I. EMERGENCY ACkommodation in Europe is not unconditional

The conditionality of access to emergency accommodation is mainly demonstrated in the way the public response is structured to deal with homelessness: seasonal management that responds to weather conditions, which undermines the need to adopt continuous and constant strategies in the fight against homelessness (1). Access to emergency accommodation is also determined by a difficult admission process, where intermediaries are tasked with assessment (2). Lastly, multiple selection and prioritisation criteria limit access and exemplify the selectiveness of the right to accommodation (3).
Corridor in an emergency accommodation centre, Paris, France – Source: SAMU Social Paris
Mattresses for emergency shelter in a church, Copenhagen, Denmark - © Anders Rye Skjoldjensen

Dormitory in an emergency shelter, Budapest, Hungary – Source: BMSZKI

Bedroom in an emergency shelter, Ljubljana, Slovenia - © Bojan Kuljanac

Corridor in an emergency shelter, Budapest, Hungary - © Végh László/Abcúg
WEATHER-RESPONSE MANAGEMENT: HOW THE PUBLIC RESPONSE TO HOMELESSNESS IS PART OF THE PROBLEM

By managing homelessness as though it is a seasonal problem, European public policy makes access to accommodation dependent on the time of the year and on the weather. Each year, in November, the ‘measures taken’ and the ‘efforts made’ to temporarily increase the accommodation capacity for homeless people during the coldest months are reported in the media. In April of the following year, in the same media outlets, a variation on the following can be found: ‘End of the winter plan: hundreds of people unable to find accommodation’. Winter plans, which are present across the majority of European countries, have over time become the most commonly used management policy for homelessness. The main goal of these plans is to prevent deaths of people rough sleeping during the winter months. However, according to statistics, winter is not more fatal than summer as rough sleepers die all year round. Studies have shown that the seasonality of deaths, with a slight increase in winter, is in line with that observed in the population as a whole. In France, according to studies by Collectif Les Morts de la Rue, mortality peaks are observed in October, January and during the summer time.

The services mobilised as part of the winter plans generally aim to direct users towards more permanent measures; nonetheless, evaluations of winter plans (when they are carried out) demonstrate the failure of weather-response management and the burnout of professionals in the field: ‘The ineffectiveness of seasonal management is demonstrated by insufficient long-term accommodation that would last beyond winter. It does not just add to the insecurity of homeless people who find themselves without a housing solution once winter is over, but it also constitutes a disadvantage for social workers who are limited in how they can support homeless people. Furthermore, it has been proven that the accommodation needs are the same in summer as in winter’.

In England, according to a Homeless Link study on the provision of services to homeless people during the Severe Weather Emergency Protocol (SWEP) of 2017-2018, only 27% of service users surveyed obtained more stable accommodation at the end of SWEP, while 28% returned to the streets and, notably, 45% were not followed up. In Belgium, the conclusions of the stakeholder associations are categoric: ‘Financing increased capacity in the sector during a specific period of the year only makes sense if it is considered within a full and global vision of homelessness, by viewing this winter doctrine as a key moment, among others, that enables social workers to initiate support/orientation/reintegration/development of a care pathway that will be effective in the long term’.

For this reason, in Brussels, some stakeholders are working towards coordinating services to ‘break down barriers’: between day and night’, between winter and the rest of the year’, ‘between those working within the sector’, between the relevant sectors’; and ‘between budgets, competencies and action levels’. The ’Hiver 86.400’ measure is the result of collaborative work initiated by 13 active partners in the daytime support of home-
less people. It offers improved day reception and support services for homeless people, who register for the day services as a complement to the night reception aspect of the winter measures. It aims to restore a sense of meaning to the word ‘shelter’, and to replace winter accommodation with a view to the long-term social rehabilitation of service users.

Weather response plans are an obstacle to making shelter available on an unconditional basis. The lack of available places and of alternative ways out of homelessness turn the emergency measures into an oversubscribed holding pen. In France in November 2017, in five départements dealing with homelessness, the lack of sites that can be deployed for accommodation and the critical lack of places have left them unable to address the majority of requests for shelter. In Paris, of the 35,380 requests for shelter made via the 115 emergency number (representing 5,900 individuals), only 25% were successful in finding accommodation for one or several nights. In France’s Nord and Rhône départements, only 6% and 8% respectively of requests led to shelter being provided. Added to this is the incompatibility of existing emergency accommodation services, which are still largely unsuitable for certain households as is evidenced by the significant number of families whose requests go unfulfilled. In Paris, according to the same data, of the requests for accommodation, 53% were made by families, 33% were made by lone men, and 10% were made by lone women.31 In France, according to the 2017-2018 review of the winter plan, the proportion of users leaving winter shelters without a housing solution reached 36%, up from 26% after the winter of 2016-2017.32 In Amsterdam in January 2017, the waiting time for housing or shelter for people eligible for emergency accommodation and integration services was on average 1.2 years.

The dire lack of emergency accommodation throughout the entire year is the first obstacle to accessing accommodation.

People who want to access emergency accommodation services must go through an admission process that can sometimes be long and complex, in particular if prior authorisation from an organisation, public authority or a professional is required. The role of a social worker in accessing emergency accommodation is vital. Through interviews and preliminary evaluations, social workers have the power to direct and make decisions regarding a person’s pathway, while at the same time being subject to the pressures of the front line. The training of facilitators – whether they are professionals, volunteers or peer supporters – must be built around respect for fundamental rights, for the dignity and the lived experience of the service users. In some countries, including France, Portugal and Hungary, emergency telephone numbers have been set up

30 AMA (2018), ibid.
32 35% of people were directed to a CHU (emergency accommodation centre) or a hotel, 16% were provided with other accommodation solutions, 3% obtained sheltered housing, 3% entered into a common law lease.
to centralise demand for accommodation/housing according to region. These one-stop service providers were originally intended to enable a fast social assessment of the caller so that they could then be directed to a service suited to their needs. However, due to the constant increase in demand and the overcrowding in reception services, the social assessment acts as a filter at the point of entry.

In France, the 115 number is the sole point of entry to emergency accommodation. It is managed by the SIAO (Integrated reception and orientation services) which centralises demand at département level. Professionals answering 115 calls report a continuous and alarming increase in the number of callers and also problems adapting the emergency housing stock both in terms of quantity and in terms of users’ needs. According to the French Cour des Comptes, ‘in the context of a general increase in unmet demand, the SIAO seems unable to systematically suggest solutions, making their day-to-day work difficult and leading to often critical reviews from associations and from people who call the service. The stress is even greater for the 115 phone counsellors who have to actually filter the calls requesting emergency accommodation: their decisions are based on criteria mostly determined in advance, but the application of these criteria is ultimately up to the counsellor alone. In this way, at the 115 offices in Paris, not only is the family composition, age of children and time spent on the streets taken into consideration but also the distress of the caller as felt by the counsellor’. In England, to access the majority of temporary hostels and night shelters (outside of the most basic services, ‘self-referral’), a person must be sent there through an organisation or government services who contact the institution in place of the person themselves. In the Netherlands, the application procedure is described by the Audit Office of the Amsterdam Metropolitan Area as inadequate: ‘Homeless people often feel they are going to a job interview. They will emphasise the things that are going well for them, leading them to be judged as fairly independent which in turn reduces their chance of getting accommodation or housing’. The extra difficulties inherent in the procedure for accessing emergency accommodation, which furthermore can differ depending on a person’s profile, have led some people to reject support services outright; people who are not aware of the procedures are lost to the system entirely. The breaking up of support services and working in silos (separation of services for accommodation, housing, employment, social security, education, health, justice, citizenship, etc.) are extra barriers, particularly for people who require intensive support. To remedy this situation, centralising services around the person and their needs is, for example, at the heart of the new anti-homelessness strategy in Portugal. The NPISAs (Planning and Intervention Centres for Homeless People) were created locally within the Local Boards for Social Action in order to implement the National Strategy for the Integration of Homeless People (ENIPSA) and to structure the various public bodies involved in homelessness under the coordination of the city council. NPISAs are also responsible for assigning a social worker to each homeless person who will be their point of contact throughout the person’s entire integration process.


35 Cour des Comptes (2017), Ibid., p. 294


37 Allantide Merlat in ‘L’expérience de la rue – Témoignages et recommandations depuis le poste de mal-loge’ [‘The experience of the streets – Testimony and recommendations from those experiencing housing exclusion’], Les Cahiers de la Fondation Abbé Pierre #1 – February 2019. (‘The sense of being infantilised, of being sent from one service to the next, of being discussed when you’re not even there; all this contributes to feeling socially excluded. Everything happens as though exclusion was not a transitional phase in the life of an ordinary person, but a state that keeps them outside of our collective experience of humanity. The person’s experience is not seen as a scandal but as the typical situation for someone of their social standing.’)
3. ADMISSION CRITERIA AND PRIORITISATION: THE SELECTIVENESS OF THE RIGHT TO ACCOMMODATION

There are many, sometimes contradictory, criteria that can hinder access to (at least some) emergency accommodation in European countries. These criteria may be established formally and legally by local, regional or national legislation or informally through practices and regulations specific to service providers.

A financial contribution, which the wider public may not know about, is sometimes required to access emergency accommodation services. In the Netherlands, users of night shelters can pay between EUR 3.50 and EUR 9 per night. In the United Kingdom, night shelters are generally free but can sometimes demand between GBP 2 and GBP 5 per night. The majority of hostels require rent to be paid, requiring the user to claim housing assistance which obliges the user to demonstrate that they have taken the necessary steps and that they have proven their identity. Service charges of between GBP 10 and GBP 35 per week are also payable for meals, heating, washing powder, and services that are not covered by housing assistance. In the Czech Republic, a night in homeless accommodation costs the user about CZK 45 (EUR 1.50/EUR 2) with alternative payment options available such as vouchers paid for by third parties. In Hungary, the price of a night in emergency accommodation is about HUF 1283 (EUR 3.97). In Slovenia, while night shelters are generally free, the price of a month’s stay in 24-hour accommodation varies between EUR 150 and EUR 300, i.e. 15% to 25% of the monthly median income.

Due to the dire lack of places and the increase in demand, the services established a prioritisation in accordance with needs, which demonstrates the crisis in the emergency accommodation system. This has led to a kind of sordid competition of who is the most vulnerable: in Paris during the winter of 2017, for example, due to overcrowding in the services offered by the 115 phone line, a family with a child over three years old was no longer considered a priority. The reception services can refuse to help people if they are judged ‘too independent’ and do not present with enough ‘social problems’. In the Netherlands, legislation provides for access to emergency accommodation and integration services for people who ‘are not able to survive independently in society’, but in practice there is a tendency to prioritise people who have psycho-social, psychiatric or addiction problems. The strict nature of admission criteria is demonstrated in the statistics. In Amsterdam, 1,076 of the 1,612 homeless people requesting assistance (aged 23 years or over) were turned away in 2016 because there were not eligible according to the selection process. Of these, 867 were considered too independent. People who are ineligible are thus forced to return to the streets or to turn to their relatives or find other unsuitable solutions. In several other European countries, such as Sweden, for example, having any type of housing even if it is inadequate (squat, staying with a third party, place unsuitable for habitation, etc.), is considered a factor of stability which removes the priority element of the application. In Denmark, the target group for emergency accommodation centres is defined as ‘people with particular social problems, who do not have a home or who cannot sleep there, and who need accommodation and support’.41
Some countries have established a **statutory definition of homelessness**: in **England**, this defines whether or not a person is eligible for housing and assistance from the council. To be allowed access emergency accommodation, a person must be legally homeless, **or be legally in the country, be considered to have priority needs.** If a person is considered ‘intentionally’ homeless, this could restrict access to emergency accommodation. Once the first two conditions are met, the local authority is obliged to provide temporary accommodation that can last up to two years, and during this period, stable rehousing is sought and guaranteed. Migrants without residency rights cannot access public accommodation centres.

Showing **administrative documents** can also prove a barrier to accessing emergency accommodation for people who are already outside the administrative processes and support services. Some services require people to have **no criminal convictions, to be legally in the country or even simply to provide identification** such as in **Greece**, where the majority of night shelters require a tax statement and proof of identification. **Having a ‘local connection’** with the region where the services are being provided, and as such having to prove the connection is another frequently used condition. In **Italy, Portugal and the Netherlands** until recently, the emergency facilities financed by the local authorities could refuse access to a homeless person from another administrative district. In **Germany**, informal local connection criteria are used by local authorities: those practices are unlawful and firmly condemned by associations helping homeless people. In **Poland**, these criteria were removed: city councils must henceforth provide emergency accommodation for the night to any person without reference to geographical considerations. The removal of these criteria had unintended consequences: some city councils started to restrict or close their services to avoid sheltering more people and paying for services for people from outside the locality, which ultimately risked reducing the number of accessible services.

**Age, gender and nationality** are also considered when ‘categorising’ people for accommodation: children and young people (under 18) can be refused access to some emergency accommodation, regardless of whether there are alternatives or not. Mixed services are largely the norm in Europe, although some countries differentiate traditional emergency accommodation from shelters for women and children who are victims of domestic violence. Similarly, the majority of countries have an accommodation system for asylum seekers that is separate from the common law system.

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**Health problems as factors excluding people from emergency accommodation**

**Having disabling physical health problems** is often an obstacle to accessing emergency accommodation. In the **Czech Republic**, people accepted into emergency accommodation must be physically independent. In **Greece**, any communicable diseases or skin diseases detected during the X-ray and screening process carried out on arrival at the emergency accommodation results in exclusion. In **Hungary**, a service user can be removed if they are diagnosed with tuberculosis. In almost all European countries, there are no binding standards to enable physical access to emergency accommodation for people with limited mobility.
In practice, several services verify the background of people asking for accommodation by calling other service providers to obtain the person’s history, gauging their ‘social reputation’ including any evictions or complaints made against them in the past.

There are also services where access is not subject to such criteria. In Brussels, for example, some night shelters use a lottery system to allocate the places available. Services that have a low-threshold for access see themselves as unconditional. In Finland, for example, specific recommendations were formalised by the Ministry for Social Affairs and Health in 2002 on the quality of services for drug/alcohol users and on the importance of low-threshold services and facilitating access to emergency services. As such, emergency accommodation must be accessible to people who are under the influence of drugs/alcohol.

Having mental health problems can also be an obstacle to accessing emergency accommodation. In Greece, a psychiatric consultation is carried out on entry to emergency accommodation: a person who is seeking shelter should not suffer from psychiatric problems. In many countries, if a user has mental health problems that affect behaviour, this can give them a reputation among service providers and prevent access to emergency accommodation. In Hungary, the 1993 Social Law stipulates that emergency accommodation is meant for ‘people capable of taking care of themselves and living as part of a community’. In Poland, the standardisation of emergency accommodation services since 2016 has resulted in formal exclusion from the system of non-independent homeless people. As such, people with health problems that reduce their independence and people coming out of hospital with significant rehabilitation needs, no longer have access to emergency accommodation. Instead of coordinating the social support services and the health system, the Ministry banned these people from the system without providing any alternative, by requiring city councils to direct these people to adapted care centres. However, the waiting list for accessing such institutions is very long (from several months to several years), which does not address these people's need for emergency solutions. In this context, the majority of NGOs have continued to provide assistance to people considered 'non-independent', risking being penalised with fines of up to EUR 5,000. In reality, public pressure, the NGOs’ position and media coverage of the issue have meant that the law has not been fully applied and so far, there have been no cases of fines reported.

With regard to drug/alcohol consumption, emergency accommodation services are often based on abstinence. Internal rules almost systematically call for the expulsion of any service user who represents ‘a threat to staff or other service users’: in Hungary, simply being under the influence of drugs or alcohol is considered a threat. However, in some countries such as the United Kingdom, risk reduction is common practice; services based on abstinence exist but are in the minority.
Access to emergency accommodation for irregular migrants

Migrants make up a significant proportion of the homeless population in several EU Member States. They often live in housing that is overcrowded or lacks basic facilities; they sometimes have access to emergency accommodation but are often forced to sleep on the streets due to a lack of capacity in the accommodation or restrictions related to their residency status. There is no common legislation at EU level that establishes minimum standards regarding access to accommodation and the level of access can thus differ substantially from one country to another and even from one region to another. There are some countries where access to accommodation is guaranteed regardless of the administrative status and other countries where irregularly-residing migrants have practically zero access to basic services.

In Belgium, access to accommodation is regulated at regional level. At national level, the only significant measure stipulates that irregularly-residing families have the right to material assistance including access to accommodation. In the Brussels region, emergency accommodation services are unconditional and free for people who hold a right to reside. Irregularly-residing people from third countries and citizens of other EU countries have access to emergency accommodation and to reception centres but, in these cases, the right is not enforceable in the court system. According to legislation from the Brussels-Capital Region, homeless people can immediately access emergency accommodation between 8pm and 8am depending on places available, and a sufficient number of places must be reserved for people with a right to reside, thus excluding irregularly-residing migrants and EU citizens who do not hold a right to reside.

In Denmark, according to Danish legislation, there are two conditions for accessing services: the first is to reside ‘legally”, the second is to be part of the target group of ‘people with particular social problems, who do not have a home or who cannot sleep there, and who need accommodation and support’. Access to public accommodation centres is therefore forbidden to irregularly-residing migrants. Furthermore, providing assistance to people who do not have a legal residence is considered an offence by Danish migration legislation. Providing accommodation for irregularly-residing migrants can result in a fine or a prison sentence of up to two years.

In Italy, on the basis of Italian migration legislation, a person must be ‘regularly residing’ in the country to be able to access public accommodation centres. Article 40 of the Testo Unico Immigrazione [Italy’s Consolidated Immigration Act] stipulates that the regions of Italy can provide accommodation, in the same accommodation centres that are used by Italians and EU citizens, only to migrants with a right to reside. Today, even though irregularly-residing migrants do not have the right to access public accommodation centres, regulations may be adopted by the city councils as part of the winter programmes allowing access to the accommodation centres regardless of the administrative status.
In Spain, Spanish legislation allows access to basic services including access to accommodation centres. Article 14 of Spain’s Organic Law 4/2000 stipulates that foreigners, regardless of their administrative status have the right to access basic social services. Housing exclusion is considered to be under the jurisdiction of local authorities and each city council thus offers different types of services but, in theory, according to national legislation, the city councils must protect irregularly-residing migrants who find themselves in a vulnerable situation. Madrid, for example, as part of its winter programme makes no distinction between people based on administrative status.

In the United Kingdom, irregularly-residing migrants cannot access public funds. Section 115 of the 1999 UK Immigration and Asylum Act stipulates that a person cannot access public funds if they are ‘subject to immigration control’. A person who cannot access public funds cannot in turn access the specific social services and social housing, including public assistance for home-lessness as provided for in the 1996 UK Housing Act. As a result, irregularly-residing migrants, including EU citizens who do not hold a right to reside, cannot access public accommodation centres.

"With being in and out of the hospital, this idea that everyone is sharing everything really bothered me. [...] When we return somewhere, we want to say "stop, I’m here now. Let’s move forward." But no, they keep bringing up your past failings."
Dormitory in an emergency shelter, The Hague, The Netherlands © Henriëtte Guest

Emergency shelter from the winter plan for lone men. Access between 5.30 pm and 9 am only. Münster, Germany. Source: BAGW

Bedroom in an emergency shelter, Malmö, Sweden © Matilda Jägerden
Dormitory in an emergency shelter, Wrocław, Poland - © Dariusz Dobrowolski

Dormitory of an emergency shelter, Budapest, Hungary - © Végh László/Abcúg

Ceiling of an emergency shelter, Budapest, Hungary - © Végh László/Abcúg

Communal showers in an emergency shelter, Munich, Germany © Thomas Friedl, KMFV-München

Communal bathroom in an emergency shelter, Wrocław, Poland - © Dariusz Dobrowolski