_sociales/07_90t0.pdf)





# Think Pieces



***Part C***





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# Welfare Regimes, Housing Systems and Homelessness : How are they linked ?

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## Introduction

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In this paper we explore the relationship between welfare regimes, housing systems and homelessness. While housing systems might be expected to replicate the patterns set by welfare regimes, and so have predictable consequences for homelessness, we explore the nature of the housing system and show that the relationships are in fact more complex than this. Housing systems may reinforce the outcomes of welfare regimes, but they can also counter them. Policy interventions relating specifically to homelessness can reduce the inflows into homelessness and increase the speed of its resolution.

The paper is structured as follows. Welfare regimes are placed within the wider context of comparative social policy in section 2. In section 3 we explore the relationship between welfare regimes and the housing system. In the fourth section we consider the scale and nature of homelessness and its relationship with welfare regimes and housing systems. Conclusions are drawn in the fifth and final section.

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## Welfare Regimes

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International comparative social policy has fallen – or at least has been categorised – into one of two traditions: convergence and divergence. In the 1960s, the ‘old’ convergence approach emphasised the tendency of countries to develop welfare states as they industrialised. It therefore predicted that, over time, countries that had yet to develop welfare states would do so as their economies developed. This view was thrown into reverse following the decline in fortunes of western economies after the 1973 oil crisis and the emergence of ‘stagflation’ – the combination of low economic growth with high inflation.

The 'new' convergence theory stressed the common tendency for welfare states to retreat, and this is reflected by the upsurge in academic articles with titles assuming a new climate of fiscal austerity. The emergence of 'globalisation' has strengthened the credibility of new convergence theory as western economies have become exposed to competition from the 'new' economies of South Korea, China and India, while firms have been free to locate to countries where costs – including taxes – are lowest. While 'old' and 'new' convergence theories predict opposite outcomes, they share a determinism that downplays the importance of both formal electoral politics and individual country's political cultures (except insofar as they are being overwhelmed by 'neo-liberalism').

The second tradition in comparative social policy is labelled 'divergence' theory and, as one might expect, predicts pretty much the reverse of convergence theory. It emphasises the distinctiveness in political ideologies (so like convergence theory downplays electoral outcomes) that inform not only the general tenor of politics, but the political and cultural institutions that govern society. In stressing the importance of ideology, the divergence approach allows for the existence of distinctive welfare 'regimes'.

Whereas convergence theorists might examine countries on a continuum from, say, the country with the lowest level of social spending to the highest, divergence theorists suggest that countries may share sets of characteristics that allow them to be placed into clusters of regime types. The validity of 'clusters' depends on the extent to which the welfare characteristics of countries within them exhibit internal consistency (Kasza 2002).

Esping-Andersen's typology of welfare regimes falls into this second category. Examining advanced economies, he created three welfare regimes. These were informed by two concepts that he subjected to somewhat dubious empirical testing, relating to the labour market and the social security system. (Note that housing, education and health are not considered by Esping-Andersen.) The most salient of these is the notion of 'decommodification' which 'refers the degree to which individuals, or families, can uphold a socially acceptable standard of living independently of market participation' (Esping-Andersen 1990, p. 37). A second concept is 'stratification' which refers to the extent to which the welfare state tends to reinforce status conferred by the labour market and can be contrasted to 'solidarity' whereby welfare rights are enjoyed equally.

Esping-Andersen's welfare regimes can be outlined as follows:

**Liberal:** The liberal welfare regimes is characterised as a relatively liberalised labour market that produces high levels of commodification. The social security system does little to change this as social security benefits tend to be means-tested

and based on providing a safety net. The role of the market especially in the pensions system means that the system also produces high levels of stratification. The emphasis on labour market participation means that the regime is gender blind. While it does little to facilitate female labour market participation (e.g. through state-funded childcare), neither does it provide extensive assistance to encourage women primarily to perform the role of carers, especially mothers, through generous family allowances. Esping-Andersen suggested that the United States, Canada and Australia are archetypal liberal regime. The UK is usually added to this category.

**Corporatist:** The corporatist welfare regimes are founded on a labour market that operates within a capitalist framework, but which is highly regulated. It works on the basis of interaction between economic interest groups, the government and the Church, rather than individuals. Thus it is organised by negotiation between representatives of employers, trade unions and the government. This offers high levels of security to employees. It conforms closely to the ‘male breadwinner’ model in that it assumes full male employment – which generally should be sufficient to command a ‘family wage’ – and is backed by generous family allowances in order to promote the role of women as mothers. The corporatist welfare regime produces higher levels of decommodification than the liberal regime. However, the social security system is highly stratified, so it is designed to maintain status differentials that were established in the labour market through an earnings-related social insurance system, seen most clearly in the pension system. Esping-Andersen cites Germany, France and Italy as being archetypal corporatist regimes.

**Social democratic:** The social democratic welfare regime shares many of the institutions of the corporatist regime, which has led some commentators to suggest that they are variants of the same regime. However, in character they are quite different, notably in the reliance on full employment of both males and females in order to generate sufficient tax revenue to provide high quality public services that leave little room (or demand) for private alternatives, hence unemployment-related social insurance benefits are contingent on ‘workfare’ structures of obligatory training or participation in public works. Corporatist structures are employed in a wage setting that tends to suppress wage differentials, while the social insurance system is rather more redistributive than in corporatist countries (by having a higher level of earnings-relation at the lower end). Social democratic regimes therefore combine high levels of decommodification with low levels of stratification. Esping-Andersen cites Sweden as being an archetypal social democratic regime.

Esping-Andersen did not deal with the southern European countries, which may be characterised as follows:

**Mediterranean:** The Mediterranean countries (i.e. Greece, Spain, and Portugal) were dubbed ‘rudimentary’ by Liebfried (1992). The tag of ‘rudimentary’ refers to

the weak state of social security benefits, with the exception of retirement benefits which often facilitated very early retirement. However, a strong emphasis was placed on labour market protection, while the role of the family – and extended family – historically played a strong role in welfare. Consequently, the countries have been characterised by low levels of both male employment (due to early retirement) and low levels of female employment (due to the carer's role). Given the emphasis placed on the labour market and extended family, the less judgemental label of 'Mediterranean' is often used in relation to these countries.

He also did not consider the socialist countries in central and eastern Europe which can be characterised as follows:

**Socialist:** The socialist model of welfare was based on very high levels of employment of both men and women. Wages follow the principle of the 'individual' wage, that is a wage that is sufficient to provide a basic standard of living for an individual, but not a family. Welfare is delivered through the workplace, e.g. childcare, healthcare, housing etc. while many basic commodities and services (e.g. food, utilities, housing) are highly subsidised. However, the socialist model clearly no longer describes the welfare regimes in these countries and we are left with an important gap.

Quite frequently academics in individual countries have complained that Esping-Andersen's regime types do not fit their own country very well. For example, Castles and Mitchell (1993) (cited by Jones Finer 1999) argued that a 'wage earners' welfare state' operated in Australia, based on protection of domestic industry (to protect wage levels), and that its 'egalitarian means-tested liberalism' should not be conflated with the very residual system that operated in the United States. A strong case can also be made for regarding the British welfare regime as being substantially different from that of the United States. The level of protection – both in terms of eligibility and the value of the benefit – provided by the USA's main instruments of social assistance, Aid for Families with Dependent Children which was replaced by the time-limited Temporary Assistance for Needy Families in the 1996 (see Cockerell, 2007) is manifestly inferior to that provided by the equivalents in the UK.

## Assessment

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Esping-Andersen's typologies may lack empirical support, and it may also be difficult to maintain that the systems do not blur into one another. However, the characteristics of the regimes are broadly recognisable and it is also true that levels of poverty and inequality tend to be lowest in the social democratic countries and highest in the liberal countries. We may use the following table as a guide.

**Table 1. Characteristics of Welfare Regimes**

	<b>Poverty/ inequality</b>	<b>Employment/ unemployment</b>	<b>Gender</b>	<b>Social security</b>
<b>Social Democratic</b>	Low	Generally high employment and low unemployment	High female employment facilitated by child care	Redistributive
<b>Corporatist</b>	Medium	Lower levels of employment; persistent unemployment	Low female employment levels, with benefits to encourage mothers to stay at home	Earnings-related
<b>Liberal</b>	High	High levels of employment and low unemployment	High part-time female employment, but lack of childcare provision limits opportunities for full-time employment	Emphasis means-tested benefits paid at low levels and more recently in-work assistance
<b>Mediterranean</b>	High	Low levels of employment, high levels of unemployment	Low female employment levels.	Historically weak social security system apart from retirement. Importance of extended family

Source: authors' specifications

## **Welfare Regimes and Housing**

Current literature does not provide us with a satisfactory answer to the question: how are welfare regimes and housing systems<sup>1</sup> linked (see Edgar *et al*, 1999 for a discussion)?

Housing has been characterised as the 'wobbly pillar of the welfare state' (Torgersen, 1987), a view that is founded on the tendency for most housing to be provided by the private sector. Indeed many authors, including Harloe (1995) and Groves *et al* (2007) equate decommodification in housing with state provision. The focus on the means of provision in this approach is unhelpful for our purposes

<sup>1</sup> By 'housing system' we mean both the housing market and housing policies.

because it reveals little about housing consumption, the quality of the state housing and its distribution. As we shall see, the implicit assumption that there can be no decommodification in the private rental or owner-occupied sectors is erroneous.

In contrast, other authors associate the direct provision of housing by the state along the lines of a 'command' economy with highly residualised provision which leaves the bulk of provision to the private market (Kemeny, 1995). Kemeny characterises these systems (such as the UK, the USA and Australia) as being 'dualist', i.e. there are two distinct markets, or rather one market and one non-market. Meanwhile in 'unitary' systems mature 'cost' rental sectors (provided by a range of landlord types) can either exert influence, or even domination, over the rental market as a whole, and therefore have a much greater dampening impact on rents, which in turn allows the rental sector to compete against home-ownership. Countries judged to possess unitary rental systems include Sweden, Germany and the Netherlands. While this approach does link provision with consumption – the implication being that unitary systems dampen market prices widely so may be said to exert wide if shallow decommodifying influence on housing consumption – but again we learn little about the distribution of the benefits of decommodification.

To explore the connection between welfare regimes and housing systems, let us first establish a meaning of 'decommodification' in relation to housing. Here we take it to mean that housing outcomes are achieved independently from labour market outcomes. A plausible starting proposition might be: If labour market outcomes are not 'corrected' by the tax and social security system, and if housing consumption is dependent entirely on current income (i.e. it is sold at a market price) then we might expect a very strong link between labour markets and housing outcomes.

However, two factors are capable of disrupting this proposition: redistribution and the disjuncture between housing expenditure and the value of housing consumption.

**Redistribution:** Mainstream tax and social security systems<sup>2</sup> may well – and often do – reduce inequalities that arise from the labour market. Since this reduction is greatest in social democratic regimes and weakest in liberal regimes, we might expect this to be reflected in housing consumption. However, housing allowances and other forms of personal subsidy related to housing (such as tax relief on

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<sup>2</sup> By 'mainstream social security system' we mean the social security benefits that protect individuals and households from loss of earnings arising from sickness, disability and unemployment, and those that are aimed at meeting life-cycle needs such as child allowances and retirement. They exclude housing allowances which we treat as being part of housing policy. While the point is debateable, we might note that while every developed country makes provision for the benefits that we have categorised as being 'mainstream', not all countries provide housing allowances and even where they do eligibility is often restricted, for example by tenure.

mortgage interest) alter the relative purchasing power of households in relation to housing in ways that may run against the distributional outcomes of the labour market (progressive housing allowances) or reinforce them (regressive mortgage interest tax relief).

**Housing expenditure and consumption:** The link between the value of housing consumption and current expenditure on housing consumption can be divided in two ways. First, home-owners enjoy an imputed rental income derived from the value of their property. Imputed rental income is the market rental value of the property which normally grows over time as the real value of the property rises. Meanwhile the real value of mortgage declines, so the gap between current expenditure of housing expenditure and consumption widens. This allows many home-owners, especially elderly home-owners, to enjoy good quality housing at very little cost despite having low incomes.

Second, both social rented housing and private rental housing can also break the link between income and the value of housing consumption if their rents are set below market levels. In both cases this implies subsidy to the tenant either from the state or from the landlord. Since rental housing is subjected to the same economics of debt and equity as owner-occupied housing, subsidies do not necessarily need to take the form of financial subsidies. In mature sectors subsidies may be primarily or even wholly 'economic'. The size of the economic subsidy can be measured by the difference between the market rental value of the property and the actual rent paid (which may be affected by a housing allowance).

The distributional consequences of these factors are ambiguous. For example, we do not know whether the *overall* impact of imputed rental income reduces or widens the links between the welfare regime and housing outcomes. The Netherlands has a well-developed housing allowance system, but also permits almost unlimited mortgage interest tax relief for home-owners. The decommodifying impact of below market rents in the rental sectors also depends on the size of the sector, the depth of the subsidies and which income groups are housed in it. We know, for example, that if we control the size of the social rented sector, the British sector is much more likely to house households from the lowest income deciles than is the Netherlands, which in turn is more likely to do so than is France (Stephens *et al*, 2002).

While we lack a comprehensive answer, work by Stephens (2007) used the European Community Household Panel Survey to assess the housing outcomes of households defined as living in poverty in the EU-15 in 1998. He examined the cost, quantity and quality of housing of households living in poverty and compared the outcomes of households not living in poverty. These were expressed as a Decommodification Index, and were compared with a Poverty Index reflecting the welfare regimes with a 'compound' poverty rate in each country (i.e. % households

living in poverty X depth of the poverty gap). The results found no link between the welfare regime in each country and the Decommodification Index, suggesting that, overall, the housing system, including some policy interventions can act as a powerful decommodifying influence. Stephens concludes that there is no *necessary* link between welfare regimes and housing outcomes; rather the link is *contingent* on various aspects of the housing system including policy interventions.

## Homelessness and Welfare Regimes

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The relationship between welfare regimes and the housing system becomes still more complex when we consider homelessness. Assessment is made even more problematic by the lack of comparable international data on homelessness and the meaning attached to the term (Edgar & Meert, forthcoming). Nonetheless, we can venture some propositions based on available evidence.

The scale of homelessness is likely to depend on the relative supply and price of housing in both private and social sectors. Highly pressurised housing markets are likely to generate more homelessness than slack ones, and this helps to explain why, for example, homelessness is relatively high in London (Fitzpatrick *et al*, 2000). The importance of housing supply in general (rather than merely the supply of social housing) can be demonstrated by the falling levels of homelessness in Germany arising from favourable supply conditions in general despite shrinkage of the social rented sector (Busch-Geertsema, 2005). Of course this is not to deny the importance of social rented housing, both the number of lets and its allocation (Fitzpatrick & Stephens, 2007).

The welfare regime will also exert a crucial influence on the scale of homelessness. Welfare regimes that produce high levels of poverty and inequality are likely to have particularly high levels of homelessness because of the relatively weak purchasing power of lower income households in those countries. They are also likely to experience high rates of homelessness because of the relationship between poverty and the 'social dislocations' – such as relationship breakdown, mental health problems and substance misuse – which tend to put people at greater risk of homelessness (Fitzpatrick, 2005). So, in Western Europe, Sweden, with a welfare regime that produces relatively low levels of poverty and inequality, also appears to produce relatively low levels of homelessness, in contrast to the UK which has much higher levels of poverty and inequality and produces higher levels of homelessness.

Nonetheless, as we have seen, the housing system can produce powerfully decommodifying influences, and these may run counter to influence of the welfare regime. The provision of housing subsidies targeted on lower income households, such as housing allowances, and the availability of social rented housing will also reduce



the level of homelessness. This point can be illustrated by comparing the United States and the UK. Both welfare regimes produce relatively high levels of poverty and inequality, though the British social assistance safety net is much stronger than in the US. However, the British housing system has a relatively large social rented sector (20 per cent), while the US has a very small one (1 per cent public housing with perhaps another 2 or 3 per cent of housing with supply side subsidies). The UK has a housing allowance for tenants which is what the Americans call an 'entitlement programme', that is it is not cash-limited so all those who meet the qualification criteria receive the benefit. In contrast the US demand-side subsidies for low income households are cash-limited so many of those who qualify do not receive assistance. The numbers of households receiving housing assistance in the form of housing allowances, rental subsidies or vouchers is roughly the same in the UK and the US (see Joint Center for Housing Studies, 2007). But when one considers that the US population is about five times as large as the UK's it is unsurprising that the decommodifying influence of the housing system is much stronger in the UK and homelessness is much higher in the US.

Housing policy can also affect the scale of homelessness through limiting the flow of households into homelessness and by resolving homelessness once it has occurred. Prevention strategies – e.g. family mediation, housing advice, negotiation with landlords – do appear to be capable of making a marked difference to the 'inflow' into homelessness (Pawson *et al*, 2006). Similarly, strategies to resolve homelessness – ranging from the provision of permanent housing (most notably under the homelessness laws that confer enforceable rights to housing for certain categories of homeless households in the UK), to more limited interventions such as the provision of rental deposits – can also make a difference to the 'stock' of homeless people by encouraging a rapid 'outflow'. The provision of appropriate assistance for households with support needs can help both to prevent homelessness and to play a vital role in its resolution.

The nature, as well as the scale, of homelessness is also likely to be related to welfare regimes, and their (contingent) interaction with housing systems (Fitzpatrick, 1998). Welfare regimes that produce high levels of poverty and inequality not only produce high levels of homelessness, but the resulting homeless population is made up predominantly of households facing access and affordability problems, rather than particular personal needs arising, for example, from alcohol or drug dependency, or mental illness. Thus research in the United States showed that the popular view that the increase in homelessness in the 1980s was attributable to the rise in drug addiction and de-institutionalisation was mistaken and that the deteriorating affordability of housing at the bottom end of the market was more important than was supposed (Quigley & Raphael, 2001). Likewise, a five-year longitudinal study in New York City demonstrated that access to subsidised housing was the

most important intervention in promoting long-term residential stability amongst formerly homeless families (Shinn *et al*, 1998).

Conversely, those countries whose welfare regimes produce low levels of poverty and inequality tend to have lower levels of homelessness, while a greater proportion of their homeless populations tend to have individual support needs, such as those related to addiction or mental illness. This appears to be the case in both Denmark and Sweden, for example. While some academics in Sweden have complained that it is difficult to get politicians to recognise that there is a structural element to homelessness and that this has grown in recent years, it nonetheless seems likely that the structural element is much smaller than in the UK or the US.

## Conclusions

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We have shown that while housing outcomes – including the scale and nature of homelessness – are likely to be strongly influenced by the levels of poverty and inequality that are produced by welfare regimes, the housing system, both in terms of the operation of the housing market and policy interventions, is capable of either reinforcing or counterbalancing the influence of welfare regimes.

However, welfare regimes are subject to common pressures and are likely to undergo change over time. For at least the past decade advanced economies have been facing common competitive pressures arising from globalisation (and almost always the internal budgetary pressure arising from ageing). But rather than having a simple converging impact on the countries in question, the pressures are mediated through different institutional structures. This process is known as ‘weak convergence’ and easily demonstrated in the contrasting experiences of Germany and the UK.

The relative ‘immobilism’ of corporatist countries means that structural reforms to the welfare regime require the establishment of consensus before reform can proceed. The Federal system in Germany is a case in point, but it is notable that the deteriorating performance of the German economy eventually did lead to the establishment of the ‘Hartz’ programme of reforms and – eventually – to a coalition government between the two main parties of left and right committed to their implementation (Keenaghan-Clark, 2007). This contrasts to the UK where the electoral system and unitary state (at least before devolution) allowed the Thatcher governments to introduce radical reforms in the 1980s without consensus being required.

Under the pressure of globalisation welfare regimes are changing in their own ways and as they do so will their relationship with housing systems and homelessness.

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# Measures to Achieve Social Mix and their Impact on Access to Housing for People who are Homeless

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## Introduction

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“Social mix”, “balanced communities”, a “sane” mix of inhabitants, these objectives are increasingly found in housing policies across Europe, and indeed elsewhere in the world (e.g. in Canada, USA and Australia, see, for examples Rose, 2004; Arthurson, 2002; Randolph *et al*, 2004, Hulse & Stone, 2006). Although the concept is far from new (for a historical account comparing two epochs in British housing policy, see Cole & Goodshild, 2001), it has gained a far higher profile in recent years, with increased residualisation of social housing and high rates of unemployment and poverty amongst residents of the remaining social housing stock. In some countries one could even speak of a new dogma or a new orthodoxy (Wood, 2003).

A social mix within neighbourhoods or communities is supposed to promote social cohesion and to prevent the negative effects of “*poverty of place*” (Fitzpatrick, 2004), which is said to compound the disadvantages of those who are already economically marginalised. But this paper will contend that, in reality, the measures driven and legitimised by the concept of social mix often reduce poor and disadvantaged people’s access to regular housing. So in the context of this paper, which seeks to consider these issues from the perspective of homeless people’s well-being in particular, we have to ask: Is this concept (social mix) which is intended to promote social cohesion, in practice fostering the opposite (social exclusion)?

## Deprived areas and balanced communities

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There appears to be a broad consensus that spatial concentrations of poor and disadvantaged groups generate a range of negative effects. Notions of “underclass”, “culture of poverty”, social exclusion, and lack of “social capital”, point to the widespread perception that in areas where predominantly poor people live together, they develop a culture of welfare dependency; lack positive role models of behaviour; are deprived of a social network which would help them to gain access to jobs via informal information sources; and are generally further marginalized in addition to their economic disadvantages. A poor neighbourhood image can stigmatise its inhabitants and undermine their job opportunities, a high level of deviant behaviour can heighten fear of crime and lead to a high level of resident dissatisfaction. Social unrest and riots in disadvantaged areas have attracted a lot of publicity over the last few decades. This all leads to widespread affirmative responses to questions like is it “worse to be poor in a poor area than in one that is socially mixed” (Atkinson & Kintrea, 2001, p.2280) or “does ‘concentration’ of households in disadvantaged neighbourhoods lead to more adverse outcomes for residents than if they lived in other types of neighbourhood?” (Hulse & Stone 2006, p.33).

The positive advantages of social mix are viewed as the converse of the negative impacts listed above. For poorer groups, social mix is argued to:

- promote more social interaction and social cohesion;
- encourage mainstream norms and values;
- create social capital;
- open up job opportunities;
- overcome place-based stigma;
- attract additional services to poorer neighbourhoods; and
- assist the sustainability of renewal/regeneration initiatives (Wood, 2003, p. 5).

While some of these effects are supported by empirical evidence, some are brought into question by a number of studies. We will come back to this point below.

## Defining Social Mix. Not so easy as it appears

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Very often the concept of social mix is used in an imprecise way without defining exactly what is meant (see also Kleinhans, 2004, p.374): What then are we talking about, when we speak about “social mix”?

- At what geographical level are we focusing? There can be an apparently good (statistical) mix in an area where we have one street which is dominated by social housing and another one where only owner occupiers live, and discrimination and stigmatisation between these groups can still take place (as analysed in depth, for example, by Ruming et al 2004). We can also focus on the street level or even on individual houses (a mix of income groups on this level is often called “*pepper potting*” and assumed to produce better results, see Jupp, 1999).
- What kind of mix are we talking about? “All neighbourhoods are, of course, ‘mixed’ to a degree – but some are more ‘mixed’ than others.” (Cole & Goodshild, 2001, p.351), and the mix can relate to a range of overlapping characteristics of inhabitants: age, household size, class, income, ethnicity, tenure etc. Ethnicity and age are specific topics which we will not focus upon in our discussion; instead, we will concentrate mainly on those policies which seek to mix economically disadvantaged people with those who are better off.<sup>1</sup> For our purposes, we are especially interested in those people who have been homeless in the past, are threatened by homelessness, or are still homeless and trying to gain access to mainstream housing. It should be noted, however, that homogenous neighbourhoods of rich people are seldom questioned: “The concept of social mix has never been extended to the rich, who still live in highly segregated areas.” (Cole & Goodshild 2001, p.351).
- Another question relates to the level of “*balance*” which should characterise a social mix and “whether there is a critical level of concentration of poor households before area effects come into play” (Hulse & Stone, 2006, p.34). In Germany there has been some debate on the question of “*tipping points*” and “*critical thresholds*” for certain groups (including the poor). For immigrants recommendations like “not more than two foreigner households per entrance” (Hubert & Tomann, 1991, p.27) were not uncommon in the past. Some sociologists claim to have found a share of 10-15 per cent of “*minority households*” in a given area as “*critical threshold*” for a dramatic increase in conflicts in the neighbourhood and reasons for “*established households*” to leave the neighbourhood and thereby further concentrate those who are seen as the problem-

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<sup>1</sup> Many empirical studies focus on tenure as an indicator for different economic strata. While there are good practical reasons for doing so, caution is needed especially in countries with a considerable income mix within each tenure.

atic groups (Eichener, 1998: 42; <sup>2</sup> for critical voices see Bartelheimer, 1998; Becker, 1988, 1997; Dangschat 2000, p.12, 28). The debate and the terminology used are sometimes reminiscent of a discussion on pH-neutral liquids (where the question arises, who is to be classified as an alkaline solution and who as an acid)<sup>3</sup> or the discussion on waste limits in the chemical industry.

### **The empirical evidence: More social cohesion by social mix?**

It was mentioned already that there is a lack of empirical evidence for some of the alleged positive effects of social mix. An oft-quoted example is that middle-income owner occupiers generally spend more time away from their housing estates than lower income social housing residents, who tend to be much less mobile. If more of the former are introduced in estates formerly dominated by social housing then there is likely to be less social contact amongst residents instead of more. These results are confirmed by a number of empirical studies (e.g. by Atkinson & Kintrea, 2000; and Jupp, 1999 for the UK; and by Arthurson, 2002 for Australia). This also calls into question the assumption that middle-income residents would function as role models to those who are unemployed and marginalised, or would increase “social capital” and job opportunities for them.<sup>4</sup>

A number of authors highlight the probability that placing residents with different income levels in the same neighbourhood may create tensions and conflicts rather than social cohesion (Arthurson, 2002, p.247; Jupp, 1999, 61ff.; Cole & Goodshild 2001, p.352; Ruming *et al.* 2004).<sup>5</sup> Arthurson (2002, p.248) documents an example where public tenants relocated from a larger public housing estate to ‘dispersed’ public housing “felt socially isolated due to more obvious class differences emerging between themselves and other residents than were evident on the public housing estate.” For ex-homeless people this might be a very important issue,

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<sup>2</sup> Galster (2007a) argues that evidence from the U.S. “*prove compelling*” “*the equity and efficiency rationale for reducing the neighbourhoods with over 20 % poverty rate and correspondingly increasing those with less than 10 % poverty.*” He claims that in contrast to these results the evidence for Europe does not proof positive net effect for all groups involved (“*social efficiency*”), but that avoiding concentrations of disadvantaged individuals has (under certain conditions) positive effects for the poorer groups and is justified solely by “*equity*” grounds. See also his theoretical analysis of different types of neighbourhood effects (Galster 2007b).

<sup>3</sup> Cf. Becker 1988 and 1997.

<sup>4</sup> Some authors argue that at least for the children the social mix at school is of vital importance and fostered by a geographical social mix (if better-off households send their children to local schools; Tunstall & Fenton 2006: 14).

<sup>5</sup> However it could be argued that while there might be less (social) conflicts in homogenous areas, more such conflicts are to be expected between internally homogenous communities on a regional or national level.



because a hostile neighbourhood could make their effort to sustain a tenancy and to reintegrate themselves into a “settled” life much more difficult than one which is more tolerant and where people are more familiar with the day-to-day problems of living with poverty and unemployment (on the importance of neighbourhood for the re-integration of former rough-sleepers see also Dane, 1998).

It should also be acknowledged that the underlying causes of many of the negative aspects of deprived areas are structural problems like unemployment and poverty (Cheshire, 2007). These problems are of course not solved by thinning out the concentrations of poor tenants without tackling poverty itself and providing a sufficient basic income. Instead, such strategies dilute social problems without solving them, and disperse the unemployed without tackling the problems of structural unemployment. Indeed, some authors even argue, that diversification strategies might tend to decrease rather than increase integration chances. They might destroy existing and cohesive community networks in poor areas and they might reduce public awareness of problems which have to be tackled:

“Dispersing public tenants is advantageous because it takes attention away from crime, high unemployment, poverty and other social problems experienced by a particular sector of the population. However, in reality, the situation is paradoxical because disadvantaged public tenants will still exist but be rendered less visible through dispersal. (..) At least where disadvantage is concentrated and visible, it means some action has to be taken by government (...). The alternative for disadvantaged tenants might be worse when they are dispersed or rendered invisible in a new mixed income community. It could easily become a case of ‘out of sight, out of mind’” (Arthurson 2002, p.255).

This argument can be extended in relation to the often expected increase of public services if formerly poor areas are mixed: “In relation to public services, the argument could be reversed. Often specialised services are targeted directly at those localities with the greatest need. If tenure diversification changes the social mix, additional resources might be lost.” (Wood, 2003, p.8)

However, there is evidence for a reduction of social stigma and attraction of shops and other services to formerly deprived areas through policies of diversification and regeneration, and it should be acknowledged that “*poverty of place*” is not only a question of social inclusion or rather exclusion but also one of social (in)justice, because it places an additional burden on those who are forced to live in highly stigmatized areas which suffer disproportionately high rates of crime and violence (Fitzpatrick 2004, p.11; Atkinson & Kintrea, 2002). Having said that, it is also important to acknowledge that there are many social housing estates in Europe where a surprisingly high level of tenant satisfaction can be found and – in contrast

to the public debate on “problem estates” and “dreadful enclosures” – none or very few of the negative connotations often attributed to social housing are in evidence (De Decker & Pannecoucke 2002, 2004).

All in all poor and diverse areas can have positive and negative attributes in the eyes of their inhabitants (for a good overview see Atkinson & Kintrea, 2004, p.451), but there are some areas where very few people really want to live if they are not forced to. This brings us to the point that enforced segregation is much worse than segregation which is to a large extent a result of choice. We do not have to agree on whether “social mix”, or at least “deconcentrating poverty”, is a good or bad thing<sup>6</sup> to achieve a consensus that enforced segregation in very deprived areas is something which should be avoided, if possible.

### **Strategies on Social Mix and Homelessness: Fostering Integration or Exclusion?**

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There are a number of strategies available to achieve social mix. But, the three basic options are to move wealthier people into poorer areas; to move poorer people into wealthier areas; and to ensure a mix of wealthier and poorer groups in new developments.

One of the most pertinent questions in our current policy context is then, whether strategies for social mix open up new and better options for disadvantaged people in assisting them to gain access to a wider selection of housing areas, or if these strategies lead to a reduction of housing options for the poor and to even more serious concentrations of those most disadvantaged in accommodation outside the regular housing market.

A key problem here is that strategies on social mix usually focus on reducing concentrations of poor and disadvantaged people in specific areas rather than increasing their share of housing in those areas where there are homogenous populations with medium or higher incomes. This obviously leads to a reduction in housing options for those groups who are to be “diluted”. Strategies like replacing a part of social housing in larger estates by building owner occupied housing in these areas, or allowing higher income households to move into social housing who would normally not qualify to live there, are clearly reducing the availability of social housing to those

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<sup>6</sup> It should be noted that many critical arguments brought forward are related to strategies taken in order to achieve social mix in areas with a long history of deprivation. Authors who are strongly in favour of deconcentrating poverty can agree that this is difficult, but still insist that being poor in a poor area is worse (and difficult to change) because it has negative impacts on cultural patterns and long term life chances. While qualitative evidence is claimed to prove this, quantitative evidence is weak.

most in need of it. The same is true for “choice based” allocation strategies as opposed to “needs based” procedures, if “need” does not continue to be the main rationing criterion. All of these strategies only make sense where there exists either a surplus of affordable and accessible housing for those in greatest need, or where complementary strategies are implemented to increase the options and the chances for poor and disadvantaged people to find housing elsewhere.

But regeneration projects and policies for increasing social mix seldom point in this direction: The availability of social housing for those in greatest need of it is very often reduced without adequate replacement. The overall stock of social housing is often diminished and waiting lists for the remaining stock increased. Arthurson (2002, p.256) points to an example in Australia where “for every three public housing sales in regeneration only one replacement can be purchased elsewhere.” In Germany, where the number of new social housing completions is moving towards zero, every “release” of social housing obligations in order to increase social mix further diminishes the stock available to those entitled to it.

Likewise there is much talk of maximum quotas for “minority groups” in specific areas, but there is little consideration of minimum quotas or nomination rights for these groups elsewhere. The primary effect of quotas and barriers is to narrow even further the already restricted choices disadvantaged groups have on the housing market. Under the prevailing conditions for the lower housing market segment, barriers and quotas mean that an already insufficient supply of accommodation for certain groups of people is arbitrarily reduced even further (see the same argument for migrants in Häußermann & Siebel, 2001).

In Germany the critique of segregation and spatial concentration of “problem households” caused by municipal allocation of social housing has increasingly led to the abolition of housing departments and municipal allocation procedures, leaving it to social housing landlords to choose among those households with low incomes eligible for social housing. But in practice, and not only in Germany, the perspectives of housing providers about social mix are contradictory as far as people who are particularly disadvantaged are concerned. While the allocation of housing for disadvantaged groups in certain neighbourhoods is rejected because of a concentration of poor households in these areas, the same households are rejected in other areas with a lower share of disadvantaged households because of the alleged risk they pose to a “stable neighbourhood” there. Or as Cole & Goodshild (2001, p. 358) put it: “Housing agencies generally find it easier to define and recognize the problems associated with imbalance rather than the advantages of balance as a social ideal.” The consequences are often intensified efforts to exclude potentially troublesome tenants from the regular housing stock altogether.

“Under the discourse of inclusivity, the ‘balanced’ community became paradoxically a means of leaving some unwanted participants out.” (ibid, p.354).

Last but not least critical voices question not only the coherence of the goal of “balanced social mix” but also its achievability. The instruments to influence the process of segregation are severely restricted. Barthelheimer (1998) argues for Germany that the state has never before been in such a weak position concerning its influence over the decisions of individual households on where to live. It is a fact that most people prefer to have neighbours of a similar background to themselves. People with higher incomes are mostly able to procure that and live in highly segregated areas. This inevitably leads to a higher proportion of poor people in the remaining segments of the housing stock (for the UK see evidence quoted in Cole, 2007).

The recent social reforms in Germany (called the Hartz reforms) have increased considerably the proportion of long-term unemployed households relying on social benefits for their housing costs. Full housing costs are only covered for benefit recipients insofar as these costs are deemed “appropriate”, a situation which will tend to increase the concentration of poor and unemployed people into those segments of the housing market with low rents. One of the few straightforward measures to reduce segregation and to increase the options of benefit recipients in a housing market dominated by private rented housing would be to meet higher rents in areas with lower proportions of poor people (and with a higher general rent level). But even this measure is very rarely implemented by municipalities because of its financial implications (but examples can be found in Hamburg and Bremen).

Other positive actions would be to ensure a greater mix of richer and poorer groups in new developments by including a certain percentage of affordable housing (and some countries have legal instruments to achieve that), although there will be a lot of resistance from private developers and in many European countries new construction does not contribute significantly to the overall housing stock.

If we accept that positive results are rarely achieved by the discourse on social mix (i.e. a widening of the housing options for poor and disadvantaged households), and that, quite the reverse, the discourse is often used for legitimising increased exclusion of people who are marginalised already, we should also insist that there is a need to tackle the social risks faced by disadvantaged households wherever these households happen to live. Very often the negative descriptions of run down estates show very clearly a lack of material resources to be invested in these areas, with regards to social and educational infrastructure, transport facilities, etc.

A German study on the function of different instruments for creating balanced communities concludes with a similar recommendation:

“Under the present conditions it is not possible to use ‘dispersal’ as a means of resolving the emerging conflict of objectives between the public aim of providing housing on the one side, and, on the other, the interest in preventing further concentration of disadvantaged households in neighbourhoods characterized by older housing that are still available to them, or in large housing estates on the fringes of the cities. It follows from this that there is a need to change the entire approach and instead to accept the segregation which prevails in Germany – to an (as yet) comparatively undramatic degree – and to make the social reality in residential neighbourhoods the starting point for improving housing and living conditions. Housing and urban development policies should therefore focus less on achieving balanced occupancy profiles, and more on safeguarding, creating and restoring a stable social fabric in residential areas.” (Sautter *et al.* 2002, p.32 of English summary).

### **Conclusion: More – not less – housing options for the poor and disadvantaged**

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As we have seen, the debate on social mix and, especially, the strategies developed to achieve social mix, can have serious consequences for those trying to gain access to any form of regular self-contained housing, i.e. for homeless people. The (under certain circumstances legitimate) aim of preventing a spatial concentration of marginalised and disadvantaged people often results in blocking their access to certain segments of the housing market, usually those few segments which would normally be accessible for them because they are affordable, and because nomination rights can allow local authorities to put some pressure on landlords to allocate housing to these groups. One result of this may be a much more dramatic and uncontrolled concentration of such households in old and dilapidated estates of private landowners or in temporary accommodation for the homeless. This most likely has worse consequences for the people involved than allocating them social housing in areas dominated by poor people. It might also add to the even greater challenge for municipalities to find places where they can establish shelters for homeless people without being confronted with NIMBY reactions.

The main question for local strategies legitimized by the aim of promoting social mix should therefore always be: Do these strategies increase or decrease the chances and options of those most in need to get access to adequate permanent housing?

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# Homelessness and the Control of Public Space – Criminalising the Poor?

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## Introduction

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In a review of control practices, Rose argued that such practices ‘manifest, at most, a hesitant, incomplete, fragmentary, contradictory and contested metamorphosis’ (2000: 322). Rather than seeing the emergence of a uniform ‘culture of control’ (Garland, 2001) or a ‘new punitiveness’ (Pratt *et al*, 2005), Rose suggests that we should be cautious in ascribing such broad generalisations to a diverse range of practices and sites. In this think piece, I wish to explore recent debates that have explored the control of public spaces and the impact of these apparent changes on those who, by virtue of their absence of fixed abodes, are required to utilise this space: those who are homeless. The dominant view in recent years is that the use of public space has become increasingly restrictive, with a raft of regulations prohibiting certain acts, resulting in the criminalisation of the homeless. The logic underpinning these punitive regulations are to safeguard and protect the public from the predatory actions of those inhabiting public space, which in turn can cleanse city centres and attract capital.

These trends appear well established in the United States (Mitchell, 2003) and Wacquant (2004: 163) has argued that ‘the new penal common sense fashioned in America and aiming to criminalize poverty is being internationalised’ via a network of neo-liberal policy think tanks (the Manhattan Institute in the US, the Institute of Economic Affairs in the UK and their equivalents in Sweden, Holland, Belgium, Spain, Italy, Germany and France). However, the degree to which the rhetoric and polemics of these agencies have translated into practice is slight. For example in the UK, where it might be expected that the influence of the ‘new penal common sense’ would be most pronounced, Jones and Newburn (2002: 189) argue that ‘police forces in Britain have rejected both the terminology and the practices associated with zero tolerance’. In this think piece, I shall explore the degree to which the criminalisation of poverty is evident in Europe by exploring the control of public space and its impact on the homeless. These differences especially those relating to the ways in which homeless people have been caught up in the ‘criminalisation of poverty’ and in attempts to impose controls on the use of urban space, form part of the subject matter of this paper.

## The homeless and the criminalisation of poverty

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Practices which restrict the use of urban space are targeted at a variety of street users, which are considered 'undesirable' in public space. Their presence, or their activity, is seen as constituting a danger, or a disturbance of the normal activities for which public spaces are intended, or they are seen as contradicting the images and symbols of those spaces. The activities targeted are frequently associated with homeless people. Some are typical of the homeless or implicit in the daily life of the homeless such as camping, sleeping in public spaces, bathing and so on (Fischer, 2004: 94). Other activities (such as begging, the use of drugs and alcohol) may involve the homeless to different degrees. In general there is a close association between homelessness, sleeping rough and begging; while it is acknowledged that only a relatively small proportion of all homeless persons beg, there are wide regional variations (see Tosi and Petrillo, 2006; O'Sullivan 2007). As a consequence, even if the homeless are not the explicit target of control measures, 'the impact is disproportionately felt by homeless people, because of their reliance on public space for conducting their day-to-day activities' (Doherty *et al*, 2006: 2).

A 'coincidence of places' also increases the probability of the homeless being affected. In Italy, even if the greater severity of controls and the growth of social prevention have mainly targeted groups different from the homeless, there has nevertheless also been a 'spill-over' effect, with the crackdown affecting other components of the broad category of marginalised population groups. It can therefore be concluded that a determined policy to control space, though directed at other objectives, has ended up by affecting a portion of the traditionally (street) homeless as a result of the objective coincidence of the places under surveillance and control (Tosi and Petrillo, 2006).

The 'penalisation of poverty' is a process which is observable in Europe, but in a very different context to that in the US. Even though, as Wacquant (1999) has argued, a shift in the balance – 'less social, more penal' – seems to be emerging almost everywhere, the link between insecurity, the reduction in welfare policy and the 'criminalisation of poverty' takes on a different character in European countries. The idea of the dismantling or reduction of the welfare state is itself a misleading image with regard to the European reality. According to Wacquant, the American model – 'that is to say a brutal substitution of the social-welfare treatment of poverty by penal treatment' – does not provide a valid description of the policy changes in Europe. Rather, there is in France, Italy and Germany an attempt to follow a 'European way' characterised by a 'conjoint accentuation of both the social regulation and the penal regulation of social insecurity' (Wacquant, 2001: 409).

We can further observe that the attempt to introduce more punitive criminal policies was not directed at homeless people *per se*. The homeless – and especially the

street homeless – are among those who suffer most under the measures to control urban space, but they are not the main target group and are infrequently the explicit target (Doherty *et al*, 2006). For instance, in Norway, Dyb (2006: 11) observes that, ‘... public discussions are centred around beggars and drug users in the urban landscape and not on homelessness’ and Doherty *et al* (2006; 12) argue that ‘by and large, attempts throughout Europe to introduce legislation that explicitly targets homeless people have been unsuccessful.’ However, the complexity of the relationship which the homeless have with control processes tends to obscure our view and understanding of precisely the ways in which they are affected.

Some of the features which mark the difference between Europe and the USA concern the role of criminal justice in the processes of controlling public space and the ‘harshness’ of the control practices employed, and to what extent homeless populations have been involved in the ‘criminalisation of poverty’. On balance, the new process of regulation in Europe is less punitive and less pervasive than in the USA and the practices employed for the control of urban space are less harsh. At least for the moment, more extreme measures of deterrence are largely absent from the European scene. Experiments with zero-tolerance policing have mostly been unsuccessful in the European context (Doherty *et al*, 2006). The discourse on zero tolerance was transferred from the US to Europe, however ‘after a short and heated boom the influence of this debate on measures taken in practice was not as radical as it might have appeared’ (Busch-Geertsema 2006: 13). That the impact in Europe was less than in the US can be considered a consequence of specific legislative and cultural traditions in some countries (such as more positive attitudes towards marginal groups) and of the persistent solidity of the welfare state in European countries. For example, in Germany it has been observed that ‘the populist heated debate propagating New York as ‘the model’ has found its clear limits... because of the differences in constitutional state tradition and policy concepts for police and order’ (Hecker, quoted by Busch-Geertsema, 2006: 6).

### **Control over public space and the changing construction of homelessness**

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These are all traits which would at least partly explain the paucity of resistance and opposition on the part of homeless people and homeless organisations to restrictions on the use of public space. However, the absence of overt reaction should not lead to an underestimation of the impact of these control measures on the ‘life-worlds’ of homeless people. Regardless of the extent to which they are directly targeted at the homeless, the new practices of controlling public spaces have severe consequences for the homeless. The regulation of public space further restricts the life spaces of homeless people in that it deprives marginal groups

which spend most of their day in public space of 'a location for basic human functioning'; of 'spaces to congregate for social interaction'; of 'places where they can claim some degree of personal comfort in keeping (relatively) warm and dry' (Doherty *et al*, 2006: 12) and also paradoxically 'places where one may feel safe and somehow protected' (Giannoni, 2007: 9). The reduction in the life spaces of the street homeless is the most direct evidence and the most obvious indicator of how the new regulation of public space impacts on the life of the homeless.

However, this is not perhaps the most pervasive implication – these processes of regulation also have less direct consequences in that they impact on the delivery of homeless services further reducing the opportunities available to the homeless and the space for potential solutions to their problems; further they also contribute to the degradation of homeless policies. For example, a corollary of the implementation of measures to control public space is the drive towards alternative (often less satisfactory) forms of provision such as emergency accommodation. One typical case is the supply – as a result of arrangements between organizations working with homeless people and railway authorities – of facilities for homeless people in or around railway stations, a process which regularly follows the refurbishment of stations and expulsion of marginal populations from the railway space. Another example is the provision of services by private companies which, as Sahlin (2006: 26) observes, are at one and the same time 'anxious to exclude homeless people from their territory and willing to fund and organise shelter for them – as long as it helps keep homeless people away from their territory.' Such relocations do not solve the problems of the homeless and may even make them worse (see the anti-hostel 'arguments' in Busch Geertsema and Sahlin in this volume). Additionally it is the case that, at least in Sweden, '[m]obile out-reach teams have been formed in the big cities to help rough-sleepers find other places to spend the nights than the commercial centres'. The homeless are being squeezed out of public space and into shelters as Sahlin observes access to these shelters tends to depend on 'the homeless persons' compliance with work-plans, sobriety requirements and similar preconditions,... [additionally]... the shelters themselves may be very unsafe places to be and therefore might not solve the problem' (Sahlin, 2006: 26).

An even wider range of consequences resulting from the imposition of controlled access to public space can be observed in the character of the urban environment that is produced by these control measures. The result is a city that reduces the 'moral space needed to deal with the problem of homelessness as demonstrated in the spatial exclusion, and segregation of the homeless from spaces occupied by other citizens and the resultant destruction or impoverishment of the public character of cities. Cabrera quite rightly invites us to assert the normality of the presence of the homeless in the urban space:

... not only vindicating their right to occupy these spaces, in the face of attempts to privately take over public spaces, but also in some way... vindicating their presence as 'normal' in a space that is essentially versatile and ambiguous and should continue to be so, a space with a calling to remain chaotic, permanently erupting and in some way, wild, where all conflicts have their place and where all the triumphs and failures of our times can be found, facilitating the most incredible and unexpected encounters. (Cabrera (2006: 3)

Finally the control of public spaces indicates a profound change in the social construction of homelessness, which can have serious consequences on policies. Framing homelessness in terms of public order and nuisance subtracts the question of homelessness from social policies. It takes it out of the area of 'positive' policies and this new approach reflects an individualist/social pathology perspective which seeks to make homeless people responsible and even guilty for their own situation. By de-socialising the problem and reducing it to a principle of 'order', it attempts to eliminate homelessness literally by directing effort towards making homeless people invisible, rather than meeting their needs.

The need therefore arises to oppose these policies of control and at the same time to redefine targets and to base actions to oppose them on a more adequate identification of the processes in play. This concern must be located in the context of the new social construction of homelessness which the control of public spaces reveals. From this viewpoint the definitions of the problem play a prominent role and it is appropriate to represent the substance of the control process as 'struggles about definitions – of people, places and acts' (Sahlin, 2006). To the extent that it is a struggle of/for definitions, the construction game brings to the fore not so much the fact that the homeless are being adversely affected (possibly criminalised) by the phenomenon of control, but the designations of the activities and figures which populate the scene of the control of public spaces.

## **The homeless in urban disorder**

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The 'disorder' which the control of public spaces is intended to prevent and repress evokes two different types of concerns in the policy discourse: respectability and good behaviour on the one hand, and security and safety on the other. The two types of concern summarise, in some ways, the variety of pressures that lie behind the trend to increase restrictions and limitations on 'the right to roam': the growing security alarm and demand for securitization, the conversion of public spaces in order to make the city more attractive for affluent customers and visitors (Sahlin, 2006), and to meet the disciplining and security demand of the well-to-do classes,

who are installed in the gentrified neighbourhoods, as claimed with the concept 'revanchist city' (Meert *et al*, 2006). Not surprisingly, the two types of argument overlap and intermingle and this occurs most often through the emphasis on security, a label which covers a variety of urban activities ranging from prostitution to street trading and unauthorised occupation. For many of these activities the connection with security is uncertain to say the least. However, the undesirable figures are nevertheless typically construed with predominant reference to one or the other of the concerns: respectability or security.

How are the homeless involved in the system of discourse which indicates those 'responsible' for the different types of disorder? What importance do they have in the construction of control targets and in the entire discourse on the re-designation of public space? What do they represent in the variety of figures of street users whose presence is considered undesirable or whose activities are held to be dangerous or disturbing in public space? In attempting to answer these questions we can demonstrate the basic differences between the USA and European countries. To simplify a little, we can say that the homeless in the USA are subject to repression in public spaces on both grounds of undesirability related to both respectability concerns over security. Through a specific construction of the homeless, in the USA the control of public space has found a major target in this figure of the homeless to the point where they are almost identified in the discourse as the purpose of control itself. In the USA the homeless constitute a general figure of hardship and degradation: the term goes beyond its literal meaning of the lack of a home and assumes the role of a metonym in the discourse. In contrast, in Europe, there is a split between the two types of concerns: here the homeless represent more a threat to public decency, while the security concerns – the defence of urban space from threats, danger, insecurity and crime – are directed against other figures, starting with immigrants (who naturally are also eminently dangerous figures in the USA also: see Story, 2005: 2).

This centrality of the homeless in concerns over the control of public space may occur only if some device allows the various elements which constitute disorder and crime to be linked. The zero tolerance theory is the best known example of discourse mechanisms through which minor infringements are connected with criminality, thereby authorising 'an inflexible application of the law against minor offences such as drunkenness, making a noise, begging, offending public decency and other antisocial behaviour associated with the homeless' (Kelling, quoted in Wacquant, 1999: 19).

In most European countries the discourse on the homeless in public spaces is not based on these associations. The risk that this may occur must nevertheless be considered. The link between disorder and the homeless in the construction has

been a function of the zero tolerance discourse in the USA. However the same outcome may result from opposite premises. Paradoxically, advocates of zero tolerance have been able to accuse homeless advocacy groups and civil libertarian organizations of confusing poverty and homelessness with anti-social behaviour. This is not surprising, according to Kelling and Cole, because 'advocates should preserve the myth that every person who begs aggressively, who lives in an encampment in a city park, or who urinates, defecates, or engages in sexual acts in public, is homeless. After all, making the problem of homelessness as vast as possible lends a compelling urgency to their argument' (1996: 67). The explanation may be tendentious, but the risk of these organisations fostering this identification/confusion is real. Because, to quote again Kelling and Cole, 'virtually every anti-social behaviour can be framed as one of *homelessness*' (1996: 67).

### **Disorder and insecurity: the social construction of the migrant**

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The social construction of homelessness and the comparison between the different dynamics in the USA and in Europe raise the question, 'what is it that makes unwanted acts to appear as crimes and the actors as criminals?' (Christie, 2004; p3). As has been seen, the 'dangerousness' which 'motivates' instances of control and then removal from public space and then the differing harshness of the control may be motivated differently and connected with different figures. In many European countries, the most prominent target group of public fear and hence of control measures are migrants: they perform in some ways, in the control of public space, a role similar to that which is played by the figure of the homeless in the discourse in the USA. They are subject to similar discursive mechanisms. And if it is true that the penalization of poverty has not (yet) represented a dominant factor in European policies and for the homeless even less so, this has been in progress for some time in the case of immigration.

Throughout all Europe, foreigners, non-western immigrants termed 'second generation' [...] and coloured people, whom it is known constitute some of the most vulnerable figures on the labour market and with regard to the state welfare sector, because they are distributed among the lowest classes and are inflicted with multiple discrimination, they are massively over represented within the prison population and to a degree comparable to or even greater in many places than the enormous over representation of black people in prisons in America (Wacquant, 2003: 1).

From the early 1990s, the number of immigrants in the prisons of Europe has been rising, and by 2004, countries such as Spain, the Netherlands, Italy and Germany, between a quarter and one-third of all prisoners were 'foreign' (Council of Europe, 2006: 70). For an earlier period, Wacquant (1999) documents how this over representation is explained, not just by the lower class composition, but also by the much greater severity of the criminal institutions towards them on the one hand and the deliberate decision to repress clandestine immigration with imprisonment on the other. This is, to a large extent, the consequence of identifying immigration as a problem of security, which occurred in Europe as in the USA in that period. As Wacquant argues

Under the effect of the instruments contained in the Schengen and Maastricht treaties designed to accelerate legal integration and to ensure the genuine 'free circulation' of their citizens, immigration was redefined by the authorities of the signatory countries as a problem of continental security, and, by implication, of national security under the same heading as organised crime and terrorism with which it is linked as much in the discourse as in administrative measures. Thus a true process of immigrant criminalisation [occurs]. (2004: 3-4).

The debate on the consequences for the homeless of the control of public spaces underestimates the roles that securitization trends and immigration policies perform in the configuration of the control itself, and actions to oppose and resist are affected by the limit imposed by this control. This is clearly demonstrated when we look at the large numbers of immigrants (homeless or not) persecuted by control measures in public spaces and the predominance of immigrants among those on the receiving end of the various measures (such as anti-begging legislation) to repress 'undesirables' in public spaces (Tosi and Petrillo, 2006).

The example of begging bears witness to the practical and political limits of a construction which does not acknowledge the importance of immigrants in the configuration of the control of urban spaces. Stephan Nagel reports the case of the prohibition of begging in certain areas of Hamburg, where the proposal was made to prohibit at least professional bands of beggars from Eastern Europe:

... Groups of beggars from Bulgaria, who exhibited their physical disabilities for begging purposes, had particularly aroused the indignation of many Hamburg residents. The chamber of commerce called for a prohibition of 'organised begging'. It was feared that beggars from Bulgaria were victims of a smuggling and exploitive mafia. A prohibition would not be directed against old-established beggars of Hamburg... A broad resistance formed, and the introduction of (this) prohibition was averted (for the time being), but in the following months, an ordinance based on the traffic law prohib-



ited begging by physically handicapped beggars, mostly from Bulgaria, in specified places... This action too was openly criticised. [But] the action against 'alien', 'foreign' beggars elicited only minor political resistance in Hamburg. In the months that followed, places were declared off limits to physically handicapped foreign beggars on several occasions... (Nagel, (2007: 11-13)

Nagel does not hesitate to report the different development of the 'resistance' to a 'racist discourse': 'as the majority of the press presented a picture of a 'foreign', 'mafia controlled' 'band of beggars' from Eastern Europe taking 'advantage of German compassion', finding differences in the treatment of our 'own', 'domestic' beggars as opposed to 'foreign' beggars, legitimate and self-evident' (Nagel, 2007, 12; also see Busch-Geertsema 2006).

At least we need to remark on the weakness of collective action and of a construction which does not identify and distinguish between different 'undesirable' figures hit by measures to control urban space. The different treatment of foreigners reminds us that securitization is the dominant concern which drives collective instances of control. And the example shows how the variety of reasons underlying undesirability in public spaces – securitization, the concern for decency and the preservation of determined life styles... – can converge and reinforce each other reciprocally: 'aggressive begging' and 'organized begging' are typical ways of linking them to bridge between the different types of concern.

Finally, the treatment of immigration makes the political frame of the problem clear. Exclusion from public spaces is one of the spatial forms of social exclusion. As the declarations that accompany repressive actions indicate, exclusion in the case of immigrants is not simply removal from public spaces but can even become an intention of expulsion from the community. Immigrants, stigmatised and considered extraneous to the nation and superfluous on the dual level of economics and politics (Wacquant, 2003), thus become one of those redundant populations (Bauman, 1998). Their exclusion from public space thus reveals two complementary faces of measures to control urban space: measures to regulate stigmatised/excluded populations and at the same time a sign that redundant populations may be abandoned by social policies. In this current situation, the homeless have all the characteristics needed to become candidates for this treatment. As has been said, the new paradigm subtracts the question of homelessness from integration policies: reduced to a principle of order, it is no longer a social welfare policy issue.

## Conclusion

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Laurenson and Collins (2007) note that, while 'the majority of academics writing about anti-homeless regulations adopt avowedly critical approaches' (2007: 653), in the case of New Zealand 'the policy environment may not be as uniformly hostile to homeless people as dominant accounts have suggested (2007: 650). Huey (2007: 211) in her detailed analysis of the policing of 'skid row' in three locations (Edinburgh, San Francisco and Vancouver) concurs when she argues 'that there has been no singular uniform move towards increased exclusivity as a consequence of a rise of U.S.-style neo-liberalism'. Similarly, DeVerteuil in a case study of Los Angeles, argues that alongside punitive responses to homelessness, what he terms 'a social welfare' approach is also evident, manifested in the growing number of shelter beds. In this paper, a similar argument is put forward. The reasons for this are related to the specificity of the European experience with regard to controls over public space, which – contrary to some interpretations – differs significantly from that which has characterised the USA, which in turn may be unduly pessimistic. In the European case, those classified as immigrants are more likely to be targeted for public space violations than those classified as homeless. While the homeless are not the main focus of measures to control urban space, and are infrequently the explicit target, it is the immigration characteristic which may lead to an underestimation of the impact of control on the life worlds of the homeless.

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# Quality Housing for Marginal Groups : Dilemmas and Challenges

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## Introduction

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This paper highlights the dilemmas and challenges posed by attempting to raise the quality of accommodation. We do this exploring a number of unique attempts, particularly in the Nordic countries, to manage these challenges. In broad terms, we can identify two mechanisms to enhance the quality of accommodation for homeless households: improving accommodation occupied by homeless populations to ensure they meet the quality standards enjoyed by other households, and working on special quality requirements which can meet specific needs of homeless households.

In this 'think piece', we discuss the problems and dilemmas involved in improving quality of accommodation for marginal groups. To illustrate the issues, we explore two programmes that aim to improve the quality of accommodation for marginal households, the Danish City Pool Programme and the Norwegian House Bank. We then outline a number of generic dilemmas in the provision of quality accommodation for marginal households.

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## Between ordinary housing and supported accommodation

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The provision of quality accommodation has to be understood in relation to the heterogeneity of homeless households, which often requires that the accommodation entail not only a physical, but also a social dimension. Of those households who become homeless, many are capable of living on their own, whereas others require support. For those with more complex needs, self-contained accommodation is not always the most appropriate intervention and various forms of supported accommodation such as staircase communities or other small-scale units may be more beneficial. While many local authorities continue to rely on shelters and hostels to accommodate homeless households (see Busch-Geertsema & Sahlin, this volume),

a trend in recent years has been the gradual development of multifaceted accommodation strategies. However, local authorities face both financial and organizational challenges when it comes to developing quality accommodation for marginal households such as those who are homeless. The costs of new facilities often compete unfavourably with other investments in services for the mainstream population such as kindergartens, renovating schools or building new roads. In addition, neighborhood issues such as NIMBY-effects pose barriers to establishing supported accommodation. In larger cities, such constraints are exacerbated by the lack of affordable and vacant building sites and high building costs. Often the establishment of new units requires the cooperation of many agencies and different levels of government. Furthermore, there is the perennial issue of ensuring interagency co-operation between accommodation services and other support services.

In most EU member states, the construction of new social housing meets the general quality criteria, although this can vary nationally, with access to this housing primarily a matter of access in terms of waiting lists, referral criteria, and ability to pay. The standards set in newer social housing projects often means high rents and this raises the issue of ability to pay for marginal low-income groups. An example of how to ensure the provision of quality accommodation for homeless households is the method of social housing allocation in Denmark. All citizens can be assigned to general waiting lists for social housing, which is not restricted to marginal groups such as the homeless. However, municipalities can allocate 25 per cent of vacant flats to marginal groups, based on prioritized waiting lists administered by municipalities. This is a useful example of a general allocation mechanism for the allocation of social housing to marginal groups. However, particularly in larger cities, there is excess demand for social housing, a situation that prevails in most countries. In the Danish case, it is also common that rents in the newer social housing units are relatively expensive, resulting in some cases of municipalities unable to allocate such units to marginal groups, even though these housing units are theoretically available under the 25 per cent rule. This example usefully illustrates the barriers to access to quality housing for marginal groups even when an explicit quota system is in operation and there is a recognition that the provision of quality social housing takes place within a wider context of demand, supply, housing costs and ability to pay.

A general experience from many countries is that it often requires the backing of a more central level of government to facilitate investment in supported accommodation on a local level. Here we shall look at two mechanisms to secure strategic and targeted investment for supported housing. Firstly, we describe a model of directed pools of funding. Secondly, the mechanism of the permanent involvement of central agencies with a specific aim to facilitate investment in quality accommodation for marginal groups is discussed. We shall look, in detail, at the Danish City Pool Programme which was targeted at marginal groups. The second example is the Norwegian State House

Bank, which is an example of a permanent central government agency with financial power to support investment in housing projects for marginal groups.

### ***The Danish City Pool Programme : subsidizing and targeting local investment***

A main way for central governments to facilitate local investment in services for marginal groups is through programme funding, where local services can apply for funding often in cooperation with local government agencies. The Danish City Pool Programme, launched in 2003, is an example of programme funding. The City Pool carried an investment of approximately €40m over three years aimed at strengthening services for marginal groups in the six largest Danish cities and towns.<sup>1</sup> The funding for the programme comes from the 'Rate Pool' which each year sets aside a general funding pool aimed at new initiatives for the most marginal groups in society. The money stems from the regulation of incomes transfers. The funding may be allocated to new services and thereby into running costs of new initiatives but, in addition, funding for capital investment can be provided from the Pool. A characteristic of the City Pool Programme is that a substantial part of the funding has been spent on physical investment such as the building of alternative care homes, staircase communities and similar small-scale units aimed at housing marginal groups and money has also been provided for the subsequent running costs.

Generic supported accommodation for marginal groups in Denmark is regulated under the Law of Social Service, where §110 defines homeless hostels and §107 defines medium term supported accommodation which can be used (for example) for the homeless, mentally ill and substance users. On the other hand, §108 defines long term supported accommodation such as care homes aimed at marginal groups such as alternative nursing homes. In addition, a number of other paragraphs regulate the establishment of social drop-in centres, social activities and floating services. The initiatives under the City Pool programme generally fall within these sections of the Law on Social Service.

An evaluation of the City Pool programme concluded that targeting services that addressed both the housing and social needs of marginal groups strengthened the service provision for the target groups in the six cities (Benjaminsen *et al*, 2006). In some cases, facilities have been established in existing buildings, but in a substantial number of projects, new facilities have been purpose built. The latter especially characterizes a number of alternative nursing homes mainly aimed at middle aged homeless substance users with needs for physical care. Qualitative interviews

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<sup>1</sup> A partial extension of the funding is made for the following years and a requirement has been made for municipalities to make the services permanent.

carried out with both managers and users pointed out a high degree of satisfaction with the newly built physical surroundings and users expressed to have been given a new start, and finally to have a decent place to stay. The local actors involved concluded that without the funding made available from the central government, it was unlikely that an investment of the scale required to develop supported accommodation could have been carried out on a local level.

### *Critical issues associated with targeted project funding*

The organizational framework around the projects is of crucial importance for establishing high quality services. The experiences from the City Pool programme shows that conflicts between local actors can result in delays in projects and disagreements over the actual shaping of services. On the other hand, a well-established organizational framework facilitates the planning and implementation of the services. Cooperation between various services and agencies is also crucial in the day-to-day management of services. The most positive evaluation of services came from project managers where local networks of co-operation were formalized, and where municipalities organized regular meetings among service providers and other local actors.

A key characteristic of the City Pool projects was an emphasis on delivering high quality building standards. This has resulted in relatively high investment costs and though the funding from the programme covers most of the cost, part of the costs has been imposed as rent on the residents and therefore some dilemmas of affordability have emerged. The project managers identified differences in the ability to pay among different user groups, where a main distinction was between users on early retirement benefits and users on welfare benefits (the latter being lower than the former). Though many potential users receive early retirement benefits some projects managers reported that welfare recipients are less able to pay the rent and therefore more likely to decline a place when offered one.

A general critique of programme funding is that it does not provide sufficient continuity in the provision of services because the funding for the services ceases with the programme (see Sahlin, 2004). In the Danish example this is partly the case. By applying for funding from the City Pool, municipalities have to guarantee the continuation of the projects after the funding period runs out. After the programme period finishes, funding is then transferred to the general block grant that municipalities receive. However, programmes such as the City Pool do not establish any permanent institutionalized instrument for continuous improvement in service provision. Intermediate programmes are dependent on political will on a given time.



After the programme runs out new initiatives and improvements must again rely on local priorities or on a new programme.

***The Norwegian Housing Bank:  
permanent agencies to facilitate local investment***

Originally, the Norwegian Housing bank aimed at providing loans to households to enable people to obtain their own home. The Housing Bank still has a number of general functions on the housing market, but an important role today is to support and facilitate local investment in housing and services for marginal groups. The general provision of housing for marginal groups is regulated within the Social Service Act where §4-5 outlines the obligation of local government to provide temporary housing for socially vulnerable groups. The Housing Bank acts as a permanent institution that facilitates development and investment in housing and services on the local level both through financial support and through the creation of networks on a local and regional level. The Housing Bank plays a key role in the implementation of the Norwegian Strategy to prevent and tackle homelessness.<sup>2</sup> Through funding from the central government, the Housing Bank generally supports both the establishment of small-scale housing units for marginal groups locally and facilitates the provision of other related services.

A key feature of the Housing Bank is that it facilitates local organizational networks. These regional and local networks bring together both government bodies and local actors such as municipalities and service providers where the actual shaping of local strategies and services can be facilitated. This means that organizational barriers on the local level of cooperation and coordination between local actors can be diminished and a major strength of having a national institution carrying this function is that it is not only up to local actors themselves to establish such networks of cooperation. In addition the Housing Bank (together with the Directorate of Health and Social Affairs) offers local competence grants to municipalities to encourage networking and mutual learning. The Housing Bank also provides grants and loans to individuals. Although a range of disadvantaged people qualify for individual assistance the *Husbanken* states that homeless people are the top priority for loans and grants.

Furthermore, the Housing Bank operates with explicit and detailed quality standards for new housing units. This includes the size of rooms, kitchen and bathing facilities, sunlight etc. This means that municipalities when establishing new accommodation

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<sup>2</sup> The role of the House Bank is outlined in greater detail in both the 2006 EU-peer review and the FEANTSA-shadow peer review see Meert, 2005).

units can lean on a common quality framework with well-established norms and standards. There are obvious advantages with having a general institution, which supports the continuous development of service provision for marginal groups on the local level through both financial and organizational means. A general challenge to development through temporary programme funding is to secure continuity and to secure the anchoring of projects in viable organizational frameworks. However, it must also be emphasized that this institutional structure is dependent on continuous funding from central government.

### **Problems and dilemmas in improving quality for marginal groups**

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In this part of the article we discuss three types of difficulties that may arise when aiming to ensure housing quality for marginal populations. These are: the contradictory effects resulting from applying general quality criteria to housing for marginal populations; the reduction of quality which may result from special solutions that have been conceived as the best response to the needs of specific population groups; and the problems implied in the selective or discriminatory application of quality standards to marginal populations.

#### ***Applying General Quality Standards***

The criteria for defining housing quality can basically be referred to the “domains” on which the *Ethos* conceptualisation is based: “having an adequate dwelling (or space) over which a person and his/her family can exercise exclusive possession (*physical domain*), being able to maintain privacy and enjoy relations (*social domain*) and having legal title to occupation (*legal domain*) (Edgar & Meert, 2004, p.5).

The formal application of general quality criteria may not only be ineffective but may even worsen the conditions of those to whom they are applied. To the extent that the real situation in which quality criteria are applied is ignored (i.e. no account is taken of the relationship between the marginal housing and social conditions of the recipients), the introduction of formal models not only imposes an unrealistic burden on the beneficiaries, but also may even worsen their housing conditions. The application of quality criteria in isolation from other policies, without the availability of adequate policies for access to housing, can translate into a reduction of the supply, both on the “*de facto* social market” and on the institutional supply side, or into the elimination of what may be considered as a least-bad solution without providing alternatives. The control of informal markets and an increase in standards in the private rented sector may reduce the supply, or raise the cost (see O’Sullivan & De

Decker in this volume). One decisive element is the relationship between the quality model and the housing strategies of inhabitants. A series of concepts is available for this type of investigation such as family strategies, survival strategies (Leufgen & Snow, 2004), coping strategies (Edgar *et al*, 2002). They may be seen as theoretical instruments for defining quality taking account of interferences between the quality models used in policies and the experiences of inhabitants. Pursuit of “external” quality standards may interfere negatively with the strategies of inhabitants. Overcrowding for instance needs to be appraised within the cost/benefits strategy adopted by a family: overcrowding may be “preferable” in a family strategy than a financial investment in housing. From this viewpoint, moves to improve “quality” can be (sometimes) irrational for poor populations.

Throughout the history of housing policies, the housing treatment of marginal populations has made recourse to two principles. One is that less may be given to the poor and the other is that, in many cases, solutions must be provided that are different from those provided for the general population. We need to understand when these two ways achieve effectiveness principles (search for the most appropriate policies) or at least acceptable realistic criteria (reduce costs to make more housing) and when, on the other hand, the shift away from general criteria represents a “reduction” in the solutions, a shift away from the achievement of full rights to housing. Low standards are a constant feature of the history of housing for marginal populations. The possibility of accepting lower quality is fully recognised even today: the concept of “decent” housing itself assumes an acceptable quality that does not fully meet commonly accepted housing values.

### ***Applying Special Quality Criteria***

The idea that it is best to employ specific quality criteria, above all in the presence of social need is also a constant in the history of social housing. The idea lies at the basis of various types of “special” solution where “special” relates to the type of housing or to the provision of elements which “qualify” the housing supply and make it more effective (e.g. social work support). We have already noted the positive reasons for resorting to specific criteria: standards or codified quality criteria which may be valid for the general population may not constitute quality for certain population groups or they may have negative outcomes because of their “unsuitability”. Special housing may therefore constitute the best response. On the other hand, however, it may involve further elements of inappropriateness and risks constituting a second-class quality solution (or as some have referred to – a secondary housing market – see Sahlin, 2000).

The Danish programme “freak houses for freak existences” (1998) highlight different aspects of the ambivalence of special solutions. Research has highlighted that areas of non-standard housing have stronger social networks than other neighbourhoods and, as a consequence, they could support and take care of malfunctioning individuals (Sørensen, 1993). The conclusion in a recent review was that:

“the existing housing policy should be amplified to include dwellings of a more unusual type. Although these housing areas violate rules set down in building regulations and planning laws, they have emerged and will continue to do so because they contain a type of dwelling suitable for certain people who otherwise would have been homeless or unfit for conventional dwellings”. The report suggested that the municipalities “turn a ‘blind eye’ or make exemptions to existing rules when such housing areas gradually emerge. At the same time, municipalities could perhaps even point out areas where new garden-houses are allowed to spread” (Nordgaard & Koch-Nielsen, 200, p. 53).

The programme is aimed at people who have not responded to conventional forms of support offered along with ordinary housing or transitional housing. The programme aims to provide permanent housing, and the ultimate objective is to improve quality of life rather than achieve permanent integration. This experience was selected by the European Commission as an example of good practice in the area of social inclusion. FEANTSA has given a cautious assessment of this experience: – this practice caters for specific needs of the hardcore population rather than providing one typical pathway for reintegration; it is aimed at persons which, despite excellent welfare services, cannot or do not want to reintegrate in mainstream society and clearly live in opposition to the rest of society. FEANTSA argue that the programme should not be extended to other categories of people than it was originally meant for (the hardcore of the homeless population) and stress that this is only a solution of last resort after failure of other more classical methods of reintegration.

According to Sørensen (quoted by Nordgaard & Koch-Nielsen, 2001, p. 53) “the paradox is that today one discusses how to plan a self-building community while at the same time the self-building communities grow and exist spontaneously”. Informal settlements may be a set, not only of economic, but also of relational resources: evictions break systems of practices and relationships that inhabitants have built through their existence in a settlement.

The idea of including “dwellings of a more unusual type” in existing housing policies could have a broader application: it could be considered no longer just as an exception for a particular and extremely marginal population and that “live in opposition to the rest of society”, but as a key to a more sensitive approach to the problem of marginal populations.

### ***Conclusion – Quality is not for everybody***

The differential treatment of some marginal populations constitutes a constant part of the history of public social intervention. In most European welfare regimes, social housing schemes have not been provided for the poorest or those most in housing need, as much as for the “workers”. Marginal populations have rather been subject to welfare and regulatory treatment that does not see them as the recipients of “housing”, but as destined for reception centres, night hostels and other institutions. Even if the welfare state has moved towards the full inclusion of the whole population in relation to housing as well as other dimensions of social support this movement has always had its exceptions and the possibility that today these exclusions can occur for reasons that are different from the historical reasons deserves consideration.

As already mentioned, following the general movement, which generated a universalistic design of integrating the whole populations in European societies, the gap between the housing treatment of marginal populations and that of the general population has progressively narrowed. Solutions weighted more towards “housing” have been progressively adopted even for marginal population groups: housing instead of dormitories, or at least improvements to the special solutions to make them more “inhabitable” [Bonnet, 2005]. However, there are still exceptions to the general trend. For example, clearing squats is usually justified on the grounds of standards health and hygiene [Tosi and Petrillo, 2006]. Yet it is clear that recourse to standards can often be used as a pretext with regard to illegal settlement disguising an attitude on the part of public administrations that the problem is in effect “not treatable”. The assumption of “untreatability” should alert us to the fact that intervention in informal settlements on the grounds of standards paradoxically disguises a more deep-seated view that quality is not for everybody. Throughout the whole tradition of housing, provision has been made for some to be excluded from the benefits of quality standards or for them to receive reduced interpretations of quality.

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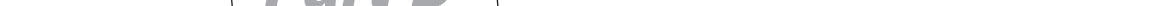
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# Reviews



***Part D***







Sveltiana Stephenson (2006)

***Crossing the Line: Vagrancy, Homelessness and Social Displacement in Russia.***

Basingstoke: Ashgate Publishing Limited, pp.189 GBP47.50; EUR 70.20

Sveltiana Stephenson has written a book that provides a fascinating insight into homelessness in modern Russia.

Strictly speaking the research element in the book is rather narrowly drawn. The homeless people are pretty much exclusively street homeless people, and the (ethnographic) research was drawn from some 113 interviews conducted in Moscow in the mid-1990s.

From this research we gain an insight into the pathways into homelessness for this generation, the ‘careers’ of homeless people, and also of their lives – the way in which they relate to mainstream society as well as to one another. The choices that homeless people face are exceptionally unappealing, for example having to balance the ‘episodic utilitarian benefits’ of interacting with other homeless people against ‘joining other homeless people means further deterioration of one’s position’ (p. 3). It is a world where ‘micro-hierarchies’ operate – where the difference between being a vagrant and a *bomzhi* (a pejorative though seemingly universally applied term for homeless people) hangs on the notion that vagrants have chosen their lifestyle to free themselves from society and with this comes a romantic notion of roaming.

One interviewee explains that being a *bomzhi* or a vagrant is ‘almost the same thing’ – depending on ‘how your head works.’ The same interviewee stresses the importance of holding on to your papers. This turns out to be a recurrent theme of the book. Historically, movement within Russia was restricted and this was not only one of many injustices that the revolutionaries failed to overturn, but rather they built up a whole social and economic system around it and enforced it with the enhanced power of the state.

While housing was declared to be a social right in the Soviet Union, it was far from unconditional – and so not a right at all. The welfare system in the Soviet Union revolved around the workplace with enterprises being both responsible for and the key to many social services including housing. More so than any western ‘regime’ – social demo-

cratic, corporatist or liberal – welfare in the Soviet Union was so intimately linked to employment that the two became one and the same, the worker locked in almost total dependence on the employer, which of course meant the state.

The penalties of falling out of the system were severe, and this is where many of the homeless people came from. Since those who did not work were dubbed ‘parasites’ in official parlance, they were unlikely to receive much sympathy from anyone. Denying the existence of unemployment did not alter its fact – something that academics who devote much time dwelling over ‘narratives’ and deconstructing ‘meanings’ might do well to reflect on.

Getting back into the system was extremely problematic. Anyone who did what a famously heartless British politician suggested unemployed people should do, and get on their bicycles in order to find work, would find themselves facing another barrier – and one not just arising from the sheer vastness of the country. Movement was tightly controlled, and without the right papers there could be no job, no home and the possibility of trouble from the police.

While the discussions about the extent to which homelessness is caused by structural or individual factors, and indeed the extent to which it is a choice, will be familiar to western readers, it is worth reflecting not only on the peculiar cruelty of the Soviet system but also the unimaginable disruptions (or ‘historical traumas’ as Stephenson calls them) that have been visited on the citizens of Soviet Union – revolution, civil war, industrialisation and collectivisation, starvation, the ‘terror’, the Second World War and eventually economic and political collapse and the arrival of another system frequently characterised as ‘wild-west’ capitalism. The latter has of course brought its own wave of homelessness, with more political and economic upheaval, and the dismantling of the welfare system based around state enterprises. Depressingly, the book closes with the author’s return to Moscow in 2005 where she finds ‘[d]ozens of emaciated, dirty, ill, tired, people... trying to get into the centre [for homeless people]’. Throughout the book Hobbes’ vision of mankind condemned to a ‘nasty, brutish and short’ life seems especially apposite.

The book has a slightly odd structure in that much of the contextual information concerning the Soviet and post-Soviet system is presented in Part II, when this would have provided a useful context to the chapters on homelessness. But this is a short book, and the order is far from a fundamental flaw. A much greater problem arises from the periodic suggestion that what has been uncovered on the streets of Moscow supports various propositions of a number of sociologists, notably Bourdieu. Bourdieu’s writing is neither concise nor clear, but possesses a superficial plausibility born of vacuity, and it is invoked to explain the behaviour of vagrants and *bomzhi*, thus: ‘the purely social and quasi-magical process of socialisation... produces quite real effects, durably inscribed in the body and belief.’ Stephenson

goes on to make the inherently heroic claim that that it is not the 'qualities' of homeless people that define them apart from mainstream society, but 'the space that homeless people occupy beyond the boundary of society that decides the differences between the *placed* and *displaced*.' (emphasis added) Meanwhile, lurking in a footnote on the same page we learn the rather more illuminating fact that between one and three per cent of homeless clients at Médecins sans Frontières' Moscow office suffer from identifiable mental health problems.

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Mirosław Starzyński and Julia Wygnańska (Eds.) (2007)

***Second Opportunity – Wola Social Reintegration Programme.***

Warsaw : published by the Office of the Wola District of the Capital City of Warsaw, Department of Social Affairs and Health.

It is a truism to say that the phenomenon of homelessness deserves to be recognised as an interdisciplinary problem. Proof of this can be judged by the multitude of definitions and typologies of homelessness that are frequently very detailed on the one hand, and formulated by a wide range of people representing various academic disciplines on the other hand. If we assume that behind the problem of homelessness lurk individual, personal tragedies caused by changes in the way of living and being, alcohol and drug addiction, mental and physical diseases, it can be seen that homelessness is both a social and an individual problem that should be tackled by medical and economic sciences. In other words, we can say that homelessness has various aspects that manifest themselves in various ways. If we want to effectively deal with such a diverse phenomenon, we should first of all reach for increasingly new methods of social work with excluded people, and second, place a strong emphasis on projects and programmes that can be described as ‘good practices’ in helping homeless people join the world of work and reintegrate into society.

Such a ‘good practice’ is undoubtedly exemplified by the ‘*Second Opportunity – Wola Social Reintegration Programme*’, carried out in the years 2004-2006 by the Office of the Wola District of the Capital City of Warsaw and the ‘Open Door’ Association. Without going into the substantive details of the project, one can generally say that it chiefly aimed to reintegrate homeless persons from Warsaw hostels and night shelters back into society by helping them gain occupational skills and take up stable employment, by making 10 social dwellings available to the participants in the programme who worked together refurbishing the flats, and by developing effective methods for a programme supporting the process of ending homelessness.

Pondering on whether the '*Second Opportunity*' programme was a success or not one should first find answers to two fundamental questions: what are the merits and faults of the project and what benefits does it yield? Speaking of undoubted merits one should point out that the entire project was preceded by a comprehensive diagnosis of the milieu of homeless people living in Wola hostels. Another obvious merit is the fact that the project was monitored and periodically assessed throughout the period of its implementation (monthly meetings in the flats of project participants; maintenance of a record of mutual commitments; an opportunity for the participants to seek continuous assistance from the Wola District authority, the "Open Door Association", the Wola District Social Welfare Centre and a social worker from the Caritas organisation; and regular semi-annual questionnaire surveys conducted among the participants, cyclical information – two to three times a year – about the participants submitted to the Wola Social Reintegration Team. The project was also valuable in economic terms as it established close cooperation with over 20 local companies that supported the implementation of the programme attracting considerable in-kind contributions from sponsors (e.g. providing building materials, furnishing elements for the flats, etc.)

Apart from the obvious merits described above one can also point to negative aspects of the '*Second Opportunity*'. The first fault I would like to draw attention to is that the period assigned for recruitment of project beneficiaries was too short. This turned out to be an critical factor because project participants were experiencing alcohol problems, which directly affected the quality and reliability of their work. It also seems to me that another drawback one could point to is the fact that the refurbishment of the flats and the training courses for the participants were taking place concurrently. Perhaps creating a more distinct divide between the components of work and education would have been a better way to put the project into practice. Analysing the target programme of the project it is also worth noting that the participants were only offered 'hard' training aimed to gain painting, refurbishment or related skills (confirmed by a final exam and a certificate). One can venture the opinion that the programme fell short on 'soft' training that emphasised the development of interpersonal skills (self-presentation, communication, conflict resolution, time management, etc.). Another shortcoming, directly related to the programme (although time-wise it has become evident only now, after the completion of the initiative) is that the programme is not being continued and expanded by new flats being made available to the homeless.

Overall one can say that benefits ensuing from the programme fall into three basic categories: (i) *individual benefits* for the homeless (labour inclusion achieved through a training cycle and gaining employment, possibilities for individual therapies, housing opportunities, etc.), (ii) *benefits for social policy* (helping the homeless get back on their feet, testing and implementation of innovative solutions in the process of ending homelessness, establishment of intersectoral cooperation aimed at combating homelessness), and (iii) *benefits for society* (raising awareness of homelessness issues, challenging negative stereotypes of homeless people).

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Volker Busch-Geertsema,  
Jürgen Evers and Ekke-Ulf Ruhstrat (2005)

***Effectiveness of Personal and Economic Support in Preventing Homelessness.***

Bremen: Wohnungslosigkeit und Hilfen in Wohnungsnotfällen [Homelessness and Support for People in Urgent Need of Housing]. pp 143

This study, published online in February 2005, is one of several research reports commissioned by the Federal Ministry for Education and Research on people in urgent need of housing. Under the auspices of the research association 'Wohnungslosigkeit und Hilfen in Wohnungsnotfällen' ([www.bagw.de](http://www.bagw.de) under 'Forschung' [Research]), the Bremen-based research institute 'GISS e.V.' was entrusted with the topic 'Prevention of Homelessness'. This action-oriented and practical research demonstrates for the first time the lasting nature and effectiveness of German homelessness prevention policies. Extensive quantitative and qualitative surveys were conducted with municipal prevention authorities and people previously threatened by homelessness were interviewed. The quantitative part of the study documented more than 3,600 prevention cases in 43 municipalities over a period of some six weeks. While there are several distinctive, and possibly unique, characteristics of the prevention systems established by German municipalities – for instance, they are informed regularly by the courts and by real-estate companies about households threatened by eviction and their core tasks consist of preventing homelessness by assuming rent arrears and by negotiating with landlords – nevertheless, as this study demonstrates, the objectives and outcomes of the policies are of relevance to an international audience.

The core results of the study show the predominance of rent arrears as the main contributor to homelessness in all types of households. In fact, rent arrears were the direct cause of impending homelessness in at least 80% of cases among families, among people living alone, and among both female and male headed households. Estimates by prevention authorities show that rapid crisis intervention sufficed in preventing homelessness in just over a third of cases; however for the remaining two-thirds more extensive support and intervention was required. In about one fourth of all households, this more extensive need for support was essentially financial, e.g. settling debts. A further 40% of all households threatened with homelessness needed additional support, including support to cope with

addiction problems, mental disturbance and ‘particular social difficulties’ – serious difficulties for which specialised support is available in Germany.

Repeat cases were over-represented among households with more extensive need of support. Nearly one in three of the households threatened with homelessness had been threatened at least once in the previous past five years reflecting the fact that the support provided was often not sufficiently sustainable to prevent new threats to the ability to pay the rent. The general trend in such repeat cases was that people living alone were often excluded from renewed debt relief while families with children had better chances to get their rent arrears assumed a second time. The authors moreover draw attention to the rising number of precarious employment relationships as well as precarious self-employment that seems particularly problematic against the background of the policy-driven deregulation of the labour market.

Geared to both social and housing policy-makers as well as all social workers and administrative staff working with people in urgent need of housing, the study ends with a number of conclusions and recommendations. These recommendations range from a call to provide information on people threatened with homelessness as early as possible, to make early and frequent contact with threatened households, to a need-directed expansion of follow-up support (after the crisis intervention, to improve the sustainability of preventive work). In addition to individual support, the authors are of opinion that the social and housing related consequences of the new German social legislation (the Hartz reforms) must be examined, in order to prevent a rise in the number of homeless people. Further development of concrete recommendations is needed on how to act to prevent and remedy homelessness.

The broad empirical basis of the research work underpins, with concrete evidence, what experts and those working in the field have been calling for years. At the time of the Hartz reforms when short-term savings possibilities are sought without sufficient consideration of the long-term consequences, the study offers many suggestions for optimising the support system. It is moreover clearly arranged and contains repeated summaries for ‘readers in a hurry’ who want to get only a brief overview of the prevention of homelessness.

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[http://www.giss-ev.de/pdf/GISSWirksamkeitPraevention02\\_2005.pdf](http://www.giss-ev.de/pdf/GISSWirksamkeitPraevention02_2005.pdf).



European Observatory on Homelessness

# European Journal of Homelessness

The European Journal of Homelessness provides a critical analysis of policy and practice on homelessness in Europe for policy makers, practitioners, researchers and academics. The aim is to stimulate debate on homelessness and housing exclusion at the European level and to facilitate the development of a stronger evidential base for policy development and innovation. The journal seeks to give international exposure to significant national, regional and local developments and to provide a forum for comparative analysis of policy and practice in preventing and tackling homelessness in Europe. The journal will also assess the lessons for Europe which can be derived from policy, practice and research from elsewhere.

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