

An International Review of Homelessness and Related Aspects of Housing Policy: Preliminary Findings

Key Findings

- England is highly unusual in providing, for some homeless groups, a legally-enforceable right to 'suitable' accommodation which usually lasts till 'settled' housing can be found. In practice, this settled housing is almost always secured by the local authority which has accepted legal responsibility for the homeless household.
- In our survey, only one other country – Germany – provides a legally enforceable right to some form of accommodation for homeless people. This right is limited to temporary accommodation for roofless households, and while the accommodation has to be available on an indefinite basis, there is no requirement that it be 'suitable' for the household.
- In three other countries – Sweden, Poland and Hungary – there may be a right to 'emergency' accommodation for some homeless groups.
- In a range of other countries there is 'social welfare' legislation to assist homeless people but the relevant provisions are couched in such general terms as to be legally unenforceable.

homelessness

- In most countries surveyed outside the UK either the formal definition or the nature of the duty implies that homelessness pretty much equates with the threat of rough sleeping.
- The provision of temporary accommodation forms a key part of assistance to homeless people in all of the countries surveyed.
- The provision of temporary accommodation is often complemented with wider assistance, including support intended to allow people to gain the economic and social skills to live independently.
- The English (and wider UK) approach is distinctive in that the legal framework has encouraged the provision of long-term, ‘settled’ housing as an ultimate response to homelessness among people in priority need groups. In the other countries surveyed, insofar as homeless people have any enforceable rights, these relate solely to temporary or emergency forms of accommodation for roofless households.

Introduction

This summary presents the preliminary findings of an international survey of homelessness and related aspects of housing policy. ‘Homelessness’ is not a precise term and its definition varies between countries. Similarly, explanations of its causes vary between those that emphasise poverty and lack of access to affordable housing, and those that stress social issues such as relationship breakdown, or individual problems that make it hard to sustain a tenancy, such as addiction, poor social skills, etc. Moreover, explanations are complicated by the likelihood that immediate causes of homelessness (‘triggers’) may disguise more fundamental underlying factors. Such interpretations also inform the extent to which homelessness is regarded as a temporary ‘crisis’, requiring a short term response, or a long-term problem, requiring a ‘permanent’

solution; and the extent to which the solution focuses on the provision of shelter or housing on the one hand, or focuses on wider support needs or re-integration strategies on the other.

Clearly the extent and nature of homelessness, and the policy responses to it, depend on wider social and economic systems. For this reason, our selection of 10 countries was drawn from four groups to reflect the role of homelessness policy within different social and economic systems:

English-speaking countries: Like England (and the wider UK), the **United States** and **Australia** have relatively deregulated labour markets, and experienced rapidly rising levels of poverty and inequality in the 1980s and 1990s. Unlike England, Australia and (especially) the United States have small social rented sectors, and in the United States’ the federal safety net has been weakened with its conversion into a block grant programme (TANF) in 1996, which specifies time-limits to eligibility, albeit with some flexibility, to funding under this programme¹.

West European and Scandinavian countries: The **Netherlands** and – especially – **Sweden** are often held out as exemplars of social democratic countries, with generous and universal social services helping to maintain internationally low levels of poverty and inequality. The Netherlands has the largest social rented sector in Europe (35%), and although the Swedes are reluctant to use the term, its social rented sector is still important (20%).

France and **Germany** also managed to avoid the big rises in inequality seen in the English-speaking countries, partly through highly regulated labour markets, although the price of this seems to have been relatively high unemployment. Germany has experienced additional social and economic problems arising from unification in 1990. France retains a significant social rented sector (20%), although Germany’s has now shrunk to around 7 per cent within the context of possessing the EU’s largest private rented sector (around 50%).

¹ Please note that Canada was also surveyed as part of this ‘English-speaking’ group, but the response had not yet been received from Canada at the point when this interim report was prepared.

Southern Europe: Like its neighbours, **Spain** did not develop a strong welfare state, and instead relied more heavily on labour market regulation and welfare delivered through the extended family, and through charities. Levels of poverty and unemployment are high, and although Spain has produced much subsidised social housing, virtually all of it is owner-occupied, and social rented housing accounts for only one per cent of the national stock.

Central European countries: The transition from socialism has entailed huge changes in countries such as **Poland**, the **Czech Republic** and **Hungary**, with many social and economic institutions having to be created or recreated. Economic transition has brought a degree of social disruption and homelessness has emerged as an issue to be tackled in all three of these countries. Housing policies have followed different directions. Hungary privatised virtually all of its remaining social rented housing and has attained an extraordinarily high level of home ownership, while Poland and the Czech Republic have retained significant social rented or rent-controlled sectors.

A Right to Housing?

The survey illustrated clearly that England is highly unusual in providing, for some homeless groups, ***a legally-enforceable right to 'suitable' accommodation which lasts, in most cases, till 'settled' housing can be secured.*** Strictly speaking, the relevant 'main' entitlement in England is to indefinite temporary accommodation until appropriate settled housing is found, either by the household itself or by the local authority². However, in practice this settled housing is almost always secured by the local authority which has accepted legal responsibility for the homeless household. In Scotland the position is clearer, in that legislation prescribes that qualifying homeless households have a right to 'permanent' rehousing, as well as to indefinite temporary accommodation until this can be provided (see Housing (Scotland) Act 2001).

In England (and elsewhere in the UK), the main right (to be accommodated until settled housing is secured) applies to those who fall within a broad definition of homelessness (including, for example, where it is not 'reasonable' for them to continue to live where they are), but a restricted range of categories of homeless people are entitled to this right (i.e. the 'priority need' groups), and with the important proviso that the applicant has not brought about their own homelessness (i.e. they are not 'intentionally homeless').

The survey indicated that only one other country – Germany – clearly provided a legally enforceable right to some form of accommodation for homeless people. In addition, although there is no such federal right in the United States, a single jurisdiction within it – New York City – also provides a legally enforceable right to accommodation in certain circumstances. As in England (and elsewhere in the UK), the duty to assist homeless households falls on the local authorities in both cases.

However, in both cases, it is notable that the entitlement falls far short of the entitlement to 'suitable' accommodation until 'settled' accommodation is secured that applies in England. In Germany the right is limited to temporary accommodation, which normally takes the form of a bed space in a hostel or shelter for single people, or to a low-standard self-contained flat for families. Although the accommodation is of a 'temporary' nature, there is no time-limit on eligibility. In New York City, the entitlement is not to housing, but to shelter, which usually means a place in a shelter for single people and to a self-contained apartment (of a reasonable standard) for families.

Furthermore, in both cases, 'homelessness' is defined much more narrowly than in England (and in the UK generally). In Germany, the entitlement applies to people who would otherwise be roofless; and in New York to the 'truly homeless' which is defined as being those who have absolutely nowhere else to go – a condition that is

² There are a limited number of other prescribed ways the local authorities' duty can come to an end, such as the refusal by the homeless household of a 'suitable' offer of settled accommodation.

rigorously investigated over the several weeks it takes for an application to be processed. Perhaps because the rights are more limited, and homelessness defined much more narrowly than in England (and elsewhere in the UK), the entitlement applies to all those accepted after investigation as homeless people (there are no priority groups in Germany or New York City), and there is no test of whether they are intentionally homeless, as in England (and the rest of the UK).

In three other countries – Sweden, Poland and Hungary – the survey responses indicated that there may be an entitlement to ‘emergency’ accommodation for some homeless groups, but it was not entirely clear whether this entitlement was legally enforceable. This point will be clarified for the main report.

It is worth noting that in those countries, such as Spain and Sweden, where there is a ‘right’ to housing contained in the constitution, it carries no legal force. For example, in Spain it merely obliges the authorities to provide the ‘necessary conditions’ for the right to be fulfilled.

State-funded Homelessness Programmes

The lack of legally-enforceable individual rights in most of the countries covered in the survey (including the United States outside of New York City) does not mean that there are no legal obligations or government programmes to assist homeless people. These homelessness policies and programmes often have a statutory basis insofar as they are enabled or required by various forms of ‘social welfare’ legislation, but the relevant provisions are couched in such general terms as to be legally unenforceable by individual (non)recipients.

Homelessness tends to be defined narrowly, where it is defined at all, in relation to these homelessness programmes. Australia is an exception, where it is defined as having inadequate access to safe and

secure housing, which is further specified to include accommodation which is threatening to the health or safety of its occupants, or marginalises them. Elsewhere, either the formal definition, or the nature of the duty implies that homelessness pretty much equates with the threat of rough sleeping. This seems to be the case in Sweden and the Netherlands, countries where low levels of poverty and high levels of social services have meant that homelessness is often attributed to personal problems or short-term crises. This approach is also reflected in the approaches of Central European countries including the Czech Republic and Hungary, the latter shaping its programmes around people who sleep rough (or in uninhabitable buildings) or in homeless shelters.

Temporary accommodation

Unsurprisingly, the provision of temporary accommodation forms a key part of assistance for homeless people in all of the surveyed countries. For example, in Australia where, as we have seen, homelessness is relatively broadly defined, short-term accommodation takes the form of a place in a refuge (rent-free or with a low rent), or a place in ‘transitional’ accommodation for up to 19 months (with an income-related rent). In the United States federal schemes provide funds for emergency shelters (and for soup kitchens, food pantries and eviction prevention), and the Supportive Housing Programme funds transitional and permanent supportive housing (see further below).

In Sweden, the requirement of local authorities to prevent people from sleeping rough means that temporary accommodation can be provided indefinitely, while in France various forms of temporary accommodation are provided. These include places in hotels for up to 10 days in emergency cases – a form of provision that can be dangerous as a number of well-publicised fires have demonstrated. Other forms of provision take the form of emergency reception centres, which are intended to house people such as asylum seekers for a few nights.

There appears to be no national programme for assisting homeless people in Spain. Local schemes are developed. As an example, Barcelona provides temporary winter shelter for homeless adults at 'social risk'.

Among the Central European countries, temporary accommodation is provided through night shelters (which provide shelter, food and washing facilities in return for a fee), and 'asylum housing' in the Czech Republic. In Hungary free night shelters and means-tested temporary shelters are provided, while child-protection legislation allows for the provision of temporary homes in an effort to avoid the break-up of families. Similar forms of temporary accommodation are provided in Poland.

All homeless people are eligible for assistance in each of these countries, with the proviso that temporary accommodation might be unable to cope with demand – and in an effort to avoid turning people away, facilities are often expanded during the winter. But this does not mean that equal access to facilities is realised. This is for two principal reasons. First, some systems identify priority groups. For example, the Hungarian child protection legislation identifies the following priority groups for temporary homes: families whose homelessness is attributable to life-style problems, families seeking protection, cases of domestic violence, and various especially vulnerable groups such as pregnant women and mothers with newly born babies. Second, the specialisms of providers (often NGOs) who receive government funds determine the pattern of provision for different groups.

Support for homeless people

The nature of the accommodation provided for homeless people provides an incomplete picture of policies towards them. As with the development of services for people with experience of homelessness in England through the Supporting People Programme, it is often recognised in the

countries surveyed that many homeless people will require additional support, either permanently, for example due to age or disability, while others will require transitional support in order to equip them with the skills to be able to live independently.

So the aim of the principal Australian federal programme to help homeless people is to provide transitional support in order to help homeless people to achieve maximum independence. In the United States the federal Supportive Housing Programme, which is implemented at county level, is intended to create a 'continuum of care' by providing emergency shelter, then transitional and supportive housing, and finally either 'permanent supportive housing' or affordable housing. Indeed, since 1999 Congress has directed the Department of Housing and Urban Development (HUD) to devote at least 30 per cent of its funds under this programme to permanent supportive housing.

In Sweden, it is notable that access to temporary accommodation is conditional. To retain their occupation of temporary accommodation, homeless people may be required to participate in programmes that are intended to lead them towards permanent accommodation. Failure to attend meetings can (in principle at least) lead to loss of shelter. This very much parallels the Swedish system of 'workfare' whereby generous social security benefits are accompanied by requirements to enter training schemes or to gain work experience. Specialist support is also provided for people requiring long-term support, such as frail elderly people or disabled people. In either case, however, accommodation is provided in group homes or other communal settings that do not constitute 'independent' living environments.

In France, some of the emergency centres perform a role that is much wider than providing temporary shelter. This role includes work-related counselling and social support to assist people with reintegration.

Asylum housing in the Czech Republic is designed to provide housing for homeless people with wider social problems that have contributed to their homelessness. Additional services include educational programmes, and help with finding work and securing non-supported housing. Half-way houses are provided for people aged under 26 who are leaving care but do not have a permanent home. Similarly, rehabilitation institutions in Hungary are intended to help people of working age to reintegrate by taking part in programmes over a period of up to five years, with follow-up services if necessary. Temporary shelters also provide social and mental health services, as well as reintegration counselling. Social work services, such as welfare rights counselling, are also delivered through night shelters.

Conclusions

This brief overview helps us to place the English (and wider UK) approach to homelessness policy within a broader international context. Many common elements can be found in approaches to homelessness in different countries. These include the recognition that homelessness has different causes and more than one approach is required if it is to be tackled. The English/UK approach is distinctive in that the legal framework has encouraged the provision of long-term, 'settled' housing as an ultimate response to homelessness among people in priority need groups, with local authorities obliged to offer 'suitable' temporary accommodation until such settled accommodation can be found. In the other countries surveyed, insofar as homeless people have any enforceable rights, these relate solely to temporary or emergency forms of accommodation for (mainly) roofless households. While other countries do not limit eligibility by priority groups, it should be remembered that it is temporary accommodation only that is being offered, to a narrowly defined group of homeless households.

The recognition that wider actions are often required to find sustainable solutions to homelessness is reflected in the Supporting People programme, and in this respect England has much more in common with the countries in this survey. In many cases, the provision of temporary accommodation is complemented with wider assistance, including support intended to allow people to gain the economic and social skills to live independently. Notwithstanding this point, it is also clear that while housing on its own may not be a sufficient solution to homelessness for some households, it is clearly a necessary one.

About the Research

The research was carried out by Professors Mark Stephens and Suzanne Fitzpatrick of the Centre for Housing Policy at University of York, working with experts in 11 countries. Country experts were asked to complete a detailed questionnaire on homelessness and related aspects of housing policy and to provide supporting data. A response was received from ten of the countries in time for this interim report but Canada was the exception. A full report will be submitted to the Department by the end of the year and is expected to be published in the spring of 2007. It is important to note that this interim report presents the researchers' initial findings, based on their interpretation of the information provided by country experts. Therefore the findings should be taken as preliminary and not definitive.