



**ACCESS TO HOUSING FOR DISADVANTAGED AND
VULNERABLE GROUPS IN GERMANY**
**NATIONAL REPORT 2000/2001 FOR THE EUROPEAN
OBSERVATORY ON HOMELESSNESS**
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A Report for the European Observatory on Homelessness, coordinated by FEANTSA,
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0. ABSTRACT

This report focuses on barriers of access to housing. Basically it differentiates between financial barriers and barriers which are based on other indicators like demographic and social factors, but also on prejudices, current behaviour and outward appearance of applicants and alleged risks of conflicts in the neighbourhood, “ghettoisation” etc.

Discrimination on the German housing market is working against large groups of the population like foreigners, families with several children and single parents and against people in receipt of unemployment benefit or social assistance. Financial support like housing allowance and housing assistance are necessary but they are not enough to overcome those access barriers which are of another than a purely financial nature. In the past social housing and allocation rights were the most important answers in that respect.

On the other hand even in social housing and under different forms of cooperation between municipalities and housing providers who help to mobilise housing for disadvantaged groups there are specific “problem groups” which remain widely excluded from access to normal housing. The main reason is that landlords fear risks concerning the contractual fidelity (punctual and continuous rent payments, careful use of the dwelling, regular performance of tenants duties like cleaning and redecoration) or conflicts with neighbours. Access to housing remains particularly difficult for persons who have experienced previous evictions and attachments, who are over-indebted, who have problems with addiction or mental illness, who have obvious family problems and who are in some way in need of special social support.

While the last housing crisis in Germany has been relaxing and the quantitative extent of homelessness has been decreasing after 1994 there is no reason to assume that the strong cyclical development of the German housing market has come to an end. Particular causes for concern are the recent decrease of housing construction and especially of construction of social housing and the continuous increase of rent burden for a great part of the population. While homelessness numbers are at a historic low the number of households with rent arrears has been increasing substantially. Instruments to influence the allocation of housing have been reduced dramatically because of the rapid shrinking of time limited social obligations of publicly funded housing in Germany and because of many municipalities selling their housing stock. Germany is the EU member state with the greatest share of private housing for rent and the importance of this sector for the provision of low income groups and disadvantaged households will even gain importance in the future because of the shrinking stock of social housing.

The report describes a number of positive examples aiming at overcoming access barriers for large groups as well as for so-called problem groups which are persistently excluded from normal housing. One of the problems is that many of these examples have been based on social housing so far. There are different forms of allocation rights to allow municipalities to nominate one or three applicants for each vacant dwelling in social housing under special preconditions. The report also presents two examples of contractual agreements in Berlin and Bremen by which access of households in urgent need of housing (including people actually homeless or threatened by homelessness) to several hundred dwellings a year was secured. Different examples of housing assistance agencies (*Soziale Wohnraumhilfen*) are discussed because of the qualitative importance of such intermediate organizations in combining access to normal housing for vulnerable groups with the organization of social support and the reduction of economic risks for mainstream landlords.

The report argues that new forms of cooperation and the increased use of instruments to cover economic risks of landlords (like municipal guarantees for “risky tenants”) and to cover the support needs of excluded groups will be particularly relevant in future, when efforts to gain access to normal housing will be increasingly directed to the unregulated stock of private rented accommodation. But renewed steps to secure a sufficient stock of long term allocation rights in affordable dwellings will remain an important task to tackle the quantitative dimension of access barriers to housing.

1. INTRODUCTION

The following report for the European Observatory on Homelessness deals with the different aspects of access to housing. The report was written in accordance with guidelines produced by the joint Centre for Scottish Housing Research on behalf of FEANTSA.

As many times before we have to apologize for some shortcomings of this report, due to the reliance on existing sources which in many respects do not allow a nation-wide overview. There are no official data available on the extent of homelessness on a national scale and many data on the development of the housing markets are only available on the level of particular states (*Bundesländer*). Furthermore it is quite difficult to give an overview of the existing forms of allocation of housing because regulations are different from *Bundesland* to *Bundesland* and practice differs even from town to town. More than ten years after the unification of West Germany with the former German Democratic Republic we still always have to bear in mind the continuing basic differences between East and West Germany.

Chapter two of the following report tries to provide an overview of some basic characteristics of German housing policies, of tenure, the particularities of social housing and recent developments on the German housing market including the development of new construction, trends in homelessness and possible trends for the future. This chapter also contains a special paragraph on the development of housing costs and the increasing rent burden of most households.

Chapter three describes the usual practical requirements to gain access to rented housing in Germany. It distinguishes between the private rented sector and the sector of social housing because for the latter some specific regulations have to be presented which restrict access to particular groups of the population or give municipalities the opportunity to influence the allocation of social housing. Part of this chapter is based on a recent survey which focussed on the “Acquisition of Housing by Cooperation” and provides – among other things - insight in local practices concerning the allocation of (social) housing.

In chapter four the main barriers for access to housing are analysed. A number of studies in the 1980s and early 1990s have focussed explicitly on allocation preferences of social landlords and access barriers for different household types so that we have a sound basis for presenting the most disadvantaged groups and the main reasons for discrimination and access barriers on the German housing market. An important point of most studies is that economic barriers are just one out of different barriers which aggravate or inhibit access to housing for particular groups so that financial instruments like housing allowances are not enough to procure an adequate provision of these groups with normal housing. This chapter also includes some critical comments on the re-emerged discourse on segregation and “overburdened neighbourhoods” which may lead to a reinforced exclusion of disadvantaged groups from that part of the housing stock where allocation can still be influenced.

In chapter five the main instruments to tackle housing exclusion in Germany are discussed. Main topics are the instruments to tackle financial barriers (like housing allowances, housing assistance, control of rent prices, payments for rent deposits and brokers’ charges, municipal guarantees for potentially “risky tenants” etc.), allocation rights for disadvantaged groups in general and some more targeted measures for particularly disadvantaged groups. Here we provide examples of contractual agreements in Berlin and Bremen for the provision of households in urgent need of housing (including the homeless) with permanent housing, we describe a

special form of housing acquisition by service providers in the voluntary sector and analyse the importance of social support in the context of access to housing for groups in need of such support. A number of unpublished sources have been procured and used for this part of the report.

Chapter six summarizes the findings and presents the main conclusions of the report.

In Chapter eight – after the chapter presenting all references used for this report – you will find some remarks on the latest evidence on scale and extent of homelessness in Germany.

The author wants to express his gratitude to everybody who supported him in his search for information on examples and documentation of good practice.

2. HOUSING SUPPLY AND HOUSING COSTS

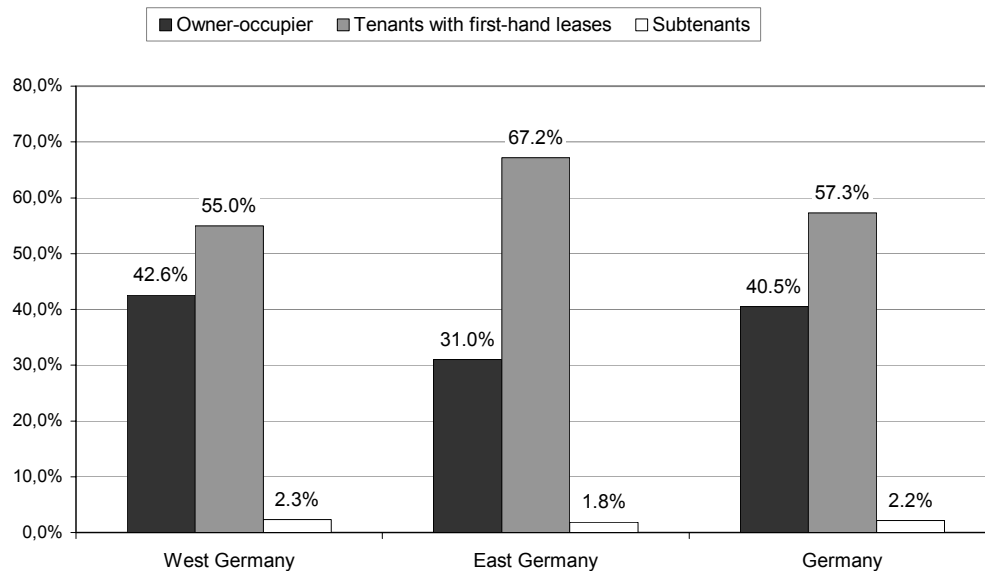
2.1 A Short Overview on German Housing Policy

2.1.1 Tenure

Germany has the lowest proportion of owner-occupied flats within the European Union. According to the latest available data (microcensus, additional inquiry of 1998), the share of owner- occupying households amounted to 40.5 per cent. 57.3 per cent of all households in Germany were tenants with first hand-leases and 2.2 per cent were subtenants.

Chart 1:

Tenure in East and West Germany in 1998. Share of households living in owner occupied, rented and subrented housing



Source: Microcensus; Winter 1999, p. 780

Even eight years after German unification, the difference in the owner-occupation rate between East (31 per cent) and West Germany (42.6 per cent) was still significant (cp. Winter 1999, p.780).

Despite all efforts to make owner-occupied housing affordable for households with a lower income, owning a house or a flat is still regarded to be a symbol of prosperity in Germany. International comparisons show relatively high costs of construction and land.

The owner-occupation rates of single households are – regardless of incomes – very low whereas those of households with children and households with high incomes are comparatively high; Expertenkommission Wohnungspolitik 1995, p.48). When compared with other

member states it may come as a surprise that a significant number of rich households in Germany still live in rented homes. In 1998, 34.2 per cent of all households with net incomes of DM 5,000 (approx. 2,560 €) or more were tenants with first-hand leases. Among households with net incomes of DM 2,500 – DM 4,999 (approx. 1.280 – 2559 €) the proportion of tenants was even higher, namely 57.4 per cent (cp. Winter 1999, p. 781).

While the distribution of the German housing stock into rented and owner-occupied homes is well documented, considerable problems arise when it comes to pinpoint the proportion of social rented housing. Various comparative publications report that 26 per cent of the total housing stock in Germany were social housing in 1995¹. This would mean that out of a total of 32.25 million occupied homes in premises in Germany (in 1993, result of the one per cent random survey on buildings and flats cp. Stabu 1995) 8.39 million were flats in social housing.

These findings should be regarded as a considerable overestimation of the extent of social housing in Germany. Due to the nature of the German system of social housing, its specific funding structure and the dynamic associated with that, proving of an alternative percentage will undoubtedly be difficult. According to the latest housing and building survey in 1993, only 2.73 million state-funded rented dwellings were registered for the whole of Germany (cp. Stabu 1995, table 8). Most of these dwellings were found in Western Germany and made up a proportion of about 10.3 per cent of the West German housing stock.

It is true that in East Germany a part of the housing stock owned by municipalities and housing co-operatives is also subject to nomination rights (the maximum, however being 50 per cent of this stock). However these dwellings are not subject to the controlled rent level which exists in West German social housing. Furthermore the details concerning the allocation of those dwellings are regulated by the laws of each individual federal state (guidelines for these regulations are formulated in the *Altschuldenhilfegesetz*, a Federal Act which helps to regulate debts of Housing societies from GDR times) and differs once again on local authority level. Even if around 2.8 million (50 per cent - maximum) of all rented dwellings of municipalities and co-operatives were regarded to be subject to allocation rights in East Germany in 1993 (in real terms, the number is significantly lower), this would result in an additional 1.4 million “social rented dwellings“ without fixed rents. The proportion of “social housing” of the total housing stock in Germany would thus have been at around 12.8 per cent in 1993.

In the last few years, however, several decisive changes have taken place. A part of the stock owned by municipalities and co-operatives in East Germany in 1993 were sold afterwards (a condition laid down by the *Altschuldenhilfegesetz*. According to the Credit Institute for Reconstruction, *Kreditanstalt für Wiederaufbau*, approx. 281,000 dwellings were sold between 1993 and 1999). In West Germany, for hundreds of thousands of dwellings in the sector of social housing the time-limited social obligations have run out as planned from the beginning. These

¹ The percentage of privately rented housing is given with 36 per cent and for owner-occupied housing, it was supposed to be at 38 per cent. These proportions are quoted in Balchin 1996, p.11, in Maclennan et al. 1996, Table 1, as well as in several transnational reports from FEANTSA (Avramov 1998, p. 57; Edgar et al. 1999, p. 29). They all seem to be based on a publication of the European Observatory on Social Housing published by CECODHAS (1995/1996). But in another publication by the director of this Observatory, Laurent Ghekier, the percentage of social rental housing of housing stock in Germany (“1990s”) is given with eight per cent (Ghekier 1997, p. 44). In the new edition of “Housing Statistics in the European Union 2000” only a quota for West-Germany and there only in relation to the total rental dwelling stock is given for 1999 (15 per cent; comp. Haffner/Doll 2000, table 3.5, p. 34). Data from the European Household Panel for 1995 (third wave) show some 12 per cent of German households included in the Panel as living in social housing (Giorgi et al. 2001, p. 20).

dwellings now have to be counted as belonging to the private housing sector, because their owners may let them to any household (without income ceilings or nomination rights of municipalities like it is the case in social housing) and the usual rent price control mechanisms in social housing are not applicable any more.²

An internal survey by the Federal Ministry of Transport, Construction and Housing amongst the federal states in West Germany found only 2.3 million rented social homes (with different ways of funding of “social housing”) in 1999. Furthermore the total number of homes rose to 36.547 million in 1998. The proportion of “social housing“ of the total housing stock in Germany for the year 2001 may therefore be assumed to be under 10 per cent.

2.1.3 Basic Principles of German Housing Policy and the Peculiarities of Social Housing

Generally, West German housing policy in the post war period aimed at applying the principles of the German Social Market Economy to the housing sector. After the war, stronger mechanisms to influence the housing market were implemented in trying to overcome the housing crisis. But the control mechanisms used were planned to be time-limited from the very beginning and as such social obligations for state subsidised social housing were also time-limited from the start. Housing construction under direct control and ownership of municipalities was, to a great extent, avoided and private as well as capital-orientated investors were accepted and funded as social landlords. The law explicitly states priority for measures to promote owner-occupation (which nevertheless did not result in a high increase of this tenure in Germany).

To strengthen the market orientation, the special tax status of non-profit housing companies was lifted and the according law (*Wohnungsgemeinnützigkeitsgesetz*) was abolished in 1989. Furthermore time-limits for social obligations were reduced, new ways of funding (with even shorter periods of social obligations) were introduced and a general shift of supply subsidies to housing allowances took place.³

Social housing is built and administered by very different investors in Germany (former non-profit housing societies, private housing companies, insurances, private investors etc.). As Kleinman (1996, p. 91) rightly points out,

“social housing takes a very specific form in Germany. The term ‘social housing’ therefore describes a method of **financing** housing together with a set of **regulations** and **responsibilities** about allocation of tenancies, rent levels and standards, rather than refers to a physically identifiable stock of dwellings. Flats which were at one time let as social housing can, once the subsidized loans with which they were built have been paid off, be let as non-social private rented housing” (emphasis by Kleinman).

² Rent limits and legal conditions concerning the allocation of dwellings which characterise social housing in Germany have always been limited in time. So the present running out of these limits and legal conditions for a very large number of dwellings is an innate mechanism of the funding structure of social housing in Germany.

³ A good overview on the German housing policy in English and in comparative perspectives is provided by Kleinmann 1996, p.90 – 123 and Tomann 1996. For a liberal-economic viewpoint on the structures and problems of the German housing market, see the extensive report of the Experts’ Commission on Housing Policy (Expertenkommission Wohnungspolitik 1995).

When the time-limited social obligations have run out, rents are not any more bound to specific regulations of rent prices in social housing and the allocation can no longer be influenced by local governments (in addition, dwellings may also be sold to owner occupiers or to other individual owners when the period of social obligations has run out).

The period in which state subsidised housing is defined as social housing can be very different. During the 1950s and 60s, social obligations for state subsidized housing were planned to be long term (in fact up to 100 years, but after changes in repayment and interest rates of state loans the usual duration was 40 to 50 years). Later, the period of social obligations was further shortened, but the regulations differ from *Bundesland* to *Bundesland* and there again differ according to different legal ways of subsidizing social housing. The period of social obligations could also be shortened by the early repayments of state subsidized loans. Nowadays, the period is usually between 25 and 10 years, but some *Bundesländer* and municipalities still subsidize the construction of housing which is bound to remain social housing for 40 years.

From 1950 to 1999, according to unpublished sources of the Federal Ministry of Transport, Construction and Housing Affairs, the construction of 8.665 million social housing units was subsidized in West Germany (under various support schemes as indicated in the 2nd Housing Construction Law). Out of these, approx. 3.2 million were social housing units for owner occupiers and about 5.4 million were social rented flats.

The fact that in 1999 only 2.3 million social rented housing units were counted clearly shows that for more than half of the rental social housing units which were subsidized social obligations have run out in the meanwhile and the dwellings have thus attained the status of private housing. As the extensive social housing stock which was built in the 50s and 60s, had rather long-term social obligations and later obligation-periods were increasingly shortened there has been a dramatic shrinking of social housing in the last few years. This process will continue: It is assumed that only one million social rental housing will be left in Germany in 2005 (GDW 1998 p. 23). The remaining social housing stock is, to a great extent, concentrated in special areas (often in multi-storey blocks at the outskirts). At the same time many municipalities being owners or shareholders of social housing companies have completely or partially sold their shares and as a consequence lost influence on allocation of the dwellings concerned.

In Germany, housing policy in general as well as subsidies for social housing, in the first place, have never been targeted at particularly disadvantaged groups. Rather, state support for the construction of housing has always been, in foremost, meant for "broad strata of the population". A proof of this basic idea might be seen in the fact that income ceilings for the allocation of social housing were so high that, at times (during the 60s and 70s), 70 per cent of the population was allowed to rent social housing. At present, the ceilings still allow access to social housing for approx. 40 per cent. The income ceilings are laid down in § 25 of the 2nd Housing Construction Act, they can be significantly exceeded for a number of specific ways of subsidizing social housing. From time to time, every four years on average, the income ceilings are adjusted. The last adjustment was made in 1994. Once a household has moved into a social home, it is allowed to stay in it even when its income has risen (from a certain level of income upwards an additional rent tax, called "*Fehlbelegungsabgabe*" has to be paid).

On the other hand the 2nd Housing Construction Law also contains a section (26) defining some "priority areas" of public funding and some priority target groups for publicly funded housing. In the present version of the law these groups are pregnant women, families with

many children, young couples, single parents with children, the elderly and severely disabled persons. Homeless people are not mentioned in this law.

The legal situation will change considerably in 2002 when a new Act will substitute the 2nd Housing Construction Act. In the Act (called *Wohnraumförderungsgesetz*, WoFG) the aim of state support for the housing needs of “broad strata of the population” will be explicitly given up. In section one of the Bill it is stated that the target group of support is “households which are not able to procure decent housing by themselves and are in need of support”. The same section also specifies target groups for the support of rented housing. Apart from the groups already mentioned⁴ and “households with low incomes” explicit reference is made to “homeless persons and other persons in need of support” (BMVBW 2001a). In the explanation of the bill households threatened by homelessness and households living in unacceptable housing conditions are mentioned as examples for “other persons in need of support” (BMVBW 2001b, p. 34). All in all it may be concluded that German housing policy is at a turning point from a quite universal approach towards more targeted measures. The states (*Bundesländer*) and the municipalities will get more freedom to decide on details of their housing policy, but they will also get less funding for it by central government.

Subsidies for social housing do generally oblige landlords to demand a rent below a certain limit. The basic structure of financial support for social housing is that part of the building costs is covered by loans at below-market rates or by subsidizing the expenditure on interest rates for bank credits and own capital (*Aufwendungszuschüsse*).

Depending on the specific form of funding, the landlord is obliged to demand either a controlled social rent which is calculated according to building costs minus the financial effects of the subsidies provided (“cost related rent” or *Kostenmiete*) or (lately much more common) a maximum rent which is contractually agreed.⁵ In both cases rents are lower than those of the privately-financed homes. On the other hand the rent level in social housing is such that a quarter of the tenants can only afford it with additional support by housing benefit (which is available for tenants of social housing in the same way as for tenants in the private sector).

Lately, income related rents have been increasingly introduced. Degressive subsidies often lead to “built in” rent increases within a time period. Social rents are not uniform but depend on the respective building costs and funding regulations at the specific time and in the specific region of the construction of individual projects. This also results in considerable rent differences which are not legitimised by differences in quality and location of dwellings.

Sale of publicly funded flats to tenants is, in general, only possible when the social obligation period (and the state subsidy) has run out and the respective dwellings do no longer have the legal status of social housing. Additionally, a specific administrative permission is needed for the conversion of a block of rented homes into individual dwellings for owner occupation in order to sell them. In East Germany, the acquisition of municipal dwellings by the tenants is supported by governmental allowances.

⁴ Young couples are not mentioned any more as a specific target group in the new law.

⁵ With the new Act the cost related rent in its original form will be abolished for new construction projects from January 2002.

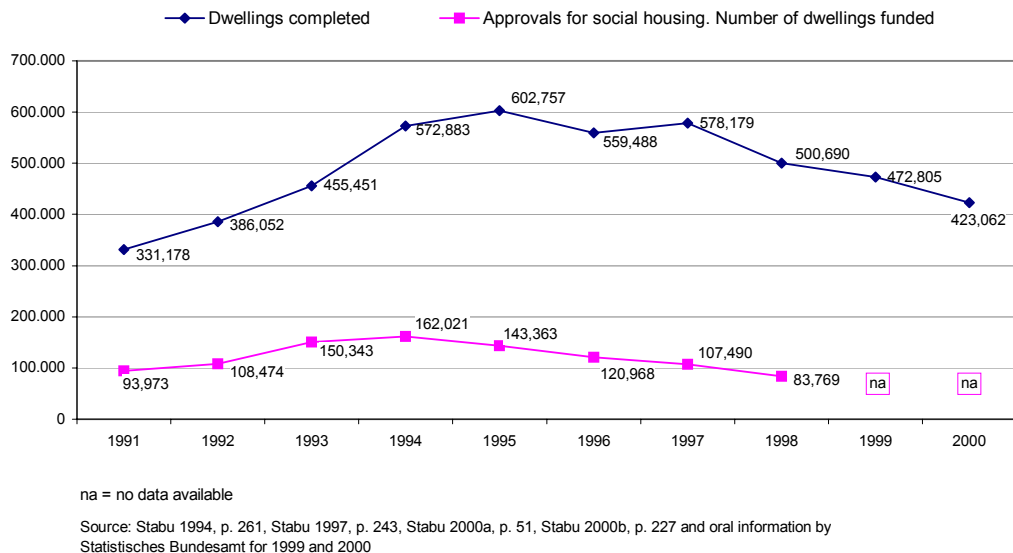
2.2 Recent Developments on the German Housing Market

The (West) German housing market has been showing very strong cyclical developments over the whole post-war period (see also Ulbrich 1992; Expertenkommission Wohnungspolitik 1995, p. 35ff.). In West Germany situations of housing shortage and a relaxed housing market were alternating almost every five years during the last thirty years.

After a period of relaxation in the mid 1980s an acute shortage of housing was aggravating in West Germany from 1987 on. Main reasons were the intense immigration of repatriates and asylum seekers (between 1985 and 1995 about 2.25 million repatriates and about 1.92 million asylum seekers came to Germany, cp. Busch-Geertsema 1999), internal migration from East to West Germany from 1990 onwards, the decline of housing construction and more stable factors like the continuous reduction of household size (resulting in a steady increase of the number of households) and the increased consumption of living space per household.

Chart 2

Construction of dwellings and funding for dwellings in social housing in Germany in the 1990s



Since the mid 1990s the housing situation has significantly recovered. For the first time since 1985, in 1997 the number of foreign migrants leaving Germany was greater than the number of newly immigrated foreigners. The decline of immigrating German repatriates ('Aussiedler') had already begun at the beginning of the decade. In 1990, their annual number had reached a peak with almost 400,000 persons and was only at about 200,000 persons a year until 1995. Since then it has continued to drop definitely and has been at around 100,000 persons a year since 1998. Similar developments are reported for asylum seekers whose numbers had reached a peak in 1992 with 438,000 and have declined to around 100,000 a year since 1997 (for reasons and background see Busch-Geertsema 1999; for recent data Sommer/Voith 2000). Internal net migration from East to West Germany was at more than 350,000 persons in 1990 and has declined to a number ranging between 10,000 and 40,000 per year since 1994.

Another important factor leading to an easing of the housing market was the increased construction of new dwellings. The number of dwellings completed in Germany annually rose from approx. 330,000 in 1991 to a peak of more than 600,000 in 1995. Chart 2 shows that it has been decreasing again since 1997. While funding of social housing was very low in the late 80s there was a short revival of the construction of new social housing until 1994, when the construction of more than 160,000 dwellings per year was publicly funded, but after that year funding has been reduced substantially again. A sharp increase of the share of owner occupied housing in the total number of completed constructions can be noticed.

Particular problems with empty housing exist in East Germany. A number of factors including the loss of population after the German unification, changed housing preferences and a significant need for renovation of part of the housing stock led to a high number of empty units. In 1998 almost one million dwellings equalling more than 13 per cent of the total stock were found empty in East Germany (Stabu 2000 a, p. 62). Plans were developed to demolish 300,000 to 400,000 empty units until 2010.

Despite the general trend of an easing of the housing market there are great regional disparities and great differences according to the price level of housing. There are still shortages in the lower price sector of rental accommodation particularly in larger conurbations of Germany. Waiting queues at housing offices of big cities were reduced but are still quite high. In West Germany because of the shrinking of the social housing stock the mismatch between demand and supply of social housing is only slightly reduced. In North Rhine-Westphalia for every 1,000 existing social housing units a number of 195 households applying for social housing was registered in 1995. In 1999 the number was still at 186 (WFA 2000, p. 26).

2.3 Trends in Homelessness

The aforementioned developments are also reflected by trends in the number of homeless persons in Germany. Apart from the general easing of the housing market some additional factors have to be mentioned in this context. After the immense increase of homelessness in the late 1980s and early 1990s many municipalities have improved their efforts to prevent eviction and to rehouse homeless households by targeted measures. In recent years a number of municipalities in West Germany have redeveloped former settlements for the homeless into estates for permanent housing. Institutions for the homeless have developed new measures ranging from “decentralised stationary accommodation” to “ambulant” support services for former homeless persons in normal permanent housing.

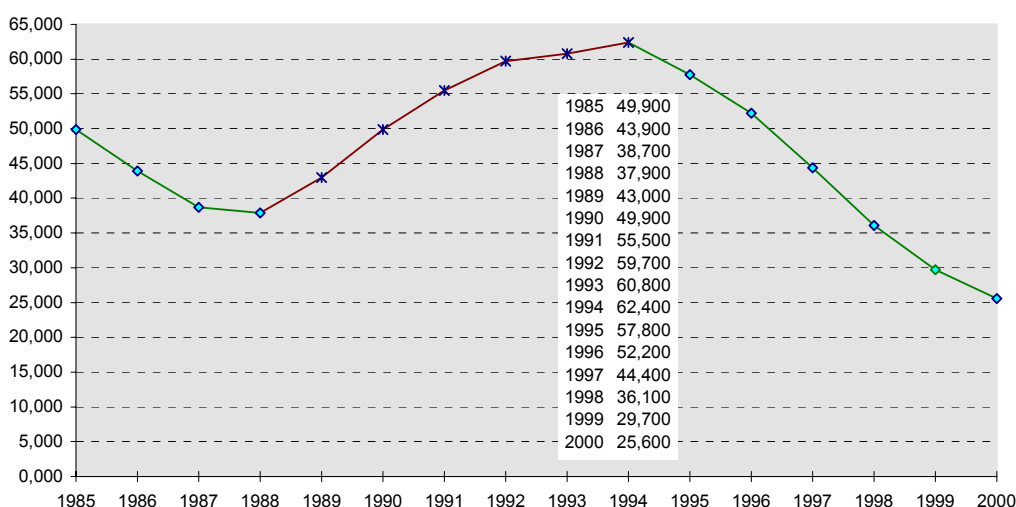
While a national data base for the quantitative extent of homelessness is still missing in Germany there are several indicators showing the massive increase in the number of homeless people in the late 1980s and the decline of it since the mid 1990s.

One of the best indicators to show long term-trends in homelessness is the annual survey of homeless people accommodated by municipalities in temporary accommodation in Germany's most densely populated *Bundesland* North Rhine-Westphalia. It is an annual one-day stock count carried through by all municipalities on behalf of the office of statistics in that state. The count does include all homeless people provided with temporary accommodation by measures of public order laws by 30th of June each year. It does not include the (mainly single) homeless persons in institutions of welfare organisations in the voluntary sector and further subgroups of

the homeless like those sharing with friends and relatives or sleeping rough. According to these data the number of homeless persons was growing from 1988 (37,900) and reached its peak in 1994 with 62,400. This was an increase of nearly 70 per cent between 1988 and 1994. The number has been declining since then. By 30th June 2000 (25,600) the lowest number of homeless people after World War II could be reported for North Rhine-Westphalia (LDS NRW, various years).⁶

Chart 3:

Homeless persons who are temporarily accommodated under the police law (Ordnungsbehördengesetz) in North Rhine-Westphalia (30th June each year)



Source: Landesamt für Datenverarbeitung und Statistik Nordrhein-Westfalen

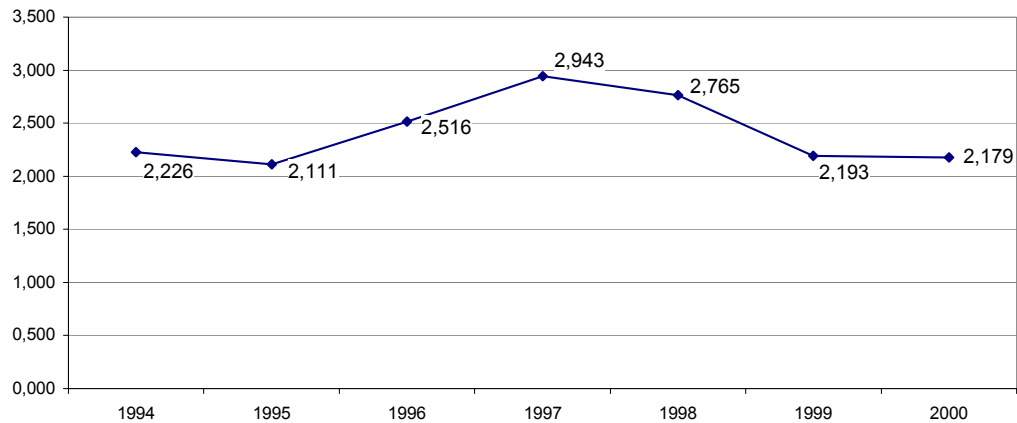
Decreasing numbers are also reported for the City of Berlin where numbers of officially registered homeless people in temporary accommodation dropped from 11,600 in December 1994 to 6,600 in December 1999.

In East Germany numbers of homeless people were increasing quickly from a very low level after the German unification. The only East German *Bundesland* which provides data for part of the homeless population on an annual basis (known to municipal social departments at the end of each year; stock data) is Saxony. These statistics show that numbers increased until 1997 but have been decreasing as well in the following years.

⁶ However, families benefited much more from this trend than single homeless persons, so the ratio of single homeless persons to the total of homeless households increased from 44.4 per cent on the 30 June 1994 to 56.5 per cent on the 30 June 2000.

Chart 4:

Homeless people in Saxonia known to municipal social departments, 31.12. each year



Source: Ministry for Social Affairs, Health, Youth and Family in Saxonia

2.4 Trends for the future

The future development is still uncertain, but there is no reason to believe that cyclical developments have come to an end. Tenants organisations have already warned about a threatening new housing crisis. The main reasons have already been mentioned. Construction of new housing is decreasing again and especially the funding of social housing has been reduced to a very low level. At the same time social obligations for the older stock of social housing are running out on a large scale leading to a massive shrinking of social housing in Germany. Furthermore many municipalities sold their shares in housing enterprises in past years due to serious financial difficulties and therefore lost influence in the allocation of dwellings. As allocation rights are increasingly concentrated on a diminishing stock of social housing, the debate on emerging 'ghettos' or 'overstrained neighbourhoods' (title of a recent study on behalf of the Association of Building Societies, GDW 1998) is becoming more vehement, and 'problematic' tenants are increasingly excluded even from those housing stocks for which municipalities still possess allocation rights.

On the demand side numbers of households are still increasing as household size is falling, the average consumption of living space per head is also still increasing, particularly in times of rising economy. The most difficult factor for prognosis on the future demand of housing in Germany is that of immigration. Recent long-term prognosis is predicting a serious reduction of population in Germany until 2050. The Federal Office of Statistics predicts a reduction from currently 82 million inhabitants to 65-70 million in 2050. This prognosis is based on an assumed net immigration of between 100.000 and 200.000 persons per year (Stabu 2000c, p. 13). But there is a remarkable change in the discussion of migration policies focussing much more than in the past on the future need of a young and qualified work force in an ageing society. A first step towards an active immigration policy was the "green card"- initiative by Chancellor Schröder inviting computer experts from abroad to come and stay in Germany. But much more

important and difficult to prognosticate are the results of the enlargement of the European Union towards the eastern neighbours of Germany (see also IFO 2000).

Another reason for concern is the enormous increase in housing costs and the increased rent burden which many households have to bear.

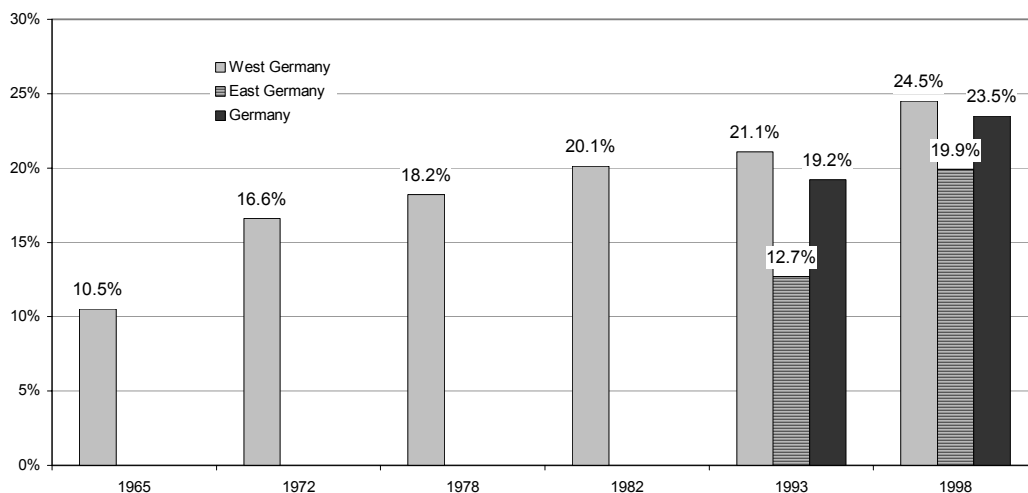
2.5 Development of Housing Costs and Rent Burden

While the upwards trend in housing costs has slowed down in recent years these costs have still grown much faster than incomes and prices in general. As a result the share of housing costs in relation to other expenditures and net income rose substantially in past years. While from 1991 to 1998 the general price level for the cost of living rose by 17.1 per cent the rent price level rose by 30.4 % in West-Germany (BMVBW 2000, p. 37).

The long term-trend of the rent burden may be seen in a comparison of census data for West-Germany. While the average rent burden⁷ was at 10.5 per cent in 1965 it had more than doubled until 1993 (21.1 per cent). In 1998 the average amount had reached 24.5 per cent. In East Germany after the German unification rent prices rose much faster than in the West though from a much lower level. In 1998 an average rent burden of 19.9 per cent was reached.

Chart 5:

Average rent-burden per household (tenants with first-hand leases, census data)



Source: Stabu 2000a, p. 104

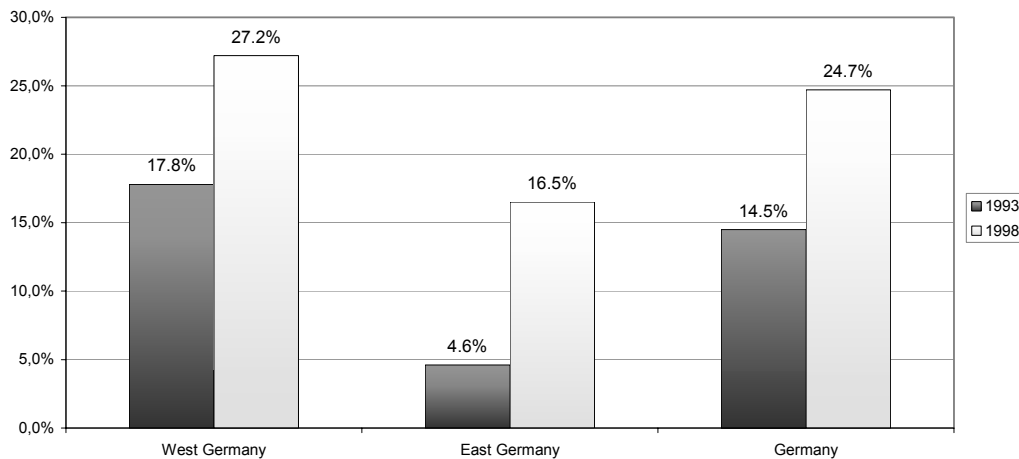
While many households may be able and willing to accept increased rent prices for increased standards and living space, a growing share of the population runs into serious financial problems because of its rent burden. As may be seen from chart 6 the share of the population which

⁷ The rent burden is defined as the percentage of “cold” rent costs (without heating and warm water, but including costs for refuse, sewage etc.) to net income (including all sorts of income after taxes).

has to pay more than 35 per cent of its monthly net income for housing costs (heating not included) increased enormously between 1993 and 1998 (from 14.5 to 24.7 per cent for Germany).

Chart 6:

Share of households in rented dwellings with first hand leases which have a rent burden of more than 35 % of net incomes



Source: Stabu 2000a, p. 104, own calculations

One of the results of the increased rent burden is a growing number of households in rent arrears and a remarkable increase of legal cases for eviction. In North Rhine-Westphalia a survey among housing societies shows a permanent increase of rent arrears in the 1990s. In 1999 the share of rent arrears mounted to 1.9 per cent of the total annual rent. For 1.5 per cent of all dwellings included in the survey a legal case for eviction was filed in 1999. That was exactly the double of the percentage of the year before (WfA 2000, p. 30). All in all it may be said that while the number of actually homeless people has been reduced the number of households in serious risk of homelessness has increased substantially.

It remains to be seen whether some important political decisions have a longer term impact on the financial trends shown. On 1st of January 2001 a reform of the housing benefit system was enacted leading to an overall increase of benefit rates after more than ten years without changes. A new Tenancy Act which will become law in July 2001 will reduce the possible scale for rent increases from 30 to 20 per cent in a three years period.

3. GOVERNANCE OF HOUSING AND ORGANISATIONAL STRUCTURES

3.1 Access to housing in the private rented sector

Because of the great share of privately rented housing this sector is equally important for the housing provision of disadvantaged groups. Of course private landlords are free to select tenants according to their own preferences. Part of the stock is distributed via brokers who will charge a fee (up to a maximum of two months rent) from the new tenant when a new tenancy is completed. Home seekers may also register with bigger housing societies and finally a great part of vacant homes for rent are advertised by private landlords in newspapers. Most landlords will ask for a rent deposit up to an amount of three months rent.

3.2 Access to housing in the sector of social housing

Anyone who wants to rent (or buy) a home subsidized under social housing regulations will have to apply for a certificate of entitlement (*Wohnberechtigungsschein*) at the local housing office. This will be granted when the household income of the applicant is below the income ceiling valid for the specific type of funding scheme. Landlords of social housing can only accept applicants as tenants who possess such a certificate (exemptions in special cases are possible but have to be approved by the housing office).

Generally, landlords have a free choice among all applicants who hold a certificate of entitlement of their choice. This selection process can, nevertheless, be restricted by special legal regulations for areas with increased housing need (§ 5a Housing Obligation Law, *Wohnungsbindungsgesetz*).⁸ In these areas municipalities have nomination rights and landlords are only allowed to choose one applicant out of three who are named by the local housing office. Such nomination rights (triple suggestion) can also be achieved by additional subsidies from municipalities for the construction of social housing (§ 4 Section 4 of *Wohnungsbindungsgesetz*) or through contractual agreements.

Moreover, legislation on *Bundesländer*-level can link subsidies for social housing with a direct allocation right which means that the housing office can propose only one home-seeker who has to be accepted by the landlord as tenant (single suggestion) as long as there are no severe reasons for refusing a tenancy. Such reasons may be rent arrears from a former tenancy and eviction of this household in the past. Regulations providing municipalities with allocation rights (single suggestion) for social housing during 15 years after the construction have been existing for many years in North-Rhine Westphalia, Germany's most densely populated federal

⁸ Such regulations up to the present have been introduced in six from 11 West German *Bundesländer* (Bavaria, Hamburg, Hesse, Lower-Saxony, North-Rhine Westphalia and Rhineland-Paltinate), but only in one of the East German states (Brandenburg), where social housing does not play an important role.

state. The city of Stuttgart, for example, has even acquired allocation rights for a 40 years period by additional municipal subsidies to the construction of social housing.⁹

There is no national overview on the distribution and the use of allocation rights. The situation can be very different from *Bundesland* to *Bundesland* and from town to town. Even when funding regulations lead to nomination rights for the municipalities it depends very much on the municipal practice to what extent these nomination rights are used, e.g. to house households with specific problems. Furthermore, there can be local agreements between the municipality and providers of social housing which change the allocation procedure. One example is that nominations of specific households to specific dwellings are avoided and housing providers agree instead to allocate a certain quota of all free dwellings to households fulfilling certain criteria (e.g. being in urgent need of housing).

There is also no uniformity among municipalities in the procedure of nomination. A study in 1992 showed that only half of 26 municipalities included in the survey had a list of priorities. Among bigger cities approx. two thirds had such a list (Busch-Geertsema/Ruhstrat 1994, p. 154). Some of these lists operated with a combination of points for waiting time with points for urgency (e.g. in Stuttgart). Others operated with ranking categories, the number of which varied between 8 and 13. In some of the lists homelessness was not mentioned as a reason for urgent need of nomination at all. In others (the majority) it was among one of the top priority criteria (ibid., p. 244 ff). In a number of cities the allocation of dwellings in social housing is discussed in regular meetings between representatives of the municipality and of the housing societies involved.

A recent study on “Acquisition of Housing by Cooperation” (BBR 2000) shows that in about 58 per cent of all German municipalities there is some sort of cooperation between the municipal administration and housing associations to provide households in urgent need of housing with existing accommodation. The problem is that the definition of “cooperation” in this study was very broad and included every form of agreement from a written contract to informal contacts. Only in half of those cases where some form of cooperation existed it was also laid down in a contractual agreement (ibid., p. 49). The targets of “cooperation” could range between providing several hundreds or even thousands of homeless people per year with normal housing and setting up a small project where a voluntary agency worked together with a municipality. Fixed quota or contingents were agreed upon in about a third of all cases while the rest had some form of “flexible” agreement (ibid., p. 59). Targets of the cooperation could be the allocation of social housing to applicants who are particularly disadvantaged (and are otherwise also excluded from social housing) as well as gaining influence on the allocation of (additional) housing which is no (or not any more) social housing. About 56 per cent of the housing stock covered by the different forms of cooperation was social housing and 44 per cent were dwellings “free” from any social obligations based on public funding (ibid., p. 61). In 53 per cent of those municipalities where some form of cooperation existed there were working groups, “round tables” or some other form of organisational bodies in order to coordinate the allocation procedure and to discuss controversial cases (ibid., p. 69).

Some cities (most prominently Bremen and Berlin) have signed contracts with a number of owners of social housing in which the latter promise to let a fixed quota or a fixed number of

⁹ On the different ways of acquiring nomination and allocation rights for municipalities and on the extent of use made of these opportunities to procure access to normal housing for disadvantaged groups cp. Busch-Geertsema, V./Ruhstrat, E.-U. 1994, p. 141 ff.:

vacant dwellings per year to specific groups including homeless people and other people in urgent need of housing. The municipal practice in this respect varies considerably. We will return to that in chapter 5.

In East Germany there is a special situation, because – as mentioned above – it was one of the conditions for municipal housing associations and housing cooperatives for getting financial support in regulating old debts from GDR times that they are subject to specific rules concerning the allocation of part of their stock. These rules are laid down in specific legislation of the six¹⁰ Eastern *Bundesländer* (allocation laws, *Belegungsbindungsgesetze*). These laws differ but in some main features they are quite similar. First of all, it was a precondition of the central government that no more than 50 per cent of the respective housing stock may be subject to obligations concerning allocation (for the rest of the stock housing societies have free choice in allocation). In Berlin and Thuringia the percentage is lower. This part of the stock may only be allocated to households below certain income ceilings which are mostly the same as in West Germany.¹¹ All Eastern *Bundesländer* leave room for local contractual agreements in which the allocation procedure may be further specified. In the study on “cooperation” case studies were carried through in three East German Cities (Dessau, Gotha and Leipzig). In two of them (Dessau and Gotha) the local cooperation agreement leaves housing providers free choice among applicants with a certificate of entitlement (proving that their income is below the fixed ceiling). According to the study this is the practice in the majority of all East German municipalities with cooperation agreements (BBR 2000, p. 34). In Leipzig the municipal department of housing may nominate specific households (according to need and urgency) for allocation of free dwellings of the municipal housing association. But the housing association may also refuse such nominations if it fears risks concerning the regular payment of rent or if the applicant received a notice to quit in the past. According to the municipality such refusals are frequent (BBR 2000, p. 69). Recently the procedure in Leipzig has been changed because of administrative problems of cooperation: The municipal housing association allocates the dwellings according to its own preferences, but in orientation towards a list of priorities. The department of housing is informed about all new tenancies concluded.

¹⁰ Including Berlin with its Eastern parts.

¹¹ In Thuringia and Mecklenburg-West Pomerania the income ceilings are 20 - 30 per cent higher than in West-Germany.

4. POLICIES AND PRACTICES

In this chapter different barriers will be discussed, which make it difficult or sometimes even impossible for specific groups to gain access to normal permanent housing. Some very important barriers are of a financial nature. Part of the housing stock is not accessible for low income households because they cannot afford it. In Germany this may be generalised for owner-occupied housing. But a significant part of rented housing is not affordable for low-income groups too because of the high rent asked for it. Financial support like housing allowances and housing assistance (as part of social assistance) is given to households in need of it, but the given limits of this support considerably reduce the segment of housing accessible for households in receipt of such support. Further financial barriers can be found in the payments asked for deposits and in brokers' charges.

But apart from these financial barriers inhibiting access to a great part of the housing stock there are other barriers which have a negative impact on the ability of certain low-income groups to gain access even to those dwellings which they would be able to afford economically. Such barriers are mainly based on social, demographic and other criteria of landlords in the allocation process.

4.1 *Financial Barriers for Access to Housing*

Financial barriers for access to housing are first and foremost dependent on the ability of low income households to pay rent or – seen from a different angle - on the affordability of housing. Like in many other European countries the political emphasis in Germany has shifted from subsidies for housing supply (targeting at lower rents) towards subsidies for individual households in need (targeting at improving their ability to pay, e.g. by housing benefit). One significant decision in this respect was that in East Germany social obligations in part of the municipal and cooperative housing stock do only cover allocation procedures but not rent prices. Sometimes this leads to the situation that municipalities have the right to nominate disadvantaged households for specific dwellings but the rent prices of these dwellings are much higher than the social department is willing to pay as part of social assistance for the households concerned.

This example also shows the typical limits of financial support: Housing costs are assumed by social assistance payments (*Sozialhilfe*) only as far as they are deemed “appropriate” and housing allowances (*Wohngeld*) are only paid up to fixed amounts.

Local authorities take over the full amount of housing costs for people who receive social assistance (*Sozialhilfe*) “as far as they (the costs) are appropriate” (para. 3 implementing order to para. 22 Federal Welfare Act). However, neither the Federal Welfare Act nor the corresponding implementing order give a definition of the meaning of “appropriate”. Many local authorities as authorities responsible for social assistance keep to the regulations of the national Housing Allowance Law which defines the maximum amount a subsidized rent may have (see below) when deciding whether the rent costs of a social assistance recipient are appropriate. Since contributions by social assistance are “subordinated” to other forms of income and social support (principle of subsidiarity), only that part of the “appropriate” rent which is not covered by housing allowance is assumed by social assistance.

Households that are not entitled to social assistance may nevertheless receive housing allowance (*Wohngeld*), if their income is below a fixed ceiling. The amount of housing allowance depends on the number of family members belonging to the household, on the total sum of the family income and on the amount of officially accepted housing costs. As mentioned above, there are ceilings for the officially accepted rents to be subsidized which are laid down in schedules. These schedules distinguish six different categories of local rent levels and also consider the age of buildings, the standard of equipment and the size of households. As a matter of principle housing allowance may only be a contribution to the rent and may never cover its full amount.¹² In the case of recipients of social assistance the difference between housing allowance and “appropriate” rent is covered by social assistance.

Although there is a legal claim on housing allowance, it is only granted on the application of the entitled person. It is a serious problem that many persons entitled to housing allowance do not realize their legal claims, comparable to many people who do not apply for social assistance, although they are entitled to it. This part is estimated by experts at 40 to 50 p.c. (Ulbrich 1992; Hauser/Hübinger 1993, p. 151). Another problem concerning the regulations on housing allowance is the fact that they are only updated at long intervals, so that the financial burden of the recipients of housing allowance grows with increasing rents during these intervals. In 1999 the rent of 75 per cent of all households in receipt of housing allowance was higher than the respective maximum rent being subsidized (BMVBW 2000, p. 82). In 2001 the ceilings for officially accepted rents and the rates of state contribution were adjusted for the first time since 1990 (in West Germany). It was estimated that with the reform of housing allowances in 2001 approx. 400,000 households will for the first time be entitled to housing allowances.

For households dependent on social assistance and other poor households the costs of rent deposits and brokers’ charges pose a particular problem of gaining access to a great part of the housing stock. Such costs may be assumed by special payments of social assistance in single cases, but generally local authorities are reluctant to pay for it and recipients are therefore excluded from access to those dwellings offered by brokers and those which are only let on the condition of paying a deposit.

Finally some of the negative “risk criteria” mentioned below under “other access barriers” may not lead to a complete exclusion of risk groups of part of the housing stock but materialize in a significantly higher rent than asked normally for dwellings of the same quality and location. This “risk surcharge” or “discrimination surcharge” may then function as a financial barrier itself.

4.2 Other Barriers for Access to Housing

Apart from barriers for access of disadvantaged groups which are obviously of a financial kind there are other barriers which may have some economic background but often are also based on social prejudices and on presumptions discriminating against specific groups of the society.

¹² Owner-occupiers may also receive housing allowance as a contribution to the financial burden caused by capital and managing costs. However, according to the latest statistics on housing allowance, this concerns less than 4 per cent of all recipients of housing allowance (BMVBW 2000, p. 139). This demonstrates again that housing property is of little importance to people with a low income.

Several surveys have proved that a number of specific household types experience discrimination on the housing market which is based on other than purely economic reasons. A study on behalf of the German Ministry of Housing, published in 1991, stated that

“the process of flat hunting, the necessary efforts for it and the achievable choices by it do not depend on the financial situation of households alone. They also depend on demographic and social characteristics. A purely monetary support like housing allowance is therefore not sufficient to procure the housing provision of households with special problems on the housing market. An additional housing stock is needed with municipal allocation rights based on public funding. Several groups of the population, especially single parents, foreigners and particularly families with several children are in need of social housing.”

(Osenberg 1991, p. 50, our translation)

The results of the study (a written survey of more than 800 households in three German cities) showed also strong discrimination of landlords against recipients of social assistance and against young people.¹³

In another study on behalf of the Federal Housing Ministry, Hubert and Tomann (1991, p. 19 ff) speak of “structural discrimination” of landlords against groups of households because of their specific economic and social characteristics. If landlords fear any risks concerning the contractual fidelity of households (punctual and continuous rent payments, careful use of the dwelling, regular performance of tenants’ duties like cleaning and redecoration) or if they fear conflicts with neighbours they are reluctant or unwilling to accept those households as tenants.

Typical criteria of landlords for the assessment of potential tenants are sources of income, employment situation and debts (being economic criteria) as well as social and personal criteria like nationality and family status but also the outward appearance and general conduct of applicants. Typical negative indicators are

- ◆ low income
- ◆ a low income security because of insecure employment or receipt of transfer incomes like unemployment benefit, social assistance, alimony payments etc.
- ◆ previous evictions and attachments
- ◆ problems with alcohol and drugs
- ◆ previous convictions and previous stay in care and institutions
- ◆ unemployment
- ◆ obvious family problems (Hubert/Tomann 1991, p. 24).

In the recently published study on „cooperation“, municipalities and housing associations were asked which groups of households are the most difficult to provide with housing (BBR 2000, p. 26). The four groups mentioned by more than 50 per cent of all municipalities were over-

¹³ A number of other studies have proved similar results. Behrendt et al 1996 have surveyed the chances of different flat hunting household groups in Dortmund. The survey included 621 of such households of which 166 had been successful already and had found a new tenancy while the other households were registered with the local housing department and/or one of the three biggest housing providers in Dortmund. Groups with the greatest problems of access to housing were foreigners, unemployed households, families with several children and single parents. Studies examining backgrounds and forms of discrimination of housing applicants by housing societies in the 1980s were conducted by Winter /Winter von Gregory (1983) and Echter/Brühl (1984).

indebted households (mentioned by 78 per cent), families with many children (61 per cent), foreigners (58 per cent) and persons in need of special support (54 per cent). While praising the success of different forms of cooperation between municipalities, housing associations and voluntary organisations in mobilising additional housing for disadvantaged groups the study also underlines that a number of specific groups are not accepted as tenants by landlords even under cooperation agreements.¹⁴ These specific “risk groups” are:

- ◆ “households with repeated rent arrears
- ◆ over-indebted unemployed households
- ◆ households with known cases of behaviour contrary to tenancy agreements
- ◆ households with tendencies of neglect
- ◆ single persons who were homeless for a longer period
- ◆ households with striking form of behaviour, e.g. punks,
- ◆ households with obvious psycho-social problems like alcoholics and drug addicts” (BBR 2000, p. 76).

All in all it may be summarized that there are large groups of households facing discrimination on the housing market because of their demographic and social characteristics and their nationality (foreigners, the unemployed, families with several children, single parents) and that there is a smaller group of households which faces much stricter exclusion because they are seen as “problem groups” and “trouble makers” or as persons “unable to live independently”.

It should be noted that private landlords and housing companies providing social housing are not fundamentally different in their basic preferences for certain types of tenants and in their reluctance to accept “risky” groups as tenants. Most of the studies mentioned focussed especially on providers of social housing. While it may be assumed that nevertheless the sector of social housing is providing a disproportional high share of the groups first mentioned with normal and permanent housing the last mentioned “problem groups” are equally excluded. Many providers of social housing ask applicants for a proof that they are not over-indebted.¹⁵ Some do also ask for a confirmation of the former landlord of an applicant that the tenancy was finished without any problems. If applicants want to move from one tenancy to another and there are any indicators of potential “risks”, tenants will also be visited at their current homes sometimes. Often it is formulated as an essential criterion, that applicants have to “fit” into the neighbourhood of the specific dwelling (for examples see Behrendt et al. 1996, p.62 ff.; Prunzel 1996). Examples from the mid-eighties in West Germany (Hubert/Tomann 1991, p. 33) and recent examples from East-Germany show that housing providers often prefer keeping dwellings empty to accepting “problematic” households as tenants.

As one result of the rapid shrinking of the social housing sector, fears have grown that segregation tendencies and concentration of deprived groups in the remaining social housing estates

¹⁴ In more than two thirds of all municipalities where some form of cooperation agreement exists housing societies may refuse the allocation of applicants who are expected as not complying with tenancy rules (BBR 2000, p. 67). Anyway in about half of all those municipalities where some form of cooperation has been agreed upon, the agreement just lays down some special criteria for applicants to be provided with housing under the agreement but landlords are free to select among those applicants fulfilling the criteria.

¹⁵ Overindebted households which were unable to pay in the past are registered with a credit investigation company.

will be intensified in Germany such creating problems like in other European countries. This argument has also been brought forward to combat the change (and reduction) of state subsidies to more targeted measures for particularly disadvantaged households which will be part of the reform of the 2nd Housing Construction Law. Fears of “ghettoism” and of a rise in “overstrained neighbourhoods” (title of a widely publicized study on behalf of the National Association of Housing Societies, GdW 1998) as well as the traditional goal of having a “balanced social mixture” in the occupancy of social housing have (re-)gained influence on the discourse about housing policies. There seems to be a broad consensus of such a mixture as a main target of housing policy. The new Housing Act which is to become law in 2002 will mention this target (“*ausgewogene Bewohnerstrukturen*”) several times, but without defining in detail what is to be understood by this term. Examples to reach such a mixture are the application of maximum quota for specific groups in specific areas (e.g. for migrants or households of unemployed etc.). Typical guidelines in the past were “not more than two foreigner households per entrance” (Hubert/Tomann 1991, p. 27). Some sociologists presumably found a share of 15 per cent of “minority households” in a given area as “critical threshold” for a dramatic increase in conflicts in the neighbourhood (Eichener 1998, p. 42).

One of the problems of such concepts – apart from all the negative presumptions and prejudices which are brought forward against so-called minority groups - is that they do not provide a positive answer to the question were else “minority households” should be housed than in areas where they can find cheap rented housing including social housing and where municipalities can make use of nomination rights. The fact that households with higher incomes are often concentrated in other parts of the city and are eager to protect their living areas against an influx of “risk-groups” is rarely criticised. In many bigger cities the share of households of migrants alone is higher than the 15 per cent given as “critical threshold”. One result of efforts to avoid a concentration of “minority households” in social housing is the much more dramatic and uncontrolled concentration of such households in old and dilapidated estates of private landowners and in temporary accommodation for the homeless. Furthermore in practice the opinions of housing providers about a social mixture are inconsistent: While the allocation of housing for disadvantaged group in one area is rejected because of a concentration of such households in this area, the same households are rejected in other areas with a lower share of disadvantaged households because of the alleged risk they pose to an “intact neighbourhood” there. The discussion on positive and negative effects of segregation is quite controversial not only among housing providers but also among sociologists. While some focus on the risk of the formation of a “new urban underclass” in segregated areas others emphasize the positive potentials of segregation especially for migrant groups and express their doubts on the benefits of a policy aiming at a “dispersion of problem groups” for the poor people concerned.¹⁶ It should also be stressed that the level of segregation in German cities is still rather low compared to other European cities.

Critical voices question not only the coherence of the goal of “balanced social mixtures” but also its achievability. The instruments to influence the process of segregation are severely restricted. Barthelheimer (1998) therefore calls for a “moratorium” of the discussion on how to reach “balanced social mixtures” and on a new focus on the question how to tackle the social

¹⁶ For the discussion on a “new urban underclass” see Häußermann 1997, Kronauer 1997, Bremer/Gestring 1997 and Gielnik 1999. For critical views of the target of a “balanced social mixture” see Heitmeyer et al. 1998, Becker 1988 and 1997, Bartelheimer 1998, Schubert 1999 and Lanz 2000.

risks of disadvantaged households where they appear and where these households happen to live.¹⁷

Finally another specific barrier for access to housing has to be mentioned which consists in constructional requirements especially for disabled persons and frail elderly people. In a recent survey 42 per cent of German municipalities defined households in need of special constructional requirements as difficult to supply with housing (BBR 2000, p. 26). With the rapid aging of the German society the need for housing which is adequate for such households will increase substantially.

¹⁷ Various programmes on the level of regional states (e.g. programme such as “areas in special need of regeneration“) and since 1999, a national programme (“areas in special need of development – the social city“) have been used to initiate changes in city areas with high shares of poor and disadvantaged households. For further information, see <http://www.sozialestadt.de>

5. TACKLING HOUSING EXCLUSION

In this chapter we will concentrate on positive examples of tackling housing exclusion for specific groups which face the access barriers analysed in Chapter Four.

5.1 *Tackling financial barriers*

Of course it is particularly important for low income groups that there is enough supply of affordable housing and that they are able to pay rent prices which are asked for.

Financial support as described in chapter 3.1 is therefore essential and should be adapted to the development of rent prices much more frequently than it was the case in the last ten years in Germany (until 2001) when the regulations for housing allowances had remained unchanged. In some municipalities the levels of rents accepted as “appropriate” for social assistance payments were raised much earlier than those for housing allowances at the federal level. Local authorities have discretion to raise those levels for households in special need and may thereby broaden the sector of housing which those households may have access to provided that they are accepted by landlords. Some municipalities have special regulations allowing for higher rent thresholds for households which are particularly difficult to rehouse. Municipalities are also free to assume costs for broker charges and for rent deposits under the Federal Act of Social Assistance (*Bundessozialhilfegesetz*). The same holds true for contributions to housing cooperatives which have to be paid in advance to gain access to their housing stock. But of course the discretion of municipalities is limited by budgetary constraints (in Germany social assistance is financed exclusively by local authorities). Comparisons of social assistance expenditure between different cities are increasingly used to legitimise cuts including a reduction of rent levels and of extra payments.

Another measure to tackle financial barriers are all efforts to reduce the level of rent prices or at least to slow down their increase. The recent decision of the German government to tighten the scope for rent increases in existing tenancies (from 30 to 20 per cent within a three years period) is a significant step in that direction although the possible maximum of 20 per cent is still much more than may be expected as increase of other prices and incomes.

More targeted measures are efforts of municipalities to reduce the economic risks of tenancies for specific households. According to the survey on “cooperation” more than half of all municipal housing associations deplored that they have high costs caused by rent arrears and costs of redecoration and renovation and that they miss municipal guarantees to cover such risks (BBR 2000, p. 52 f.). In 18 per cent of municipalities with some form of cooperation agreement a financial compensation of the municipality for potential cases of rent arrears and of costs for eviction procedures was agreed on for individual households (individual guarantees). In ten per cent an agreement was also reached in relation to extra costs for the particular dwelling (not to the individual household) covering costs of renovation and of rent loss because of the dwelling being empty for certain periods. In most municipalities financial guarantees are provided only for a relatively low number of specific households in urgent need of housing. The city of Cologne is an exemption in this respect because of its great number of declarations of surety for individuals and dwellings which mounted to some 10,800 in 1995. Examples from other cities (Bremen, Stuttgart, Duisburg, Essen etc.) show that numbers of individual

guarantees are much lower there ranging between 200 and 100 or even much less. The annual costs per dwelling for examples where these costs could be surveyed range between 90 and 370 €. ¹⁸ There are strong indicators that the amount of financial compensation to be paid depends very much on the intensity and reliability of social support provided for the households concerned (ibid., p. 57).

While it seems recommendable to remove economic barriers by supplying municipal financial guarantees for households judged to be “risky” by landlords, the main problem is to define the legitimate limits for such strategies. As a matter of fact in social housing a sum of two per cent of the regular rent is usually calculated as part of ordinary rent payments in order to cover the risk of rent losses. Landlords so far did not provide sufficient proof that those parts of the normal rent earmarked for compensation of rent losses and maintenance costs are not sufficient to cover the real costs. The problem also consists in delimiting the number of households where fears of an economic risk are legitimised on the one hand and in preventing an inflationary demand of special guarantees for all households which do not fit the top priority criteria of landlords on the other hand.

5.2 Allocation rights for disadvantaged groups

The usual way of acquiring allocation rights for disadvantaged groups in Germany in the past was public funding for the construction of new (social) housing. The different legal provisions which can lead to nomination rights for municipalities have already been explained above. ¹⁹ Despite the tendencies already mentioned and leading to a severe reduction of social housing stock the use of nomination rights in social housing is still the quantitatively most important source of securing access to housing for disadvantaged groups.

Recently and in accordance with the reduction of new construction of social housing and the shrinking of obligations in the existing housing stock (social obligations have run out but the dwellings still exist) much more emphasis has been focused on the acquisition of new nomination rights in the (older) housing stock which already exists and has to be classed as private rental housing. As we have seen a significant part of this stock consists of dwellings which were social housing in the past.

There are different ways of acquiring allocation rights in this stock. ²⁰

¹⁸ In a very atypical example of one town (Essen) more than 740 € had to be compensated per year and dwelling. But the calculation in this case was based on a very low number of seven declarations of surety. Would the total sum of compensations be related to the 177 households in urgent need of housing in Essen which had been rehoused under special cooperation agreements in the same year the costs of compensation per dwelling and year would only amount to 30 €, see BBR 2000, p. 56.

¹⁹ It should be mentioned that the new Housing Bill which is to be enacted in 2002 (*Wohnraumförderungsgesetz*) includes the different forms of nomination rights known from the recent legislation. In section 26 of the new law the three main forms of allocation rights are mentioned. A general obligation to accept only those households with a certificate of entitlement (*allgemeines Belegungsrecht*), a nomination right where the housing department has to nominate at least three different households for a free dwelling (*Benennungsrecht*) and a special nomination right which allows the housing department to nominate only one applicant as tenant (*Besetzungsrecht*). In the new law greater emphasis is laid on the acquisition of nomination rights in the existing housing stock.

²⁰ Sources for the following are Behrendt et al 1996, IWU 1991, Hubert/Tomann 1991, Busch-Geertsema/Ruhstrat 1994, p. 150 ff., and BBR 2000.

One option increasingly used is the provision of public funding for renovation (connected with new social obligations for a certain period). One of the problems is that the dwellings in need of renovation are mostly occupied so that nomination rights can only be used in the long run and in cases of fluctuation. This is also true for funding schemes in which public funding for the construction of new housing is provided and in return for such funding new social obligations are fixed for older dwellings in the existing stock (obviously this option is reduced by the general reduction of public funding for new construction).

Another method is the provision of special premiums for landlords who are willing to accept disadvantaged households as tenants. Programmes which offered such premiums (between 500 and 7,500 € per household) were tested in a number of cities in the late 1980s and early 1990s, but the quantitative effects were quite low.

Access to housing for disadvantaged groups may also be facilitated when municipalities buy existing dwellings and let them to such households. But as we have seen the opposite is much more frequent: Municipalities are frequently selling their housing stock or shares of their ownership of “municipal” housing associations. Anyway the influence of municipal housing departments and social departments on the allocation of dwellings owned by a municipal housing association are severely restricted. The legal independence of these housing associations is quite far reaching and political influence is mainly restricted to good cooperation with the general manager and to decisions on the general statutes of the housing association. The scope of influence is further reduced when financial institutes and/or commercial companies hold shares of the housing company which is frequently the case nowadays. On the other hand municipal housing associations often are the only local housing companies willing to participate in cooperation agreements with the municipality (BBR 2000, p. 38).

Some municipalities or social departments also rent dwellings for a certain time from private landlords and let them to households with specific problems. But this option is more often used as a method to provide temporary accommodation for homeless households (with occupancy agreements instead of regular tenancy contracts).

The most important ways of securing access to housing for those households which are defined as special “problem groups”, like homeless persons and persons in immediate danger of homelessness are some of the contractual agreements between municipalities and housing providers (and sometimes but not always service organisations in the voluntary sector) and schemes which combine the provision of normal housing with organisation of social support. Those examples will be explained in more depth in the following paragraphs.

5.3 Contractual agreements for the provision of households in urgent need of housing with permanent housing

As already mentioned above some municipalities have concluded contractual agreements with housing providers to secure access for particularly disadvantaged households. The survey on different forms of cooperation in the field of housing provision proves that the quantitative effects of formal contractual agreements are much bigger than those of informal agreements. While many of such formal agreements are targeted at a broad range of housing applicants with certificates of entitlements (proving their low income in the first place; see BBR 2000, p. 39) some contracts are focussing more specifically on homeless persons and persons threat-

ened by homelessness. In the following we will concentrate on two well-known and documented examples in Germany: The “protected market segment” (*geschütztes Marktsegment*) in Berlin and the “contract for the improvement of housing provision for households with a certificate of being in urgent need of housing” (in short: *Wohnungsnotstandsvertrag*) in Bremen.

5.3.1 The protected market segment in Berlin

In Berlin a special agreement was reached in November 1993 to introduce a “protected market segment” for people who are homeless or threatened by homelessness.²¹ A contract was signed between the municipality and those 19 housing companies in Berlin in which the municipality holds ownership shares of more than 51 per cent (other housing companies in Berlin were not willing to agree to a contractually fixed duty). The 19 “municipal” housing companies committed themselves to provide a fixed number of 2,000 dwellings per year of the fluctuation in their housing stock for the provision of the target group.²² The main aims of the contract were

- ◆ the prevention of new homelessness
- ◆ the reduction of existing homelessness and the
- ◆ aims to call publicly funded housing companies more to account for social targets.

The target groups were

- a) Persons who are threatened by eviction, and who cannot be prevented from homelessness by preventive measures of social departments or other actors, are unable to procure other housing by their own efforts, and
- b) homeless persons who have been living at least for one year in Berlin, and do not have a tenancy or subtenancy of their own and cannot procure normal housing by their own efforts.

Group a) should also include battered women, who cannot return from women’s refuges or other temporary refuges to their own homes, homeless persons who have to be released from institutions like prisons, hospitals and temporary accommodation and young people leaving care.

If necessary priority was to be given to group a) such strengthening the preventive orientation of the contract.

Practical experiences revealed a number of problems. There was a mismatch of the size of dwellings offered by housing companies and the dominant household size of the target group. While in the first year of practice (1994) more than 60 per cent of all applicants were single households only 38 per cent of all dwellings offered under the contract were one-room dwellings (Senatsverwaltung für Soziales 1995, p. 13 and 31). Another problem was that a much greater part of dwellings offered under the contract (about 65 per cent in 1994) were located in

²¹ For further details see Senatsverwaltung für Soziales 1995 and Spottka 1996. For the analysis of recent developments a number of unpublished documents and statistics could be used which were kindly provided by *Landesamt für Gesundheit und Soziales* in Berlin

²² In this respect the term “protected market segment” might be misleading and was misunderstood even by experts (e.g. BBR 2000, p. 59). The Berlin example is not a contingent of specific dwellings which was fixed in the beginning and after the first year could only be used for new tenancies when old ones in the same dwellings are terminated. The idea in contrary is to fix a numerical contingent of free dwellings **per year** which should be allocated to the target group.

the east of Berlin (formerly part of the GDR), while the bulk of applicants lived in the west. 42 per cent of the dwellings offered in 1994 in East Berlin were situated in old buildings, had no central heating and many had no bath or shower and no toilet inside. Most of these dwellings were in need of renovation, but the rent price was significantly lower than that of dwellings offered in the western parts of Berlin (ibid., 11). While part of the applicants did not want to move to eastern parts of Berlin or criticised the state of the dwellings offered, landlords criticised their expectations judged as being unreasonable. While most housing companies insisted on receiving at least three proposals per dwelling offered to a central administrative office in Berlin they often ended up with only one applicant wanting to rent the dwelling offered. But the fact that from 1,667 dwellings on offer by the housing companies under the contract in the first year (1994) 1,615 were eventually let to households of the target group shows that for about 97 per cent of all dwellings offered tenants fulfilling the criteria were found (ibid., p. 16).²³ It also shows that the agreed number of dwellings to be provided per year was not reached. This was also the case in the following years, during which the annual numbers remained well below the target of 2,000 dwellings per year.

Apart from some administrative problems the housing companies deplored problems arising from tenancies, like rent arrears, illegal subletting, disturbances of domestic peace, noise, missing papers/deposits etc. To compensate housing providers for economic risks a municipal guarantee was given for financial losses connected with tenancies in the protected market segment during the first three years of each tenancy.

Table 1:

Results of contract of protected market segment in Berlin

Year	Number of households		
	provided with dwellings	thereof*)	
		tenancy problems	evictions
1994	1,667	559	55
1995	1,578	400	31
1996	1,662	485	17
1997	1,293	362	28
1998	1,086	279	6
1999	540	156	0
Total	7,826	2,241	137

*) Numbers refer to those households which were provided with housing in the particular year. "Tenancy problems" means infringements of tenancy contract in a period of three years after moving into the dwelling. Numbers may therefore still increase from 1997 on.

Source: Landesamt für Gesundheit und Soziales Berlin (unpublished)

The results of housing provision under the contract and of infringements of tenancy contracts for the years 1994 until 1999 may be seen in table 1. The table shows that annual letting numbers were even lower in the years after 1994 (despite of demands of the social department to broaden the scope of the protected market segment to 3,000 dwellings per year). Nevertheless

²³ The 1,615 households provided with housing in 1994 correspond to 3,416 persons. 839 households (52 per cent) were registered under group b (those actually homeless; see above) and 776 under group a (threatened by homelessness; ibid., p. 17)

in six years nearly 8,000 households being homeless or threatened by homelessness got a permanent tenancy under this contract.

The table also shows that problems were registered for quite a significant part (nearly 30 per cent) of the tenancies concluded. Yet the number of tenancies ending in an eviction was rather low (only about 1.8 per cent of all market segment tenancies ended in an eviction).

The evaluation of the first year of the protected market segment already mentioned an unmet need of social support for tenants housed under the contract (*ibid.*, p. 30 f.) and called for a better organisation of social support and a more reliable reaction to problems appearing in tenancies of the protected market segment.

In the year 2000 a number of changes were introduced. The contract concerning the protected market segment was reformulated: In the new contract the target is reduced to 1,350 dwellings per year. But the size of dwellings to be offered as part of the protected market segment is also specified as 1,100 dwellings for one-person households and 250 dwellings for households with two or more persons. Dwellings without inside toilet and shower/bath will not be accepted any more. The contract further specifies that dwellings will only be provided to persons who are able to lead an independent and “responsible” life in a normal dwelling and who may receive adequate personal support in case of need. At least two applicants per dwelling have to be nominated during three weeks after the registration of a free dwelling. Financial compensation for damages are guaranteed during the first two years of each tenancy under the contract. A special fund of approx. 190.000 € per year is reserved for such compensations.

In the year 2000 new financial and organisational agreements with service agencies in the voluntary sector were reached including services “to achieve and sustain tenancies” and explicitly mentioning social support for tenants of the protected market segment as one of the relevant tasks under this heading.

All in all it may be concluded that the protected market segment in Berlin is an instrument for securing access for particularly disadvantaged groups to normal housing which is unique in Germany and has had – despite the problems described – remarkable quantitative and qualitative effects.

5.3.2 The contract for households in urgent need of housing (*Wohnungsnotstandsvertrag*) in Bremen

The city of Bremen was a pioneer in developing a contractual agreement with the providers of social housing to assure a priority quota for households in urgent need of housing. The first such contract was signed in 1981 with 13 housing companies, all of them providers of social housing. The contract was reformulated in 1994 in order to strengthen the target of supplying housing for those households most in need. In 1994 two priority groups (category I and II) of households in urgent need of housing were introduced:

- ◆ category I stands for people who are actually homeless. The definition includes roofless single persons and homeless drug addicts as far as they are able to live on their own, homeless people in temporary accommodation, in hotels etc., in special housing, hostels, shelters, psychiatric hospitals and similar institutions and homeless convicts to be released from prison.

- ♦ category II stands for people imminently threatened by homelessness or living in unacceptable housing condition. Examples of unacceptable conditions are dwellings without inside toilet and households living in cramped conditions.²⁴

Housing providers agreed in the new contract to provide 60 per cent of the fluctuation of social housing in their stock to households in urgent need of housing, 40 per cent to households in category I and 20 percent to households in category II.

The advantage of the contract for the providers of social housing is threefold. First of all the municipality explicitly renounces the right to administer possible nomination rights (section 5a of *Wohnungsbindungsgesetz* is not applied, see above). This leaves the providers of social housing the right to choose among a great number of applicants (instead of choosing among three nominated candidates per free dwelling) as long as they fulfil certain quotas. Second the housing providers are free to decide which household is allocated to which dwelling, so they can decide about the geographical location of households in urgent need of housing. Third the contract provides guarantees for any damages (rent losses, renovation costs, eviction costs etc.) connected with the allocation of dwellings under the contract as long as the households concerned may claim social assistance.

For the municipality the contract helps to reduce the necessity of providing expensive temporary accommodation and reduces greatly the administrative requirements of allocating social housing. Households in need just get a certificate of entitlement (specifying if they are classified as cases in urgent need of housing and which category) and then have to register directly with the different housing companies.

While the contract in theory is a good instrument to secure priority for disadvantaged groups it has some severe disadvantages for persons who face persistent exclusion by housing providers. The duty of housing providers does only cover the provision of a certain quota of dwellings to specified groups. But there are no mechanisms to gain access for individual households.²⁵ In Bremen a study among service providers for different groups of homeless persons showed that single homeless people in need of personal support and drug addicts were among the groups with the lowest success rate when applying for housing under the regulations of the Bremen contract. They got their high priority certificate from the municipal administration but they were consistently rejected by landlords of social housing.

Another problem is that in the case of Bremen too the contract partners did not fulfil the quota promised. Instead of 60 percent of all free dwellings²⁶ they allocated only around 40 per cent to households in urgent need of housing. And instead of prioritising households of category I these households were provided with much fewer dwellings than households in category II, reaching as a maximum (in 1997) a quota of 18.7 per cent instead of the 40 per cent per year which were agreed as goal (see table 2). The contract does not contain any regulations for

²⁴ Cramped conditions are defined as 20m² for a one-person household, 35 m² for a two-person household, 50 m² for a three-person household, 60 m² for a four-person household, 67.5 for a five-person household etc. The text of the Bremen contract is reproduced in Busch-Geertsema/Ruhstrat 1994, p. 249-252. Further sources are Ohlenburg/Bronke 1997, Busch-Geertsema 1998 a and Bremische Bürgerschaft 1998

²⁵ The same is true for the example in Berlin. In Bremen a special study has proved the discrimination of particular groups of households (see Ohlenburg/Bronke 1997).

²⁶ It should be mentioned that dwellings allocated to households which move inside the housing stock of a particular company from one dwelling to another are not counted as fluctuation and are not subject to the contract.

sanctions in case of failing the duties agreed on. When the results were discussed in parliament in 1998 most statements were restricted on appealing to the good will of housing providers. The problem for any attempt to re-strengthen the conditions of the contract is that in Bremen even more than in other locations of Germany social obligations are phasing out on a very large scale. While the social housing stock was at 50,000 units at the beginning of 1996 it was only at around 20,000 at the beginning of 2001 and it will be further reduced to around 13,000 in 2004 (see AWS 1999, p. 55).²⁷ Table 2 clearly shows the decline in lettings between 1994 and 1998.

On the other hand landlords of social housing rightly pointed at the insufficient level of social support provided for households in need of it. Only more recently the provision of such support for people living in normal housing has been improved for a number of target groups including single homeless, ex-convicts and drug addicts.

Table 2:

Results of contractual agreement for households in urgent need of housing in Bremen

	1994	1995	1996	1997	1998
Publicly funded dwellings let to new tenants	3,862	3,289	3,198	2,741	1,966
thereof let to households in urgent need of housing	1,546	1,296	1,271	1,089	979
thereof – to category I	425	319	309	513	n.a.

Source: AWS 1999, p. 47, Bremische Bürgerschaft 1998, p. 4

In conclusion the Bremen contract may be seen as another example of a very ambitious attempt to provide homeless people and other people in urgent need of housing with such (social) housing. If we focus on the quota which had been promised and the quota reached in practice results might be seen as disappointing. But if we look at the total result of households provided with normal dwellings each year under the contract the quantitative results are still remarkable and much higher than the quantitative results of most other measures including the organisations which we will focus on in the next paragraph. But the Bremen example also shows that such organisations and further measures are badly needed for the provision of groups which are persistently excluded from “ordinary” landlords and cannot get access to housing because of their special support needs.

5.4 ‘Soziale Wohnraumhilfen’ (housing assistance agencies) - a special form of housing acquisition by welfare organisations in the voluntary sector

When it became increasingly difficult for homeless persons to rent dwellings on their own in the late 1980s and departments of social work for different target groups were often competing

²⁷ The contract allows housing companies to add those households in urgent need of housing to their quota which have been supplied with housing not underlying any social obligations (any more). But the quota is calculated only on basis of the fluctuation in the remaining stock of social housing.

for the small remaining stock of available housing, in a considerable number of cities these service providers joined and set up associations or charity societies with the main purpose of acquiring housing for socially disadvantaged persons. A wide range of different institutions with various methods developed. A study on the *Bundesland* Hesse revealed that there alone were eight '*Soziale Wohnraumhilfen*' (housing assistance agencies), which held a housing stock of more than 400 dwellings (mainly belonging to the privately rented sector, mainly rented and sublet by the agencies) (see Schuler/Wallner et al. 1996, p. 51 f.). Five of them were members of a Protestant welfare agency (*Diakonie*) or had parishes among their founder members.

There are housing assistance agencies focussing mainly on single homeless persons with a special need of support according to Section 72 BSHG, while others include service providers of social work for different target groups (beside for single homeless persons e.g. for persons suffering from AIDS, ex-convicts, consumers of illegal drugs, battered women, persons with disabilities, vulnerable young persons, persons with mental health problems etc.) and which acquire housing for the respective target groups. A great part of these agencies mainly rely on the existing housing stock for housing acquisition, others initiate new housing construction or are involved in it, or they carry out reconstruction and extension projects on purchased or rented buildings. Most agencies set up special housing administrations to relieve landlords of economic risks, act as intermediary landlords and strive to avoid notices to quit in cases of infringements of the tenancy contract by early intervention and information of providers of support etc. Usually the staff of '*Soziale Wohnraumhilfen*' includes commercial employees as well as social workers. The agencies are financed from subsidies of different state agents as well as from church funds, and to a smaller extent from donations and own returns for example of housing management. For construction projects or the purchase of dwellings they can resort to different types of subsidies: Some churches of the different *Bundesländer* (*Landeskirchen*) have set up special funds to subsidise housing provision of disadvantaged persons. Some *Bundesländer* afford contingents or additional subsidies for projects directed at special target groups beside regular subsidies for social housing. Eventually, there are special funds in some cities supplied by different sources (state and church funds, donations of commercial business).

In most cases, a separation of support and housing management is attained because housing assistance agencies are not responsible for the provision of personal support but leave it (if it is necessary at all) to member organisations or other social services. In most cases the support provided by housing assistance agencies according to their conceptions is restricted to the settlement of problems which are directly linked to the dwelling or tenancy (agreements on payment by instalments in cases of rent arrears, settlement of conflicts within the house community, settlement of damages of the dwelling etc.). Even though not every tenant might receive support by social workers, the general willingness of service providers to intervene in cases of need is often preconditional for an arrangement of tenancies. The degree of actual separation of organisation of housing and support varies, too: As service providers are usually members of the housing assistance agency at the same time, this separation is weak from the start. If the support relationship between the original service provider and the resident fails, many housing assistance agencies will feel obliged to provide support in urgent cases by themselves.²⁸ Some

²⁸ 'There is an increasing number of cases when delegating organisations are no longer able to provide necessary aftercare in cases of trouble with tenancies. Then we ourselves have to be able to become active as social pedagogues.' (Neue Wohnraumhilfe Darmstadt 1998, p. 7). This problem was already

agencies work on projects in parts of their housing stock in which they act as providers of social support. Eventually, there are housing assistance agencies which object to a separation of housing arrangement/management on the one hand and support on the other and combine both instead. One example of such an organisation is a housing assistance agency in Karlsruhe which has been active in housing acquisition since 1983 (*Sozialpädagogische Alternativen e.V.* with the scheme ‘*BürgerInnen ohne Wohnung*’ = ‘Citizens without a home’). This organisation has rented dwellings from private landlords and from providers of social housing and sublets them to formerly homeless persons with unlimited tenancies and “floating” support by its own social workers without special time limits. In 1999 all in all 130 “housing units” (including self-contained one-room dwellings as well as single rooms in shared dwellings) were rented (88 from private landlords and 42 from public housing associations) and sublet (SOZPÄDAL 2000, p.3).

While most housing assistance agencies concentrate on acquiring standard housing at standard tenancy conditions and on the task of managing this stock of housing, there are some agencies which assume further responsibilities. For example the *Evangelische Verein für Wohnraumhilfe* in Frankfurt/Main has taken on major guidance and control tasks concerning temporary accommodation of homeless persons (natives and immigrants, families and singles) from municipal authorities. This agency owns hostels for temporary accommodation and runs a scheme for a limited interim use of dwellings which are to be renovated or demolished (see *Evangelischer Verein für Wohnraumhilfe* 1997, 1998).

Evangelischer Verein für Wohnraumhilfe in Frankfurt is one of the oldest and probably largest organisations of its kind. It had a total stock of 255 dwellings under its own administration at the end of 1998 (88 of these dwellings were for limited interim use) and 287 subtenancies with altogether 760 persons (see *Evangelischer Verein für Wohnraumhilfe* 1999, p. 24). Beside activities in the sector of intermediary housing arrangement and temporary accommodation of homeless persons, the agency cooperates closely with the municipal housing office to provide homeless persons in shelters with social housing and is provider of social support for vulnerable young adults.

Another example is the *Neue Wohnraum Hilfe gGmbH* (NWH) in Darmstadt, which was founded in 1991. Associates are 21 social work organisations in South-Hesse (from the sectors youth welfare, feminist movement, services for ex-convicts, services for the homeless, services for persons with disabilities and services for persons suffering from AIDS). This agency acquires housing by renting and subletting as well as by purchase and new construction. At the end of 1999 it had altogether 92 dwellings at its disposal (14 of them were owned by the association) and was landlord for 149 persons. All persons had been homeless before being housed by NWH (NWH 2000, p.3). In their great majority the dwellings are one-person or two-person flats, which are let exclusively to single households (single persons, single parents with children and in few cases to couples or families). As homes for battered women are among the associates, more than half of all tenants are women. A strict separation of housing and support

described in the National Report for 1997 with reference to the model of Social Housing Assistance Hannover (*Soziale Wohnungshilfe Hannover*) (Busch-Geertsema 1998). This organisation is special because it mainly focuses on new construction projects and because it was not founded as an independent agency but as part of an advice centre for homeless persons. At the beginning of 1998 *Soziale Wohnraumhilfe Hannover* also became an independent organisation (non-profit society), which nowadays however have their own staff for social support of residents. In 1999 *Soziale Wohnraumhilfe Hannover* had 142 dwellings under administration. Only 5 of them were rented and sublet from older existing stock, all other dwellings were newly constructed (SWH 2000, p. 1). A similar organisation operating in different locations of a whole *Bundesland* is *Soziale Wohnraumhilfe Schleswig-Holstein*.

sociates, more than half of all tenants are women. A strict separation of housing and support as intended in the association's conception has been abolished for parts of this project as well, as in the middle of 1996 a separate social-pedagogical support service for the target group of homeless women was set up (NWH 1998). A special feature of NWH which is relatively new for an organisation in the voluntary sector is that it is increasingly involved in preventive activities on behalf of housing societies. They get special funding from four big housing providers in Darmstadt and other locations near Darmstadt to intervene when problems in tenancies (rent arrears, conflict in the neighbourhood etc.) are escalating. They visit tenants at their home, offer advice and counselling, cooperate with specialised social work agencies and act as a mediator between landlord and tenant and between tenants and neighbours, local administration etc. The prior aim of the intervention is to prevent eviction and homelessness. Advice on financial claims for social assistance, for housing allowances, unemployment benefit etc. is provided, contacts are made to local authorities in order to possibly assume existing rent arrears by extra payments of social assistance, agreements for paying back rent arrears in instalments are negotiated and social support is organised in case of need. In 1999 NWH was active in several hundreds of cases of threatening homelessness and succeeded in a great number of cases. The positive effect for the housing providers consists in a reduction of rent arrears and in the prevention of high costs caused by eviction procedures and changes of tenants (see NWH 2000, p.5-7).

All other housing assistance agencies focus in their preventive efforts on the housing stock under their own administration and strive to prevent notices to quit and evictions by early interventions in cases of problems which affect tenancy contracts (like delay of rent payments, noise nuisance, clashes with neighbours) and by arranging appropriate personal support. They are frequently successful, but in very grave cases even these agencies return to legal procedures of giving notice to quit and moving for eviction.

The housing stock for which housing assistance agencies act as intermediary landlords contains in the majority of cases less than 150 housing units, mostly even less than 100. As the number of housing units which are newly acquired each year or become vacant by fluctuation is definitely smaller still, the contribution of such agencies to housing provision of homeless persons is limited in quantity despite its qualitative importance.

In a recent study on examples of good practice/good policy in tackling homelessness in other EU-countries on behalf of the German Federal Ministry of Transport, Construction and Housing (Busch-Geertsema 2001) the author argues that similar examples of intermediate housing agencies in Belgium (social rental agencies, see de Decker 1998) or in Finland (Y-foundation, see Kärkkäinen et al. 1998, Kärkkäinen 1999) could provide an innovative input for Germany. The target in Germany could be to improve the quantitative output of such agencies by either changing the organisational structure (e.g. founding a bigger organisation comparable to Y-foundation working on the level of one or more *Bundesländer*) or by regulating and funding such agencies more systematically in order to promote their spread all over the country (as it is done by legislation in the three regions of Belgium). Furthermore a greater emphasis will be needed in future to focus on access to privately rented housing in the existing stock (while many *Soziale Wohnraumhilfen* in Germany cooperate mainly with providers of social housing).

5.5 *The importance of social support*

Examples from previous paragraphs have already shown the importance of social support for overcoming access barriers to normal housing. Mainstream housing companies often deplore that they are urged to house people in need of social support by social departments and service agencies but that they are left alone afterwards in cases of conflicts and problems with those tenancies. The administration of most of these companies is highly rationalized and does not have the time nor the competencies to react adequately when it becomes obvious that tenants are in need of social support.

A reliable cooperation between housing companies and providers of social support is therefore of utmost importance. Reports about problems regarding that cooperation are numerous and criticism against social workers involved is also frequently heard from “social” landlords like housing assistance agencies described in the previous paragraph. Typical problems described are that obvious risks of clients (like former tenancy problems and evictions, high debts, addiction, mental illness etc.) are hidden or minimized before a tenancy is concluded and that in cases of support need social workers react too late or do not provide enough support or do not acknowledge obvious problems (conflicts with neighbours, rent arrears) as a serious risk for the tenancy of their clients. Some of these problems are based on structural deficits like the insufficient and inflexible financial basis of social support (often constructed as “after care” which is provided for a rather short period). Another problem is a lacking will to cooperate with social workers on the side of clients once they have concluded a tenancy.

A recent recommendation paper by the national coalition of service providers for the homeless (*Bundesarbeitsgemeinschaft Wohnungslosenhilfe, BAGW* see BAGW 2000) emphasises that on the one hand “every citizen should have a right to normal housing as long as he or she wishes to have it” but that on the other hand a reliable cooperation between social work and housing providers is essential to gain access to housing also for those people who are particularly difficult to integrate. The paper asks for a differentiated assessment and communication of potential risks by social workers²⁹ and an open discussion with clients whether they are prepared to accept compensating support. Financial risks should be covered by special guarantees but also by transferring entitlements for part of social security payments towards landlords in order to secure regular rent payments. The offer of crisis intervention and social support by social workers has to be reliable and only good experiences and growing confidence may help to overcome the re-strengthening of access barriers which have been softened by the current relaxation of the housing market and which may reappear soon with a renewed housing crisis. The paper also calls for a better coordination of the allocation of housing and support for households which are difficult to integrate (e.g. by an independent clearing agency) and for a better use of instruments like case management and case conferences (BAGW 2000, p. 160 f.).

Recently there are also calls by different experts to place a greater emphasis on the importance of quality, location and neighbourhood of dwellings which might be let to households difficult to integrate. Some homeless people are in need of a very tolerant neighbourhood and of a type of housing where unusual behaviour is not leading to escalating problems with neighbours and where potential damages are limited (BAGW 2000, p. 161, Enders-Dragässer/Sellach 1999, p. 194f.).

²⁹ The paper is also explicit about a tendency of social workers – when they are involved in allocating housing to their clients - of “creaming off” those clients who are the easiest to integrate (ibid., p. 160).

6. CONCLUSIONS: FACILITATING ACCESS TO HOUSING

This report focuses on barriers of access to housing. Basically it differentiates between financial barriers and barriers which are based on other indicators like demographic and social factors, but also on prejudices, current behaviour and outward appearance of applicants and alleged risks of conflicts in the neighbourhood, “ghettoisation” etc.

Discrimination on the German housing market is working against large groups of the population like foreigners, families with several children and single parents and against people in receipt of unemployment benefit or social assistance. Financial support like housing allowance and housing assistance are necessary but they are not enough to overcome those access barriers which are of another than a purely financial nature. In the past social housing and allocation rights were the most important answers in that respect.

On the other hand even in social housing and under different forms of cooperation between municipalities and housing providers who help to mobilise housing for disadvantaged groups there are specific “problem groups” which remain widely excluded from access to normal housing. The main reason is that landlords fear risks concerning the contractual fidelity (punctual and continuous rent payments, careful use of the dwelling, regular performance of tenants duties like cleaning and redecoration) or conflicts with neighbours. Access to housing remains particularly difficult for persons who have experienced previous evictions and attachments, who are over-indebted, who have problems with addiction or mental illness, who have obvious family problems and who are in some way in need of special social support.

While the last housing crisis in Germany has been relaxing and the quantitative extent of homelessness has been decreasing after 1994 there is no reason to assume that the strong cyclical development of the German housing market has come to an end. Particular causes for concern are the recent decrease of housing construction and especially of construction of social housing and the continuous increase of rent burden for a great part of the population. While homelessness numbers are at a historic low the number of households with rent arrears has been increasing substantially.

Instruments to influence the allocation of housing have been reduced dramatically because of the rapid shrinking of time limited social obligations of publicly funded housing and because of many municipalities selling their housing stock. This will also significantly reduce the impact and the transferability of positive examples described in the report, like different forms of allocation rights in social housing and contracts securing a protected market segment for the homeless in Berlin or an annual quota for households in urgent need of housing in Bremen.

Under these circumstances new ways to acquire allocation rights in the existing housing stock and new forms of cooperation between housing companies, private landlords, municipalities and service providers in the voluntary sector are of particular importance. Financial risks of landlords have to be covered by municipal guarantees and other measures, existing needs for social support have to be covered by adequate and reliable services. More flexibility in financing such services and new forms like “floating support” are badly needed. Innovative forms of intermediate agencies like “*Soziale Wohnraumhilfen*” in Germany, *social rental agencies* in Belgium and *Y-Foundation* in Finland will gain in importance and should be provided with continuous and reliable financial and political support. But they will not be sufficient to solve

the quantitative problem of access barriers to housing. A much greater segment of the national housing stock has to remain or to be redirected into an instrument of social housing policy with allocation rights and affordable rent prices.

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8. APPENDICES: LATEST EVIDENCE ON THE SCALE AND EXTENT OF HOUSING EXCLUSION

8.1 *The current extent of homelessness in Germany*

There are no nationwide official data on the extent of homelessness in Germany. For many years experts and politicians have been asking for national and annual statistics on people in urgent need of housing which would provide data on a nationwide and continuous basis³⁰. A first step to achieve such data was a feasibility study by the Federal Statistical Office published in 1998 (Koenig 1998). This study took a rather broad definition of homelessness which is widely agreed on by German experts as a starting point. While it says, on the one hand, that many subgroups of the homeless population (homeless people sharing with friends and relatives, rough sleepers, people in institutions who cannot leave because of lack of housing etc.) cannot be assessed in official statistics, it admits, on the other hand, that a statistical assessment of those homeless persons who are accommodated by municipalities and service-providers in the voluntary sector, in temporary accommodation or special institutions for the homeless would be possible. Households affected by legal action for eviction could be assessed continuously as well.³¹

After the publication of the feasibility study a further step was done to test the practical feasibility of a new data collection system of homeless people in North Rhine-Westphalia. The results of this test will be published in 2001. But because of the financial constraints and recent cuts in data collections of the Federal Statistical Office it is still uncertain whether national homelessness statistics will actually be introduced in Germany in the future.

Up to now the only source producing annually a rough estimate on the scale of homelessness in Germany has been the national coalition of service providers for the homeless (*Bundesarbeitsgemeinschaft Wohnungslosenhilfe, BAGW*).

In 2000 an overview was published on the estimated national development of homelessness in Germany between 1994 and 1999 (Specht-Kittler 2000). The basis for the first estimate was a study on behalf of the federal government (Busch-Geertsema/Ruhstrat 1994), which had also included an estimate of the number of homeless people in West Germany for 1992. This assessment for 1992 was based on a survey among 97 municipalities and provided stock numbers for a given day (30.6.1992). The number of homeless people in West Germany on that particular day was estimated at 520,000-580,000 persons (including 260,000 – 320,000 repatriates or *Aussiedler*; cp. *ibid.*, p. 73). Prevalence data for the whole year 1992 were only possible to estimate for those homeless people who were no repatriates. Their annual number was assessed to be at 357,000-371,000 in 1992.

³⁰ A good example for the feasibility and the value of an national annual survey on homelessness is provided in Finland, see Kärkkäinen 1999b.

³¹ The federal statistical office recommended not to include persons in unacceptable housing conditions in official statistics because there are no detailed and widely accepted criteria for defining unacceptable physical standard, overcrowding, rent burden etc.

BAGW enlarged the estimated numbers provided by the study through addition of several factors.³² The stock number was increased by 30 per cent to account for “hidden homelessness” which was not covered in the study. An estimated number of homeless people in East-Germany was added and the total sum was converted into an estimate for annual prevalence of homelessness such reaching a total amount of 802,700 homeless people in Germany during the year 1992. This number was eventually further increased by estimated rates of upwards changes between 1992 and 1994³³ so that an annual (rounded) number of 880,000 homeless people in Germany in 1994 was reached. The number of 1994 was then annually increased by certain estimated “growth factors”.

Table 3:

The number of homeless persons in Germany according to estimates of the national coalition of service providers for the homeless (BAG Wohnungslosenhilfe)

		1994	1995	1996	1997	1998	1999
Homeless people without “Aussiedler” (repatriates)	living in households with more than 1 person	370,000	390,000	380,000	370,000	330,000	260,000
	single homeless	180,000	190,000	210,000	220,000	200,000	180,000
	total	550,000	580,000	590,000	590,000	530,000	440,000
“Aussiedler” (repatriates)		330,000	340,000	340,000	270,000	150,000	110,000
All homeless persons		880,000	920,000	930,000	860,000	680,000	550,000
Range +/- 10 %		790,000 – 970,000	830,000 – 1,000,000	840,000 – 1,000,000	770,000 – 950,000	610,000 – 750,000	500,000 – 610,000

all numbers rounded

Source: Specht-Kittler 2000, p. 98

Of course the estimate is not based on a sound scientific basis (see Specht-Kittler 1994, p. 21) and the validity is to be questioned increasingly with the number of updates which are based on very insecure guesses of the quantitative development. When comparing the trends shown by official statistics for North Rhine-Westphalia and Berlin above in Chapter 2.3 with the estimates provided by BAGW one might also question the assumption of BAGW that numbers of homeless people (without repatriates) have increased until 1996 and stagnated in 1997 (there was a clear decrease from 1994 onwards in both *Bundesländer* mentioned). BAGW acknowledges that numbers have definitely been decreasing from 1997 onwards reaching an annual prevalence number of 550,000 persons (including 110,000 repatriates) in 1999. It has to be kept in mind that this is a very rough estimate originally based on a survey in West Germany in 1992. A new basis for a sound new estimate of homelessness in Germany is badly needed and has been asked for by BAGW and many experts for many years now.

³² The factors are explained in the National Report for 1994, see Specht-Kittler 1994, p. 22 ff. and table 17 in Annex I

³³ The increase rates assessed for the two years period were five percent for homeless repatriates, ten per cent for other homeless people in West Germany and fifty per cent for other homeless people in East Germany.