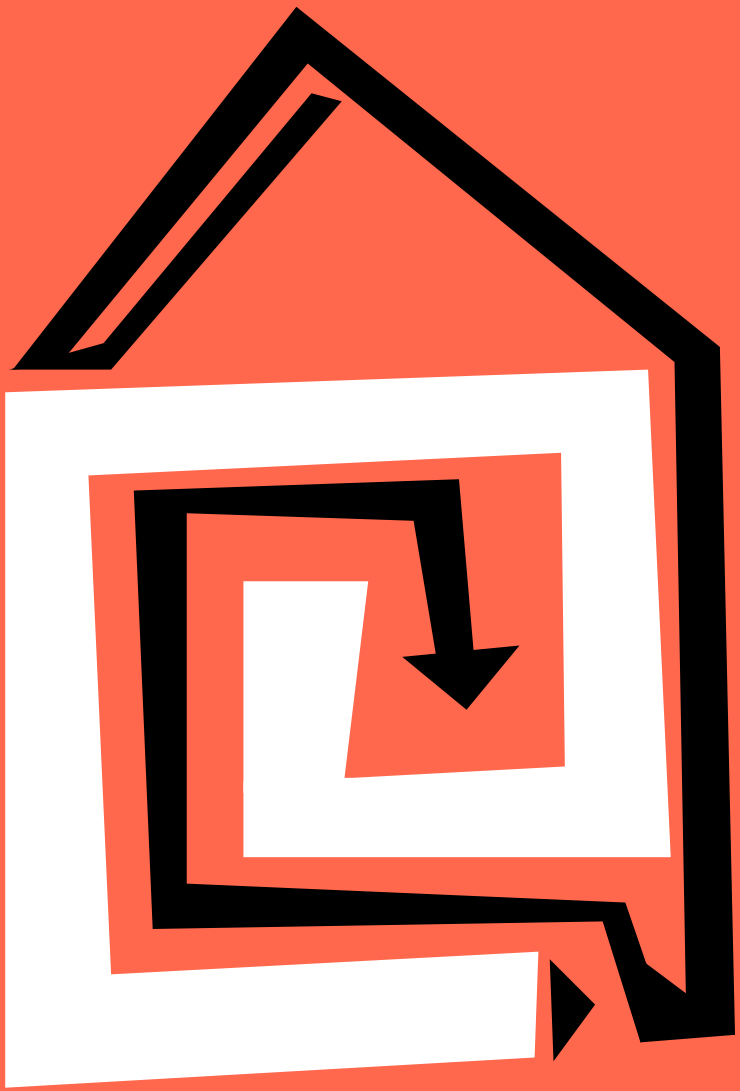
Municipalism in Practice

Progressive Housing Policies in Amsterdam, Barcelona, Berlin, and Vienna



MUNICIPALISM
IN PRACTICE

Municipalism in Practice

Progressive Housing Policies in Amsterdam, Barcelona, Berlin, and Vienna

COORDINATION:

Andrej Holm (Berlin)

RESEARCH GROUP:

Bahar Sakizlioglu (Amsterdam)
Justus Uitermark (Amsterdam)
Carme Arcarazo (Barcelona)
Jaime Palomera (Barcelona)
Justin Kadi (Vienna)
Sarah Kumnig (Vienna)
Andrej Holm (Berlin)

DATE:

19.04.2022

PROJECT FUNDED BY
THE ROSA-LUXEMBURG-STIFTUNG

Table of Contents

[1]
Introduction

Housing issues have dominated urban policy discussions in many cities in recent years. Real estate speculation, rising rents, and displacement indicate an intensification of social conflicts around housing. In addition to demographic changes that increase housing demand, it is primarily political and economic causes that manifest in housing issues in the 21st century. The term neoliberalisation is used to summarise developments in almost all capitalist countries, which are characterised by the fact that the former instruments of the welfare state are being rolled back or dismantled (Brenner and Theodore 2002), allowing for increased the commodification of housing provision (Forrest/Murie 2014; Harloe 1995; Madden/Marcuse 2016; Kadi/Ronald 2014). The financialisation of the housing market describes the increasing influence of financial market actors and logics in housing provision, which is reflected in new types of landlords and new business strategies and which intensifies the systemic conflict between profit-making actors and the tasks of social housing provision (Aalbers 2017; Rolnik 2013). As a result of these developments, inequalities in housing provision are worsening, and low- and moderate-income households often face very high rent burdens or are excluded from housing provision altogether by high prices.

In response to these housing crises, social movements and tenants' organisations have formed in many cities, putting social housing provision on the agenda. In addition to traditional street protests and attempts to enforce social rights directly against landlords, grassroots movements are increasingly pursuing strategies that seek to enforce a different kind of urban policy (Vollmer 2018; Kadi et al. 2021; Schipper 2018). We understand municipalist movements as social mobilisations

that not only demand a social orientation for urban development but aim to change the mode of urban politics itself.

New municipalism is a strategy for implementing the transformative demands of grassroots movements at the local level, one that is consistently oriented toward the common good, that aims to overcome various forms of exclusion, to improve everyday living conditions, and that includes the democratisation of political institutions through expanded co-determination procedures and the feminisation of politics.

The focus of our study is whether and how municipalist principles (a transformative mode of policy, dealing with social needs and public infrastructure at the local level, expanding the scope of local politics and reclaiming the city as a sovereign political body) can be implemented in the field of housing policy. Since the strength of social movements and the scope of urban policy are very much determined by specific local conditions, our search for the municipalist elements of housing policy in this study examines the introduction and implementation of new housing policy instruments in four cities: Amsterdam, Barcelona, Berlin, and Vienna.

In recent years, under the slogans of new municipalisms, social movements in particular but also academic researchers have been discussing new strategies and local political power constellations for the social orientation of urban policy, and how the development of inclusive and radical democratic procedures can become the programme of governance. Drawing on these discussions, we first summarise our understanding of municipalist politics and attempt to apply the principles to the field of housing policy (chapter 2).

In order to present the specific starting points of each of the four case study cities, we first provide a general overview of the housing market in each of the cities. In particular, we shed light on landlord structures and the respective ways to ensure affordable, adequate, and sustainable housing provision (chapter 3).

In the main part of the study, we present the challenges, the newly developed instruments and the participation of grassroots social movements in specific housing policy issues in each of the four cities studied. In doing so, we take a closer look at the strategies of rent con-

trol (chapter 4), tourist apartment regulation (chapter 5), anti-eviction strategies (chapter 6), and the use of planning law instruments to create affordable housing (chapter 7). In a summary review at the end of the study, we discuss the elements of municipalist housing policies across cities and sectors to identify the specific features, strengths but also weaknesses of municipalist policy approaches (chapter 8).

[2]

Municipalism and Housing

2.1 Municipalism

Municipalism has become a popular concept to bring together different strategies to institutionalise grassroots mobilisation and to implement transformative policies at the local level. In some cities, municipalist platforms have won the majority of votes in local elections and taken over leading positions in city councils and administration.

In our understanding, municipalism has three core elements:

Municipalism as participative mode of governance: This new mode of governing includes 1) a *strong link to urban social movements* in the sense that elected people in governance emanate or originate from urban social movements, that new programmes adopt the positions of urban social mobilisations, that there is a strong recognition for moments of self-organisation for public interest, inclusiveness, and social justice initiatives. Municipalism aims not just at a progressive policy to reform the city on behalf of its citizens, "but to place power in the hand of the people by transforming the way politics is done as such" (Castro 2018: 193). Another element of municipalist ways of organizing governance could be described as 2) *radical democratisation* and includes strategies to promote new ways of accessing and designing decision-making processes; to develop collective decision-making processes based on transparency of decisions, structures, processes, and resources; and to improve user control at the implementation level of policies and by managing public institutions (property management, transport operators, infrastructure). A basic concept of municipalist modes of governance is 3) *to encourage urban social movements to*

organise and build tools for changing cities, to break with traditional party politics and to avoid transforming municipalist platforms into electoral machines. As a precondition for new policies, municipalism aims 4) to *devolve decisions, responsibility, and power* to neighbourhoods, communities, and grassroots initiatives and to promote 5) *inclusive and proactive forms of governing* like the feminisation of politics, a high sensibility for all questions of representation, and a general recognition and acceptance of difference. This includes orienting policy around care, by orienting political strategies and instruments to the basic needs and demands of those who are most disadvantaged and excluded. The feminisation of politics includes different elements: gender equality at the level of institutional representation and public participation, a commitment to public policies that challenge gender roles and break down patriarchy, and a different way of doing politics based on values and practices that put an emphasis on everyday life, relationships, the role of the community, and the common good (Galceran/Carmona 2017).

Municipalism as (local) public responsibility: Municipalism is not only a new mode of governing, but is also directed toward policies that prioritise social needs and public infrastructure instead of private profit. This refers to 1) *a clear commitment to the public provision and public control* of social infrastructure in all fields of life (housing, transport, health, education, digital infrastructure, etc.), 2) *a general preference for use value* instead of exchange value by developing strategies and implementing instruments, 3) *a focus on the unrestricted provision of social infrastructure* and fulfilment of basic needs for all, including specific support for those who are excluded and disadvantaged, and 4) *accountability* in the sense of comprehensible decisions and traceable responsibilities.

Municipalism as an independent and sovereign political body: In the context of increasingly financialised global capitalism and progressing neoliberal policies on national and supranational levels, cities – as political actors – are becoming a force to resist and develop alternatives. Municipalist cities are trying 1) to *expand local or municipal legal foundations to implement social, inclusive, and ecolog-*

ical policies and social redistribution by using the given frameworks for local policy making; using all of the city's capacities 2) to *protect their infrastructure and inhabitants against the predatory extraction* of urban surplus, including the development of strategies and instruments to limit capital interests (like financialised investments in housing and real estate, private infrastructure companies, globalised platform capitalism...) and repressive and neoliberal state power (like undermining federal or European deportation orders, and pushing back against austerity programmes). Finally, municipalist policies are directed toward 3) *changing legislative frameworks* by intervening in federal and international institutions and by organizing networks of rebellious cities.

The aim of the project is to identify for each of the four cities moments of municipalism, political structures and policies in line with the municipalist orientation toward public responsibility, and to describe the relation between grassroots mobilisations, social movements, governments, and administrations and to show how power in the city is structured and organised.

2.2 Housing

Housing is a basic need and one of the main social challenges in our cities. Access to housing and the quality of housing has an effect on social status and available economic resources. But the structure of a housing system can also increase or reduce existing injustices in other areas of society. Under conditions of contemporary capitalist urbanisation, housing has become a major way that social, racial, gender, and spatial inequalities are (re)produced.

The issue of housing includes access to and the distribution of housing, quality and standards issues, and finally tenancy conditions in terms of security, reliability, affordability, and the level of autonomy tenants have. A socially oriented form of housing provision would therefore encompass broad and non-discriminatory access to decent, adequate, affordable housing under secure, durable, and invulnerable (legal) conditions.

The current situation in many cities (in Europe) is determined by increasing pressure from financial investments, ongoing speculation

with properties and buildings, and a systemic failure of the private market to provide sufficient and affordable housing for all. Housing as a social need is under attack. "Most immediately, there is a conflict between housing as lived, social space and housing as an instrument for profit-making – a conflict between housing as home and as real estate" (Madden/Marcuse 2016: 4). Cities like Amsterdam, Barcelona, Berlin, and Vienna are facing a lack of housing supply, a shortage of decent and affordable housing, gentrification pressures and displacement, and increased housing costs overall.

Housing could be defined as an economic, social, political, and cultural relation and is intimately connected with power relations in our societies. In critical housing research, there is a long tradition of analysing housing and explaining failures in housing provision in terms of economic and political factors. In urban social movements, neighbourhood organisations and tenants' struggles, social needs, community effects, and the cultural meaning of housing are all driving factors. In our study on municipalist housing policies, we attempt to bring together these aspects in a common analytical framework.

Housing policy, in our understanding, encompasses not only *areas of action* (like the production of housing, the maintenance of housing stock, and tenancy regulation), a *medium of intervention* (like governing with money, governing with law, governing with property rights),[1] and *modes of intervention* (like distribution, improvement, protection, regulation). It also plays a defining role as a *mediator of social relations* between people, communities, organised interest groups, and institutions. Following the general concepts of municipalism, any housing policy intervention could be analysed as a result of, a site of, and a precondition for social interactions and power relations.The aim of this project is to provide information about the housing situation, housing market, and housing policies in all case study cities, to highlight the main challenges for socially oriented housing provision, and to describe the main available strategies and instruments in the field of housing.

1. Medium of intervention: a) governing with money: all financial aspects like investment in public or social housing and other forms of financial subsidies; b) governing with law: law, orders, prohibitions, (difference in legislative capacities!) (enactment of norms); c) governing with ownership: leasehold of public land use, "grant of use" rights), public companies, public housing stock.

2.3 Municipalist Housing Policies

The link between municipalist policies and housing policy instruments can be understood as a mutual relation. On the one hand, municipalist housing policies should be characterised by a close link to the demands of social mobilisations and grassroots movements and a strong involvement of civil society and grassroots actors in the implementation of new policies. On the other hand, municipalist housing instruments should imply moments of encouraging and improving grassroots activities and establishing a political culture of solidarity, cooperation, and power sharing in cities. A third characteristic of municipalist housing policies could be a clear orientation toward improving socially oriented housing provision, the redistribution of resources and power in favour of disadvantaged people, and resistance against the dominance of market forces and neoliberal politics.

The aim of the project is to identify several municipalist housing policy instruments in each city and to describe and analyse their aims, mode of implementation, and effects, as well as the role of movements and grassroots mobilisation in the creation, design, operation, and evaluation of these instruments.

[3]

The Status Quo of Housing Market Systems

Housing policy, here understood as a holistic set of state interventions in the field of housing provision, is not only determined by legal frameworks (mostly determined by nation states) and current market constellations in cities, but also by the history of housing policy itself. Over a long period of time, often going back more than 100 years, cities have each developed a specific understanding of social housing provision, delivered through different instruments and by different housing market actors.

For example, the role of housing market actors and instruments differs across countries and cities. While in Austria and the Netherlands most cooperatives are subject to the principles of non-profit or limited-profit status and are considered part of the social housing sector, in Germany the status of cooperative does not automatically imply social housing management. Social housing also has a different meaning in different countries and support programmes are designed very differently. In Germany in particular, the term social housing does not describe a permanent set of housing stock but rather a programme of economic development for predominantly private owners with temporary rent caps.

Because of the local variations in actors and instruments, a simple comparison of the percentages of public, cooperative, and subsidised housing does not provide a valid basis for comparing the state of affordable housing provision. To present our case study cities, we therefore decided not to compare the current conditions of housing supply according to abstract landlord typologies (public housing, social housing, cooperatives, self-organised housing, regulated housing, etc.) but to describe the housing systems according the ideal-typical criteria of a municipal housing policy.

In doing so, we are guided by four criteria that correspond to the

ideas of a municipalist urban policy and ask in each of the cities: a) to what extent and in what way housing affordability is ensured, b) how the accessibility of housing provision is made possible for all and especially for disadvantaged groups, c) how sustainability of social housing provision is ensured, and d) whether and how democratic control by residents is ensured in the sense of co-determination by tenants, in terms of maintenance, modernisation, management, rent levels, and occupancy of the apartments.

Table 1: ***Municipalist housing elements as a percentage of total housing stock***

	AMSTERDAM[2]	BARCELONA[3]	BERLIN[4]	VIENNA[5]
Share of rental housing	70%	38%	85%	80%
Affordability	35%	38%* (2%)	17%	44%
Accessibility	35%	2%	13% 7% (p.a.)	24%
Sustainability	35%	-	8%	44%
Democratic Control	-	-	3%	<1%

* including mortgage free ownership

An overview shows that the housing market systems in the four case study cities differ significantly but also have some similarities. For instance, with the exception of Barcelona with only 38%, housing supply is primarily organised through rental housing. The share of owner-occupied housing in the other cities is only 15% (Berlin) to 30% (Amsterdam).

In terms of the share of housing stock geared to the provision of af-

2. Data for Amsterdam is based on Gemeente Amsterdam and AFWC (2022). See also the table in section 3.1 below. The affordable segment includes all regulated rental housing. The sustainable sector includes regulated rental housing owned by non-profit housing associations.

3. Ajuntament de Barcelona (2018), and Observatori Metropolità de l Habitatge de Barcelona (2020).

4. Data for Berlin on share of rental housing: IBB 2021: 10, on affordability: IBB 2021: 51, accessibility: IBB 2021: 51, WVB 2021: 29, on sustainability: IBB 2021: 51, and democratic control: MHS 2021, Bündnis Junger Genossenschaften 2021.

5. Data for Vienna: Statistik Austria 2021a.

fordable housing, Vienna achieves the highest values with a total of 44% (public and limited-profit housing). Amsterdam also has a relatively large supply of affordable housing, with a share of 35%. In Berlin, this share is only 17% of the total housing stock and in Barcelona even only 2%.

Despite the relatively large segments of affordable housing in some cases, accessibility for low-income households and other disadvantage metrics is low in almost all cities. Even though formally larger housing stocks may only be allocated according to established criteria (e.g., income, special needs, essential occupations), the actual active supply that is rented according to the criteria is much smaller. Precisely because there is very little tenant movement in the price-protected stock, only a few apartments are allocated to the prioritised households. In Berlin, more than 265,000 apartments are subject to occupancy restrictions, but the number of apartments actually allocated to eligible households in recent years has been only between 15,000 and 20,000 new leases. This corresponds to about 7% of all moves in the city (Amt für Statistik Berlin-Brandenburg 2021, WVB 2021).

Table 2: ***An overview of housing provision***

	AMSTERDAM	BARCELONA	BERLIN	VIENNA
Affordability	Affordability in housing stock of not-for-profit housing associations based on rent regulation according to the points system (around 35% of total housing stock).	Only very low levels small public and protected housing (Viviendas de proteccion oficial, VPO), about 2% of total housing stock.	A mix of public with politically defined rent processes and social housing with rent restriction which are defined within the framework of the subsidy programs (around 17% of total housing stock).	Affordable housing is provided as council housing (Gemeindewohnbau, 24%) and by limited-profit housing associations (20%).
Accessibility	Housing allocation criteria (by income, special needs, and essential professions) for most not-for-profit housing associations (35% of total housing stock).	The public housing segment (VPO) is basically open to large parts of the population. However, due to the small number of apartments, the sector has only a marginal supply effect.	Housing allocation criteria (by income and special needs) for parts of the regulated housing stock (13% of total housing stock). The allocation of regulated apartments is approx. 20,000 p.a. (around 7% of all moves). Social provision gap of around 350,000 affordable housing units for low-income households.	Income limits for access to council housing are high, which theoretically entitles very broad segments of the population to access it. But access requirements make it difficult for people in unstable living conditions or "unsettled family circumstances" to enter the sector. For those newly arriving to the city, the sector is legally inaccessible for at least two years.

Sustainability	Sustainability of affordable housing depends on housing associations that have come under pressure in recent decades.	Virtually no permanent rent control in the subsidised apartments.	Permanent stability of housing supply is ensured only for some of the cooperatives and self-organised housing projects (about 8% of total housing stock). Social housing has only temporary ties, and public housing companies are subject to private-law business forms.	Both the council housing system and the limited-housing-sector are focused on durable provision of affordable housing.
Democratic Control	Co-determination is non-existent except a few projects of communal living and new housing cooperatives.	No forms of democratic control and no participation structures.	Extensive co-determination is limited to the very few community housing projects and a part of small housing cooperatives (around 3% of total housing stock). Since 2016, public housing companies have been experimenting with new forms of formal co-determination (tenant councils) with limited scope so far.	Opportunities for tenant participation and bottom up co-determination are very low in all market sectors. Since council and limited-profit housing is also owned by large companies, the management of affordable housing is also organised fairly hierarchically. There is, however, a very small but slowly growing number of collaborative housing projects (<1% of housing stock) in Vienna, where possibilities for tenant participation and co-determination are much more developed.

Sustainability in the sense of a permanent guarantee of affordable housing is particularly high in Vienna, with the historically developed stability of the public and limited-profit sector. In the other cities, the segments of social housing provision were in the past very much subject to the political trends of privatisation and economisation or were planned from the outset only as temporary arrangements. The exceptions in all cities are the sectors of self-organised and communal housing, which, despite their exemplary management models, have so far had no relevance for housing provision in the cities more generally because of the very small number of projects.

The democratically organised management of housing in the sense of co-determination by residents is the exception in all cities and is essentially limited to the very small niche projects of self-organised and community housing. In the cities with many affordable housing units,

they are rented out by large public and not-for-profit or limited-profit companies that are organised in a very hierarchical way. If all the criteria of a municipalist housing supply are considered, there are almost no apartments that meet these requirements in the cities we studied. With regard to the individual characteristics (affordability, accessibility, sustainability, and democratic control), the four cities are very different.

3.1 Amsterdam: Affordable Housing Through Not-for-Profit Housing Associations

Amsterdam has a total of 445,285 housing units (as of 1 July 2021). Over 70% of these are rental units managed by different types of landlords.

Table 3: ***Amsterdam's housing market structure by landlord type***

	NUMBER OF HOUSING UNITS	SHARE OF TOTAL HOUSING STOCK
Owner occupancy	129,700	28.8%
Private rental unregulated	86,400	19.2%
Private rental regulated	51,750	11.5%
Public		unknown
Housing association (not for profit) – regulated	157,300	34.9%
Housing association (not for profit) – unregulated	25,600	5.7%
Housing cooperatives		Unknown
Self-managed communal living		Unknown
TOTAL	**450,700**	

Source: Gemeente Amsterdam and AFWC (2022)

Affordability: The provision of affordable housing in Amsterdam is also mainly an issue of rental housing. Owner-occupancy rates are currently at around 30%. Prices in the owner-occupied sector are extremely high, both compared to the past and relative to income. The average price rose to over €500,000 in 2019 and has only increased since. The proportion of owner-occupied housing has steadily increased since

1985 (when it stood at 7.1%) but has recently slightly lost ground as a result of the resurgence of the private rental sector (Nul20 2022).

The rental prices of the regulated housing units are determined in a points system, in which apartment size, technical equipment, and maintenance quality are taken into account. If the points add up to a maximum of less than €763.47 per month, known as "liberalisation limit", the apartment falls within the regulated sector (data for 2022).

The most affordable housing sector in Amsterdam is social housing owned and managed by not-for-profit housing associations (34.9%). Housing associations also own some units in the unregulated rental sector and often ask high (market) rents for these units. In addition, they are presently offering so-called "mid-rent" housing with rental prices higher than the regulated sector but lower than the market price. These two types of rental are important in that they reflect the policy ideologies of different periods (with the market units forming a residue of a market turn in the 2010s and the mid-rent growing at the moment) but they don't account for a large share of stock (see Table 3).

Private rental housing now comprises more than 30% of housing stock. The private rental sector consists of quite different housing types: a small and shrinking proportion of regulated rental housing and unregulated rental housing with very high rents (e.g. €2,000 for 80m² is common). While the share of regulated rental units has long been decreasing, the share of unregulated rental units has been growing. This is largely due to an influx of investors. Most investors are affluent individuals with a small number of units, including wealthy parents who buy properties for their children (Hochstenbach 2018), but some bigger investors, like Blackstone, have recently entered the market. Between the regulated and affordable housing and the very expensive unregulated rental housing, a segment of mid-level rental units is being developed. These are units with rents higher than the regulated sector but lower than the market price, typically between €1,100 and €1,400. This segment is small but the local government is trying hard to expand it to provide middle-income households with housing.

Accessibility: The social housing sector is not accessible to households with an (aggregate, before taxes) income of more than €40,000.

Waiting times are very long – upwards of 11 years. There are a number of groups that get priority: asylum seekers with residency status, people working in essential professions (like healthcare, social work, education), or people with health issues. The outflow of social housing tenants is very low, which is a consequence of an overheated housing market.

Landlords in the unregulated sector typically demand that prospective tenants earn up to four times the rent and forbid co-renting, making this segment largely inaccessible even to people willing to pay a large part of their income in rent. Rents have been high and increasing for years but dropped somewhat since the pandemic as a result of the implosion of the expatriate market. Neither owner-occupied housing nor private rental housing are accessible to low- or middle-income households unless they have substantial capital, for instance, in the form of a house or family wealth.

As a result of the discrepancy between the regulated and unregulated segments of the housing market, there is a large and growing group of people who are neither eligible for social housing nor can afford to rent or buy in the unregulated sector. The government is trying to solve this problem by expanding housing options for middle-income households. The centre-left government that took office in 2018 stipulated that new housing projects need to have 40% mid-level rental units. No waiting time or priority is required for these units, which makes them accessible to middle-income groups, especially couples with a double income.

Due to the lack of affordable housing in the regulated sector and the strict rules on access to social housing, some disadvantaged groups are forced to accept substandard housing. A small part of the stock is rented out clandestinely or quasi-clandestinely to e.g. undocumented immigrants, Eastern European workers, and other groups without access to the formal housing market.

Sustainability: Long-term sustainability is uncertain. In the 1990s, 2000s, and 2010s, the local government, the national government, and housing associations agreed that they would reduce the number and share of social housing units. In the aftermath of the financial crisis, the national government introduced a "landlord tax" which, ironically, is only paid for housing in the regulated sector. The landlord tax is

meant to cover budget deficits but was also expressly designed to force housing associations to sell off social housing. This landlord tax is still in place even though most political parties no longer support it; its discontinuation was announced in the coalition agreement of 2022. In addition, the national government in 2011 changed the rules according to which rents are determined, in effect increasing the rents of many units to the point that they enter the unregulated sector. Specifically, location now plays a role in deciding the rent, which means that all houses in Amsterdam received more points and, moreover, that the number of points increased with the house prices. As a result, even two-bedroom apartments can now easily pass the liberalisation limit, opening up the opportunity for landlords to increase rents to market levels. Although the government recently (May 2022) stipulated that location should not account for more than 33% of the points, more drastic measures would be needed to stop the deregulation of housing.

While there is a long-term trend toward deregulation, there seems to be a small and cautious revival of the commitment to social housing. The new national government, which took power in 2022, announced that it would abolish the landlord tax. Before 2022, the Amsterdam city government had already changed its view. Since the election of a left-leaning government in 2018, it has been trying to preserve and expand social housing. Regardless of these political developments, the non-profit housing associations are a cornerstone of the Amsterdam housing system: they own many units, have considerable resources, and their mission is to provide affordable housing.

Democratic control: Full co-determination by inhabitants is almost non-existent in Amsterdam. Housing associations used to be accountable to tenants and the largest one used to be public, but presently all housing associations have become foundations, that is, they're actually not associations any more. The only exceptions are in the niches of the housing market, where self-organised and collective forms of housing have developed projects. Such housing doesn't show up in statistics but is interesting from a municipalist perspective since it combines relatively low prices with high co-determination. These projects include formerly squatted houses as well as new construction projects by housing cooperatives.

Some former squats were legalised in the past and are organised as communal living places today. In addition, in recent years, there have been a few communal living projects by housing cooperatives that received building plots from the city government as part of its efforts to encourage this type of housing. To qualify for one of the 13 plots that were allocated by the government between 2018 and 2022,[6] the prospective housing cooperatives have to produce an elaborate plan that should include self-management and the provision of housing for middle-income and low-income households.

3.2 Barcelona: Owner Occupancy Hegemony and Very Little Social Housing

Barcelona has a total of 780,775 housing units. Only 277,787 housing units (38.2%) of these are rental apartments managed by different types of landlords (Ajuntament de Barcelona 2018; Observatori Metropolità de l'Habitatge de Barcelona 2020).

Table 4: ***Barcelona's housing market structure by landlord type***

	NUMBER OF HOUSING UNITS	SHARE OF TOTAL HOUSING STOCK
Owner occupancy	419,473	57.6%
Private rental	277,787	35.5%
Public	12,609	1.6%
Housing association (not for profit)	2,775	0.4%
Housing cooperatives	No data	No data
Self-managed communal living	No data	No data
Religious institutions	1,197	0.2%
TOTAL	**780,775**	

Source: Ajuntament de Barcelona 2018; Observatori Metropolità de l'Habitatge de Barcelona 2020[7]

6. Estimate based on information available from Gemeente Amsterdam (2020).
7. Note: The latest available data (2020) exists for the total amount of housing

Affordability: While the expression "affordable housing" is often used in Barcelona to express a need and an urgency, there is no clear definition and nobody knows what is meant by it exactly. Three interpretations of affordability dominate the professional policy debates: living in owner-occupied houses without paying mortgages, the management of housing stock by socially oriented landlords (public housing, coop-housing), and affordability understood as maximum rent burden.

Because of the fact that around 57.6% of the population (419,473) are homeowners, the question of affordability also has to be analysed in this segment. Among owner-occupied households, 276,689 (66%) are not paying a mortgage, while 142,784 households (34%) are. Especially in owner-occupied houses or apartments that have already been refinanced, housing costs are usually relatively low, so the question of affordability does not arise for these households.

Regarding rental housing stock, the notion of affordable housing is often linked to *Viviendas de protección oficial* (VPO), a type of housing with a regulated price, developed mostly through indirect support by local administrations, which can be either for rent or for sale. Traditionally it has been for sale, but one of the goals of the current city government is to change this historical trend and focus on the production of rental housing by all means possible.

Every autonomous community determines the price of this kind of VPO housing. In December 2020, the Generalitat de Catalunya decided to increase its price in the Barcelona metropolitan region: it was set at 2,385.63€/m² for sale, and 8.95€/m² for rent. The government argued that it needed to increase the price in order to make this type of "limited profit" housing viable and attractive for private developers.

There is a lack of information as to the number of social housing or VPO units in Barcelona, and what their characteristics are. Public administrations own 1.6% of housing stock (12,609, compared to the 779,159 housing units which are mostly in the market). Among them, 7,000 public housing units are owned by the Barcelona city council through the Institute Municipal de l'Habitatge de Barcelona (accord-

units and the distribution per owner. Nevertheless, for owner occupancy rates, the latest available data is from 2018. This is why the total number does not match the exact sum of the respective sectors.

ing to its own official statements). There are 2,697 social housing units (0.3%) owned by NGOs (Observatori Metropolità de l'Habitatge de Barcelona 2020). There is no (easily) available information as to how many VPO units there are in Barcelona (and how many are owned by private companies). Affordability is also associated with cooperative housing (due to its lower price), but these initiatives are very recent and do not represent a significant proportion of the already-built housing stock.

The notion of affordability sometimes appears in public debates to simply refer to housing (and associated expenses) that does not surpass 30% of household income. The rental market, which contains the immense majority of the housing supply, is generally seen as unaffordable, though the data is limited to the overburden rate. In 2017–18, 42% of all tenants were within the overburden rate (housing costs absorbing more than 40% of household income). Another revealing piece of data: less than 20% of people under 30 move out of their parents' home due to the lack of affordable housing (Ajuntament de Barcelona 2018).

The new Rent Control Law applies to practically all apartments in the market and aims to gradually decrease prices and make housing more affordable. During the year it was implemented – the constitutional court has just struck it down due to a jurisdictional technicality – this proved effective at decreasing prices, while it did not have an impact on supply (Jofre-Monseny et al. 2021).

Accessibility: In a housing market dominated by owner-occupied apartments, access to housing provision is also mainly determined by the purchase of owner-occupied apartments. Access to rental housing is determined by rental prices in the private landlord segment. Until the introduction of the Rent Control Law in Catalonia, the average new rent was 13.98€/m², so that low- and middle-income households had virtually no chance of finding an affordable home (Ajuntament de Barcelona 2021).

For low- and-middle-income households, only the social housing sector remains for housing provision under the given conditions. Theoretically, access to social housing or to VPO is supposedly open to a large part of the population, but it is actually limited to the most impoverished. There are some exceptions (housing for the elderly and

the young) but the marginal number of this kind of affordable housing makes it only accessible to people with very low incomes.

Sustainability: In terms of long-term stability of current housing conditions, the already refinanced owner-occupied apartments offer a high degree of security via the associated property titles. However, in the years of the financial crisis and the many evictions due to unpaid mortgages, it also became apparent that the acquisition of residential property can be associated with considerable risks.

The sustainability of the affordable housing segments in the tenant market is extremely low. It is estimated that 6.8 million social housing units (40% of total housing stock of 25.5 million) would have been built since 1952 if they had not been designed to be sold. Instead, the country has today a meagre total of 276,000 social housing units (between 1 and 1.5% of housing stock). The other 6.5 million apartments are private, owner-occupied, and integrated in the real estate market (unregulated prices).

Democratic control: Home ownership, especially when loan payments to banks are no longer outstanding, offer a high degree of individual self-determination over one's own home. This co-determination is limited to one's own home, and necessary repairs to the building can become risks if the associated costs exceed the household's financial resources.

Tenancies with private landlords are predominantly limited in time and characterised by a high degree of uncertainty and dependency. Especially when tenants hope for an extension of the contracts, disputes with landlords are avoided, so that not even the legally due claims are enforced.

In the case of public housing, there does not seem to be any democratic control, structures of participation, co-determination, or anything of the sort.

3.3 Berlin: Private Rental City

Berlin has a total of nearly 2 million housing units. Over 84% of these are rental apartments managed by different types of landlords.

Table 5: *Berlin's housing market structure by landlord type*

	NUMBER OF HOUSING UNITS	SHARE OF TOTAL HOUSING STOCK
Owner occupancy	310,000	15.7%
Private rental	1,146,000	58.3%
Public	322,500	16.4%
Housing association (not for profit)	-	-
Housing cooperatives	189,000	9.6%
Self-managed communal living	2,500	0.1%
Total	**1,970,000**	**100**

Source: IBB 2021: 10, 51; MHS 2021

Affordability: There is no formal and general definition of affordable housing in German housing policies. In contexts of social transfers there is an assessment threshold for housing costs covered by the local authorities, defined in a practice code as maximum rent cost for different types of household between 6.18€/m² and 6.88€/m² (basic rent price without maintenance and heating) (SenIAS 2021). In social and political debates, affordability is defined as a maximum of a 30% rent burden (calculated on the total rent costs including maintenance and heating). Statistic data shows for 2018, that 640,000 households (nearly 32% of all households and 40% of tenants' households) pay more than 30% of their income in rent (SenSW 2019).

The Housing Provision Law in Berlin (Wohnraumversorgungsgesetz, WoVG) defines the *public housing* companies as providers of affordable housing. With around 320,000 housing units, around 15% of all housing is managed by public housing companies. Around 60% of them are affordable (180,000 public housing units). A second source of affordable housing provision is the *social housing sectors* (subsidised housing) with controlled rent prices. With less than 100,000 housing units, only 6% of housing in Berlin is subject to the rules of social housing (including 25,000 subsidised housing units of public housing companies). In total, around 395,000 housing units (or 20% of all housing

units and 23% of tenant housing) are explicitly intended for affordable housing provision by law and programmes (IBB 2019: 51 f.).

Additional low price housing is offered by *housing cooperatives* (with a total of 190,000 housing units, 2/3 of them with low housing costs) and self-managed housing projects (around 100 former squatted houses and communal dwelling projects with an estimated 5,000 inhabitants). Affordability in these cases is based on non-profit management strategies but not on formal and reliable specifications. In total, around 130,000 additional housing units (7% of all and 8% of tenant housing) are affordable in practice, but not by definition (IBB 2019: 50).

Berlin's housing market provides a total of around 345,000 affordable housing units – 17% of all housing and 20% of tenant housing). There is a lack of around 350,000 affordable housing units.

Accessibility: Accessibility in Berlin is enabled by housing entitlement for rent controlled and regulated housing units (Wohnberechtigungsschein, WBS) for households below specific income limits, as defined by national law (Wohnraumfördergesetz, §19 WoFG). Each household with an income under the threshold is entitled to move into rent controlled housing. Housing companies and landlords must exclusively rent controlled units to entitled apartment seekers. In Berlin around 750,000 households (or 38% of all households) fall under these thresholds – but only 265,000 housing units possess such occupancy entitlements (2/3 by public housing companies, 1/3 by social housing obligations). The public housing companies are obliged to award 60% of new rental contracts to households with housing entitlements (WBS). Social housing has to rent solely to households with low incomes. There is a lack of around 450,000 accessible housing units.

Access to coop-housing is restricted to members and requires payment of co-operative shares. Access to formerly squatted houses and self-managed communal living projects are highly exclusive in terms of (sub)cultural affinity and based on tight social networks.

Sustainability: Berlin's affordable housing sector has low level of stability. The 320,000 dwellings of the *public housing associations* are subject to private-law company forms and their contribution to social

housing provision is determined in target and cooperation agreements by the city administration. Following the current requirements, 60% of public housing stock (and the 25,000 social housing units of public housing companies) have to rent with affordable conditions (WVB 2020: 22 f.) – that is, around 190,000 housing units. Political change can strengthen or weaken the social constraints of public housing. Tenants' initiatives therefore call for the conversion of the public housing into a public institution that is not subject to private law and which enshrines the social provision as formal purpose in the company's statutes.

In Germany, *social housing* has the character of a temporarily social use. Depending on the respective funding guidelines, rent price control and occupancy retention usually end after 20 to 30 years. The current number of nearly 100,000 social housing units (including 25,000 public housing and 25,000 coop housing units) will be gradually reduced, and a yearly construction of around 5,000 new subsidised housing units is needed to compensate for the decline of former social housing programmes. Currently, the state of Berlin spends around €500 million per year for new social housing merely to balance out the reduction of rent-controlled housing due to the expiry of old social housing programmes. Tenants' organisations are calling for a change of subsidy programmes in favour of permanent social conditions and a return to not-for-profit status for housing companies.

With a few exceptions, *housing cooperatives* are subject to a permanent obligation to operate in the interests of their members. The coop sector, with around 190,000 housing units, is not necessarily affordable, but is stable.

The formerly *squatted and legalised houses* have quite different legal conditions (long-term leases, temporary user agreements, collective ownership) and about a third of the projects have no permanent guarantee and must bargain for the prolongation of contracts with their respective landlords. The safest conditions are the 21 *communal dwelling projects* of the *Mietshäuser Syndikat* (tenement syndicate) with about 800 inhabitants, which have taken land and buildings off the market (MHS 2020).

Democratic control: With the experience of local tenant advisory boards (*Mieterbeiräte*), tenants' co-determination in Berlin's *public housing sector* has a long history of local participation on issues of neighbourhood development, in terms of consultation (hearing and stipulation), but without the ability to influence the decisions of management. Since 2016 – as set out in the housing provision law – tenants have had the opportunity to have a direct influence on the management of companies through elected tenants' councils (*Mieterräte*). Based on comprehensive information rights, the tasks of the tenants' councils include the gathering and representation of tenants' interests at the company level and prividing opinion on investment planning. In each public housing company, tenants' councils are given a seat on the company's advisory board (WVB 2017).

In the *social housing sector* there is no comparable structure of participation. Grassroots social housing and tenants' organisations try to represent tenant interests in political discussions and compiled feasible proposals to solve problems in the social housing sector, but without any formal position.

The sector of *housing cooperatives* offers – as defined by statutes – broad participation to their members. This is particularly true of small cooperatives with developed grassroots democratic structures such as collective decisions on investments and management. Cooperatives with large estates operate with more hierarchical management structures and hand decision-making power over to executive boards. The Cooperatives From Below (Genossenschaft von unten!) network of coop-members claims to extend participation within large cooperatives as well.

The *legalised former squats* and the *self-organised communal dwelling projects* have a strong participative approach and organise housing in the manner of self-management by inhabitants.

3.4 Vienna: Council Housing and Limited-Profit Housing Associations

Vienna has a total of around 918,000 housing units. About 80% of these are rental apartments managed by different types of landlords.

Table 6: *Vienna's housing market structure by landlord type*

	NUMBER OF HOUSING UNITS	SHARE OF TOTAL HOUSING STOCK
Owner occupant	180,000	20%
Private rental	300,000	33%
Public/council housing	222,000	24%
Limited-profit housing	183,000	20%
Other	33,000	4%
Total	**918,000**	**100**

Source: (Statistik Austria 2021c)

Affordability: The least expensive and thus most affordable housing sectors in Vienna are council housing stock, i.e. housing owned and administered by the municipality, as well as the older limited-profit housing stock, i.e. housing owned and administered by limited-profit housing associations. Additionally, some of the least expensive housing can also be found in the private rental market with old rental contracts, although this segment is rapidly shrinking.

Around 220,000 housing units (24%) are owned by the municipality. This council housing offers average rents of 7€/m² (including utilities) – the cheapest on the market; more than 30% lower than on the private rental market. The 183,000 housing units in the hands of limited-profit housing associations are subject to the limited-profit housing law which requires cost-based rents and a limitation of profits. The old stock in particular offers affordable housing with rents decreasing after buildings are refinanced. The average rent of limited-profit housing stock is 7.9€/m² (including utilities) and thus also significantly lower than the market rents of private landlords (10.3€/m²) (Statistik Austria 2021d, 2021e).[8]

8. Vienna is often presented as having around 60% "social housing". This number does not only include council housing and limited-profit housing, but also the broad category of "subsidised housing". Even though "subsidised housing" is still primarily constructed and owned by limited-profit associations, there is a growing number of units constructed and owned by private developers. With regard to rent levels, subsidised private units are broadly comparable to limited-profit units with a fundamental difference,

Rent prices in the approximately 300,000 apartments in the private rental housing sector (33% of the total housing stock) vary very widely. While apartments in older buildings with long-term contracts in particular can have very favourable rents due to the restrictions imposed by rental law, new rents are very expensive and do not offer affordable housing opportunities for low- and middle-income households (Tockner 2017b). For newly constructed subsidised apartments by commercial developers, a temporary rent limit applies, but overall the private housing market offers affordable housing only to a small extent.

The owner-occupied sector, with its roughly 180,000 apartments (20% of housing stock), also does not contribute to the supply of affordable housing. With mostly very high prices, condominium living has traditionally been reserved for wealthier people. Prices of condominiums have doubled over the last 10 years alone and have risen even faster than rents and currently stand at an average of 4,400€/m² (Statistik Austria 2021c).

Accessibility: Access to affordable housing, defined as council housing and limited-profit housing projects, is subject to high income limits, which makes about 80% of the Viennese population financially entitled to access affordable housing. The net income limit for one person is €3,500 per month (Wohnberatung Wien 2022). For council housing and SMART-Housing (a special funding programme for affordable subsidised housing) additional criteria apply. For example, a registered address in the city for at least two years is required, as well as "settled family circumstances". This makes access to council housing systematically difficult for people in unstable living conditions or in household constellations differing from the nuclear family norm and even inaccessible for people newly moving to the city. Housing units are allocated through a waiting list, privileging those who have been living in Vienna for a longer period of time (Kumnig 2018).

however, concerning long-term sustainability: rents are limited only for a certain period of time (for 10 years in the case of the Wohnbauinitiative subsidy programme , for example. For units constructed under the new "subsidised housing" zoning category, it is 40 years).

Access to limited-profit housing has less formal requirements but higher financial barriers. Future tenants need to pay a down payment which is a share of the land, construction, and financing costs. According to Korab et al. (2010: 9), average down payments were around 500€/m² in 2010 (approximately €3,000 for a 70m² flat).[9] The city provides low-interest loans to prospective tenants. Also, the down payment is paid back once tenants move out (minus a 1% annual administrative fee). Despite this, down payments still constitute a financial barrier for entering the sector, particularly for people on lower incomes.

Accessibility in the private rental segment is formally high, because apartments are allocated without a bureaucratic system or waiting lists, as in council housing or limited-profit housing. However, due to high and increasing rent prices, it is difficult for households with low and medium incomes to access the private market. Discrimination is another aspect which limits access for many people. Those most affected are people experiencing racist discrimination as well as people in precarious economic situations, non-heterosexual people, or people with disabilities (Verlič 2021).

Access to home ownership is very constrained because of the financial capital needed for equity requirements (around 1/3 of the price), as well as social and cultural capital to find a suitable unit on a very non-transparent market.

Sustainability: Council housing in Vienna has long term stability and in contrast to many other countries and cities in Europe there have been no serious attempts to privatise it. With permanent rental contracts, council housing offers very secure housing conditions for tenants. Contracts can be handed over to children under certain circumstances.

The limited-profit sector in Vienna is also characterised by relatively high stability. As in the council housing sector, permanent rental contracts are the norm among limited-profit companies. Here too, contracts can be handed over to children under certain circumstances. Since a reform of the limited-profit housing law in 1994**,** tenants have

9. Fine-grained statistics for more recent years are not available, to the best knowledge of the authors. The City of Vienna has issued a new subsidy program since 2010, called Smart Housing, with lower down payment requirements.

to be offered the rental unit for purchase.[10] Initially, this offer had to be provided between 10 and 20 years after tenants moved in. Since 2019, this was changed to 5 and 20 years, so that the time period became longer. Tenants do not have to accept the offer for purchase. In the year 2020 alone, 1,270 units were privatised in Vienna in this way. Even if this number is still far below the amount of new rental apartments constructed by limited-profit housing companies (6,510 units in 2020, see GBV 2020), this regulation leads to a constant privatisation of the social housing stock. Another problem with this "right to buy" policy is that apartments sold to tenants in this way are no longer subject to the limited-profit housing law and its rent regulation[11] (Rudnigger 2019).[12] In contrast to public and non-profit housing, sustainability in the private rental housing market is very low. Here, fixed-term leases are the norm (for 3, 5, or 10 years), with tenants having no legal right to have their lease renewed – they have to agree on the new terms with the landlord (Kadi 2015).

Living in owner-occupied houses or apartments also offers permanent housing security through ownership rights, once the mortgage is repaid and the unit owned by the residents.

Democratic control: Tenants' opportunities for co-determination are limited in all segments of the rental housing market.

In the council housing segment there is a system of tenant councils, but with hardly any decision-making power. Problems and complaints are supposed to be directed to the local offices of the council housing company (Wohnpartner Wien), which acts primarily as a complaints office and settles conflicts on an individualised basis.

In the area of limited-profit housing, 60% of the companies operating in Vienna are organised as cooperatives (35 out of 58, see GBV

10. This does not apply to units with low initial down payment requirements (<72€/m²), nor to units built on leased land.

11. Apartments sold to partners or children of former tenants continue to be subject to the limited-profit housing law (WGG) (Rudnigger 2019).

12. For 15 years after purchase, however, rents are capped at the basic rent set in the Tenancy Act (Richtwert; without premiums). If a unit is sold on after purchase, for 15 years, the difference between the initial purchase price paid to the limited-profit housing association and the purchase price for the further sale has to be paid back to the association (Arbeiterkammer, 2019: 9, 10).

2020), but co-determination opportunities for members are still very limited. Also here there is no institutionalised system for tenants or tenant groups to take part in decision-making. Exceptions are the small number of collaborative housing projects that are organised in a bottom-up fashion.

Co-determination in the highly individualised area of private landlords is also very low. There is no collective system of decision-making here. Conflicts between tenants and landlords are determined by individual legal positions and can be directed to an arbitration board by the municipality.

The residents of condominiums have the strongest co-determination rights. Together with the other owners in the building, they can decide on the management of the building and also on investments in the building in regular meetings.

There is a very small but slowly growing number of collaborative housing projects in Vienna (<1% of the housing stock). Concerning the four dimensions above, the sector is similar to the limited-profit housing sector but with a very high co-determination and democratic control during planning and also administration of the units. The few collective housing projects of the "habitat" umbrella association offer a higher affordability and accessibility since there is no down payment required and they use a solidary financing model (habitat 2022).

[4]

Rent Control as an Instrument for Securing Affordable Housing

4.1 Introduction and Overview

We broadly understand rent control as a legal mechanism to limit rent payments from tenants to landlords and to ensure security of tenure. This may include, *inter alia*, 1) rules for rent setting in new contracts, 2) a limitation on rent increases in running contracts, 3) measures to ensure security of tenure, and 4) a system of oversight to enforce existing regulations.

While forms of rent regulation exist in most housing systems, the legal specificities differ widely. This relates, for example, to the rules on how regulated rents are determined or through which mechanisms they can be adapted. Systems traditionally also differ with regard to their scope of coverage (e.g. regulation solely for rents in new contracts and not for in-contract rent increases) as well as how strict the regulations are (e.g. rent freeze or continuing adaptation with inflation and/or price developments on the housing market). Despite these vast differences, since the 1980s a certain convergence across housing systems has been observed towards a deregulation of rent control, particularly in the Western European context (Kholodilin et al. 2021).

Amsterdam, Barcelona, Berlin, and Vienna all have a long tradition of rent control. The specificities of these regulations differ considerably. All cases, meanwhile, experienced phases of deregulation in recent decades, although to different degrees. Lately, in some cities, more strict measures were reintroduced in response to increasing housing

problems and protests. As a result, four distinct regulatory landscapes have developed in the four cities. The table below lists some of the specificities of the cases related to the form and dynamics of the rental market and the particularities of rent regulation along selected dimensions, followed by a short overview of the history and specifics of rent regulation in each city.

Table 7: ***An overview of rent regulation in Amsterdam, Barcelona, Berlin, and Vienna***

	Share of rental housing	Rent increase in different housing sectors[13]	Is there an upper limit for rent levels?	Limitation for rent increases in running contracts	Temporary contracts allowed	Share of temporary contracts	Penalty system for charging too much rent
Amsterdam[14]	71% (41% owned by housing associations, 29% by private landlords)	Around 30% average rent increase in unregulated private rental between 2012 and 2020	Yes, rent is calculated based on a points system up to the limit of €763,47, above that not regulated	Unregulated rentals: annual increase is set in the contract, no upper limit. Regulated sector: yearly inflation	Yes, for up to 2 years. Youth contracts for young people up to their 26th birthday	No official data but an estimation of half of the new private rentals Social sector: not known	No, though a proposal is being considered to introduce this. Renters can appeal to independent rent commissions
Barcelona[15, 16]	38% (of which some 97% are owned by private landlords)	40% in the last 10 years	Currently: No 09/2020-03/2022: Yes, rent in new contracts can neither exceed previous contracts nor the official price index	Yes, rent increase only to cover inflation	Yes, 3, 5 or 7 years	No data	Currently: No 09/2020 – 03/2022: Yes, up to €90,000 per landlord plus return of excess rent with interest

13. Commonly, rents in the four cities are calculated differently (e.g. referring to rents with or without utilities, with or without taxes, etc.). We therefore limit the comparison to relative increases. In the case studies, the concept of rent used is explained for each city.

14. Data for Amsterdam on the structure of the rental housing market: OIS 2022, on rent increase dynamics: City of Amsterdam website (https://www.amsterdam.nl/en/housing/rental-prices/) and Government of the Netherlands website (https://www.government.nl/topics/housing/rented-housing) and Pararius 2021 , on temporary contracts: Huisman 2016a.

15. Ajuntament de Barcelona 2017, Comunidad Autónoma de Cataluña 2021.

16. Rent control in Catalonia was overruled by the Spanish Constitutional Tribunal during the writing of this report (03/2022). Rent control law: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-11363.

Berlin[17]	84% (16% owned by public housing companies, 10% housing cooperatives, 58% private landlords)	36% over the last 10 years	Not currently for new contracts, after rent cap was repealed	Yes, rent increases only up to average rent price in comparable units and limited to 15% in three years	Most rental contracts are open ended	No separate statistical reporting of temporary contracts, permanent contracts are the standard	No, but in the case of court decisions in favour of tenants, the lowered rent applies retroactively
Vienna[18]	80% (of which some 60% social housing and 40% private rental housing)	Between 2008 and 2016: private rental: 53%, non-profit: 25%, council housing: 21%	Yes, rent regulation applies to about two-thirds of the private rental stock	Yes, based on inflation and to a limited extent renovation costs	Yes, 3-, 5- or 10-year contracts with no entitlement that the lease is renewed afterwards	Private rental: around 40% and around 2/3 of new contracts. Social housing: close to zero	No, but there is a tenant arbitration board where tenants can complain

In **Amsterdam** rent regulation is a national affair. Its origins go back to the early 20th century and early attempts at decommodification in the housing market. Since the 1990s, marketisation has come to play an important part and has led to a weakening of rent regulation and a decline in the proportion of regulated units. Today, rents are calculated based on a points system that assigns value to certain aspects of housing quality. If the rent is below €752 it is regulated (referred to as social housing), if it is above, landlords are free to ask whatever tenants are willing to pay. In social housing, there is strong security of tenure and a maximum annual rent increase set by parliament. Renters can appeal to an independent rent commission if they believe their rent is too high. Rents in new contracts are usually higher due to a change in the calculation in the housing quality points system, with location and property values playing an increasingly important role. To counter growing housing problems, the Amsterdam government has recently proposed new measures: a higher price limit for the regulation of rents (€1,250 instead of €750), a mandatory share of social housing in new housing developments (see chapter 7), and the purchase of social housing units from housing associations.

17. The structure of the rental housing market: IBB 2021: 10, on rent price dynamics: F+B 2021 on rent control: Jones Day 2020: 5 f.

18. Data for Vienna on the structure of the rental housing market: Statistik Austria 2020a, on rent price dynamics and share of temporary contracts: Tockner 2017a.

In **Barcelona**, rent regulation has historically been in the hands of the Spanish state. The rent control laws of 1920 were rather strict, and it was, for example, illegal to raise rents in running contracts beyond inflation. Deregulation started in 1985 and was further deepened in the 1990s and 2000s. Following protests and power struggles by tenant movements, the law was re-regulated in 2019. It *inter alia* reintroduced a mild form of rent control (price changes in running contracts strictly bound to inflation, yet unlimited rent increases with new contracts). In 2020, Catalonia introduced a stronger rent cap law which became effective for Barcelona and 60 other municipalities. It was drafted by the Barcelona Tenants' Union in collaboration with the Catalan government. According to the new law, rent in a new contract cannot surpass the rent in the previous contract, even with a change in tenants. Moreover, rent levels cannot be higher than the official price index of the Catalan government, which registers thousands of rental contracts every month. Rent prices above this index have to be lowered in new contracts. There is a penalty system charging landlords up to €90,000 plus excess rent, if they are found to violate the law. This law was overruled by the Spanish Constitutional Tribunal in March 2022, arguing that Catalonia does not have jurisdiction on the matter, but that it is a national issue.

In **Berlin** rents are set according to federal law. German rent regulation has a long history and goes back to the 1920s. Over time, the law has been deregulated and rent regulation has been relaxed. Berlin has additional measures in place that complement federal regulations. This concerns rent increases in running contracts, for example. They are only permitted up to reaching the average rent price for comparable units, and up to a maximum of 15% over three years. The modernisation of apartments can be an additional reason for rent increases. Leases are usually open-ended. To counter rapid rent increases, the federal government implemented the "rent brake law" in 2015, which, however, had many gaps and was unable to slow down price dynamics. Meanwhile, in Berlin, two strategies were pursued: first, measures were taken to slow down rent increases in public housing stock. They limit rent increases to 2% and rent increases after modernisation must not exceed the limits of affordability of 30% of household income.

Meanwhile, the city implemented its own rent cap law in 2020: for five years, a) all rent increases were excluded, b) new rental contracts had to be made at fixed maximum prices, and c) extremely high rents had to be lowered. But the rent cap was repealed after a constitutional court ruling in 2021.

Rents in **Vienna** are regulated based on the national Austrian Tenancy Law. The law applies to all private rental units and also to some social housing stock. Historically, rent regulation has been rather strict, yet in the 1990s, several deregulation measures weakened it. Today, rents are more strictly regulated in the old building stock (built up until 1953) than in the newer stock. In the old stock, rent setting is based on a legally defined standard home for which a base rent is set by parliament. In addition, landlords can ask for bonuses related to equipment features and the location of the unit. For the "new" private rental stock (built after 1953) there is no strict rent price regulation. Landlords can issue both permanent and temporary rental contracts. The latter has become the norm. Temporary contracts offer landlords regular opportunities to raise rents with new contracts. The City of Vienna has introduced three instruments to counter the rapid rent dynamics in the private rental market that have developed in the context of the deregulation of the federal Tenancy Act: free tenant consultation, an online rent calculator, and an arbitration board to resolve conflicts between tenants and landlords. Additionally, the City has reformed the map that shows how much landlords can ask for "better" locations in the city. This has meant that location bonuses were lowered in several areas of the city.

4.2 Rent Control in Four Cities

The following section provides an in-depth description of rent control in the four cities. For each city, we first present the housing policy context and current challenges, then analyse instruments of rent regulation and finally discuss claims and activities of urban grassroots movements or the lack of such mobilisation.

4.2.1 RENT CONTROL: AMSTERDAM

The urban political context

Amsterdam is a city of renters. Some 30% of all units belong to the owner-occupied sector, while 41% are owned by housing associations and 29% are owned by private landlords. Units with a rent[19] below €752 (Gemeende Amsterdam 2022) are part of the regulated market, known as the social housing sector. Concerning temporary rental contracts, there is no official data but an estimate: half of the new private rentals are with temporary contracts (Investico 2020). Temporary rental contracts have a duration of up to two years. Additionally, there are youth contracts for young people aged between 18 and 22 years lasting until their 26th birthday and campus contracts for students for the duration of their studies.

As for the rent or mortgage burden, on average, renters in the private sector spend 42% of their net incomes on housing. This percentage is 36% for social housing renters. Home owners on the other hand, on average, spend 29% of their income for mortgage (Ten Teije 2021).

The origins of rent regulation in Amsterdam go back to the early 20th century and early attempts at decommodification in the housing market. These early policies were intensified throughout the last century and in the 1980s, some 50% of all housing in the city was strictly regulated and belonged to housing associations. Since the 1990s, however, marketisation has come to play an important role in the housing market. Successive national governments have promoted the sale of social housing. Since the global financial crisis, this policy has intensified. Social housing associations must pay an additional tax for every social housing unit they own. Remarkably and disturbingly, the tax only applies to social housing units, not to unregulated housing units with (very) high rent. As a result of this tax and a number of other policy measures, housing associations are more or less forced to sell off social rental units, which is the intended effect of the social housing tax. The current national government, which took office in January 2022, announced that it will discontinue the social housing tax but also that it will facilitate the sale of all ground-level social housing units – whether, when and how these policy changes will take effect remains to be seen.

19. Rents in Amsterdam do not generally include utilities and taxes.

Again as a result of national policy, rents in social housing have increased, largely as a result of a change in the way prices are calculated. In the past, rent was determined solely according to a number of housing characteristics of the unit: its floor space, amenities, insulation, etc. After the change in regulation in 2011, the location – or more specifically, the house prices in the vicinity – now factor into the rent price, meaning that rents are tied to property values; a move away from the principle that prices should be determined according to use value. These new rules apply to housing that is newly allocated. Also, renters with higher incomes face steeper rent increases to bring their rents closer to the market level.

While the national government is the main driver of deregulation, the local government promoted deregulation by encouraging the sale of regulated units in the private sector. If private landlords invested in their buildings, they were allowed to transform their low-rent units into owner-occupied units (Boterman/Van Gent 2014).

The most significant changes occurred outside the social sector. There was a resurgence of private landlordism in Amsterdam, which now accounts for approximately 29% of housing stock. Whereas before tight regulations made housing less attractive as an investment opportunity, the relaxation of rules in combination with high demand mean that housing is an extremely profitable investment. While "the share of private rental housing has grown from around 22% to over 28% of housing, the rent-liberalised tranche has more than tripled from just 4.8% to 15.4% of the total housing stock between 2007 and 2019." (Hochstenbach/Ronald 2020: 1622). In other words: regulated rental units owned by private investors are decreasing while unregulated units are increasing. The rents in this sector are much higher than in the regulated sector. A rent of around €2,000 for an 80 square meter apartment is common (DutchCowboys 2019). Such units are being rented out to young professionals and expats. A considerable share is further bought up by parents who rent out the unit to their children (Hochstenbach 2018). Between 2012 and 2020 rents in the unregulated private rental sector increased by around 30% (Pararius 2021).

Instruments of rent regulation

Rent regulation is a national affair. Rent is calculated based on a points system that assigns value to certain aspects of the housing. If after this calculation the rent is below €752, the unit belongs to the social housing sector. This means that there is strong security of tenure. Renters of the regulated sector can always appeal to independent rent commissions which assess whether the rent or rent increase is appropriate. Although the rent commissions can theoretically support all tenants, in practice they mostly serve tenants in the rent-regulated sector. If the rent is considered too high, there is no penalty for the landlord.[20] The national government determines the maximum annual rent increase in the social housing sector, which is usually around the inflation rate.[21] For new contracts, the points system defines the new rent, which is usually higher than the old rent due to the changes in the calculation of points (for instance, location is now factored in).

For the private sector, even though the rent is liberalised, the national law still protects renters. For instance, the landlord needs to have a valid reason to terminate the contract. The annual rent increase is set in the contract and there is no maximum for this increase. But the latter was altered during the Covid pandemic. From May 2021 to May 2024, a maximum amount of 1% plus the inflation rate has been set as the maximum rent increase. The average price of new rental houses in the private sector offered on the largest platform, Pararius, decreased by 7.4 in the first quarter of 2021 compared to the same quarter in 2020 (Grosfeld 2021).

Most policy instruments in recent decades are implemented to undo regulation and open up markets for investors. These policy changes have been enthusiastically promoted by successive national

20. A parliamentary proposal of the Labor Party for a law that would introduce such a penalty was rejected in December 2021.

21. In recent years, the maximum rent increase depends on the income of the tenants: if their income is high, the maximum increase is higher. The most recent coalition agreement (December 2021) proposes to even increase the rent for tenants with high incomes up to the market rent. What this means is not exactly clear yet, in part because the government also proposes to curtail market rents in the (as yet) unregulated sector. The general direction of policy is clear though: whereas beforehand the qualities of the dwelling determined the price, now the income situation of tenants is factored in, with the effect that regulation mostly or only protects tenants with low incomes.

governments. The local governments in Amsterdam have occasionally supported these measures (for instance with the restructuring policy of the 1990s and early 2000s) and sometimes they have been neutral, basically accepting these moves towards privatisation as fact. The most recent Amsterdam government, however, is much more critical towards the national government and calls for different policy measures for Amsterdam. Statements and plans include:

- The expansion of rent regulation above the social housing norm. This would provide rent regulation to units priced between around €750 and €1,250. It would require a change in national rent regulations that is unlikely to happen.
- The expansion of the social housing sector and "mid-level rental sector" by making agreements with investors and housing associations. In this case, rent is not regulated via general laws but through agreements for specific locations. Essentially, the government is telling developers that they can go ahead only if they ensure a sizeable proportion of social and mid-level housing (see chapter 7).
- Perhaps the most interesting and ambitious plan is to buy up properties that social housing associations sell. This would mean that the local government would itself become a landlord. Unlike housing associations, it is allowed to rent out houses above the social housing norm (approximately €750), so it would be able to ask more rent and, importantly, avoid the social housing tax (see above).

Grassroots claims or the lack of mobilisation

The housing shortage is an important political issue, perhaps even the most important one. Right-wing parties argue that the reason for price explosions and shortages lies in a lack of supply, which they in turn attribute to the overzealous protection of natural areas and the overly strict requirements for developers. They essentially say that what is needed is to "build, build, build". This is not so credible even for mainstream (i.e. not leftist) voters since the right-wing parties have been in government for the last decade and have shown themselves utterly incapable of solving the housing crisis. Even "build, build, build" has failed as construction dropped to a historical low during their reign.

While the housing shortage has long been recognised as a major problem, it is only recently that there has been a surge in protests and critiques, both on the streets and in the opinion pages. Since the summer of 2021, there has been a marked increase in grassroots mobilisations, with large-scale protests in different cities. Amsterdam has been a focal point of these protests and the leftist parties in the Amsterdam government have expressed support. These protests have moreover attracted broad and sympathetic media attention. However, the protests have hardly affected in national policies. The centre-right national government as yet shows no sign of adopting the leftist housing agenda of the protesters.

4.2.2 RENT CONTROL: BARCELONA

The urban political context

According to the 2017 Socio-Demographic Survey, approximately 38.2% of the population in Barcelona are tenants. It is estimated that 97% of rental units are in the private market, and 3% are either social rents or public (Palomera et al. 2021). At least 71.6% of rental contracts are temporary: they can be terminated after 5 or 7 years with no cause or justification.

As for the property distribution in the market, 53% of rental units are in the hands of landlords with at least 3 rental units; 41.9% of the rental units are in the hands of landlords with at least 6 units; 32.4% in the hands of landlords with at least 10 units.

Rent prices have increased dramatically in recent years years, by more than 40%. While the average rental price in 2014 was €640 (10€/m², excluding utilities and taxes), it had reached €980 in 2020 (14.02€/m²). As a result, 45% of tenants are overburdened (paying more than 40% of their income in housing costs). This is partly the result of a legislative change at the state level in 2013, which changed the duration of rental contracts from 5 to 3 years. As a result, the number of new contracts surged especially between 2016 and 2018, with a sharp increase in prices and no-fault evictions: according to the Tenant Survey, 47% of residential changes between 2014 and 2019 were in fact a displacement. Moreover, 90% of court order evictions are currently rent-related.

The current state of the rental market is strongly marked by the

deregulation policies of the last four decades. Until the 1980s, all contracts were based on the Spanish rent control laws of 1920 and 1964 (for most contracts it was illegal to increase the price beyond inflation). But in the year 1985, the Spanish Government deregulated the market. On the one hand, new contracts would be temporary, which meant that the landlord could displace the tenant without having to justify it at the end of the lease period. On the other hand, there would be no price limit for new contracts and contract renewals. The legislative changes of 1994 and 2013 only deepened this kind of policy, which can be summed up as an attack on tenant rights. This was done persistently in the name of "market dynamism", and the "growth of supply", arguing that rent control had led to a decrease in rental housing stock. However, the diminishing number of tenants in Spain since the 1960s seems more due to aggressive home-ownership policies than any other factor. At the same time, it is not at all clear that deregulation policies have led to a supply increase by themselves: in fact, after 1985 the rental supply continued to drop. The supply of rental housing only seemed to increase after the burst of the mortgage bubble in 2008, when home-ownership stopped being an option for a broad social majority.

Instruments of rent regulation

Rental laws have been historically defined by the Spanish state, so all rental contracts in Barcelona are tied to it. The persistent and powerful struggles led by the tenants' and housing movement in Barcelona since 2017 forced the Spanish government to implement changes. In 2019, the regressive reform of 2013 was rolled back, and the state extended the duration of rental contracts, from 3 years to 5 years (if the landlord is a physical person) and 7 years (if the landlord is a company). Also, a first form of mild rent control was introduced: during the lease, price changes were strictly linked to inflation. Yet the price could still be increased without limit at the end of the contract.

But a bigger historical change took place in September 2020, when the Barcelona Tenants' Union drafted a rent control law in collaboration with the Catalan government, based on the Catalan Civil Code. Until then, the Civil Code regulated agrarian rentals, but the admin-

istration had never tried to extend it to urban ones. After the law was passed, the rent cap was automatically effective not only in Barcelona but also in 60 other municipalities.

The new regulation was based on a double limit. First, the price of any rental cannot surpass the price in the previous rental contract, even if there is a change of tenants. Second, if the price of the previous lease was above the official price index of the Catalan government, the price in the new contract needs to be lowered and cannot surpass that of the index. This indicator is based on the official deposit registry, managed by the Housing Agency, which registers thousands of deposits and rental contracts every month.

There are exceptions to this rent cap: 1) all new constructions are exempt from rent control during the first three years. However, it is important to take into account that there is another recent law in Catalonia (December 2019) that makes it compulsory for any new development to include a minimum of 40% of *vivienda protegida* or social housing (half of this housing is for rental and the other half for sale, but its price is regulated). 2) Fully renovated buildings are also exempt from rent control during the first three years after the renovation. 3) If the landlords can prove that they are in a situation of "vulnerability" (low income), it is not compulsory to decrease the price to the index (in case it is above it), and it can be increased if it is below the index.

The system included a strict penalty system to ensure that real estate agencies and landlords comply with the law. 1) All advertisements need to contain three basic facts: the exact size of the apartment; the price of the previous contract and the price according to the official index. The penalty for not including any of these data is between €3,000 and €9,000. 2) All rental contracts need to also include these three elements. The penalty fees for violating the law in any contract can easily amount to €90,000, and the landlord has to return the excess money with interest (6%).

According to the official data, based on 80,000 new rental contracts, the results in the first 9 months are positive. Prices have gone down overall in rent-regulated cities by 4.8%, whereas they have gone up in non-regulated cities by 1.2%. Moreover, the number of new con-

tracts has skyrocketed in all municipalities, probably as a result of the pandemic, but the increase is higher in rent-controlled ones.[22]

The Spanish Constitutional Court overruled this law in March 2022, arguing that Catalonia does not have the authority to legislate on rents. This was to be expected considering its highly conservative composition and its history (it has ruled against all the progressive housing laws drafted in Catalonia since 2015). Currently, the Tenants' Union, along with other housing organisations and trade unions, is fighting to achieve a new rent control policy – similar to the one in Catalonia – nationwide.

Grassroots claims or why there is a lack of mobilisation

The rent control that was in place in 2020–2022 was mostly a product of unprecedented tenant and housing organizing since 2017, with Barcelona as the driving engine. In 2018, the Tenants– Union launched a civil disobedience campaign around the rental law: more than 4,000 households have been systematically invited (through collective advice and grassroots organizing) to peacefully resist hikes and non-clause evictions at the end of the contract. The campaign is known as 'staying put', and it has entailed the organisation of buildings and cities vis-à-vis corporate landlords such as Blackstone, Goldman Sachs, and Cerberus. By actively resisting the law and protesting against it, the organisation has not only ensured that people could remain in their homes or avoid rent hikes, but it has gathered the strength to change it, proposing its own law.

The Tenants' Union has argued that the new rental cap is in fact only a first step, since prices need to go down by at least 40% so that people do not designate more than 30% of their income to housing and related expenses. Moreover, the movement is also fighting to stop all no-fault evictions and has made an agreement with the Catalan government to propose a new law which includes open-ended contracts. This legislative change is expected to stop other forms of abuse suf-

22. The new law does not apply to running contracts. But if the index price is higher than the price that tenants are currently paying, tenants can negotiate with the landlord, considering that if they leave the apartment the landlord would have to lower the price to the regulated index price.

fered by tenants and in fact recognise their right to collectively organise and bargain with real estate organisations and landlords.

4.2.3 RENT CONTROL: BERLIN

The urban political context

Berlin is a city of renters – almost 84% of households live in around 1,6 million rental apartments. Housing supply in Berlin is thus dominated by the rental housing market. Concerning the share of temporary rental contracts, there are no statistical reporting but permanent tenancy agreements are the standard, only about 1.6% of households are recorded as subtenants or in atypical contractual arrangements.

Berlin has over 1.1 million dwellings, 58% of which (or 69% of rental dwellings) are managed by private landlords and commercial housing companies. The share of more than 320,000 flats owned by public housing companies amounts to 16% of total housing stock (19.5% of rental flats). The almost 190,000 dwellings of the housing cooperatives make up 10% of all dwellings (11.5% of rental dwellings). Almost 48% of all tenants pay more than 30% of their income for rent (gross warm, with operating and heating costs) and exceed the limits of affordability (Amt für Statistik 2020).

The average rent[23] in current contracts is 6.72€/m². The average new contract rent is currently 11.00€/m² (IBB 2020). The average rents of the public housing companies are at 6.22€/m², just below the average values. Around 190,000 housing units of cooperatives are formally also subject to general tenancy law, but are managed in the interest of their members and have a rental average of 5.66€/m². The average of the 1.1 million privately rented apartments is 6.98€/m² (BBU 2020, IBB 2020).

In the last 10 years (from 2010 to 2019), the average rents in current contracts over all housing market segments increased by 36% from 5.02€/m² (2010) to 6.72€/m² (2019). New rental rents rose by 68% in the same period from 6.55€/m² (2010) to 11.00€/m² (2019).

The rents of public housing companies have also increased significantly in the last 10 years. Existing rents increased by 24% from 5.00€/

23. In Berlin rent prices are calculated as net cold, meaning excluding utilities and taxes.

m² (2010) to 6.22€/m² (2019). This rent increase is only marginally below the general market trend in rent development. Rents on new contracts increased by 34% from 5.02€/m² (2010) to 7.43€/m² (2019), showing a significantly lower increase than the general trend. Due to the increased requirements for the provision of affordable housing and the limitations of the Rent Ceiling Act, the new rents of the public housing companies were reduced to 7.00€/m² in 2020.

Instruments of rent regulation

From a legal point of view, all rental apartments in Berlin – with the exception of the approximately 100,000 social housing units (around 5% of total housing stock) – are subject to nationwide tenancy law (IBB 2020). Germany is a typical example of a unitary housing regime (Kemeny 1994: 9 ff.).

Tenant law in Germany is federal law and there are only a few possibilities for urban political intervention: in the so-called comparative rent system, rent increases in current rental contracts are only permitted up to reaching the average rent price for the comparable housing market segment and are limited in Berlin to a maximum of 15% in three years (civil code (BGB) § 558). Rent increases in current contracts are possible through modernisation of the apartments. At present, 8% of the total costs may be added to the rent annually.[24] Tenancy law is regulated by civil law and is considered to be the tenant's individual legal position. In the event of a dispute, tenants must therefore take legal action and go to court. The social barriers to enforcing tenancy rights are relatively high and privilege tenants with good language skills, higher education, and a social network with strong resources. In the case of court decisions in favour of tenants, the lowered rent applies retroactively from the time the lawsuit is filed.

In addition to these rental price regulations, German tenancy law offers relatively extensive protection against terminations. Most leases in Berlin are open-ended. There are also no separate legal regulations for short-term contracts.

24. If, for example, heating and windows are renewed in a 70m² apartment for € 25,000, the rent can be increased by 2,000 per year (=8% of € 25,000). This corresponds to a rent increase of about € 167 per month (+2.38€/m²). With higher modernization investments, the rent increases accordingly.

New rentals had no restrictions until 2015 and market prices were freely agreed. Since 2015, a "rent brake law" (Mietpreisbremse) decided by the federal government has been in place, which was intended to limit new contract rents to a maximum of 10% above the city-wide average of existing rents. Since the rental price brake law had many gaps and was based on an individual legal position of the tenants, these limits were often exceeded.

In order to fight discrimination in Berlin, an anti-discrimination law was passed, that prohibits any discrimination based on gender, origin, or affiliation. In practice, however, the law is difficult to implement in the allocation of housing, because discrimination is often difficult to prove in individual cases. Regarding homelessness, Berlin has adopted the implementation of the European Parliament's resolution on the elimination of homelessness in its regional programme and has set itself the goal of completely eliminating homelessness by 2030. To this end, it is increasingly setting occupancy commitments for apartments, which are then given priority to households that are excluded from the free allocation of apartments.

History of rent regulation: The politics of rent control has a long history in Berlin. The era of the Weimar Republic in the 1920s was characterised by extensive state intervention in the housing sector, including the inclusion of a "right to housing" in the constitution. With the Housing Shortage Law of 1920 (Wohnraummangelgesetz), the Imperial Rent Law of 1922 (Reichsmietengesetz), and the Tenant Protection Law of 1923 (Mieterschutzgesetz), every aspect of housing management came under public control, all the way down to the price of rent. During the Nazi dictatorship, rents were frozen at the level of 1936 and were not allowed to increase. The Allies continued these arrangements after 1945. In the GDR (where the right to housing was also part of the constitution), housing was essentially organised by the state and rents remained at the level of 1936 until 1990. At the time of reunification, rents were at the equivalent of 0.50€/m² and were to be transferred from state management to a housing market. Until 1998, state-determined rent increases were carried out for East Germany in several steps in order to bring market conditions into place. These "rent transfer laws" were the prerequisite for transferring the East Berlin housing

units into general tenancy law. In West Germany, until 1963, the laws of compulsory housing management (*Wohnraumzwangsbewirtschaftung*) with strict rent regulation (with exceptions for privately financed new buildings) applied. Cities were allowed to maintain the rental obligation for old buildings longer. In West Berlin, rent control was in place until 1988, so that there was no practical experience with housing market dynamics in the western part of the city at the time of reunification. The history of Berlin's rent regulation can be summarised as 70 years of rent control and 30 years of the market. Historically, the absence of state rent regulation has been the exception in both East and West Berlin.

In recent years, the Berlin government has pursued two strategies to counteract rent increases in the city:

1. *The regulation of public housing stock*: For the approximately 300,000 apartments in the administration of public housing companies, special rules for rental development apply, which are fixed in cooperation agreements with the city government. There, the rent increases are limited to a maximum of 2% per year and rent increases after modernisation measures must not exceed the limits of affordability (30% of the household income of current tenants) (WVB 2017). These special rules for the state-owned housing associations are laid down in the Housing Supply Act (WoVG) (Wohnraumversorgungsgesetz). The law was implemented by the government after a campaign for a rent referendum. In essence, the rent restrictions in public housing are not rent regulation, but the implementation of a politically determined ownership strategy.
2. *Rent cap*: After a shift of responsibilities as part of a federalism reform (2006), the so-called "housing competence title" went from the federal government to the federal states (the *Länder*). In 2020, the government in Berlin used this opportunity to draft a public price law for apartments. For 5 years, a) all rent increases were banned, b) new rental contracts had to be made at fixed maximum prices and c) extremely high rents had to be lowered. In order not to conflict with federal tenancy law, the rent cap law used a complicated justification and did not regulate rents in the legal sense, but set the highest per-

missible price for an apartment. The difference: rent is a contractual agreement between specific persons – price determinations are made as a public determination and must be enforced by the authorities. Following complaints from real estate associations and conservative and liberal parties in the Bundestag, the Berlin law was repealed by the constitutional ruling in April 2021. The decision was based solely on Berlin's lack of jurisdiction. Currently (after the rejection of the Berlin law by the Constitutional Court), the Greens and Die Linke are calling for a rent cap for the federal government.

Grassroots claims or why there is a lack of mobilisation

Campaigns for rent regulation have a longer tradition in the Berlin rent movement. In West Berlin there were large mobilisations against the abolition of rent control at the end of the 1980s and in East Berlin against rent adjustment after reunification in the 1990s, with the aim of maintaining the then existing rent regulations.

Since tenancy law was regarded as federal law, reforms and demands in this area were not a central issue for the predominantly locally organised grassroots movements, because their demands were mainly based on urban policy instruments. The proposal for a Berlin rent cap was the political initiative of the red-red-green state government and was also supported by the Social Democrats in order to take away the legitimacy of the already launched Deutsche Wohnen & Co. Enteignen campaign for the expropriation and socialisation of large housing companies.

4.2.4 RENT CONTROL: VIENNA

The urban political context

Vienna is a city of renters. Some 80% of households rent their home. Rent levels are thus a central determinant of housing conditions in the city. The rental sector is divided into three different sub-sectors: social housing owned by the city (so-called council housing; accounting for around 30% of all rental units), social housing owned by limited-profit housing associations (27%) and the private rental sector (43%) (Statistik Austria 2020a). Around 2/3 of new contracts in the private rental mar-

ket, and 40% of all private rental contracts, are temporary. Social housing providers usually do not issue temporary contracts.

Rents in council housing and limited-profit housing are decisively lower than in the private rental sector. On average, the rent[25] per m² regardless of tenure in existing contracts is €8.40 (for 2019; Statistik Austria 2020a: 56). In council housing, it is €6.90. In limited-profit housing, it is €7.70. Meanwhile, in private rental housing, it is €9.90. This means that private rents are about 43% higher than council housing rents and 28.5% higher than limited-profit housing rents. For a 70m² apartment, the difference between private market and council housing rents amounts to higher monthly costs of around €210, or around €2,500 annually. For new contracts, the difference in rent levels between tenure types is even higher.

Over the last 10 years, rents have markedly increased in Vienna. Between 2009 and 2019, the average rent per m² went up from €6.0 to € 8.40, an increase of 40% (Statistik Austria 2020a: 56). This is not only much higher than inflation rates, but also outstrips income developments. Average net incomes have increased by only around 13.5% (Stadt Wien 2021). This translates into growing affordability problems in the city (Grinzinger et al. 2021).

Rent increases have been highly uneven between tenure types. Between 2008 and 2016, in council housing, they increased by 21% and in limited-profit housing by 25%. In the private rental sector, the increase was 53% (Tockner 2017). The private rental sector is thus becoming an increasingly exclusive sector compared to other tenure types in the city, with rent levels markedly polarizing between them. Meanwhile, growing affordability problems are particularly pronounced in the private rental sector.

Instruments of rent regulation

Rents in Vienna are regulated through the federal Tenancy Act. The law applies to all private rental units and also to some social housing stock.[26] The degree of regulation depends on the construction year of

25. In Vienna rent prices are calculated including utilities and taxes.

26. In the limited-profit part of the social housing stock, rent setting follows the regulations set out in the Limited-profit housing Act. In the council housing stock, rent setting in principle follows the rules of the Tenancy Act. In practice, the City does not ask as

a housing unit. Units that were built before 1953 are more strictly regulated than units built after. Housing stock in the private rental sector is rather old, though. This means that overall, some two-thirds of all units are covered by the stricter regulation, where rents are set related to a norm unit, with possible bonuses for the fit-out and location of the unit.

Historically, rent regulation in Austria was strong by international comparison (Kohl/Sørvoll 2021), both concerning rent setting and security of tenure. This gradually changed since the 1980s, however, with the Tenancy Act being increasingly liberalised (Kadi 2015). The last major reform, in 1994, included three main changes that shifted power from tenants to landlords:

- The rent setting system was made more flexible: Before the reform, rent setting in the strictly regulated part followed the fit-out standards of a unit. Four standards were distinguished and rents were set by parliament, with adjustments for inflation every two years. Since the reform, rent setting is based on a legally defined standard home, for which a base rent is set by parliament. In addition, landlords can ask for bonuses related to additional features a unit has compared to the standard home (in principle, they can also define deductions, but this is never done in practice). These bonuses do not have to be listed in the rental contract, some of them are very hard to assess by tenants themselves (such as that the unit has "a good view"). This has made the system highly opaque and has made it much easier for landlords to ask for higher rents than in the past.
- Location bonuses were introduced: One of the bonuses that was introduced, was a location bonus. It allows landlords to ask for higher rents in "good" areas. The law does not define what "good" means, but judicial practice has established that land prices are a key determinant. Thus, in areas with higher land prices, landlords can also ask for higher rents. These bonuses have markedly increased price differentials in Vienna. In the least expensive parts, there are no location bo-

much as they could according to the Tenancy Act, however.

nuses. In the most expensive parts, the inner city, the location bonus currently amounts to 12€/m².

- Temporary contracts were made possible: Until the reform, permanent contracts were the norm. Since 1994, landlords have been permitted to also issue 3.5 or 10 year contracts. Tenants have no entitlement to a renewal of the contract afterwards. Moreover, the Austrian Tenancy Act works in such a way that rent increases in existing contracts are hard for landlords to push through. Combined with permanent contracts, this made the system quite tenant friendly in the past. Temporary contracts have meanwhile become an driver of rent increases. With contracts regularly running out and being newly agreed, rents can also be raised regularly. Moreover, temporary contracts function as a form of disciplinary tool. Tenants are more cautious to get their rent checked and go to court when it is higher than the law allows, because they fear that the contract will not be renewed. Some two-thirds of all new rental contracts in the private rental market are already temporary. Overall, the level is now at more than one third (Tockner 2017b). Temporary contracts are thus increasingly becoming the "new normal".

Taken together, these three liberalisation measures have markedly increased landlord power and made the sector much more attractive for investments. Particularly since the 2008 global financial crisis, investments have indeed soared, especially in the strictly regulated part for which rent setting was liberalised and rents have been raised with renovations and/or new contracts. Triggered by federal liberalisation and private investments, the private rental market, compared to the mid-1990s, has thus transformed from a relatively low-quality, low-cost sector into a high-price sector.

While the City of Vienna has no formal authority over the Tenancy Act, it has established several measures to help tenants assert their rights. Four in particular:

- First, there are several institutions set up by the City that offer free tenant consultation (e.g. *Mieterhilfe, Gebietsbetreuung*). They explain the often complex matters of the federal Tenancy Act and check the rental contract and whether tenants pay more than is allowed.

- Second, there is an online rent calculator for units in the strictly regulated part that tenants can use to check whether they pay too much.
- Third, the City has an arbitration board to resolve conflicts between tenants and landlords. If tenants pay too much rent, they can go to the arbitration board and demand that rents are lowered and additional rents paid are refunded. Landlords can appeal, however, and take the case to court.
- Fourth, the city has introduced a location bonus map to clarify for landlords and tenants how much bonus can be asked for each area in the city. While it is not legally binding, it is usually also used by courts, so it has a *de facto* legal character. Until recently, the location bonus map was based on land prices. Following a ruling by the supreme court, the City has, however, reformed this map and added additional indicators to calculate "better" locations, e.g. distance to green space, metro stations, social infrastructure, etc. This meant that location bonuses in many areas were lowered and for several areas no location bonuses can no longer be asked for at all.

Concerning access to housing for people experiencing discrimination, there is a small share of municipal housing units dedicated to a special allocation program (*Soziale Wohnungsvergabe*), for people threatened by homelessness. However this falls far short of meeting demand.

Grassroots claims or why there is a lack of mobilisation

In Vienna, a strongly institutionalised city with a prevailing narrative about the social city and little collective experience of protest and self-organisation, rising rents have not sparked large scale mobilisation. Yet with rents rising rapidly in recent years, the issue has become more central to public debates and some activist groups, such as Mietenwahnsinn Stoppen or Zwangsräumungen Verhindern were formed around the issues of rising rents, gentrification, and evictions. Those groups organised demonstrations, direct actions, city walks, and supported tenants in their struggle against the loss of affordable rental contracts (e.g. for a project called Hetzgasse 8) or in their fight against evictions. The key demands of those groups were related to affordable housing for all, abolishing temporary rental contracts, prohibiting lo-

cation bonuses, and stopping evictions. They were part of the Right to the City network. There are also other activist groups who continue to squat apartment buildings. While the most famous, the Pizzeria Anarchia lasted for almost three years (from the end of 2011 until June 2014), squats are usually evicted after a couple of hours, sometimes days. Yet such actions still manage to raise the issue of rising rents and displacement and demand decent and affordable housing for all.

4.3 Rent Control as an Instrument of Municipalist Housing Policies

In all four case study cities, rent control and tenancy law are regulated at the federal level. This makes an analysis of municipal strategies to limit rent prices and to ensure security of tenure particularly rewarding, as it is possible to explore the scope for action at the municipal level and thus the potentials and limitations of municipalist practices. To do this, we now look at three dimensions of municipalism: public responsibility, local autonomy, and participation.

4.3.1 PUBLIC RESPONSIBILITY

1) There is, at least to some extent, a **commitment to the public provision and public control** of affordable housing as social infrastructure in three of our case studies. *Vienna*, with its municipal and subsidised housing program, provides a relatively large rent regulated housing stock. *Berlin* introduced a special rent regulation for public housing stock in recent years, and in *Amsterdam* the local government is also considering buying up properties which are sold by social housing associations.

2) The intent of a **preference of use values instead of exchange value** by developing strategies and implementing instruments, can be seen in all four cities. In *Amsterdam*, rent prices of apartments owned by housing associations are calculated according to housing qualities, which established a system whereby use value determines prices. And also in the other three cities, the possibility of making profits with housing are to some extent restricted, in *Vienna* with a large part of the rental stock being regulated below market prices and in *Ber-*

celona with the recent implementation of rent-cap-laws (although in Berlin the law was repealed by the constitutional court).

3) What is missing in all four cities is a clear commitment and strategy to **provide unrestricted access to affordable housing for all**, by fighting discrimination and creating support structures for people experiencing exclusion and discrimination. In *Berlin* an anti-discrimination law was passed, but it is difficult to implement it for the allocation of housing. The city has also set itself the goal of ending homelessness by 2030 and provides a share of apartments with occupancy commitments, where households excluded from the free allocation of apartments are prioritised. In *Vienna* there is also a small share of municipal housing units dedicated to people in homeless care facilities, however this falls far short of meeting demand.

4) In principle, in all four cities changes in rent regulation are comprehensible and with traceable responsibilities due to the fact that such changes concern legal matters which are decided upon by the national parliaments. There is much less **accountability** when it comes to the implementation of rent regulation, which is largely in the hands of individual landlords. In some cases, e.g. *Vienna*, there is an arbitration board of the city where tenants can complain about landlords that charge too much rent. In *Barcelona*, landlords can also be held accountable and are charged a penalty fee in such cases.

4.3.2 LOCAL AUTONOMY

1) Even though rent regulation is federal law in all four cities, there are attempts to **expand municipal legal foundations** in order to strengthen housing affordability. In *Berlin*, the municipal government passed a public price law for apartments in 2020, which stipulated that for 5 years all rent increases were prohibited, new rental contracts had to be made at a fixed maximum price and very high rents had to be lowered. After complaints by real estate associations and conservative and liberal parties, the law was repealed by the constitutional court in April 2021 citing Berlin's lack of jurisdiction. In *Barcelona* a similar rent control law was passed in 2020, in this case by the Catalan government. The law was drafted in collaboration with the Barcelona Tenants' Union and stipulates that rent prices may not surpass the prices in the pre-

vious rental contract, and that rent prices surpassing the official price index need to be lowered.

2) In order to **protect the cities and their inhabitants against predatory extraction of urban surplus**, different strategies are applied in our case studies. In *Amsterdam*, the government is trying to expand social housing and the "mid-level" rental sector by making agreements with investors and housing associations for specific locations. In *Vienna*, the map which shows how much landlords can ask for "better" locations in the city was reformed, lowering the so called location bonus for the regulated rental sector in several areas of the city.

3) Even though **changes to the legislative frameworks through intervention in federal institutions** seem very difficult in the context of rent control, demands have been made by municipalities. The current government of *Amsterdam*, for example, is calling for the expansion of rent regulation above the social housing norm, which would raise the threshold below which rent regulation applies from €750 to € 1,250. This would require a change in national rent regulation. Another intervention strategy has been used by the municipality of *Vienna*, not by pushing for changes in the federal tenancy law, but by supporting tenants to actually assert the rights they have according to this law. There is free legal support, an online calculator to check if the rent paid in the regulated sector surpasses the legal limit, and an arbitration board to solve conflicts between tenants and landlords.

4.3.3 PARTICIPATION

A key dimension of municipalism is participation and new modes of governing, which includes: 1) a **strong link to urban social movements**, 2) **radical democratisation**, 3) strategies to **encourage urban social movements**, 4) **decentralisation of decisions, responsibility, and power**, and 5) an **inclusive and proactive form of governing**.

The extent to which those new modes of governing are created and put into practice differs significantly between the four cases. *Vienna* with its centralised, top-down, and bureaucratic support structures for tenants is far from encouraging or linking up to urban social movements. In *Amsterdam*, the city government itself is currently the prime driver of an alternative vision for solving the housing crisis, with-

out a strong grassroots movement pushing it ahead or strengthening its weak position vis-à-vis the national government. In *Barcelona* by contrast, the current rent control system is mostly a product of unprecedented grassroots organising by tenants. Strong and tenacious struggles by tenants' and housing movements with a civil disobedience campaign and protest actions made it inevitable for the government to change legislation. Those movements not only claimed a new rent control law, but the Barcelona Tenants' Union even co-drafted it. In *Berlin*, too, rent movements and campaigns had direct effects on the implementation of recent rent regulations, even though it was not a bottom-up process like in Barcelona but rather a top-down reaction to social movements. The regulation to limit rent increases in the public housing stock was implemented by the government after a campaign for a rent referendum and the rent cap law was passed in order to weaken the Deutsche Wohnen & Co. Enteignen campaign for the expropriation and socialisation of large housing companies.

4.3.4 CONCLUSION

We can find moments of municipalism in all four cases despite rent regulation legally being in the hands of the federal government. There is the attempt to take public responsibility for affordable housing, for example by the public provision and control of housing units, applying an ownership strategy rather than legal rent regulation. But local autonomy is also expanded, with the introduction of rent cap laws in Berlin and Barcelona being key examples. Those are also the cities where strong housing movements and campaigns managed to push through changes.

[5]

Touristification: Intensity, Impacts, and Responses

5.1 Introduction

By touristification we mean the increasing appropriation of urban space for tourism, be it for residential or commercial use. While tourism is an integral part of urban social life and an important source of economic activity, touristification can have severe social, economic, and spatial consequences. Among those impacts are increasing rent prices, gentrification, displacement, decreasing social cohesion, disturbances, loss of small-scale artisanal shops, and so on (see Janoschka/Sequera 2016; Gonzalez/Waley 2013). At its most extreme, the process of touristification can displace local populations from the central and historical locations that are most valuable to them by pushing out other types of social and economic functions.

Since the growth of the hotel industry and short-term rental sector often goes hand in hand with investments in the built environment and the displacement of low-income groups, touristification can align with gentrification. Kevin Gotham coined the term "tourism gentrification" to refer to the transformation of neighbourhoods into relatively affluent and exclusive enclaves marked by a proliferation of corporate entertainment and tourism venues (Gotham 2005: 1099). In recent years, the academic literature has explored how gentrification, touristification, and financialisation are connected (Sequera/Nofre 2018; Tulumello/Allegretti 2021).

The growth of the amount of tourist accommodation in the form of hotels, hostels, and short-term rental apartments has had serious impacts on local housing markets, taking up residential units and

increasing prices. The AirBnB platform, with 5.6 million listings in 100,000 cities,[27] is a particularly powerful player in the sector. Amsterdam, Barcelona, Berlin, and Vienna are all major tourist destinations and each city struggles to a varying degree and in different ways with the impacts of tourism.

Table 8: ***Touristification in Four Cities***

	AMSTERDAM[28]	BARCELONA[29, 30]	BERLIN[31]	VIENNA[32]
Total number of tourists	10.4 million (2019)	12 million (2017)	14 million (2019)	6.42 million (2016)
Number of tourists per resident (population)	10.4 (863,000)	7.4 (1,625,137)	3.8 (3,645,000)	3.4 (1,897,000)
Total number of hotel and hostel beds	81,263 (2019)	137,579 (2019)	146,000 (2020)	66,000 (2017)
Number of AirBnB listings	19, 000 listings	Around 20,000 listings	22,500 listings (2020)	8,600 (2017)
Time limit for subletting tourist apartments	30 days per year	30 days per year	90 days per year	None[33]

27. See the AirBnB website.

28. Data for Amsterdam on the number of tourists: OIS 2019 (https://onderzoek.amsterdam.nl/interactief/toerisme-in-amsterdam), on the number of hotel beds: Statista 2022a (https://www.statista.com/statistics/937296/number-of-hotel-beds-available-in-amsterdam-netherlands/), on Airbnb listings: Statista 2022b (https://www.statista.com/statistics/1267092/airbnb-listings-amsterdam-netherlands/), on tourist apartment regulation: City of Amsterdam website (https://www.amsterdam.nl/wonen-leefomgeving/wonen/vakantieverhuur/melden/).

29. Ajuntament de Barcelona (2018b).

30. Observatori del Turisme de Barcelona (2019).

31. Data for Berlin on the number of tourists: Amt für Statistik 2021, on the number of hotel and hostel beds: Amt für Statistik 2020, on AirBnB listings: AGH 2022, DIW 201, and on tourist apartment regulation: Land Berlin 2019a, 2019b.

32. Data for Vienna on number of tourists: MasterCard, 2017, on number of hotel and hostel bed: Stadt Wien, 2018, on AirBnB listings: Seidl, Plank and Kadi, 2017 and on tourist apartment regulation: Plank and Schneider, 2020

33. Subletting of apartments by tenants is forbidden in the social housing sector and only possible with restrictions for private tenants (only allowed to ask as much as rent

Regulation of tourist apartments	Ban on AirBnB in the city Centre Max 30 nights per year for short term rentals (2021)	New tourist licenses banned. Mandatory license number for sublets. Sanctions for illegal sublets. Cancelling of licenses.	Tourist apartments are regulated within the framework of the ban on the misuse of residential space.[34]	In residential zones in inner-city districts, tourist accommodation is restricted to 20% of the floorspace of each building.
Enforcement of regulation for tourist apartments	The ban in the centre works. Problems with the implementation of the 30 night limit.	Problem with capacity to implement the bans.	Problems with the implementation of the ban on misappropriation, as district administrations are overburdened with this task.	Anecdotal evidence suggests that enforcement is lax, as it requires lots of personnel to be enforced.

Amsterdam faces a strong wave of touristification with the number of tourists increasing up to 9 million in 2019. As the result of concentrated tourism, residents of the city centre feel alienated due to nuisance tourists, while residents outside the centre feel alienated from and avoid using the centre. Touristification results in the removal of housing from the rental market, inflating rents. The commercial landscape of touristified neighbourhoods also changes drastically with the increasing number of tourist shops replacing the local shops that serve local residents. The city government banned the building of new hotels in the city, although exceptions were later made, exempting hotels already planned or under construction, or hotels with unique concepts. Exemptions in practice meant that the ban did not work. The city wanted to direct hotel development and tourists away from the city centre, which in practice does not mean that the number of tourists in the centre declines, but that tourism grows faster outside the centre. In 2020, the city decreased the number of nights a landlord may sublet from 60 to 30, while it banned AirBnB activity in the centre where touristification is concentrated. Tourist landlords in neighbourhoods where holiday renting has been banned have challenged the govern-

as they pay themselves, plus need to ask landlord for permission to sublet). Owners can only rent out apartments with a permit that designates the unit as tourist apartment. This permit requires agreement by all other owners in the building.

34. Rentals of a maximum of 90 days per year are permitted. Short-term rentals of up to 49 % of the living space are exempt. However, all short-term rentals must be officially registered.

ment in court, while AirBnB is refusing to provide the data that would allow effective monitoring and taxation.

An attractive tourist destination, **Barcelona** has an increasing number of both legal and illegal tourist apartments in the city. The city has a high share of short-term rental apartments in proportion to the rental stock: 7.7% compared to 1.9% in New York and 4.9% in Paris (data for 2019). An expanding market of tourist apartments in the city brings about the decrease in the supply of affordable rental housing, the displacement of local residents, and increasing rent and property prices in the touristic areas of the city. In 2016, the city government banned the granting of new tourism licenses. New licenses would only be granted in peripheral neighbourhoods, and provided that another tourist apartment would be returned to the regular rental market. The city council also aimed to eliminate illegal tourist rentals through 1) making it mandatory to display the license number in online adds for sublets, including on rental platforms such as AirBnB; 2) sanctions for illegal sublets. Many short-term rental housing units were returned to the regular residential rental market. Lastly, the city is also trying to decrease the number of tourist apartments by cancelling the licenses of apartments that do not fulfil the legal criteria or sanctioning the landlords of licensed apartments due to neighbours being disturbed.

Over the years, **Berlin** has experienced an ever-increasing number of tourists, expanding capacities of hotel and hostels, and an increasing number of listings on AirBnB. AirBnB listings account for 30% of all tourist accommodation in Berlin, and 1.3% of housing stock. In Berlin's inner-city neighbourhoods, the concentration of tourist apartments increased over time, putting pressure on the housing supply in the rental market and increasing rents. The prices of new rentals increase by 0.13€/m² with each permanently rented holiday apartment in the surrounding area. The Berlin city government strictly regulates the subletting of tourist apartments through legislation. In 2018, it became obligatory to register tourist apartments. The city set the maximum subletting duration at 90 days per year. The subletting of individual rooms was initially not limited, but later the 2019 law banned the commercial renting of individual rooms. A fine of up to €250,000 is given in case of a violation of the rules. Despite the strict regulations, local

governments, which are the sole authority to enforce the law, lack the capacity to do so.

In recent years, the city of **Vienna** has been experiencing an increase in the number of tourist accommodation. The growth of short-term rental sector and the conversion of regular rental apartments into tourist apartments put pressure on an already tight housing market, leading to increasing rents, displacement, and a decreased social mix. AirBnB letting is restricted by federal and local regulation. At the federal level, the Condominium Act requires owners to get permission to change the designated category of the unit from residential to tourism, which requires all other owners in the building to agree to this change. Likewise, federal regulation states that owners must register a business and pay income tax for letting over a certain amount. At the local level, the city prohibited the permanent letting of a housing unit for tourism purposes in residential areas, although some letting is still possible. Yet it is possible to designate 20% of each building in residential zones for non-residential use, which includes permanent tourism use. As of 2013, owners of tourist accommodation are obliged to pay a local tourism tax after registering with the city. Platforms also have to provide the city the owners' contact details and the apartment addresses or they can agree to a pooled payment of taxes. The remainder of this chapter discusses each city in turn, paying attention to the scale and form of touristification, policies and regulation, and grassroots responses.

5.2 Touristification in Four Cities

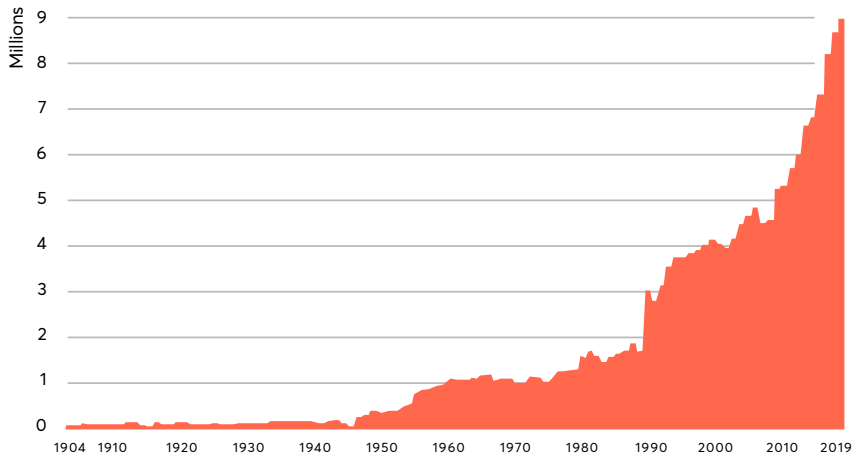
5.2.1 AMSTERDAM

Situation, problems, facts, and figures

The number of tourists in Amsterdam has steadily increased over the years, reaching a maximum of 9 million just before the onset of the pandemic (Figure 1). There are approximately 31,000 hotel beds in Amsterdam and the number has been increasing rapidly in recent years (NOS 2020). The exact share of AirBnB and other rental platforms is not known but the real estate consultant Colliers (2022) estimates that AirBnB guests stayed for a total of 2 million nights in the city in 2018, extracting a total of 8,000 houses from the rental stock. In that year,

the government only allowed houses to be rented out for a maximum of 60 nights per year but in more than 40% of cases this number was exceeded. It's very likely that a large proportion of the remaining 60% were also rented out longer but through different platforms. ING bank estimates that 1 in 6 houses in the historical centre are rented out.

Figure 1: The number of hotel guests through time. This figure likely includes many AirbBnb guests (Gemeente Amsterdam 2019)



The consequences of touristification are severe:

- Residents in the centre often experience disturbances and feel alienated from their environment (Pinskter/Boterman 2017). Residents outside the centre feel alienated from the centre and often avoid large parts of it, especially the red-light district. With touristification expanding in the 19th-century ring – the residential neighbourhoods surrounding the historical centre – problems associated with tourism also spread.
- The consequences for the housing market are strong. Not only are units removed from residential stock, but prices are also increasing because of the rise of holiday rentals (ING Nederland 2016). With growing disturbances and increasing prices, more residents decide that moving out is beneficial for them.

- Touristification not only affects the housing market but also the commercial landscape. Large numbers of stores serving local customers have been transformed in tourist stores. Souvenir and cheese shops have proliferated. Remarkably, touristification is also strongly associated with steak house restaurants.

Instruments, policies, regulation

Hotels – The present left-leaning government, which has been in office since 2018, is ambivalent about hotels. It first called for a building stop in the city centre, but it exempted hotels that were already planned or under construction. The government further said it would exempt hotels or short stays with unique concepts. In practice, this means that there has not been a stop in the centre. Meanwhile, there is rapid expansion outside of the centre. This is partly a result of entrepreneurial activity, but the government also channels this development: it wants to promote such hotel development to pull tourists away from the city. The net effect, though, is not to distribute tourists or hotel beds but to increase their overall number.

AirBnB – Where Amsterdam has been ambivalent towards hotels, it has become more aggressive regarding AirBnB. The maximum number of nights a house could be rented out decreased from 60 in 2018 to 30 in 2021. The government further completely banned AirBnB in some central neighbourhoods that were, according to the government, suffering from over-touristification. Amsterdam's policies have brought it into protracted legal disputes with AirBnB as well as tourist landlords. AirBnB refuses to provide the data that would allow effective monitoring and taxation. Tourist landlords in neighbourhoods where holiday renting is banned have challenged the government in court. The outcome in this latter case was extraordinary: the judge ruled that the government wasn't allowed to ban holiday renting because holiday renting is already not allowed without a permit. The ramifications of this ruling are unclear, but it seems that it provides the government with even more leverage than it wants.

Other – The government makes a sharp distinction between desirable and undesirable tourists. It tries to curb the number of undesirable tourists – exemplified by a stag party of Brits who fly in with a budget

airline company to get wasted and go to the red-light district – in many different ways but without much success. The most recent plan is to ban foreign visitors from hash coffee shops. Desirable tourists include business travellers and culturally inclined, high-class visitors. Plans catering to these groups – for instance, for hotels with conference venues – can count on government support. In sum, the government tries but fails to stop the flow of undesirable tourists and succeeds in attracting desirable tourists, resulting in a net increase of tourists.

Grassroots mobilisation and popular protest

Touristification is a huge issue in public debate. In the 2018 elections, the key word was "busy" ("druk") – i.e., Amsterdam is becoming too crowded. There is a broad consensus that the number of tourists is too high, with only slight variations in emphasis. For instance, right-wing parties are more likely to say they want to attract desirable tourists but all political parties are opposed to undesirable tourists. It's perhaps striking that this opposition is expressed in a familiar vocabulary: "they" eat weirdly, smell, are noisy, take over the city, resulting in "us" feeling alienated, a stranger in our own city, etc.

There are many small grassroots initiatives against touristification, mostly organised by residents' groups. More recently, a large number of Amsterdam-based businesses and residents' groups wrote a joined statement calling for a change of course in the transformation of the historical centre into a tourist zone.

Just before the outbreak of the Covid pandemic, one petition garnered massive support. It was written up by young professionals with a fairly positive attitude towards tourism but in their view the maximum capacity of the city to absorb tourists had been reached. They called for a cap on the number of tourists. As the maximum number was approached, drastic measures would be taken, including spectacular increases in tourist taxes.

5.2.2 BARCELONA

Situation, problems, facts, and figures

In 2016, a report commissioned by the city council identified 15,881 tourist apartments in the city of Barcelona: 9,606 had a legal license

and 6,275 did not (i.e., at least 39.5% of the supply was overtly illegal). In relative terms, short-term rentals amounted to 7.7% of all rental housing. In 2019, up to 6.8% of the total rental stock of the city was commercialised through AirBnB (in 2017 it had reached a staggering 11%). By contrast, in 2015 tourism rentals amounted to 1.9% of New York rentals, and 4.9% in Paris.

Several studies have demonstrated that the growth of tourism rentals since 2010 in Barcelona has led to a decrease of the supply of rental housing for residents and in fact partially replaced it. They show that the diverting of housing to the tourism market has boosted prices globally. Between 2012 and 2016, the supply of tourist rentals rose by 2,000 every year, and this had an impact on the price of residential rentals and on house prices, which rose by 1.89%, and 5.24% respectively. In the districts with a higher concentration of tourist rental ads, price hikes were much larger: 7% for residential rentals and 20% for house prices. It is estimated that it only takes 10 days for a tourist rental to generate the profit that a residential apartment yields in a month. The impact of this highly speculative industry can be assessed by comparing it to other cities: in Paris and New York, it takes 14 days for a tourist rental to generate the profit equivalent to a month in the residential market. In Los Angeles (California), it takes 20 days (García-López et al. 2019).

One of the main challenges of the city is that there are more than 9,000 housing units with a permanent legal license. This is due to a law that was passed by the Catalan government in 2010, which allows landlords to use their housing properties for tourism purposes. They are legally allowed to host tourists for stays of up to 30 days. The most dramatic increase of these licenses took place after 2012, when the Catalan government abolished the norm that made it mandatory for landlords to be given approval before obtaining a license: now they only needed to communicate it formally and they automatically received the license. Between 2011 and 2014, the number of legal tourist apartments in Barcelona went from 2,618 to 9,606. In 2014, the city of Barcelona announced that it would temporarily stop granting any new licenses, but since the suspension was not immediate, it had a coun-

terproductive effect, triggering a wild surge in licenses in the hours following the announcement.

In August 2020, the Catalan government passed a new bill which legally allows any housing unit to sublet rooms to tourists after obtaining a permit. The criteria is that the residents have to prove that they live in the apartment, but over the last decade it has been extremely difficult for local administrations to effectively control this. In practical terms, it means that any apartment can host 4 tourists any time of the year, unless the municipal governments issue a local limitation (but they only have until August 2021 to do so).

Instruments, policies, regulation

In April 2016, the new municipal government approved the so-called Special Urban Plan for Tourist Apartments, which permanently banned the granting of new tourism licenses. A new tourist apartment cannot be added to the market unless another one closes, and this can only be done in peripheral neighbourhoods. In practical terms, it meant that the number of tourist apartments could not increase beyond 9,606.

During its first term in office, the new city council also adopted a zero-tolerance policy regarding illegal tourism rentals. Part of this war against touristification takes place online. The government made it mandatory for hosts to provide and show their license number in all online ads. Key to this strategy was making online platforms responsible for these illegal ads, issuing exemplary sanctions against AirBnB (which was the company that most staunchly refused to implement any changes). Between 2017 and 2020, the city ordered platforms to eliminate up to 11,714 online ads, and 9,770 of them were on AirBnB (8 out of every 10 are commercialised by the company). The local government also issued 16,993 disciplinary actions, which led to 7,194 cease-and-desist orders, and 8,740 sanctions. Moreover, 2,176 apartments that were operating as illegal tourism rentals are currently being used as normal housing: either because they have entered the residential market or because they have become the primary residence of the owner. Currently, AirBnB does not advertise any illegal rental.

Currently the city is trying to decrease the number of legal short-term rentals, in spite of the fact that licenses depend on the Catalan

government and are permanent. In July 2020, the city council decreased the number of legal tourist apartments from 9,606 to 9,006 by cancelling 600 licenses. They argued that their respective housing units were operating illegally. The city council argued that the apartments did not fulfil the legal criteria when they were granted the license: in some cases, they did not have a certificate of fitness; in other cases, the owner of the license did not coincide with the landlord; and some apartments had illegally been divided into two housing units. Moreover, in December 2020 up to 908 legal apartments had been sanctioned for disturbing neighbours. On the other hand, during the pandemic the government offered the owners of legal rental apartments to convert them into residential apartments for vulnerable people, for up to €1,125 monthly (which the city would subsidise).

In August 2020, after the Catalan government changed the law allowing any apartment to sublet rooms to tourists, Barcelona announced that it would implement a total ban on this type of use. The municipal government stated that the liberalisation of this activity would increase real estate speculation and it would be impossible for the city council to control it.

Grassroots mobilisation and popular protest

The Special Urban Plan for Tourist Apartments would not have been possible without the struggles of housing and tourism degrowth movements. But they have also been critical of its shortcomings: they have asked for a total ban and no new openings in order to decrease the number of tourism rentals.

Currently the Tenants' Union and the Assemblies for Tourism Degrowth are demanding that the renting of rooms for tourism be banned. Conversely, there is a lot of pressure to stop this ban by home-sharers and hosts lobbies, linked to or recruited by AirBnB.

Movements (sometimes in alliance with the city council) are also asking the Catalan government to issue a new law that would allow municipal governments to make legal licenses expire. They also want to fight against the fraudulent use of "temporary rentals" (a type of monthly contract that should be used only for non-permanent residence, but which is becoming widespread).

5.2.3 BERLIN

Situation, problems, facts and figures

Over the past 25 years, Berlin has become one of the strongest destinations for new urban tourism in Europe (Novy 2017). From 1996 with around 3.3 million, to 2019 with nearly 14 million, the number of guests per year has more than quadrupled. The number of overnight stays even increased from 7.5 million to more than 34 million per year (Amt für Statistik 2021). This is an average of about 95,000 overnight stays per day (around 2,500 tourists per 100,000 inhabitants). The capacity of hotels and hostels rose by around 300% over the same period, reaching a total of 150,000. In addition to these hotel accommodation locations, more than 26,000 holiday apartments are offered on AirBnB (Emprica 2019). Apartments let on such platforms make up around 30% of all tourist accommodation in Berlin. The number of apartments offered by AirBnB increased more than fivefold from 2005 (with about 5,000 offers) to 2019. Of the nearly 2 million apartments in Berlin, 1.3% is permanently or temporarily tied up as a tourist apartment and is not available for regular housing supply (DIW 2021). The total number is even higher because no data are available for the other platforms (e.g. Wimdu, 9flats).

About half of AirBnB's offerings (13,000 listings) are rented out as complete apartments. For approximately 45% of these apartments, the booking period is more than 30 days a year, such that commercial subletting is ruled out. From a utilisation rate of 30% of an apartment for tourism purposes, the returns at average prices would be higher than the regular rental income for the same flat. The concentration of tourist apartments is highest in attractive inner-city neighbourhoods, where they reduce the supply of apartments and drive up rents. Statistical calculations in Berlin show that with each permanently rented holiday apartment in the surrounding area (max. 250m), the prices of new rentals increase by 0.13€/m² (DIW 2021: 100).

Instruments, policies, and regulation

After intense public debate, the Berlin government introduced a general obligation to register for the rental of tourist apartments by a new law in 2018. As part of the law to ban the misuse of housing (Zweck-

entfremdungsversbotsgesetz, ZwVbG), the legal subletting of tourist apartments is limited to 90 days a year, so that commercial use is largely excluded.

The renting of individual rooms was initially not limited if the subleased area covers less than 50% of the total living space. In 2019, a change in the implementing rules of the law also excluded the commercial renting of individual rooms. Commercial renting is defined in the law as the leasing of rooms and apartments with the intention of profit-making. Violations of the law can be punished with a fine of up to €250,000.

The control, enforcement, and sanctioning of the law is the responsibility of the local authorities in the Berlin districts. Since local governments have been chronically overburdened for years as a result of austerity, there is little personal capacity to implement the law. The legal regulation of the subletting of tourist apartments is relatively strict, but a consequent implementation often remains in practice.

Since the introduction of the law prohibiting the misuse of housing, 15,700 apartments (vacant and tourist apartments) have been returned to regular residential use (Möller 2021: 10). However, there is still a large grey area of unregistered uses of tourist apartments. At the end of 2020 – before the outbreak of the Covid-19 pandemic – there were over 22,500 listings on AirBnB but only 2,275 official registrations for tourist apartments (AGH 2022: 1). Despite various negotiations between the Berlin administration and AirBnB, the platform still does not transfer host data.

Grassroots mobilisation and popular protest

Since the expansion of the platform economy in this area, housing has become a media issue, the subject of art projects, and the point of contention for partisan political debates. For the Berlin tenants' movement, holiday apartments were and are only one problem among many and have no particular significance. An exception is neighbourhood organisations in the inner-city districts with a high concentration of holiday apartments.

In part, the protests against holiday apartments were combined with a general criticism of touristification. In 2016, an initiative against

forced evictions occupied an apartment and announced that it would give it to people who had been forcibly evicted from their home. The occupation was cleared out by a police operation. Tourist apartments have become a regular issue. But here is no concrete campaign of grassroots organisations on this issue – also because that the problem of touristification is overlaid with many other issues.

5.2.4 VIENNA

Situation, problems, facts and figures

Vienna is one of the European cities with the highest number of tourists. In 2016 alone, there were some 6.42 million overnight visitors (MasterCard 2017), clearly outstripping the number of inhabitants, which stands at around 1.9 million. While London, Paris, and Berlin have a higher number of international bed nights, Vienna still ranks among the top ten European tourism destinations in this regard (ECM 2018).

In recent decades, tourism numbers have rapidly increased in the city. Since the mid-1970s, the increase has been around 350%. Given this, public debate about the number of tourists, touristification and excessive tourism has so far remained relatively moderate. Nonetheless, particularly in the summer months, when visitor numbers are highest, debates over these issues emerge. Mostly they concern questions of the spatial concentration of tourism activities and related nuisances for residents in the historic inner city.

Vienna has an abundant supply of tourism accommodation, particularly of hotels and hostels. Hotels alone had a capacity of some 66,000 beds in 2017 (Stadt Wien 2018). Holiday apartments long played a rather marginal role. In 2013, only 158 apartment providers were registered with the city, which, together, provided 196 accommodation units (ibid.). Yet recently the holiday home sector has grown rapidly. AirBnB is clearly the most relevant platform in this regard. While in 2014, there were some 1,300 AirBnB listings, in 2017 the figure stood at 8,600, amounting to an increase of 560% in only 4 years. To date, the company already holds a significant position in the city's tourism sector and acquires an estimated 10% of the total revenues from overnight stays (Seidl et al. 2017).

Homesharing plays a marginal role in Vienna's AirBnB supply.

Rooms and shared rooms – most directly associated with this practice – do not feature prominently. In 2017, some 69% were entire homes rented out to tourists for exclusive use. By contrast, rooms in apartments accounted for some 28% of listings. Moreover, some 38.6% of the entire homes rented were permanently rented out to tourists throughout the year and had no regular resident living there. Most of these units can safely be assumed to be former regular rental units that were converted into permanent holiday homes (ibid.).

From a city-wide perspective, the absolute number of permanent holiday homes is still limited, accounting for some 2,000 in 2017. This is rather marginal compared to around 900,000 housing units. However, holiday homes are highly concentrated spatially, particularly in inner-city areas. In the three most affected neighbourhoods in the 1st district, the 2nd district, and the 4th district, there are more than 100 permanent holiday homes within a radius of 500m. Importantly, this count does not include holiday homes promoted through other platforms such as Booking.com or Homeaway, making it a rather conservative estimate. Moreover, it does not include non-permanent units that are rented out to tourists for only some of the year.

In the context of the tight housing market in the affected neighbourhoods, the conversion of regular rental apartments into permanent holiday homes will push up high rents even further. This will make access to these neighbourhoods even more difficult, fuel displacement, and further jeopardise the social mix. Meanwhile, there are direct social consequences for residents in affected buildings and neighbourhoods related to noise, the high fluctuation of residents, or a lack of maintenance.

Instruments, policies, regulation

Private landlords that engage in AirBnB letting are restricted in their activities through laws at the federal and local level. At the federal level the Condominium Act is relevant, which requires owners who seek to change their unit into a permanent holiday home to have the city administration change the designated use category of the unit (from residential to tourism). For such permission, all other owners in the building need to agree. The regulation is not very restrictive, howev-

er. Real estate brokers, for example, have recently started to include a clause in sale contracts stipulating that owners agree to other units in the building being converted into holiday homes, weakening the regulation's relevance. There are also federal restrictions related to tax and commercial law that require owners to register a business and pay income taxes once their operations reach a certain size.

At the local level, the city has recently tightened regulation in two ways. First, the city's building code has been reformed to make the permanent letting of apartments to tourists through short-term rental platforms more difficult. Within residential zones, which span most of the inner-city district, the permanent letting of a housing unit (or parts thereof) for tourism purposes is now explicitly prohibited. Occasional letting is still allowed, although the building code does not specify the meaning of "occasional" and only mentions that "permanent" letting is prohibited. Exceptions to this rule are possible. The building code enables the city to designate up to 20% of each building in residential zones for non-residential use, including permanent tourism use.

Since 2013 already, landlords of tourist accommodation have to pay a local tourism tax and register with the city. As of 2017, the obligation to register has been extended to platforms. The contact data of the landlords as well as the addresses of the rented units have to be provided to the city. Platforms can also make an agreement with the city for a pooled payment of taxes, rather than providing the city with the individual contacts of landlords. Such an agreement has been reached with the platform Homeaway, for example. AirBnB has so far not agreed on submitting contact details of landlords and has also not made an agreement with the city. In 2019, a criminal procedure was opened against AirBnB that is still ongoing at the time of writing (Plank/Schneider 2020).

Grassroots mobilisation and popular protest

While the rapid growth of short-term rentals in the city has certainly caused political debate, there has not been a more significant mobilisation around the issue. There are some smaller building or neighbourhood initiatives that have formed in response to tourism nuisances, but they have remained highly localised. Some district mayors have

also made public statements supporting tighter regulations. Debates have quickly been channelled through formal institutions, however, and the city has responded with new regulatory measures. It is an open question to what extent the lack of mobilisation relates to the spatially concentrated nature of the problem, which directly affects a rather small fraction of the overall population, to what extent it relates to the highly complicated legal matters involved that might hinder mobilisation, or to what extent it reflects the lack of grassroots initiatives in Vienna's highly institutionalised planning and governance system more broadly.

5.3 Municipalism and Touristification

All four cities have seen a drastic increase in the number of visitors and an expansion of the short-term rental sector. Here we first discuss policy responses to touristification in the four cities based on the dimensions of municipalism.

5.3.1 PUBLIC RESPONSIBILITY

In response to touristification, governments have intensified **public control**, attempting to curb the negative impacts of touristification through a range of policies and instruments, including issuing licenses, setting a maximum number of days for subletting apartments, and using fines and sanctions in case of violations. Barcelona seems to be more radical regarding its approach to control touristification in the city. In 2016, it decided not to grant new tourism licenses and adopted a zero-tolerance policy regarding illegal tourism rentals. The Barcelona government further implemented a total ban on subletting of rooms to tourists. Amsterdam is following Barcelona. In recent years, the maximum number of days for subletting has been reduced, the enforcement of violations has intensified, and subletting has been outlawed altogether in designated areas in the city centre.

As for **an orientation towards use values** and **the protection of residents from the extraction of urban surplus**, all cities seek to protect the use value of their city centres for their inhabitants by imposing regulations on touristification. Apart from preserving the city centre as a social and cultural environment for local inhabitants, local

governments are concerned about the impact of touristification, and specifically short-term rentals, on real estate markets. Several reports have found that short-term renting increases potential yields for property owners and therefore drives up prices. In this sense, curtailing tourism is also a way of preserving use value and protecting residents from the extraction of surplus. That being said, city governments are somewhat ambiguous. For instance, Amsterdam specifically aims to attract affluent tourists and business travellers in an effort to boost the local economy.

With respect to **accountability** and **attempts to strengthen the local legal foundations for social and inclusive politics**, governments in all four cities pride themselves on responding to residents' needs and on holding large corporations accountable. The extent to which these regulations are implemented differs from city to city though. Enforcement is especially weak in Berlin, while in Amsterdam a series of exceptions have enabled corporations to open up new hotels in the face of opposition. All cities have confronted AirBnB in court in an attempt to hold the corporation accountable for the illegal subletting and dwelling extraction taking place through its platform. So far, AirBnB has successfully resisted attempts to force it to share information on landlords, in effect letting them evade regulations and laws.

5.3.2 LOCAL AUTONOMY

Local autonomy is mobilised by all the cities to different extents. All cities **expand the local legal foundations** to regulate touristification, testing the legal and political boundaries to gain the power needed to regulate tourism, sometimes working against governments at a higher level. These attempts yield interesting results, for example in Barcelona, where the city government successfully claimed authority and successfully faced off AirBnB. All cities have introduced local regulations tailored to their specific circumstances but often have found themselves in conflict with corporations who call upon national law to pre-empt regulation.

All cities implement local restrictions on the tourism rental sector and rental platforms **to protect the city and its residents from the extraction of urban surplus**. Different tools are used for this purpose

such as the regulation of short-term rentals in Berlin through the ban on the misuse of apartments, or local bans on AirBnB or building hotels in certain central areas in Amsterdam. But the implementation of these tools is not always efficient and city governments often play ambivalent roles in protecting their cities and residents while at the same time attempting to make their cities attractive.

As for **changing legislative frameworks by intervening into federal and international institutions**, Barcelona is the strongest in this regard. The city claims local authority to regulate over-touristification in the city despite the Catalan government.

5.3.3 DEMOCRATISATION AND BOTTOM-UP MOBILISATIONS

Governments have taken legal and policy action largely as a result of grassroots mobilisation and critiques in public debate, although Vienna seems somewhat of an outlier in that the city has taken fairly comprehensive measures before the negative impacts of touristification were widely felt. **Strong links to urban social movements** are especially evident in the case of Barcelona, where the urban movements managed to influence the policies and strategies of the city government to some extent. In Berlin, issues of touristification have been addressed as part of broader urban and housing policy debates, especially in inner-city neighbourhoods. The red-red-green government addressed short-term tourism rentals as part of its efforts to implement a law banning the misappropriation of residential apartments.

Radical democratisation and decentralisation and **strategies to encourage urban social movements and an inclusive practice of governing do not** seem to be particularly relevant criteria for touristification; activists and other residents demand regulations and enforcement, not participation or decentralisation. Still, touristification has emerged as a central topic of debate in all four cities and as a litmus test for the capacity of local governments to protect the interests of residents vis-a-vis an industry that, especially before the outbreak of the Covid pandemic, seemed unstoppable. Apart from this large struggle to contain touristification, there are efforts under way to develop tourism in ways that are more sustainable, responsive, and balanced. One example is the cooperative FAirBnB platform that now operates in

Amsterdam, Barcelona, Berlin, and a number of other, mostly Spanish, cities. The platform is very modest but initiatives like this could potentially grow larger if regulations are favourable.

5.3.4 CONCLUSION

All four cities in this study struggle with touristification. Let us, by way of conclusion, examine the different dimensions of municipalism in relation to touristification. When it comes to *political control*, all four cities are ambiguous. They continue to want to attract tourists, especially affluent tourists, but have begun to introduce restrictions to attenuate the impact of touristification. We thus see more efforts at gaining political control over the process of touristification, though it remains to be seen whether their ambiguous commitment is enough to regulate touristification when the effects of the pandemic decline. As for *local autonomy*, all cities test the legal and political boundaries to gain the power needed to regulate tourism, sometimes working against governments at a higher level. These attempts yield interesting results such as in Barcelona, where the city government successfully claimed authority and successfully faced off AirBnB. We find *political debate* about overtouristification is present in all cities. The negative impacts of touristification are widely acknowledged, creating legitimacy for regulation. While *social movements* are not systematically incorporated into policy circles, we do observe the politicisation of policies in this domain. *Mobilisation* is strongest and most effective in Barcelona but the grassroots mobilisations, or at least voices, are also present in the other cities.

[6]

The Fight to Stop Evictions

6.1 Introduction

Every year hundreds of thousands of people are evicted in Europe. Households are forced to leave their homes. Supposedly, national governments and courts should comply with international human rights laws, such as the right to housing. In June 2021, the European Commission adopted the Declaration on the European Platform on Combatting Homelessness with the goal of ending homelessness by 2030. Specifically, this objective includes the expansion of "social housing or housing assistance of good quality for those in need, the right to appropriate assistance and protection against forced eviction for vulnerable people and adequate shelter and services for people experiencing homelessness" (European Commission 2021). But the reality on the issues of forced evictions and homelessness points in a different direction, mainly because government protections are very weak.

In fact, evictions are not a collateral effect but a key part of how housing markets function. Displacements are promoted by private and public actors to raise prices and increase real estate profits, to fuel gentrification processes and feed projects of urban, social, and economic transformation.

The scourge of evictions is particularly intense in global cities like Amsterdam, Barcelona, Berlin, and Vienna, where rental markets are overheating and prices soaring. That is also why some of them are at the forefront of the struggle against this problem, working with different tools and trying to come up with different solutions.

Table 9: ***An overview of anti-eviction strategies in Amsterdam, Barcelona, Berlin, and Vienna***

	NUMBER OF EVICTIONS 2019	AVERAGE NUMBER PER YEAR	RENT ARREARS EVICTIONS	ANTI-EVICTION LAW	MUNICIPAL TOOLS
Amsterdam[35]	100[36]	330[37]	85%	No.	"Go at it" social workers.
Barcelona	2,125	2,567	80%	Yes, if the landlord owns 15 housing units or more and the household can demonstrate vulnerability then courts may block evictions.	Anti-eviction unit: stopped 90% of evictions but lack of available housing. Anti-harassment unit.
Berlin[38]	4,300	5,200 (2013-2020)	No data, but it is assumed that this is the most frequent cause.	No, but social housing assistance law to shelter homeless people.	Social assistance agencies and public housing agencies.
Vienna[39]	2,187	2,770 (2004-2020)	approx. 95% (2011)	No.	Counselling office for tenants: stopped the eviction and provided housing in 68% of cases.

In **Amsterdam**, tenure security is stronger compared to other contexts. Dutch civil law guarantees that landlords cannot terminate a permanent rental contract and evict the tenant, unless one of three conditions apply: 1) the violation of legal conditions of contract by the tenant; 2) the landlords need the housing urgently for their use or for a

35. There is no single, harmonised, public data source for evictions in Amsterdam. We have compiled data from different sources and given estimates based on these sources. Please see the footnotes in the tables and the sources mentioned later in this chapter.

36. In the social housing segment, there were 78 evictions in 2019, as reported in the discussions of different housing segments (see below). Data for earlier years suggests that this is the segment where most evictions occur. We therefore added 25% to this figure and rounded it. See for the proportions of evictions in the private and social housing segments from 2007 to 2013 (Nul20 2014).

37. Estimate based on the numbers for the social housing segment in 2015 (450) and 2019 (78). We took the average of both years and added 25% to account for evictions in other sectors (see previous footnote).

38. Data for Berlin on evictions orders and evictions: LAK Berlin 2021, AGH 2021.

39. Data for Vienna on evictions orders and evictions: Statistik Austria 2021b.

family member; 3) demolition or renovation requires tenant to move out. However, the number of temporary contracts has drastically increased in recent years. These contracts offer tenure security only for the duration of the contract. Surprisingly, while tenure security decreased, so did the risk of evictions. Data since 2003 suggests that the number of evictions has steadily decreased in Amsterdam. The drop in the number of evictions is a national trend but Amsterdam stands out, suggesting that the approach by housing associations and social workers to prevent evictions is successful.

Evictions in **Barcelona** are regulated by state legislation. The number of evictions decreased from 3,289 in 2013 to 2,125 in 2019, but the figure is still relatively high. Most cases (80%) are the result of rent arrears. The reason why the numbers are relatively high is the general lack of security of tenure in the rental market (allowing for non-cause evictions) and the fact that judges are not required by law to look for an equilibrium between the right to private property and its social function. Faced with a state eviction law that is extremely rigid and a general lack of public housing (1.6%), both the municipality and the housing movement have managed to promote different kinds of new instruments. One of them is a Catalan law that tries to make it compulsory for big landlords to offer social housing as an alternative to eviction. The other is an anti-eviction office that in spite of a very rigid law attempts to negotiate with courts and landlords to find ad hoc solutions. Although they do not work together officially, workers at these anti-eviction offices often collaborate in actual evictions with housing unions and grassroots movements, offering mutual support and engaging in civil disobedience of the state law, and their combined efforts manage to stop many of them (allegedly 90% of all evictions, according to their own reports). The permanent anti-eviction campaign that grassroots organisations spawned in 2010 and has continued until today is the reason why this remains a hot topic in public opinion in Barcelona and Catalonia.

Citizens of **Berlin** – the majority of them tenants – are comparatively well protected by German rental law, which does not allow for non-cause evictions. Rent arrears are the main cause of eviction, as they allow for the termination of any rental contract after two months.

The number of evictions was nearly 4,300 in 2019, higher than Vienna and Barcelona in absolute terms, but lower in relative terms. The German social legislation system provides a variety of instruments for the prevention of evictions. In the event of a termination of contract due to rent arrears, the offices of social housing assistance in the district administrations are informed. In most districts, the offices contact those affected and provide various support services: financial aid (loans and subsidies), provision of alternative accommodation and prevention of the loss of housing through other means. Yet there is no data to evaluate their impact. Besides the district administrations, there are two other actors working under and funded by the state: public housing associations (which provide units for emergency situations) and voluntary welfare organisations, which provide different forms of assistance. Over the last decade, the housing movement has increasingly organised to stop evictions through civil disobedience, and demanded a legislative change that stops the eviction process if the tenant manages to pay the arrears.

Like in Germany, Austrian tenancy law provides a relatively high security of tenure and protecting tenants in **Vienna** from non-cause evictions. However, it does not protect them against eviction processes due to rent arrears. This is actually the cause of the vast majority of evictions in Vienna: about 95%. Like Berlin, the average number of yearly evictions (2,770) is slightly higher than that of Barcelona (2,567) in absolute terms, but lower in relative terms (when compared with the total population of each city). In terms of local instruments, the city has a central counselling office for all Viennese tenants threatened by eviction in the private and limited profit-housing sectors, which provides different forms of support: tenancy law consulting, negotiation with property management or lawyers, support for applying for emergency funds and financial coaching which might involve searching for a cheaper apartment. According to their report, out of the 1,023 tenants they supported in 2017, housing was secured for 705 (68%) – either by being allowed to stay in their home or, for those who had to leave, being offered an alternative form of housing. In Vienna there have not been any sustained mobilisations around evictions such as those in

Barcelona (and to a lesser degree Berlin), but there have been small anti-eviction initiatives involving direct action.

6.2 Anti-Eviction Strategies in Four Cities

6.2.1 ANTI-EVICTION STRATEGIES IN AMSTERDAM

Situation, problems, facts, and figures

Dutch civil law guarantees that no landlord can terminate a permanent rental contract and evict the tenant, provided that the tenant can meet the conditions of the contract such as paying the rent. The same law also guarantees that a house with similar conditions must be offered by the landlord to the tenant if the house is demolished. Nevertheless, the insertion of temporary rental contracts and other precarious forms of tenure –which offer no tenure security nor protection against eviction– puts pressure on tenure security in the city at large. In this section we compare the state of affairs regarding evictions in the different housing sectors.

The owner-occupied sector

Amsterdam's owner-occupied sector comprised 129,700 units in 2021; a share of 28.8% (Gemeente Amsterdam and AFWC 2022). While we could not find information on evictions in owner-occupied housing, national statistics give an indication of the extent of financial difficulties in this segment. Remarkably, the number of people with arrears consistently decreased since 2015, even during the pandemic. The number of owner-occupiers in the Netherlands with arrears on their mortgage payment was approximately 85,000 in 2015; 80,000 in 2017; 64,000 in 2018; 54,000 in 2019; 49,000 in 2020 and 39,000 in 2021 (Hypotheekbarometer 2020). However, it is unlikely that the vast majority of these cases culminate in an eviction – it is more probable that they rather work out an arrangement with the bank or move to a more affordable house before it comes to a court case or eviction.

For highly indebted people, debt assistance programs are available: the local government takes on their debt while they agree to very strict demands (a low income and reduced say over how that income is spent). In 2016, around 89,000 people entered into a debt assistance program (*schuldhulpverlening*). Of those 89,000 people, almost 18,000 (20%) have a mortgage debt (NU 2017), which is not a lot, taking into account that the

percentage of housing stock in the Netherlands that is owner-occupied is 57.2% (Ministerie van BZK en Koninkrijksrelaties 2021). It is likely that in the vast majority of cases those people will not be evicted, so this only gives an indication of the financial difficulties in the owner-occupied sector. For perspective: there are around 4.3 million owner-occupied homes nationally, so around 1 in 240 owner-occupiers entered debt assistance programs. These numbers give the impression that it is rare that people cannot pay their mortgage and very rare that they are evicted as a result.

The rental sector

In the rental housing sector, four different subsectors must be distinguished: a) unregulated private rental housing, b) regulated private rental housing, c) regulated housing associations, and d) precarious and temporary housing.

a. *Unregulated private sector* – This sector has rapidly grown in recent years and in 2021 comprised 86,400 units, or 19.2% of housing stock (Gemeente Amsterdam and AFWC 2022). Rent levels in this sector are high and it is likely that many people have to move out because they cannot afford the rent. Research by Investico in 2020 shows that 47% of rental properties in the private market were rented out with a short-term contract. It further cites national statistics showing that when there is a change of tenants, rents increased by an average of 9.5% (Investico 2020). Court-sanctioned evictions are rare in this segment but it is likely that many people are forced out after their leases end. After the contract ends, landlords are free to terminate the lease, giving them the opportunity to increase the rent. Since rents are so high in this sector, it is likely that people have the option to move elsewhere and for instance rent a room or co-rent. As a result, evictions in this sector are probably highly exceptional.

b. *Regulated private sector* – This sector comprises around 51,750 units, or 11.5% of housing stock in 2021 (Gemeente Amsterdam and AFWC 2022),[40] and includes private landlords who rent out houses below the – nationally determined – liberalisation limit (€763.47 per month in 2022). There have been reports of landlords refusing to maintain homes or pressuring tenants to relocate. However, since tenant protec-

40. The share of private rental is 30.5% of which 63.1 is above the liberalization limit.

tions in this sector are fairly strong, such intimidation attempts usually do not lead to an eviction, unless tenants fall behind on paying the rent.

c. Data on evictions in this segment are not collected systematically, but between 2009 and 2013 the number of evictions for privately owned rental units (including both regulated and unregulated) dropped from around 300 to 190 (Nul20 2014). Since there is a total of around 93,000 housing units (22.3% of housing stock in 2013), this means that around 1 in 500 households in the private sector were evicted in 2013 (Nul20 2022).

d. *Regulated housing association* – This sector comprises 166,800 units: 37% of housing stock. Data on Amsterdam is scattered, but it shows a clear pattern: a steady decrease in the number evictions. In this segment, there were 890 evictions in 2007, 720 in 2009, 700 in 2010, 610 in 2013, 600 in 2014, 450 in 2015, 78 in 2019, and a historical low of 35 in 2020.[41] The very low number in 2020 is probably due to temporary measures due to the pandemic – housing associations were more lenient and the justice system was not working at normal capacity. Nevertheless, it is clear that there has been a long-term trend of a decreasing number of evictions. In 2019, the year before the pandemic when no special measures had been taken, the rate of evictions was roughly 1 for every 2,100 social housing units.

e. *Precarious and temporary housing* – Hidden within the housing segments reported in official publications, there is a segment of precarious housing. This includes people sub-renting homes illegally, caretakers (anti-squatters) who can be evicted at a month's notice, students who need to leave their student housing when they graduate and temporary tenants. The insertion of temporary contracts in the Dutch housing system was initially based on the Vacancy Law in the 1980s for short stints of vacancy, but it has been drastically expanded since. Temporary contracts are now widely used by social and private landlords in the cases of urban renewal, student accommodation, and anti-squats (Huisman 2016b). In urban renewal neighbourhoods in particular, there has been a continual displacement of temporary renters.

41. Data for 2007, 2010, and 2013: Nul20 2014; data for 2009, 2014, and 2015: Nul20 2016; data for 2019 and 2020: Nul20 2021

Instruments, policies, regulation

The data since 2003 suggests that the number of evictions has steadily decreased. The drop in the number of evictions is a national trend but Amsterdam stands out. The explanation provided by experts and practitioners (EROPAF 2022) is that Amsterdam has been particularly successful in responding swiftly to pending evictions. They suggest that, in and before the 1990s, people with debts and arrears often remained under the radar for years. Housing corporations took a rather bureaucratic approach: writing letters, sending reminders, and eventually sending bailiffs and taking people to court. By the time people ended up in court, their debts and problems were so extreme that it was almost impossible to find a way out.

In response, a more proactive approach was adopted, summed up with the slogan "Eropaf!" which translates to "Go at it!".[42] Social workers visit homes as soon as the arrears start to accumulate in an effort to tackle problems early. This "Go at it!" policy took time to take off because it required a proactive approach, it is at odds with respecting the privacy of tenants, and deviates from the bureaucratic procedures that are common in government.

While it is impossible to unequivocally demonstrate that the drop in the number of evictions is a direct result of this shift in policy, it does seem that the policy has been moving in the right direction. However, the number of evictions has been dropping in both the private and the housing corporation segment, suggesting that there is an explanation beyond the proactive policy approach for the trend of decreasing evictions. Finally, an important qualification is that it has become much easier for landlords to use temporary contracts that do not require evictions – they can simply force people out by terminating or not renewing the lease (Huisman/Mulder 2020).

Grassroots mobilisations against evictions

The movement for housing rights has declined since the 1980s. This is one explanation for the drastic increase in precarious housing. Although evictions have never been a focal point, in recent years different

42. Eropaf is a foundation of professionals and volunteers. The professionals work for e.g. housing associations and welfare organizations.

types of initiatives have revolved around this issue, such as the Bond Precaire Woonvormen (BPW 2022), or Union for Precarious Housing Arrangements. The BWP assists precarious tenants and caretakers by providing advice as well as taking direct action, and exposes illegal and cruel practices within the precarious segment.

6.2.2 ANTI-EVICTION STRATEGIES IN BARCELONA

Situation, problems, facts and figures

Evictions in Barcelona are regulated by state law: the Civil Procedure Act (Ley de Enjuiciamiento Civil). It is important to bear in mind that this law does not currently oblige judges to look for an equilibrium between the right to private property and its social function, or the human right to housing. Generally speaking, it is extremely difficult for people that face a lawsuit for not having been able to pay their rent to stop their eviction.

The number of evictions decreased from 3,289 in 2013 to 2,125 in 2019, but the figure is still relatively high. After a hiatus during the first part of the pandemic and in spite of a partial state ban, the number of evictions has grown again, returning to pre-pandemic levels. Currently, approximately 80% of court order evictions are the result of rent arrears, according to court system data (Consejo General del Poder Judicial). Local research carried out during the pandemic (September–October 2020) shows that more than 50% of evictions were led by big landlords (defined as having more than 15 apartments), and 36% by landlords with less than 15 units.

Moreover, evictions as a result of squatting are relatively low but seem to be increasing (from 74 in 2016 to 237 in 2019). This is partly related to the fact that the stock of public or social housing is extremely low, while rental and sales prices have grown steadily since 2015, thus pushing people to the margins of the market: either subletting or squatting. This became more intense during the ban on evictions as a result of rent arrears during the pandemic. Between September and October 2020, 38.12% of evictions were of households without a legal title.

Instruments, policies, regulation

It is important to bear in mind that the number of eviction orders is significantly larger than the number of actual evictions. This has to do

with the different initiatives that try to find ways to overcome the limitations of the Civil Procedure Act imposed by the state.

To begin with, in 2015 the housing movement led by the Platform Against Mortgage Evictions (PAH) managed to get an anti-eviction law passed in Catalonia. This law forces "big landlords" (15 housing units or more) asking for an eviction to offer a social rent (based on the renters' income) as an alternative to eviction for rent arrears if the household can prove vulnerability (based mostly on income thresholds). The administrative fine for landlords not complying with the law is €9,000. This law was updated and improved in 2019 to include evictions as a result of squatting or as a result of the end of a rental contract (non-fault eviction), but the Constitutional Court overruled it. The housing movement and the Catalan government and parliament have worked together to pass a new law with almost the same content, which was approved in January 2022.

Secondly, the city council has created an Anti-Eviction Unit and transformed the protocols of Social Services, opening a space for mediation with landlords and courts. The Anti-Eviction Unit (its full name is the Service for the Intervention in Situations of Loss of the Home and Squatting) is comprised of 16 workers that – according to their own data – assist around 2,000 households every year. They intervene before and during the eviction attempt to talk to the landlords and court administration to stop it, find agreements, and look for alternatives. They claim that they generally stop 90% of evictions. When they cannot stop it, they look for alternatives, though it often means that a family is sent to a very precarious pension due to the lack of social housing in the city.

Between 2015 and 2019, the city council created an "anti-displacement" group in order to coordinate with whole buildings of tenants and communities threatened with expulsion by corporate landlords. This is also a space of coordination with housing organisations involved in the anti-eviction struggle.

In alliance with tenants' unions and housing movements, the city council has developed an unexplored dimension of the Catalan Law on the Right to Housing (2007): administrative complaints and sanctions against landlords harassing tenants. In some instances, the Tenants'

Union has issued complaints against big landlords for not fulfilling their maintenance and repair obligations. In 2018, the city council sanctioned a big landlord for the first time: first, with a fine of €90,000 for the complaint of a household; second, with another fine for the same amount in response to a collective complaint by six other residents in the same building. This was used not only to force the landlord to comply with the law and keep the building in a liveable state, but also to stop the eviction of all residents involved. Once a landlord is sanctioned for harassment, they cannot evict anyone until everything is sorted out in the building if they do not want to face a higher sanction.

Finally, the city council has tried to increase the amount of emergency housing for evicted families by attracting apartments from the housing market (e.g. tourist apartments during the pandemic), but with a relative lack of success.

Grassroots claims or why there is a lack of mobilisation

Barcelona has a very strong housing movement. Until 2016, the only organisation was the PAH, but since then, many others have emerged: on the one hand, there is the Tenants' Union, on the other, the Housing Unions, autonomous organisations that are present in almost all neighbourhoods of the city. The main and only activity of the latter is to organise and stop evictions in the early morning, actively disobeying state law.

The strength of the housing movement has been aggressively responded to by the court system in Barcelona, with judges ordering "open-ended evictions": evictions with no date, so that the police can appear at any time, making it much more difficult for the unions to stop them. Also, according to the most recent data (first half of 2021), judges in Barcelona seem to be currently petitioning more evictions than any other city (such as Madrid), and they have publicly expressed that the state ban on evictions does not actually force them to stop many bans. Also, in many court cases, judges tend to prioritise the right to private property over any other consideration, regardless of who lives in the house, and regardless of human rights and international treaties. As a result, many neighbourhoods have been defined by the movements and

the media as war zones, with clashes between court workers and anti-riot police, on the one hand, and activists and residents on the other.

The regular conflicts and dramatic situations exposed by the housing movement, together with their demands for a general ban on evictions have forced the Spanish state and the Catalan government to pass different legislative measures, but none of them has proven to be actually effective (in any case, they have reduced the number). Meanwhile, the real estate lobbies are pushing in the other direction, trying to criminalise both people threatened by eviction orders (as squatters) and activists stopping these displacements.

6.2.3 ANTI-EVICTION STRATEGIES IN BERLIN

Situation, problems, facts and figures

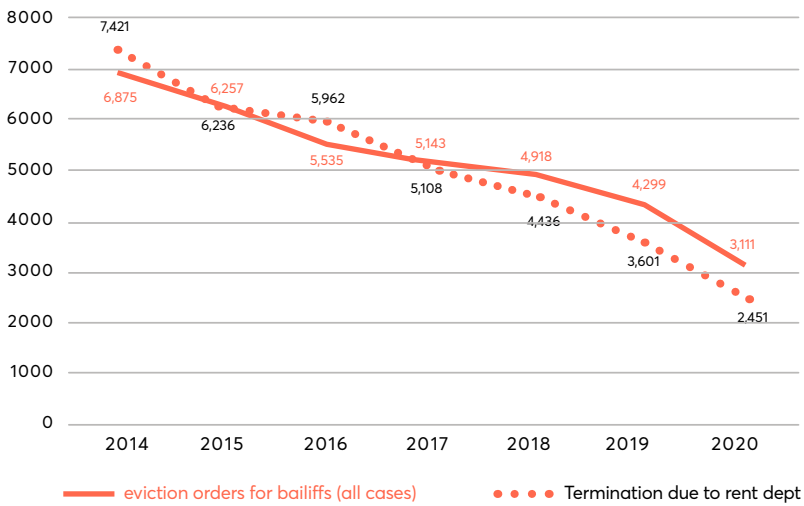
Tenants have relatively strong protection under German tenancy law. Most leases are for an indefinite term, and the main grounds for termination are rent arrears, termination for personal use, and termination when buildings are demolished. Terminations due to rent arrears are usually possible if rent debts add up to more than 2 months rent, or if late payments are made several times. Terminations for own use usually occur in apartments that have been converted to single ownership if the owners or close relatives want to use the apartment themselves. In legal terms, demolition notices are called "efficiency notices", because demolition permits are only issued if the owner can prove that demolition and new construction are cheaper than renovating the building.

There is no official data on the reasons for termination, but social welfare offices (to which terminations must be reported) assume that rent arrears are still the most frequent cause for terminations and evictions. German tenancy law differentiates between terminations with notice (ordinary) and terminations without notice (extraordinary). In the case of ordinary notices of termination, tenants have protection periods of up to 9 months, depending on the length of residence. In the case of extraordinary terminations, tenants can render the termination ineffective by making a subsequent payment of the rent arrears. Landlords who want to ensure the vacancy of apartments issue both notices at the same time, as they are not concerned with repayment of the outstanding rent, but with the utilisation of a vacant apartment.

A forced eviction in Germany takes place exclusively on the basis of a court-pronounced dismissal. With a court-determined dismissal, landlords can apply for an eviction title, which is also decided by the courts. The process from termination to eviction can take up to 18 months. Many tenants with rent debts move out of the apartment before the set eviction date, therefore, the number of apartment losses due to terminations is significantly higher than the number of specified eviction orders.

The number of eviction orders to bailiffs has fallen significantly in recent years, from over 7,000 eviction orders per year in 2014 to just over 3,000 eviction orders per year in 2020. The average number of evictions per day decreased from 19 to 8 evictions per day between 2014 and 2020. The share of forced evictions in annual removals fell from 4.3% (2014) to 2.8% (2020). The number of reported terminations due to rent debts also decreased significantly between 2014 (7,400 terminations) and 2020 (3,100 terminations). The fact that the number of eviction notices in recent years is higher than the number of notices due to rent debts suggests an increasing share of other reasons for termination.

Figure 2: ***Termination of rental contracts and eviction orders in Berlin 2014–2020***



SenIAS 2021: eviction orders in Berlin / AGH 2021: action for possession

The reasons for the significant decline in eviction orders are manifold. In addition to invisible evictions – where tenants leave the apartment before eviction – social work institutions are observing a growing "rent payment discipline" among people in individual emergencies in response to the tension of the housing market. Households at risk of poverty are more likely to choose not to pay energy costs or to go to dispensaries for free food than to not pay the rent. Another reason is the improved coordination between the district social welfare offices and the job centres of the employment agency (which are responsible for the payment of transfer payments including rents). Rent debts that are due to wrong decisions by the offices can be clarified faster and better between the institutions than in the past (see AGH 2018).

Despite the declining numbers of evictions, homelessness is still a serious problem in Berlin: welfare organisations estimate the number of street homelessness at about 10,000 people – in addition to about 35,000 people who are housed in emergency shelters (Stadtmission Berlin 2021; AGH 2020: 4).

Instruments, policies, regulation

In Germany, evictions are governed by social housing assistance with various instruments for the protection and preservation of housing and the prevention of evictions. In the event of the termination of rental contracts due to rent debts, the offices of social housing assistance in the district administrations are informed. In most districts the offices contact those affected and review various support services. In principle, there is the possibility of a rent debt assumption, which can be paid as a loan or as a subsidy. These funds will only be paid if they can be used to ensure the long-term preservation of the apartments. The criteria for this are a) the officially determined "individual housing capacity" of the tenants (in particular the expectancy of regular future payments), and b) the formal waiver of the landlord's legal enforcement of the eviction. From previous studies, it is known that landlords are only very rarely willing to give up the claim to evict, so that the instrument of rent debt assumption is rarely used (Berner et al. 2015).

A second focus of official interventions in the event of imminent evictions is the securing of alternative accommodation. In addition to

the emergency shelters of the state of Berlin, there are also attempts in some districts to host families with children in public and cooperative housing companies. Due to the tense market situation in Berlin, however, there are only a few cases of successful placement in another apartment before eviction.

A third focus of the official work is prevention work to prevent the loss of housing. In various districts there are consulting offices (*Beratungsstellen*) for households in financial emergency and in debt. There is no data on the success rate of these activities.

Voluntary welfare organisations also offer various forms of assistance, ranging from support for households in individual emergencies, to psychological support, to accommodation in assisted living facilities (if people have "particular social difficulties"). The activities and measures of the social agencies are financed by different programs of social law and are subject to different jurisdictions (districts and state), so that the assistance system for homelessness must be described as a complex network of many actors and different responsibilities.

Since 1989, there has been a cooperation between the state authorities and the public housing companies in Berlin to provide housing for urgent emergencies in the so-called "protected market segment". The size of the quota decreased from 3,500 flats per year (early 1990s) to currently 1,350 flats per year (since 2000). While the housing companies were happy to make their flats available in the times of vacancies and a relaxed housing market, this interest has cut significantly in recent years. Disputes over occupancy rights at public housing companies show that the conflicts over social housing provision have shifted from public-private to public-public.

Grassroots claims or why there is a lack of mobilisation

With the revival of the tenant protest movement in 2010, an alliance called Preventing Evictions was founded in Berlin and has made the issue known to the public, especially through the partially successful blockades of evictions. The initiative consistently focuses on the empowerment of those directly affected and sees itself as a grassroots initiative of mutual help and solidarity. It became known beyond Berlin s city limits in 2013 with the successful blockade of an eviction in Kreuz-

berg and through the death of the pensioner and activist Rosemarie Fließ, who died one day after her unlawful eviction (Englert 2015). The initiative focuses more on the practical prevention of evictions than on the implementation of socially oriented policy instruments. A demand that goes beyond individual case mobilisations is a moratorium on evictions by public housing associations, which has not been achieved to date.

Beyond the concrete prevention of evictions, tenancy rights activists are calling for a reform of the right to terminate tenancy in the case of payment of rent arrears. Since such a reform would have to be implemented at the federal level, there is no major local mobilisation on this issue. While there are regular calls for the concrete prevention of evictions, there is little engagement and attention paid to approaches for preventing the root causes that lead to evictions.

6.2.4 ANTI-EVICTION STRATEGIES IN VIENNA

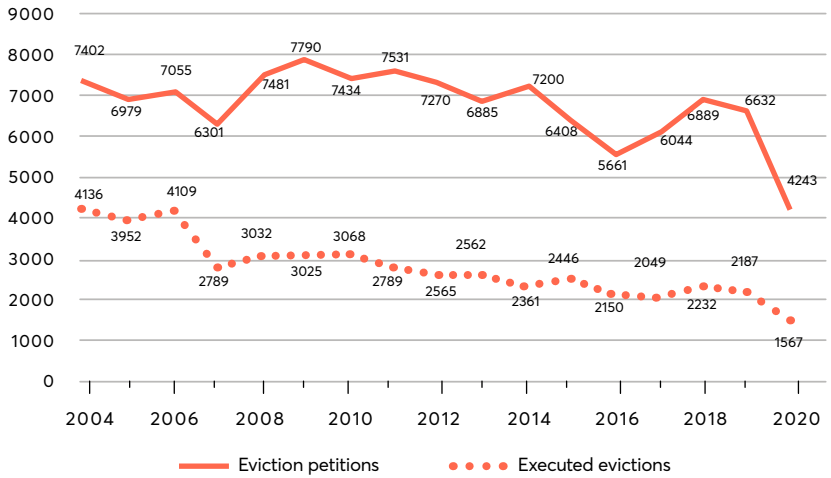
Situation, problems, facts and figures

According to Austrian law, evictions can happen for different legal reasons: not taking proper care of the rented property or insulting behaviour towards neighbours are two of them. However, these are of marginal relevance. In about 95% of cases, rent arrears are the reason that landlords initiate eviction proceedings (Volkshilfe 2011). According to Austrian tenancy law, landlords can file an eviction order at the district court after two months of rent arrears.

A filed eviction order is not equivalent with an actual eviction. Once an order is filed, there is a hearing in court and a decision is made as to whether the order is justified. If the involved parties (landlord and tenant) reach an agreement during this time the proceedings are usually discontinued. In the event of a non-agreement, the owners can file an eviction petition if the tenant refuses to move out.

The number of eviction petitions in Vienna since 2004 stands at an average of around 6,700 cases annually, with fluctuations over the years.

Figure 3: ***Eviction petitions and actual evictions in Vienna***



Source: Own analysis and depiction based on Statistik Austria 2021b

In 2020, during the corona pandemic, the number was lower than in the preceding years, but still, some 4,200 such petitions were filed (see Figure 1). In 2012, around half of the petitions concerned the council housing sector. The other half concerned tenants in other sectors (Kadi/Verlic 2013). More recent numbers are not available.

Often, even if an eviction petition is filed, an agreement is still reached or tenants move out before the eviction. The eviction is only carried out if this is not the case. Annually, there are on average some 2,770 evictions in Vienna (2004–2020). This equals some 8 evictions per day (Figure 3). Since 2004, the number of evictions has more or less been in steady decline. While in 2004, there were still some 4,100 evictions, in 2019, there were 2,200.

The reason for this decline – especially in light of the more or less constant number of eviction petitions filed – is unclear. One possibility is that in a larger number of cases an agreement is reached between tenants and landlords before the eviction is carried out, for example through more effective intervention by the municipal housing authorities (see below). Another possibility is an increase in pressure on tenants from landlords in recent years, leading to tenants leaving their

apartments even before the eviction is carried out. This also signals a weakness of the statistics: a non-executed eviction does not automatically mean that the tenants can remain in their apartments. When they move out, the eviction becomes obsolete – and is not included in the statistics.

Instruments, policies, regulation

FAWOS (Fachstelle für Wohnungssicherung) is the central counselling office for all Viennese tenants in the private and limited profit-housing sector threatened by eviction. It works on behalf of and is funded by the City of Vienna. The goal of FAWOS is to prevent evictions and preserve affordable rental contracts, since rent prices are often higher in new contracts. In their annual report, FAWOS stresses that the costs for securing housing are ultimately much lower for taxpayers than for accommodating people who have been evicted in the Viennese homeless assistance system (FAWOS 2018). If an eviction petition is filed, FAWOS is informed by the court and contacts the affected tenant with an invitation to a counselling meeting. In 2017, FAWOS sent 4,800 letters to tenants because of an eviction petition or termination of rental contract and 1,995 letters to tenants because of an eviction notice. According to their annual report, 1,023 tenants were intensely supported and another 883 tenants received advice over the phone. What FAWOS offers for tenants threatened by eviction is tenancy law consulting, negotiation with property management or lawyers, support with the application for emergency funds from the City of Vienna, and financial coaching which might involve the search for a cheaper apartment. According to their report, out of the 1,023 tenants they supported in 2017, housing was secured for 705 (68%). This does not mean that all of them could stay in their homes, but that for those who had to leave, some kind of alternative housing was organised (ibid.). This might be one explanation for why the numbers of evictions keep on decreasing while numbers of eviction petitions remain constantly high. As we mentioned before: if evictions are not carried out, this does not necessarily mean that people can stay in their homes. For the remaining 32% or 318 households, FAWOS either has no information about the outcome or the eviction could not be prevented (ibid.). Even in a highly institutionalised social aid system like Vienna, people get evicted every single day.

In 2017, a similar institution to FAWOS was established for tenants in council housing by the City of Vienna, called *Soziale Wohnungssicherung*. The institution directly contacts tenants who are threatened with eviction with the goal of preventing the loss of people's homes.

Grassroots claims or why there is a lack for mobilisation

Vienna is well known for social housing, not for tenant protests, and this also applies to the issue of evictions. With well-established institutions offering support for tenants, a dominant narrative of the social city and a lack of experience of collective organisation, there has not been any large-scale mobilisation against evictions in Vienna. In 2014, when the squatted Pizzaria Anarchia had managed to initiate a public debate on gentrification and displacement, and a person threatened with eviction went public with it, a small group of activists decided to support her and to start an anti-eviction initiative called *Zwangsräumungen verhindern* (Prevent Evictions). Their goal was to politicise the topic and organise collectively against evictions, pointing to the structural dimension of inequality and exploitation in the housing market. *Zwangsräumungen verhindern* organised weekly open meetings and legal consulting for tenants and supported them during their court cases. They organised demonstrations, city walks, events, and direct actions and tried to create visibility for the topic of evictions and intervene in public discourse (Kumnig 2019).

6.3 Anti-Eviction Strategies as an Instrument of Municipalist Housing Policies

Every year hundreds of thousands of people are evicted in Europe. National governments and courts systematically leave citizens unprotected against displacements fuelled by real estate interests. Cities like Amsterdam, Barcelona, Berlin, and Vienna, where rental markets are particularly tense, have responded differently to the problem.

6.3.1 PUBLIC RESPONSIBILITY

In response to evictions, governments have intensified **public provision and public control**, developing a variety of policies, programs, and instruments of preventions and/or mitigation of their effects. *Rent*

debt assumption is still a tool that all cities dispose of, although the case of Berlin shows its lack of effectiveness. There is a tendency towards *strategies for the active prevention of evictions*, providing counselling at the earliest possible stage and, in some cases, on an outreach basis. This is the case in Amsterdam, which changed its classic bureaucratic approach for a method that consists of social workers visiting citizens as soon as arrears start to accumulate. In this regard, Barcelona has gone one step further: *mediation*. A specialised institution was created that besides advising and supporting tenants in emergency situations also negotiates with landlords and the courts. According to the municipality, it has proved to be very effective, stopping 90% of evictions. In Berlin, this task is carried out by regular departments of the district administrations.

In all cases, the cities' goals are to prevent housing loss and to *provide adequate housing in the event that an eviction takes place*. In Berlin and Vienna the predominant support consists in the organisation of alternative housing after the eviction. Administrations in these cities take on the function of state-organised displacement management. The robustness of the public housing system in these cities – with Berlin having 35,000 spots in emergency shelters, for instance – contrasts with the almost non-existent emergency housing for evicted people in Barcelona, despite efforts by the current administration to expand it.

As for the general **preference for use values over exchange value**, the security of tenure in rental contracts (whether they allow non-fault evictions, for instance) and the level of rent control are key determining factors for the rate of evictions – although often not in the hands of the city. In all four cities, prevention strategies provide legal counselling aimed at strengthening the implementation of existing laws that contribute to guaranteeing the right to housing. This is the case of FAWOS, in Vienna, which has the goal of preventing evictions and preserving affordable rental contracts, since rent prices are often higher in new contracts. In Barcelona, where non-fault evictions are legal and 98% of the rental market is dominated by private landlords, the anti-eviction law (applicable to the whole of Catalonia) forces big landlords asking for an eviction to offer a social rent as an alternative to eviction for rent arrears, squatting, or the end of the rental contract

(no-fault evictions). In terms of **accountability**, the lack of accurate data on evictions is remarkable, especially in Amsterdam.

6.3.2 LOCAL AUTONOMY

While in other aspects of housing policy cities **expand the local legal foundations**, when we speak about evictions cities are left with the weight of carrying out preventive strategies and palliative measures without being able to legislate on it directly. Barcelona city council has developed an unexplored dimension of the Catalan Law for the Right to Housing and for the first time administrative complaints and sanctions have been made against landlords harassing tenants, which have been used to stop the eviction of all residents involved. Also, the four cities have expanded their role as mediators. Nevertheless, in terms of fighting evictions no city has expanded its legal foundations to directly stop them.

In order to **protect cities and their inhabitants against predatory extraction of urban surplus**, there are no relevant policies that regard evictions specifically. Evictions occur in all four cities, and, with the exception of Amsterdam, they mostly take place in apartments owned by private landlords – which have less secure tenure than public ones. In Berlin and Vienna, the proportions of evictions in the municipal housing stock are now lower than in the private rented sector. In Amsterdam, households in precarious living conditions are concentrated in the regulated rental apartments of the housing associations, thus cases of rent arrears and evictions are also concentrated in this sector. In Barcelona, given that 98% of the rental market is private and that security of tenure is low (non-cause evictions are legal), most evictions occur in the private sector and predominantly in housing owned by big corporate landlords.

Even if the responsibility for assisting tenants in distress and facing eviction is a local or regional responsibility in all cities, policies governing evictions are national. Therefore, municipal administrations may be interested in changing legislative frameworks by **intervening in federal and international institutions**. Even though no city claims local authority to regulate or ban evictions, some cities, like Barcelona, do try to intervene in national legislation, as it is the case with the

Law for the Right to Housing that is being currently discussed in the Spanish Congress.

6.3.3 PARTICIPATION

Governments have taken more measures largely as a result of grassroots mobilisation and critiques in public debate, nevertheless, in the case of evictions their effectiveness is unclear. **Strong links to urban social movements** are especially evident in Barcelona. There, the implementation of the most tenant-protective laws in practice require cooperation between the public servants and housing movements. This is the case with the Catalan Anti-Evictions Law or especially the harassment sanctions. Nevertheless, even in cities with progressive government majorities, the prevention or at least postponing of evictions relies mostly on direct intervention by social movements.

Radical democratisation and decentralisation do not seem to be relevant criteria for evictions; activists and other residents demand regulations and enforcement, not decentralisation. In terms of participation, anti-eviction movements demand to be taken into account within the conflict resolution procedures. In all cities, evictions are an explicit topic of social movements, and especially in Barcelona and Berlin there are stable initiatives that have been actively and continuously trying to prevent evictions in practice and to raise the issue in the public sphere. For the most part, evictions in all cities are subject to individually specific constellations between landlords and residents. Notices of termination, eviction suits, and eviction dates are always directed against specific individuals and households. In contrast to other policy areas, initiatives therefore demand not to focus on decentralisation, but to put the problem of evictions on the agenda in the city and nationally in order to formulate political responses.

The four cities considered have different **strategies to encourage urban social movements and include them in the practice of governing**. In Barcelona, the Anti-Displacement Group stimulated coordination between housing communities at risk of eviction and housing policy initiatives. Nevertheless, while grassroots movements against forced evictions focus on empowering those affected and try to find collective answers to individual crisis situations, they are not always

supported by city governments. Particularly given their focus on the concrete implementation of acute demands (the prevention of evictions or a moratorium on evictions by public housing associations in the case of Berlin), initiatives against forced evictions tend to be perceived as forms of protest outside the political field – with the exception of Barcelona.

[7]

Zoning as an Instrument of Affordable Housing Construction

7.1 Introduction

A serious deficit in the supply of affordable housing is a central problem of urban policy in all four cities. In addition to other housing policy instruments, all cities also have the goal of building affordable new housing. A precondition for social housing construction is access to affordable building plots. But under market conditions, prices for building plots have increased significantly, so that low-cost housing construction is not possible under these conditions. A socially oriented housing policy is therefore dependent on strategies and instruments that reduce the price of land or enforce social housing construction despite high land prices.

We understand zoning in particular as a set of planning law instruments in which the municipal administrations define specific constraints for land use and development in certain areas.

The planning instruments of zoning can used not only for specifications on the type of development, but also in the context of affordable housing production, so as to a) prioritise allocation to certain housing developers and/or define conditions of use by land leases, b) stipulate specifications for certain quotas of affordable housing, and c) cap of land prices. By combining different principles of action, land planning can have a significant influence on social urban development. In the case studies considered, the different planning instruments for enabling the construction of affordable housing are used very differently.

Table 10: ***An overview of zoning politics in Amsterdam, Barcelona, Berlin, and Vienna.***

	SHARE OF PUBLIC LAND	GROUND PRICE INCREASE 2010-2019	USING OF LAND LEASE	QUOTA FOR SOCIAL HOUSING ON PRIVATE GROUNDS	ZONING WITH LAND PRICE LIMITATION
Amsterdam[43]	80%	No clear data but it can be assumed that the value of land has (still) increased much faster than the value of real estate.[44]	Land lease to public and private landlords.	40-40-20 rule 40% social housing 40% mid sector (private rental) 20% expensive housing.	Ground leases for social housing are lower than for other functions.
Barcelona[45]	No data available.	- 60%	No.	30% of "consolidated urban land".	No.
Berlin[46]	47% (including water, green, traffic)	+ 668 %	Land lease for public and non-profit landlords.	30% of new construction fields.	No.
Vienna[47]	The city's land authority (Wohnfonds) owns around 3 million m² of land (2019).	+ 220%	The sales (82%) and lease (18%) of public land mainly to non-profit landlords.	Newly zoned land on larger lots can be categorised as "subsidised housing". There, 66% of the land must be used for subsidised housing.	Zoning category "subsidised housing" since 2019 caps ground prices at 188€/m².

43. Data for Amsterdam on public land: MVA (2021); on social housing quota: Gemeente Amsterdam 2018; on land price limitation: AWEP (2019).

44. The calculation of the value of land is contentious since it decides how much should be paid for a lease. Amsterdam developed a fairly intricate system to deal with this but at root it attempts to estimate the land value as a share of the property value, the so-called *Buurtstraatquoate* (neighbourhood street quote). This quote increased drastically throughout Amsterdam from 2017 to 2020 (see Amsterdamse Woon en Erfpachtvereniging 2022). It is difficult to give precise estimates since there is variation between types of houses and areas but a very rough estimate is that the quote roughly doubled on average. Combined with steep price increases in property values, this means that the land value, according to the municipality's estimations, exploded between 2017 and 2020. Again, it's very difficult to give precise estimates, but we would guess the land prices increased between 150% and 300% on average in the period between 2017 and 2020.

45. Data for Barcelona on public land: Ministerio de Transportes, Movilidad y Agenda Urbana 2022. The Metropolitan General Plan (PGM) was modified in 2018 to enact, for the first time, a part of the Catalan Law for the Right to Housing, which obliges the developer to allocate the 30% of the units to affordable housing in new construction or integral renewals.

46. Data for Berlin on public land: SenFin 2021, on ground price development: GAA 2021: 90, and on social housing quota: SenSW 2018a.

47. Data for Vienna on public land: Wohnfonds 2020, on ground price development: Baron et al. 2021: 14, and on social housing quota: WWFSG §5.

Amsterdam, with a long tradition of ground leases, uses the approximately 80% of land that is publicly owned for granting ground leases under specific conditions. The central instrument here is the orientation towards the 40-40-20 rule. According to this rule, new buildings must comply with a mix of 40% social housing and 40% mid-sector private rental housing and 20% expensive housing. The commitment of the social housing is for 25 years, the mid-sector housing may not exceed the liberalisation level for 20 years. In principle, this rule also applies to private land – but is more difficult to enforce there. The 40-40-20 rule is considered a starting point for negotiations and is partly undermined in the contracts actually concluded.

Barcelona, like all of Catalonia and Spain, has virtually no tradition of social rental housing. Until the 1990s, state support for affordable housing was mainly limited to the transfer of public land to private developers at state-regulated prices. In 2018, the government in Barcelona, supported by the housing movement, passed a decree for the mandatory provision of 30% social housing in all construction projects (of over 600m²) in zones of 'consolidated urban land'. The requirement applies not only to new construction but also to the renovation of large buildings. In addition, in selected areas, specific urban development plans define further requirements to strengthen social housing (e.g. the possibility of converting commercial space into social housing, the addition of social housing to existing buildings and the application of the 30% rule in smaller construction projects).

Berlin – after several decades of selling off public properties – has been focusing on an active real estate policy in the public interest since 2015. The sale of public land to private owners is excluded and the allocation of land is only permitted to public housing associations or non-profit developers. The instrument of leasehold is also increasingly being used. With Berlin Real Estate Management (BIM), a public institution was founded in 2014 that not only manages and develops land, but also has an active acquisition strategy. When determining new building rights (on previous brownfield or industrial sites), the principles of "cooperative building land planning" are applied, which stipulate a social housing share of 30%. In addition, the owners must spend part of their planning value gains from the designation of building rights

to finance public infrastructure. There is no general requirement for a minimum share of social housing in all building projects. Planning law instruments are used within the framework of "social preservation areas" primarily in inner-city neighbourhoods to protect residents from displacement. In the social conservation areas, luxury modernisations are prohibited and conversions from rental to owner-occupied flats are subject to stricter conditions than in other areas.

Vienna uses two central instruments to provide inexpensive land for affordable housing. Since 1984, a municipal fund called Wohnfonds Wien has been entrusted with acquiring land and making it available for the construction of subsidised housing. Land is allocated via developer competitions ("concept allocation") and mainly to limited-profit housing associations. Due to rising land prices, it is the only chance for many limited-profit housing associations to obtain an affordable plot of land for affordable housing construction. In 2018, the government reformed the local building code and introduced the "subsidised housing" zoning category. Construction projects in the areas thus defined must be predominantly (two thirds) subsidised housing (~5€/m²). Derived from the subsidy regulations, this limits the land price to a maximum of 188€/m² and hence limits land price speculation.

7.2 Zoning Instruments in Four Cities

The following sections provide an in-depth look at the use of urban planning instruments to secure and build affordable housing in our four case study cities. For each city, the challenges of housing policy are first identified and placed in the context of the city's history and policies. Then, the zoning instruments are presented in terms of their objectives, mechanisms, and effects. At the end of the brief city reports, the positions and activities of urban grassroots movements on the topic are presented.

7.2.1 ZONING STRATEGIES IN AMSTERDAM

The urban political context

The majority of land in Amsterdam is owned by the municipal government, which leases it to users (see Mijnssen et al. 2008). The so-called ground lease system was established back in 1896. The ground lease

was invented as a tool to prevent land speculation (Ploeger/Bounjouh 2017) and it gives the holder of the ground lease the right to use the property, in this case land. The system not only controls ground price increases in the city but also determines the use of land in the city as it is connected to zoning.

Zoning recently began to feature on the political agenda. For a long time, from the early 1990s until 2018, the municipality of Amsterdam followed the national government's policy of selling off social housing to invest in urban restructuring. From 2018 onwards, after the election of a left-leaning coalition, the city changed its housing approach. With the Housing Agenda 2025 programme, the City of Amsterdam aims to stimulate the production of affordable housing and to preserve existing affordable housing stock (Amsterdam Municipality, 2017). Zoning is one of the ways to do this.

Zoning instruments

The City introduced a policy in 2017 to settle for lower revenues from land allocations. This is the so-called 40-40-20 rule, which is covered in Housing Agenda 2025 (Woonagenda 2025). It is not based on a law or public order but the housing vision of the city, and in that respect its enforcement is often based on negotiations with private partners. The city used the land policy to "retain or reclaim ownership over land and impose conditions on new housing production, including tenure and affordability requirements" (Wijburg 2021: 34). This rule is applied differently in three different cases:

1. When the municipality is the landowner: This case concerns the tenders through which the city allocates land to developers for lease. The municipality of Amsterdam stipulates in the zoning plans that 40% social housing, 40% mid-sector private rental housing, and 20% expensive housing (for rental as well as sales) must be produced on the land allocated to the developers (Gemeente Amsterdam 2018). Here the city has a stronger hand to enforce the rule as the landowner.
2. When the municipality does not own the land but requires the construction of social housing as part of its zoning policy: The 40-40-20 rule also applies to the developments on private land but for these cases the negotiating power of the government is limited compared

to when the municipality is the landowner. The municipality gets a stronger hand in negotiations when the private development requires a change in the lease or zoning or the provision of facilities by the municipality. These cases are decided by the City Council (Gemeente Amsterdam 2018).

3. When the municipality does not own the land and cannot or will not use zoning to require social housing: Here the government has no means no enforce the 40-40-20 rule. There are many of these cases, though the exact number is not known. Generally, developers acquire a position in an area where few zoning restrictions apply and then convert old dwellings or construct new dwellings in the luxurious segment.

The rule has been so far used as a starting point to negotiate with developers to decide for the actual percentage of affordable housing to be produced in the land allocated. According to recent research, in some cases the negotiations resulted in 40-25-35 instead of 40-40-20 (Wijburg 2021).

There are also regulations regarding how long the rental properties that are produced based on this rule should be kept in the social sector and middle segment rental market. To start with newly produced private rental housing below the liberalisation level, they have to be rented in the regulated sector for 25 years instead of the current limit of 15 years. For mid-segment rental housings, rent restrictions can be lifted after 20 years (Gemeente Amsterdam 2018).

The 40-40-20 rule has been criticised by developers and real estate organisations for dampening rents in Amsterdam, which makes building less attractive for private parties (CBRE 2018). Even though this new policy approach is promising to stimulate affordable housing supply, whether it can produce an actual solution to the acute housing affordability crisis in Amsterdam remains to be seen.

Grassroots claims and contention

Even though the lack of affordable housing has been a pressing issue for the city of Amsterdam for decades, there was a general lack of mobilisation around housing until very recently. In September 2021, Amsterdam experienced a revival of housing movements with a big demonstration organised in Amsterdam, which a record number of participants attend-

ed to claim their right to the city and to housing. Protesters contested the housing policy of Amsterdam at large, increasing rent prices, a lack of social housing, increasing housing insecurity, among others. As for the issue of zoning for affordable housing in particular, some resident groups, including the prominent Verdedig Noord (Defend Amsterdam Noord), have criticised the dearth of social housing in new housing projects and the extremely high prices of luxury apartments.

There are also mobilisations against the 40-40-20 rule and in favour of privatisation. There are very vocal advocates for the abolishment of land lease who incessantly criticise the government for asking exploitative prices and coming up with unworkable rules. In the City Council, the right-wing liberals are fierce critics of the 40-40-20 rule. Outside the City Council, developers and investors argue that the restrictions and high land prices hamper investments in construction.

7.2.2 ZONING STRATEGIES IN BARCELONA

The urban political context

Barcelona has the highest land prices in Catalonia and Spain. However, they have gone down over the last years, as in the rest of the country. In 2006, at the height of the housing bubble, they reached the staggering figure of 1,228.7€/m². In the next years they dropped dramatically and since 2013 they have remained steady, oscillating between 500€/m² and 400€/m². In 2020, they reached their lowest point in two decades, at 363€/m² (Estadística de precios de suelo urbano, Ministerio de Fomento 2021). Taking into account that housing prices surged between 2014 and 2019 while land prices stagnated, it is not hard to imagine the evolution of real estate profits for new housing developments.

In Barcelona, as elsewhere in Catalonia and Spain, zoning regulations for the development of affordable or social housing have been marked by their temporary and erratic nature. Since the mid-20th century until very recently, land and housing policies have consisted in the transfer of public land to private developers that built housing with publicly regulated prices in order to be sold (unlike the rest of Europe, where these kinds of developments become permanent social housing). Traditionally, this has been achieved through a system of direct public subsidies for developers and indirect aid to buyers (mainly through tax cuts).

Between 1952 and 2016, more than 6.8 million units were built through this mechanism, which amounts to approximately 40% of current housing stock (Trilla/Bosch 2018). However, after a stipulated period (ten, twenty, or thirty years) the price of the housing units stopped being regulated, and they entered the private system at market rates.

Since the 1980s, timid regulations at the municipal, Catalan, and state level have tried to introduce the obligation to reserve a small percentage of land for affordable housing in urban plans, with the aim of lowering land prices and building – always temporary – rent- controlled housing (Aguirre 2019). However, these attempts have been constantly swamped by laws (1990, 1998) that promoted the deregulation of land use and the construction of private housing for sale virtually everywhere. To a great extent, these are the main reasons why the system of affordable or social rental housing does not even amount to 2% in Barcelona and elsewhere.

Zoning instruments

In December 2018, after a two-year fight led by the housing movement in alliance with the city council, Barcelona approved a norm that makes it mandatory to reserve 30% of "consolidated urban land" to affordable housing in any development of more than 600m². By consolidated, the norm refers to land that is already under a particular zoning regulation: the norm allows it to be altered and to introduce a reserve for affordable housing. The change affects not only new constructions but also the renovation of large buildings in any part of the municipal territory: for both kinds of operations, it is mandatory to include 30% rent-controlled housing.

This instrument entails a paradigm shift in the history of urban planning at the national level. Until 2018, affordable and regulated housing could only be located in new areas of growth, outside the city (in *suelo urbanisable*, or "land for potential development") or in areas undergoing significant urban planning transformations (in "non-consolidated urban land"). In other words, in the already developed city, it was almost impossible to add affordable housing and to increase the amount of it relative to housing at market rates. It is also worth noting that, unlike what happens with similar zoning norms in other cities, the so-called 30% rule does not include any compensation for the private developer or owner

(such as the possibility of up-zoning, i.e. building higher to also include more market-rate or luxury housing, as is the case in New York).

Besides this general change, the city council has started a series of urban plans in several districts which include a series of measures that are seen as a blueprint. In February 2021, the initial modification of the urban plan of the Gràcia district set the stage for what it is to come. First, it allows ground floors originally destined for commercial purposes to be turned into affordable housing wherever possible. Second, it allows for affordable housing to be built on top of existing buildings provided that they have not reached their maximum height. Third, it strengthens and expands the 30% rule, including land plots of 400m² (the original rule set the bar at 600m²). Fourth, it bans the subdivision of housing units (a third of the apartments in this district have less than 60m²), unless their size is over 160m²: the latter can be subdivided if they are turned into affordable housing.

There is also a set of what we can call emergency tactics to fight gentrification. First, the use of zoning to turn housing and land plots that had been included in demolition plans into affordable housing, in order to prevent displacement and real estate speculation. Second, the surgical inclusion of *Vivienda dotacional* (temporary social housing) in the urban plans of districts going through the most intense gentrification. There have been two interventions. The most recent one includes 556 units of this kind. Third, the city has raised the percentages of social housing in all urban plans. Based on the new Catalan law (December 2019), the most recent plans also include permanent affordable units for rent and for sale, the price of which is regulated. Finally, a city-wide change that reduces the mandatory percentage of parking space in buildings (which otherwise tend to increase building costs).

Grassroots claims or why there is a lack of mobilisation

The 30% reservation for affordable housing in consolidated urban land is the direct result of a grassroots campaign led by 5 organisations, in alliance with the city council, that led to a structural modification in the urban plan of the city: PAH (Mortgage Affected Platform), the Barcelona Tenants' Union, the Assembly for Tourism Degrowth, the Residents Associations Federation, and the Observatory for Economic, So-

cial and Cultural Rights. These organisations crafted a set of concrete technical proposals and legal formulas in the form of a motion, which was presented afterwards with the different political parties.

The movement has also played an important role in the change in Catalan law (2019) that makes sure that all affordable housing in new development areas remains rent-controlled in perpetuity.

Likewise, the use of urban planning to limit the number of housing units that can be rented in the tourist or short-term rental market is partly a result of grassroots mobilisation and involvement. This is part of the diversification of the housing and right-to-the-city movement over the last decade: while urban planning can be overwhelming and inaccessible to non-specialised professionals, different organisations have increasingly identified it as a key site of struggle.

7.2.3 ZONING STRATEGIES IN BERLIN

The urban political context

Since 2000, Berlin has been a growing city with a steadily growing population. In the area of new housing construction, a catch-up requirement (+75,000 apartments) was identified in 2016 and an expansion requirement (+125,000 apartments) by 2030 (SenSW 2018b). This results in a target of about 16,000 new dwellings per year. The current housing policy objectives stipulate that half of all new buildings (8,000 p.a.) will be built as public-interest apartments with affordable rents.

Table 11: ***Completed dwellings in Berlin 2017–2019***

	2017	2018	2019	AVERAGE P.A.	PLANNED P.A.
Newly constructed housing (total)	12,785	14,327	16,769	14,627	16,000
Privately financed construction	9,760	10,893	12,221	10,958	8,000
Affordable housing construction	3,025	3,433	4,287	3,582	8,000

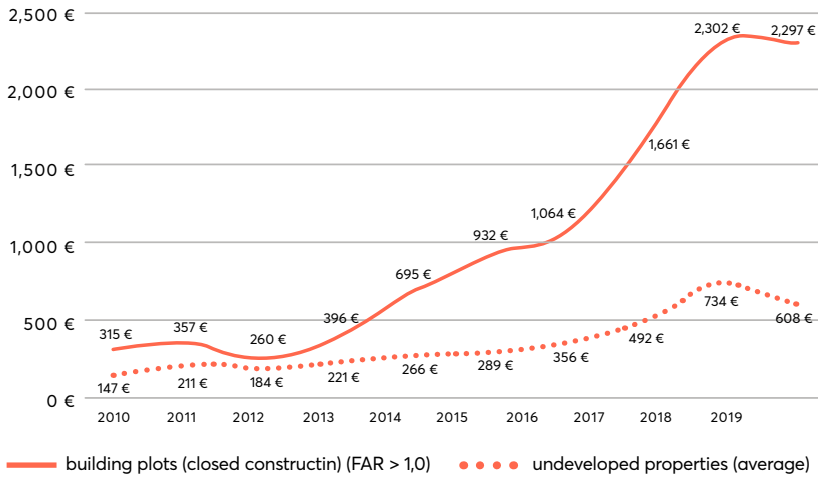
Source: IBB 2021, WVB 2021

Affordable housing construction has so far fallen far short of tar-

gets. One reason is the lack of land for public housing companies and cooperatives and the sharp rise in land prices. The prices of building plots for a shot dense construction method increased by almost nine-fold between 2010 (450€/m²) and 2019 (3,410€/m²) (GAA 2021: 90). Affordable housing needs, above all, affordable land.

Figure 4: Land Price Development in Berlin 2010–2019

Source: GAA 2021: 90



In the 1990s and 2000s, under the austerity pressures of the budget crisis, Berlin sold large holdings of public real estate. In total, more than 10,000 plots with an area of 2,100 hectares were sold for a total of €2.3 billion. The land would be worth around €30 billion at current market prices.

Zoning instruments

Berlin has so far not used explicit zoning tools for the construction of affordable housing. Urban planning regulations are primarily used to protect against displacement in social protection areas (*Milieuschutzgebiete*). However, there are also a number of new instruments which apply in the area of real estate policy.

New land policy: The coalition agreement of the red-red-green gov-

ernment in 2016 announced that it would use the "property policy as an instrument of general interest" and promised "sustainable land management" and the development of a "strategic land reserve". In concrete terms, all sales of public land were stopped. Public land may only be transferred to public companies or leased in contracts of leasehold (*Erbbaurechte*).

New institutions: The Liegenschaftsfonds privatisation agency was dissolved in 2014 and transformed into Berliner Immobilien Management (BIM). The BIM now has the task of developing land and acquiring new building plots. The Special Asset Infrastructure of the Growing City and Sustainability Fund (SIWANA) makes up to €100 million per year available *for* the purchase of land and residential buildings. The establishment of a Berlin Land Fund (Berliner Bodenfonds) and a Land Security Act (Bodensicherungsgesetz) have been debated for years, but have not yet been decided.

Public Land allocation for affordable housing: Between 2017 and 2021, around 200 plots of land were given to public housing associations for an estimated 25,000 dwellings. But only the half of these plots had the status of ready for construction (SenSW 2020: 6). The model of concept awarding (*Konzeptvergabe*) according to social criteria to social institutions and collective house projects has not gone beyond a test phase with 10 plots. The real return of the new real estate policy has so far been rather low.

Cooperative development of building land: under what is known as the "Berlin model" of cooperative building land development (*Kooperative Baulandentwicklung*), private investors are also to be involved in the creation of affordable apartments. In the case of housing projects on newly granted building rights (i.e. the conversion of wasteland into building land), private developers are obliged to reserve 30% of the living space for social housing programmes (SenSW 2018a). In most cases, private investors cede this obligation to public housing associations. This means that the 30% quota will be met, but no additional affordable housing will be created, because it will tie up the construction and planning capacities of public housing companies. Private companies have built just 350 affordable homes in the last 5 years (out of a total of over 60,000 apartments).

Grassroots claims or why there is a lack of mobilisation

The core of the urban political movements is made up of organised tenants' groups, which mobilise against rising rents and displacement and often stand in direct conflicts with their landlords. That is why most of the demands and campaigns are directed towards the protection of existing tenancies. New construction and the land issue also play an ambivalent role in the political discussions of grassroots movements.

Because most construction projects are built by private companies, many projects are criticised as luxury residential complexes and in some cases also prevented. In 2008–2009 there were real estate mobilisations during the protests against the investment project MediaSpree (it was about free access to the banks of the Spree) and in the 100% Tempelhofer Feld referendum (to prevent the development of the former airport site in inner city neighbourhoods).

Project groups of alternative housing projects who want to realise self-organised community housing projects are particularly interested in real estate policy. They are dependent on favourable building areas and have participated in the concept awarding procedures. Their commitment is usually limited to specific plots of land for their own projects and rarely addresses the fundamental questions of real estate policy. In 2020, a Stadtbodenstiftung was established, which aims to bring land under social control, following the example of Community Land Trusts. However, there are no concrete projects yet.

A small number of these initiatives have participated in the Round Table on Real Estate Policy since 2012. The body combines politics, administration, science, and civil society to jointly develop strategies for a reorientation of real estate policy. The basic initiatives involved have developed very in-depth expertise and developed their own legislative proposals on various issues. In order to use leasehold rights, administrative training was even organised, in which activists educated civil servants.

7.2.4 ZONING STRATEGIES IN VIENNA

The urban political context

In Vienna land prices have risen dramatically in recent years. The estimated average costs for building plots increased by some 220% be-

tween 2010 and 2019. In 2010, the price per m² building plot was around €490. In 2015, this stood at around €780 and in 2019 at €1,100 (Baron et al. 2021: 14). Depending on the location in the city, there are major price differences, ranging from 1,560€/m² in the upper-class-district Döbling to 614€/m² in the peripheral district Simmering in 2019 (Statistik Austria 2020b, 2020c).

Since land prices account for a significant proportion of the production costs of housing, they are a key factor influencing housing prices. The current situation poses major challenges for the construction of affordable housing.

The Viennese Housing Subsidy Law stipulates that land costs for subsidised housing may not exceed the amount of 188€/m² of apartment space (WWFSG §5). However, land below this price limit has become scarce, which makes the construction of subsidised housing increasingly difficult and in central locations even impossible. This is also one reason why the share of subsidised apartments in total completed apartments in Vienna decreased significantly in recent years:

Table 12: ***Share of subsidised apartments in total completed apartments in Vienna***

	2013	2014	2015	2016	2017	2018	2019
Total completed apartments	6,402	7,591	10,153	8,615	9,685	13,579	15,264
Subsidised completed apartments	3,951	4,604	3,116	2,962	3,699	3,168	-
Share of subsidised completed apartments	62%	61%	31%	34%	38%	23%	-

Source: Statistik Austria 2020d; Rechnungshof Österreich 2021

Subsidised housing is mainly constructed by limited-profit housing associations, but also commercial developers can receive subsidies, subject to the conditions of the Viennese Housing Subsidy Law defining maximum land prices (see above) and a rent regulation for the du-

ration of the subsidy period. In 2011 a special subsidy program called Housing Initiative (Wohnbauinitiative) was introduced, intended to motivate also commercial developers to build subsidised housing. The main incentive of the Housing Initiative for commercial developers however was not the subsidy itself, but the access to inexpensive public land. Out of the 6.057 housing units subsidised by the Housing Initiative, 3,711 were constructed by commercial developers (Rechnungshof Österreich 2021). One remarkable aspect of this subsidy program is that for commercial developers the rent regulation applies only for ten years, while apartments by limited-profit housing associations continue to be rent regulated also after the subsidy period, because they are bound to the Limited-Profit Housing Act (Wohnungsgemeinnützigkeitsgesetz).

Zoning instruments

In order to enable, secure, and foster the construction of subsidised and hence affordable housing, Vienna has adopted various measures. In 1984, the Wohnfonds Wien, the municipal fund for housing construction and urban renewal, was established in order to purchase and subsequently provide land for the construction of subsidised housing. In 2019 the property holdings of the Wohnfonds comprised 3,230,143m², 144,791m² of which were assigned to property developers under building lease (Wohnfonds 2020). The Wohnfonds mainly purchases agricultural or industrial lands and prepares it for the construction of subsidised housing by organizing the conversion to building land, holding developer competitions, etc. The building plots are allocated via developer competitions mainly to limited-profit housing associations but also to a lesser extent to commercial developers, if they choose to build housing according to the Vienna Housing Subsidy Law. Through the instrument of developer competitions, the municipality of Vienna is able to set very high standards for subsidised housing construction in terms of quality, affordability, ecology, and social sustainability. The land is either sold or granted under building lease. In 2019, 76,348m² were sold and 16,680m² were granted under building lease (Wohnfonds 2020: 49).

For many limited-profit housing associations, namely all those without their own land reserves, developer competitions by the Wohn-

fonds are currently the only possibility of getting access to affordable land for the construction of subsidised housing.

For existing housing stock there are two instruments in the local building code to counter the reduction of affordable housing: 1) most of the inner-city districts are defined as residential zones, where 80% of living space in each building is designated for residential use, which means that other uses, like permanent short-term letting, offices, etc., are limited to 20% of living space; 2) the 2018 building code reform introduced a tighter regulation for housing demolition. This is especially relevant in the context of the Austrian Tenancy Law, where strict rent regulation only applies for the housing stock built before 1945. In the newly built stock, market rents can be asked for. Housing demolitions and the construction of new buildings have hence become a lucrative means to maximise profits. The reformed building code now requires landlords to seek permission for the demolition of buildings constructed before 1945 (up until then only buildings in designated protected areas, encompassing only selected parts of the inner city, required permission) (Kadi 2018).

Grassroots claims

While the current situation concerning access to land poses major challenges for the construction of affordable housing, there is no significant grassroots mobilisation around this issue. Apart from some local neighbourhood initiatives, organising against the construction of housing and for the preservation of urban agriculture and green spaces, there is hardly any mobilisation around the topic of zoning. This may be due to the complexity of the subject matter or to the general lack of bottom-up organisation in Vienna´s highly institutionalised housing system.

7.3 Zoning as an Instrument of Municipalist Housing Policies

This summary section analyses the zoning policies outlined in the four cities for their potential elements of a municipalist policy. In terms of the general characteristics of a municipalist urban policy, the strategies of zoning in our four case-study cities fulfil above all the requirements of public responsibility and local autonomy. Aspects of partic-

ipation, on the other hand, are hardly included in the procedures and instruments of planning law.

7.3.1 PUBLIC RESPONSIBILITY

Public responsibility in terms of municipalism refers to 1) a *clear commitment to the public provision and public control* of social infrastructure; (2) a general *preference for use values* over exchange value by developing strategies and implementing instruments; 3) a *focus on the unrestricted provision of social infrastructure* and fulfilment of basic needs for all; and 4) *accountability* in the sense of comprehensible decisions and traceable responsibilities.

The aspect of *public provision and public control* of land takes place in the cities studied through institutional anchoring of public land ownership. Amsterdam, with its long tradition and large amount of public land, largely fulfils this aspect. In Vienna and Berlin, at least the institutional prerequisites for public control of land have been established with municipal funds for the purchase, development, and management of land.

The *orientation towards use values* can be seen in the allocation modalities in Vienna, Berlin, and Amsterdam, when land is sold, leased, or allocated below the market price to enable affordable housing construction. This principle is particularly evident in the Viennese planning category of "subsidised housing", where the land price in the subsidy programme is calculated back from the fixed social rents.

The *focus on the unrestricted provision of social infrastructure* is only partially achieved with the zoning instruments. Most of the requirements for social or price-limited housing are temporary and have no lasting effect. Exceptions here are the allocations of the Vienna Housing Fund and Berliner Immobilien Management, which are mainly made to public or non-profit housing associations and thus ensure long-term social management.

The municipal claim to *accountability* is only very marginally pronounced in the cities studied with regard to real estate policy. There is no publicly accessible register of public properties in any of the cities, and the allocation procedures are not always transparent.

7.3.2 LOCAL AUTONOMY

Local autonomy in terms of municipalism refers to: 1) *expanding local or municipal legal foundations to implement social, inclusive, and ecological politics*, 2) *protecting cities and their inhabitants against the predatory extraction of urban surplus*, and 3) *changing legislative frameworks* by intervening in federal and international institutions.

The aspect of the *municipal legal foundations of social politics* can be seen in relation to real estate policy above all in the legally anchored requirements for social land use. The inalienability of land, as in Amsterdam, and the institutional anchoring of public property management, as in Vienna and Berlin, are more sustainable than the quotas for the construction of affordable housing in building projects, which are applied in all cities.

The municipal *principle of protecting cities and inhabitants against predatory extraction* is best applied where land is not allocated to profit-oriented developers at all or only under strict conditions. Social housing quotas also contribute to protection against predatory exploitation, albeit mostly for a limited period of time.

The element of *expanding legal space at the national and international level* that characterises municipalist politics remains predominantly at the level of cognition and critique. In Barcelona and Berlin, for example, the federal legal regulations in planning law or even in valuation are recognised as obstacles to a social real estate policy but have so far been criticised without success. The self-defined application of planning law through the introduction of a new planning category ("subsidised housing") in Vienna represents a creative and self-confident approach to the existing framework conditions.

7.3.3 PARTICIPATION

Participation in the context of municipalist policy means new modes of governing and includes: 1) a *strong link to urban social movements*, 2) *radical Democratisation*, 3) strategies *to encourage urban social movements*, 4) *the decentralisation of decisions, responsibility, and power* and 5) *an inclusive and proactive form of governing*.

The municipalist element of *strong links to urban social movements* is very weak in the institutions and instruments of real estate policy.

Most cities understand property policy as a sovereign task and administer public land in closed units. Exceptions here are the alliances of the housing movement and the government in Barcelona to push through changes in planning law (for "consolidated urban land"). The Round Table on Real Estate Policy as a joint body of politics, administration, and civil society is also one of the few moments of explicit cooperation between movements and governments.

There is little *radical democratisation* and *decentralisation* in the field of real estate policy, and the administration of real estate is carried out by largely closed and non-transparent administrative units. There are the beginnings of democratisation with the Round Table on Real Estate Policy in Berlin, which, however, cannot develop legally binding guidelines. Yet positive mention can be made of workshops in which initiatives and projects with experience in dealing with building rights became part of administrative training.

Startegies to *encourage urban social movements* and of a *proactive form of governing* are only marginally pursued in real estate policy. Self-organised projects are taken into account in individual cases when allocating plots of land in the "concept allocation" procedure. Joint planning formats for land and project, in which civil society actors and initiatives are involved, remain a clear exception as pilot projects.

In **summary**, it can be stated that property policy and zoning instruments are a central precondition for socially oriented urban development, but that so far there are only few elements of a municipalist urban policy. In particular, aspects of the participation of initiatives and grassroots movements are only marginally developed in the cities studied in the area of real estate policy.

[8]

Municipalist Strategies in the Housing Sector (Summary)

In this study, we examined the housing challenges and policy interventions of local governments in four different domains (rent control, the regulation of tourist apartments, zoning of land use, and evictions). In all four cities, we observed emerging approaches to progressive policies that put social priorities before private profit interests. However, both the range of public interventions and the ways in which they were implemented differ across the housing policy fields and among the different cities. In our search for municipalist moments in urban policy, we analysed the aspects of public control, local autonomy, and participation in particular.

In all four cities, the public control of urban resources is key to social urban policy that is in the interest of residents. However, their starting positions differ greatly, because the cities have very different histories of publicly controlled infrastructure, and the erosion of public control by neoliberal policies in recent decades has had different effects in each case.

Local autonomy is perceived in all cities as a resource for socially oriented urban policy. In particular, the enforcement of new regulations in the public interest is often linked to the struggle to expand local scope for action. Even if local autonomy is not a progressive value in itself, it becomes an important strategy in the interest of the general public under the conditions of a globally unbridled capitalism.

The issue of the participation of grassroots movements is serious in all cities and shows great variation across housing policy domains

and between cities. In all cities, grassroots movements provide important impulses for the social orientation of housing policy – but are not equally involved in its implementation.

In the big picture, there is no city where housing policy in recent years meets all the criteria of a municipalist urban policy. Nevertheless, in all cities we could detect moments of municipalism aimed at transforming the content and mode of local politics in order to prioritise the interests of social majorities over private profit interests.

8.1 Public Control

Municipalism does not only refer to a new mode of governing, but also to **local public control** and **policies that prioritise social needs and public infrastructure** over private profit-making (Thompson et al. 2020). In the field of housing, this latter feature of municipalism takes very **different forms in the four cities**, depending on local institutional settings, historical path-dependencies, and existing power relations. In **Vienna**, historical achievements have been maintained to considerable degree. Today, the city government still exerts comparatively strong public control over (affordable) housing in the city, even though there is little linkage to, or pressure from, urban social movements to follow such policies. Rather, the urban governance system has historically developed in ways that housing market intervention has remained a core public responsibility up until today. **Amsterdam**, too, has a long tradition of public control of the housing and land markets, although there has been a marked move away from such activities since the 1990s. Today, the local government is the prime actor in tackling the city's housing crisis, although, as in Vienna, patchy grassroots movement activities are also pushing it ahead. In contrast, current policy endeavours for affordable housing provision in **Berlin** can mainly be understood as top-down reactions to strong tenants' movements and housing campaigns that have formed in the city in recent years. In **Barcelona**, meanwhile, persistent struggles by tenants' and housing movements did not only demand transformative policies, but actively pushed them ahead in a bottom-up process, as can perhaps be seen most clearly with the new rent control law that was co-drafted by the Barcelona Tenants' Union.

Local public control in the context of municipalism can be broken down into four dimensions: 1) a clear **commitment to the public provision and public control of social infrastructure**, 2) a general **preference for use values** instead of exchange value by developing strategies and implementing instruments, 3) a focus on the **unrestricted provision of social infrastructure** and fulfilment of basic needs for all, and 4) **accountability** in the sense of comprehensible decisions and traceable responsibilities. When applying these four dimensions to the field of housing, what do our four case studies tell us?

Public provision and control with regard to housing in the four cities can be found in three different forms. First, public ownership of housing. Here, Vienna, with its large **municipal housing stock** is particularly remarkable. The implementation of a politically determined ownership strategy can also be seen in Berlin, where rent restrictions for the public housing stock were introduced in recent years. A second form is **public land ownership**. Such a means of intervention has a long tradition in Amsterdam, with a considerable amount of public land owned by the city. In Vienna there is a municipal fund for the purchase, development, and management of land. But the scale of public land ownership is much more limited than in Amsterdam. In Berlin, the institutional prerequisites for the public control of land have been established in recent years. A third form relates to the **regulation of tourist apartments**, which, similarly to the other two aspects, signals the intent to protect housing as social infrastructure for all. Here, Barcelona is a particularly striking example. The city took public control by granting no new tourism licenses and adopting a zero-tolerance policy regarding illegal tourist rentals in recent years.

A general preference of **use values instead of exchange value** is developed to certain degree in all four cities. In Amsterdam, the **rent prices** of apartments owned by housing associations are calculated according to housing qualities, which means that use value determines prices. In Berlin and Barcelona, a strong measure to restrict the possibility of making profits with housing was taken with the **introduction of rent-cap laws**. A major constraint for the implementation of such progressive policies is the real estate lobby that legally contests them at the federal level. In the case of Berlin the law was repealed by

the constitutional court. Another area where the orientation towards use values can be seen is in the **allocation of land**. In Vienna, Berlin, and Amsterdam land is sold, leased, or allocated below the market price to facilitate affordable housing construction. This strategy was recently pushed forward in Vienna with the introduction of a **new building code**. The latter now defines an upper limit for land prices for subsidised housing, which has to be applied to two-thirds of all newly zoned areas in the city. In Amsterdam, comparable instruments have long been in place with the leasehold system. Under this system, the city owns most of the land and leases it out to property owners, with the amount of the lease depending on the function for which the land is used. While for a long time the lease was adjusted according to changes in land value, since 2018 the system has changed (Gemeente Amsterdam 2022). Owners can opt to fix their lease, meaning that they do not have to pay more if their land increases in value.

A focus on the **unrestricted provision of social infrastructure and fulfilment of basic needs for all** and a commitment to fighting discrimination is rather weakly developed in all four cities. Most cities offer **tenant counselling to prevent evictions**. In Berlin and Vienna support usually remains limited to preventing imminent evictions and searching for alternative housing. By contrast, in Barcelona interventions by the anti-eviction-movement in cooperation with the municipal administration have managed to prevent or postpone a significant proportion of evictions in recent years. Barcelona developed a new line of action to **fight discrimination in the housing market**. Cooperation between the office of anti-discrimination and the discipline and harassment department of the municipal institute of housing allows penalities for direct discrimination in access to housing based on tenant origin.

The fourth dimension of public control, **accountability in the sense of comprehensible decisions and traceable responsibilities,** is developed to different degrees in the four cities and also differs by policy field. In the field of **rent regulation**, some cases, like Vienna, have a system where tenants can complain about excessive rents and hold landlords accountable. Entry barriers to use the system are high, however, and there are no penalties for landlords that charge too

much. Barcelona is a contrasting case where such penalties do exist. In the field of **tourist apartment regulation**, all cities have implemented policies, but differ with regard to enforcement, with Berlin representing a case with particularly weak enforcement. In all four cities, AirBnB has so far successfully fended off court cases to share user information and thus facilitate enforcement. Meanwhile, with regard to **land policies**, accountability is weakly developed in all four cases. This is evident, not least, from the fact that there is no publicly accessible register of public properties in any of the four cities.

Taken together, the analysis of the four cities paints a **complex picture of the role of public control** in the field of housing. Clearly, the degree and form of this type of government intervention differs considerably, reflecting established institutional settings, historical path-dependencies and power relations. On a general level, the **level of public control differs** in regard to the main driver of governing (top down vs. bottom up), in their relationship to urban social movements, as well as whether their efforts reflect historical continuities or newer developments. Whereas Vienna (as well as Amsterdam to some extent) represents a case of strong continuity, a distant relation to social movements, and a top-down approach, this contrasts starkly to Barcelona and Berlin, where recent years have seen profound changes with regard to public control in housing, strongly pushed forward by social movement activities. All four cases, meanwhile, in different areas, provide **innovative policy approaches** to promote such activities. They are developed to different degrees, however, and **subject to structural constraints and power struggles**.

8.2 Local Autonomy

Local autonomy is a key value for municipalists: local communities should be able to decide on matters pertaining their neighbourhoods and cities. But exactly what local autonomy entails is up for debate. As Fainstein (2010) argues, there can be a tension between equity and community control. Privileged groups may oppose measures that promote equity in the name of community as when they argue that social housing, refugees, or public transport should have no place in their neighbourhoods. Local autonomy for municipalists, then, is part of a

more comprehensive approach of achieving equality and democracy. More specifically, **local autonomy** for municipalism refers to 1) the **legal and regulatory foundations** to implement social, inclusive, and ecological politics, 2) **protection against the predatory extraction** of urban surplus, and 3) federal and international **institutions that support rather than negate local autonomy**. Our report shows that how and to what extent local communities are able to decide on their cities and neighbourhoods varies significantly between domains and cities.

The degree of local autonomy is partially determined by the extent that the legal and regulatory foundation allows or can be expanded to allow safeguarding affordable housing by cities. As for the former, **Vienna stands out** since the city is not only a municipality but like Berlin also a province, which grants it considerable discretion and resources to perform local autonomy. While the Viennese housing system was somewhat similar to that of Amsterdam in the 1980s and 1990s, the two systems have since diverged: Vienna's local autonomy allowed it to maintain its legacy and support of social housing while Amsterdam's lack of local autonomy meant that a rightward shift in national policies undermined attempts to maintain social housing. Even though Amsterdam's present government has declared that it wants to preserve and expand its social housing sector, it comes up against national regulations. Beyond what the municipal legal foundations allow, **all cities introduced local, tailor-made regulations and tested the legal and political boundaries in order to *expand local legal foundations*** needed to regulate touristification, zoning, evictions, and rent control. Berlin for instance, passed a public price law to strengthen housing affordability in 2021, prohibiting rent increases for 5 years, and introducing a rent cap for new rental contracts. The constitutional court annulled city's attempt to expand its legal foundation since rent regulation is the jurisdiction of the federal government. Attempts to expand local legal foundations yield interesting results such as in Barcelona where the city government claimed authority and successfully faced off AirBnB to regulate touristification. Yet, they are prone to contestation by real estate lobbies, corporations, and right-wing political

parties, who call upon national or regional law to pre-empt local regulation.

All cities implement different strategies **to protect the city and its residents from the extraction of urban surplus**. Among these strategies across different domains are local restrictions on the tourism rental sector and rental platforms, the conditional allocation of land to profit-oriented developers, affordable housing quotas, and agreements with investors to expand affordable housing in specific locations. Using **zoning regulations**, the Amsterdam government pushes for the expansion of social housing by applying quotas to new housing investments in the city. To regulate the short-term rental sector, Berlin introduced a ban on the misuse of apartments. However, there are often **problems with the implementation** of these strategies due to capacity issues or due to the ambivalent roles city governments play, while pursuing the conflicting neoliberal agenda to make their cities attractive for investors, tourists, etc.

Regarding **changing legislative frameworks by intervening into federal and international institutions**, all cities claim local authority despite national and regional governments, although to different extents. These claims are **strong in the domain of touristification**. For instance, the Barcelona government claims local authority to regulate over touristification in the city despite the Catalan government. The city council, in alliance with housing movements, is also asking the Catalan government to issue a new law that allows municipal governments to make legal licenses for short term rental apartments expire. The strategies to intervene into federal government regulations are more difficult to pursue regarding zoning and rent control, which seem to be strictly regulated by national governments. In Berlin, the efforts of the city government spurred by housing activists have on occasion been thwarted by national laws and regulations. An example for this is the rent freeze the local government wanted to implement, which was ruled against by a federal court. This example not only illustrates the challenges city governments face to enact local policies that conflict with federal ones in order to respond to the concerns of activists and other citizens. It also illustrates how **housing movements**

push local governments to expand their local autonomy through a process of trial and error.

To conclude, all cities test legal and political boundaries to gain power to regulate tourism, rent control, zoning, and evictions to safeguard affordable housing, often working against national and international governments and private corporations. These attempts can be seen as the cornerstones of a "transformative politics of scale" (Russel, 2019: 989), aimed at ensuring housing affordability through the experimental use of the principles of municipalism. There are however severe constraints to local autonomy claims such as the broader neoliberal policies, and capacity bottlenecks to implement municipalist strategies, which decrease the "responsiveness of cities to activists' demands" (Martinez/Wissink 2021: 1).

8.3 Participation Between Paternalism and Active Co-Determination From Below

Participation in the context of municipalism refers to a participative mode of governance as a central feature of local policy. Participation, thereby, is not an objective in itself, but relates to changing the political system and transforming institutions from within (Wainwright 2020: 12). Municipalist movements thereby focus on an increased "proximity of local politics", understood not as spatial proximity but as the expansion of social relations between politics, administration, and residents (Russels 2019). Municipalism aims not just to be a progressive policy to reform the city on behalf of its citizens, "but to place power in the hands of the people by transforming the way politics is done as such" (Castro 2018: 193).

In successful municipalist approaches, new forms of cooperation between politics, administration, and grassroots initiatives are emerging, which in many cases are also linked to new forms of institutionalisation that pose challenges to the movements themselves (Feenstra/Tormey 2021).

In our understanding, a municipalist policy in the field of participation includes the following elements: 1) a close connection to urban social movements in the development and implementation of new political instruments, 2) a radical democratisation of political deci-

sion-making processes, 3) the strengthening of grassroots initiatives, 4) the decentralisation of political decisions and responsibilities, and 5) an orientation toward inclusive modes of governing.

A look at the policy areas studied and at the different aspects of participation in our four case study cities shows that approaches to a participatory mode of governing have developed very differently.

In all cities, at least some of the demands of grassroots movements in the field of housing policy are taken up in the practice of urban policy. The four cities exhibit a wide range of variations in this regard: In *Barcelona*, urban policy can be described as **movement-driven municipalism**, as key goals have been adopted by grassroots movements and movement actors have been incorporated into the political and administrative apparatus, and a series of horizontal procedures have been implemented in which social movements are included. In *Berlin* the effect of housing and urban policy mobilisations can be understood as **municipalist agenda-setting** of government programmes in recent years. In particular, the objectives of a consistent orientation toward affordable housing and a restriction of speculation in the government programmes took up demands from grassroots movements and adopted their formulations. Socially oriented approaches to housing policy in *Amsterdam*, and even moreso in *Vienna*, were pursued by municipal governments without explicit reference to grassroots demands and can be described as a modus of **paternalistic municipalism**.

The claim to transform political action itself succeeds only in a few approaches in the four policy fields studied. Particularly in the area of rent regulation and, to a lesser extent, in questions of real estate policy, there has been informal **direct participation by grassroots movements** in the development of guidelines, laws, and programmes in Barcelona and Berlin. In many cases, such participation has been based on personal channels of communication between activists, politicians, and administrative leaders. A **partial institutionalisation of new participation constellations** remained limited to a few structures, such as the anti-displacement group in Barcelona or the Round Table on Real Estate Policy in Berlin. **Expanding existing opportunities for participation** includes extended options for residents to have a voice in new construction projects or the establishment of tenants'

councils in public housing associations (with seats on the supervisory boards) in Berlin. Since many decisions, especially in the areas of construction, rent, and real estate policy, have a jurisdictional character and are bound to formal administrative processes, **no substantial change in the procedures of political decision-making processes and administrative action** has yet been achieved in the cities.

The strengthening of urban social movements is limited to an **established system of individual support services** in the case of rental conflicts, especially in Amsterdam, Berlin, and Vienna. In addition, forms of **collaboration with concrete project groups** have been expanded, especially in the area of real estate policy, with the concept awarding of properties (Amsterdam, Berlin, Vienna). However, the political strengthening of grassroots movements is limited to **privileged access to policymakers**, especially in Barcelona and Berlin. While these mostly personal channels of cooperation represent a break with previous exploitation coalitions (between politics and business), they remain largely dependent on specific individuals in top political and administrative positions. **Minimal approaches to institutionalising collaboration** have so far been limited to concrete model projects and newly founded (and publicly funded) institutions at the level of individual districts.

Moments of decentralisation are often limited to the **devolution of administrative responsibility** for various fields of governmental actions (e.g., the control and sanctioning of misappropriation in Berlin) and are usually not associated with a transfer of responsibility and power to neighbourhoods, communities, and grassroots movements. In some of the policy areas studied (rent control, tourist apartment regulation, anti-eviction), grassroots movements primarily call for stronger regulation by the local government rather than an expansion of opportunities for co-determination. Even in cities with progressive government majorities, the enforcement of **self-determination remains the result of classic street protests**, such as preventing evictions and squatting.

The requirements for an inclusive and proactive form of governance are **announced as abstract goals in the government programs** of all cities. Implementation is partly limited to the appointment of

women to top positions, in which women are considered more strongly than in the past. A policy to overcome exclusion and discrimination should include **minimal proactive approaches in areas relating to extreme precarity**, such as in the fight against homelessness and other unacceptable living conditions. Equality must be actively demanded by excluded groups, even in cities with progressive government majorities, and the feminisation of politics cannot be taken for granted.

[9]
Bibliography

Aalbers, Manuel B. (2017): "The Variegated Financialization of Housing", *Int. J. Urban Reg. Res.*, 41, pp. 542-554. https://doi.org/10.1111/1468-2427.12522

AGH (2018): Zwangsräumungen in den Jahren 2016 bis 2018. Schriftliche Anfrage der Abgeordneten Stefanie Fuchs und Gabriele Gottwald (LINKE) vom 10. August 2018 (Eingang beim Abgeordnetenhaus am 13. August 2018), DS 18 / 15969

AGH (2020): Ordnungsrechtliche Unterbringung von wohnungslosen Menschen in Berlin (sog. "ASOG-Unterkünfte"). Antwort auf die Schriftliche Anfrage der Abgeordneten Stefanie Fuchs (LINKE), 23.03.2020, DS 18 / 22 859

AGH (2021): Räumungsklagen. Schriftliche Anfrage der Abgeordneten Stefanie Fuchs (LINKE) vom 25. Juni 2021 (Eingang beim Abgeordnetenhaus am 28. Juni 2021), DS 18 / 28 033

AGH (2022): AirBnB und Zweckentfremdungsverbot-Gesetz. Antwort auf die Schriftliche Anfrage im Abgeordnetenhaus Berlin vom 09.03.2021. DS 18/26 949

Aguirre, Josep M. (2019): "La reserva d'habitatge de protecció pública en sól urbà consolidat: el cas de Barcelona", *Revista Jurídica de Catalunya*

Ajuntament de Barcelona (2017): Enquesta sociodemogràfica 2017,[online] https://ajuntament.barcelona.cat/estadistica/catala/Estadistiques_per_temes/Poblacio_i_demografia/Poblacio/Enquesta_sociodemografica/esd17/index.htm (15.03.2021)

Ajuntament de Barcelona (2018): Enquesta Sociodemogràfica de Barcelona. Presentació de resultats, [online] https://ajuntament.barcelona.cat/premsa/wpcontent/uploads/2018/04/r17045_ESDB__Resum_Premsa.pdf (28.02.2021)

Ajuntament de Barcelona (2018b): Activitat turística a la Destinació Barce-

lona 2018, [online] https://ajuntament.barcelona.cat/turisme/sites/default/files/infografia-destinaciobcn2018-cat_5.pdf (15.04.2022)
Ajuntament de Barcelona, (2021): Evolució del mercat de lloguer, [online] https://ajuntament.barcelona.cat/barcelonaeconomia/ca/mercat-immobiliari/mercat-de-lloguer/evolucio-del-mercat-de-lloguer (27.02.2021)
Amsterdamse Woon en Erfpachtvereniging (2022): BSQ opzoeken, [online] http://www.erfpachtrecht020.nl/bsq-opzoeken/ (15.04.2022)
Amt für Statistik (2020): Mikrozensus 2018
Amt für Statistik (2020): Tourismus im Land Berlin (August 2020). Statistischer Bericht G IV 2
Amt für Statistik Berlin-Brandenburg (2021): Entwicklung der Tourismuszahlen in Berlin seit 1996, [online] https://www.berlin.de/sen/wirtschaft/wirtschaft/branchen/tourismus/tourismus-in-zahlen/ (15.04.2022)
Arbeiterkammer (2019): Neue Bestimmungen für Mieter von Genossenschaftswohnungen. Arbeiterkammer, Wien, [online] https://wien.arbeiterkammer.at/service/broschueren/wohnen/Wiener_Immobilienmesse_WGG_Novelle-2019_WEB.pdf (27.01.2022)
AWEP (2019): Prijsdiscriminatie bij erfpacht, [online] https://awep.nl/2019/12/05/prijsdiscriminatie-bij-erfpacht/ (15.04.2022)
Baron, Harald; Doan, Ngoc; Kadi, Justin; Plank, Leonhard (2021): Wohnungspolitik und Wohnversorgung in fünf wachsenden europäischen Millionenstädten. Stadtpunkte 37, Arbeiterkammer Wien: Wien.
BBU (2020): Jahresstatistik des BBU. Berlin: BBU
Berner, Laura; Holm, Andrej; Jensen, Inga (2015): *Zwangsräumungen und die Krise des Hilfesystems. Eine Fallstudie in Berlin*, Berlin: Humboldt-Universität zu Berlin (Forced Evictions and the Crisis of the Social Assistance System. A Case Study in Berlin)
Boterman, Willem R.; van Gent, Wouter P.C. (2014): "Housing Liberalisation and Gentrification: The Social Effects of Tenure Conversions in Amsterdam", *Tijdschrift voor Economische en Sociale Geografie*, 105(2), pp. 140-60.
BPW (2022): BOND PRECAIRE WOONVORMEN [online] https://bondprecairewoonvormen.nl/en (15.04.2022)
Breitenbach, Elke; Fischer, Alexander (2021): Berliner Masterplan zur Überwindung von Wohnungs- und Obdachlosigkeit bis zum Jahr 2030
Brenner, Neil; Theodore, Nik (2002): "Cities and the Geographies of 'Actually Existing Neoliberalism'", *Antipode*, 33(3), pp. 349–379

Bündnis Junger Genossenschaften (2021): Liste der Mitglieder, [online] https://junge-genossenschaften.berlin/buendnis/ (15.04.2022)

Castro, Mauro (2018): Barcelona en Comú: "The municipalist movement to seize the institutions". In: M. Lang, C.-D. König, & A.-C. Regelmann (eds.), *Alternatives in a World of Crisis*, Rosa Luxemburg Stiftung, pp. 182–223.

CBRE (2018): Missed Opportunity to Align Municipal and Investors' Goals? Amsterdam: CBRE Research. Viewpoint: Impact of Coalition Agreement on Amsterdam.

Colliers (2022): Airbnb, [online] https://www.colliers.com/nl-nl/countries/netherlands/airbnb (15.04.2022)

Comunidad Autónoma de Cataluña (2021): Ley 11/2020, de 18 de septiembre, de medidas urgentes en materia de contención de rentas en los contratos de arrendamiento de vivienda y de modificación de la Ley 18/2007, de la Ley 24/2015 y de la Ley 4/2016, relativas a la protección del derecho a la vivienda. BOE-A-2020-11363, [online] https://www.boe.es/eli/es-ct/l/2020/09/18/11 (15.04.2022)

DIW (2021): "Durch AirBnB-Vermietungen steigen in Berlin die Mieten". In: DIW Wochenbericht 7/2021, pp. 95-102, [online] https://www.diw.de/documents/publikationen/73/diw_01.c.810825.de/21-7-1.pdf (15.04.2022)

DutchCowboys (2019): Huurprijzen Amsterdam stijgen tot recordhoogte: 24,51 euro per vierkante meter, [online] https://www.dutchcowboys.nl/nieuws/huurprijzen-amsterdam-stijgen-tot-recordhoogte-24-51-euro-per-vierkante-meter (15.04.2022)

ECM (2018): ECM Benchmarking Report 2017/18. Dijon, France: European Cities Marketing.

Empirica (2019): AirBnB im Kontext regionaler Wohnungsmärkte. Studie im Auftrag von AirBnB, [online] https://www.empirica-institut.de/fileadmin/Redaktion/Publikationen_Referenzen/PDFs/20190806_empirica-Studie-Einflussfaktoren-Wohnungsmarkt.pdf (15.04.2022)

Englert, Margit (2015): *Rosemarie F. Kein Skandal. Einblicke in den sozialstaatlich-immobilienwirtschaftlichen Komplex*. Münster: edition assemblage

EROPAF (2022): Kritisch geweten van de sociale sector [online] https://eropaf.nl/ (15.04.2022)

European Commission (2021): Lisbon Declaration on the European Platform on Combatting Homelessness, [online] https://ec.europa.eu/social/BlobServlet?docId=24120&langId=en (15.04.2022)

F+B (2021): Marktmietenstatistik und Mietspiegelindex 2013 bis 2020. Hamburg: F+B Forschung und Beratung für Wohnen, Immobilien und Umwelt

Fainstein, Susan (2010): *The Just City*. Cornell University Press

FAWOS (2018): Jahresbericht FAWOS – Fachstelle für Wohnungssicherung 2017

Feenstra, Ramón A.; Tormey, Simon (2021): "From social mobilisation to institutional politics: Reflecting on the impact of municipalism in Madrid and Barcelona", *Social Movement Studies*, pp. 1-19

Forrest, Ray; Murie, Alan (2014): *Selling the Welfare State: The Privatisation of Public Housing*. Routledge

GAA (2021): Immobilienmarktbericht Berlin 2020/2021. Berlin: Gutachterausschuss für Grundstückswerte in Berlin

Galcerán, Montserrat; Carmona, Pablo (2017): 'Die Zukünfte des Munizipalismus. Feminisierung der Politik und demokratische Radikalisierung'. In: Brunner et al. (ed.): *Die neuen Muniziaplismen. Soziale Bewegungen und die Regierung der Städte*, Wien, 105–112

GBV (Österreichischer Verband gemeinnütziger Bauträger) (2016): Jahresstatistik. Wien: Eigenverlag

GBV 2020: Verbandsstatistik (2021): Die gemeinnützige Wohnungswirtschaft in Zahlen

Gemeente Amsterdam (2018): Woonagenda 2025

Gemeente Amsterdam (2019): Van afgestapte vreemdeling tot rolkoffertoerist, [online] https://onderzoek.amsterdam.nl/artikel/van-afgestapte-vreemdeling-tot-rolkoffertoerist (15.04.2022)

Gemeente Amsterdam (2020): Wooncoöperatie, [online] https://www.amsterdam.nl/wonen-leefomgeving/zelfbouw/wooncooperatie/#ha514f09e-3c6f-4d9a-9e8d-62d0d44362c3 (11.01.2022)

Gemeente Amsterdam (2022): Beleid erfpacht, [online] https://www.amsterdam.nl/wonen-leefomgeving/erfpacht/nieuw-beleid/ (11.01.2022)

Gemeente Amsterdam and AFWC (2022): Wonen in Amsterdam, [online] https://www.amsterdam.nl/publish/pages/1003884/wonen_in_amsterdam_wia_2021_woningmarkt_1.pdf#PagCls_16646015 (11.01.2022)

Gonzalez, Sara; Waley, Paul (2013): "Traditional Retail Markets: The New Gentrification Frontier?", *Antipode* 45(4), pp. 965–983

Gotham Kevin F. (2005): "Tourism Gentrification: The Case of New Orleans' Vieux Carre (French Quarter)", *Urban Studies*, 42(7), 1099-1121

Grinzinger, Elias; Kadi, Justin; Pühringer, Florian; Schneider, Antonia (2021): Mietmonitor: Ist privates Wohnen in Wien noch leistbar? Eine datenbasierte Aufarbeitung des Instituts für Raumplanung der TU Wien. Interactive online research report [online] https://mietmonitor.wien/ (9.06.2021)

Grosfeld, Tom (2021): "Plots walt er iets te halen voor amsterdamse huurders: 'Huurverlaging meer ruimte of een buiten'", In: *Heet Parool*, [online] https://www.parool.nl/amsterdam/plots-valt-er-iets-te-halen-voor-amsterdamse-huurders-huurverlaging-meer-ruimte-of-een-buiten~b50a5023/ (11.01.2022)

HabiTAT (2022): HabiTAT, [online] http://habitat.servus.at/ (15.04.2022)

Harloe, Michael (1995): *The People's Home?: Social Rented Housing in Europe and America*. John Wiley & Sons.

Hochstenbach, Cody (2018): Spatializing the intergenerational transmission of inequalities: Parental wealth, residential segregation, and urban inequality, *Environment and Planning A: Economy and Space*, 50(3), pp. 689-708

Huisman, Carla J. (2016a): "Temporary tenancies in the Netherlands: from pragmatic policy instrument to structural housing market reform", *International Journal of Housing Policy*, 16(3), pp. 409-422.

Huisman, Carla J. (2016b): "A silent shift? The precarisation of the Dutch rental housing market", *J Hous and the Built Environ* 31, pp. 93–106. https://link.springer.com/article/10.1007/s10901-015-9446-5 (11.01.2022)

Huisman, Carla J.; Mulder, Clara H. (2020): "Insecure tenure in Amsterdam: who rents with a temporary lease, and why? A baseline from 2015". In: *Housing Studies*. https://doi.org/10.1080/02673037.2020.1850649 (11.01.2022)

Hypotheekbarometer (2020): Hypotheekbarometer van Nederland, [online] https://www.bkr.nl/media/1614/hypotheekbarometer.pdf (11.01.2022)

IBB (2021): IBB Wohnungsmarktbericht 2020. Berlin: IBB

ING Nederland (2016): Airbnb heeft flink opwaarts effect op Amsterdamse huizenprijzen, [online] https://nieuws.ing.nl/nl-NL/189588-AirBnB-heeft-flink-opwaarts-effect-op-amsterdamse-huizenprijzen (11.01.2022)

Investico (2020): Helft van de huurhuizen aangeboden met een tijdelijk contract, [online] https://www.platform-investico.nl/artikel/helft-van-de-huurhuizen-aangeboden-met-tijdelijk-contract/ (11.01.2022)

Janoschka, Michael; Sequera, Jorge (2016): "Gentrification in Latin America: addressing the politics and geographies of displacement", *Urban Geography*, 37(8), pp. 1175-1194

Jofre-Monseny, Jordi; Martínez-Mazza; Rodrigo; Segú, Mariona (2021): 'Effectiveness and supply effects of high-coverage rent control policies', IEB Working Paper 2022/02

Jones Day (2020): "Mapping Out Rent Controls Across Europe". White Paper, [online] https://www.jonesday.com/-/media/files/publications/2020/10/mapping-out-rental-controls-across-europe/files/mapping-out-rent-controls-across-europe/fileattachment/mapping-out-rent-controls-across-europe.pdf (15.04.2022)

Kadi, Justin & Ronald, Richard (2014): "Market-based housing reforms and the 'right to the city': the variegated experiences of New York, Amsterdam and Tokyo", *International Journal of Housing Policy*, 14(3), pp. 268-292

Kadi, Justin (2015): "Re-commodifying housing in formerly 'Red Vienna'?" In: *Housing, Theory and Society* Vol (32), pp. 247–265

Kadi, Justin (2018): Die politische Ökonomie des Hausabrisses, Urbanizm.net [online] https://urbanizm.net/4890855/die-politische-oekonomie-des-hausabrisses/ (16.06.2021)

Kadi, Justin; Vollmer, Lisa; Stein, Samuel (2021): "Post-neoliberal housing policy? Disentangling recent reforms in New York, Berlin and Vienna", In: *European Urban and Regional Studies* (2021): 0969776421003626.

Kadi, Justin, Verlic, Mara (2013): Wohnen in Wien – Einblicke ins Verborgene: Teil 1 Delogierungen. Urbanizm.net [online] https://urbanizm.net/28360/wohnen-in-wien-einblicke-ins-verborgene-teil-1-delogierungen/ (16.06.2021).

Kemeny, Jim (1994): *From Public Housing the Social Market: Rental Policy Strategies in Comparative Perspective*. London & New York: Routledge

Kholodilin, Konstantin A. and Kohl, Sebastian (2021): "Rent Price Control – Yet Another Great Equalizer of Economic Inequalities? Evidence from a Century of Historical Data (January 2021)", DIW Berlin Discussion Paper No. 1927

Kohl, Sebastian, & Sørvoll, Jarda (2021): "Varieties of Social Democracy and Cooperativism: Explaining the Historical Divergence between Housing Regimes in Nordic and German-Speaking Countries", *Social Science History*, pp. 1-27. https://doi.org/10.1017/ssh.2021.16

Korab, Robert; Romm, Thomas; Schönfeld, Annika (2010): Einfach So-

zialer Wohnbau. Aktuelle Herausforderungen an den geförderten Wiener Wohnbau und Eckpfeiler eines Programms ‚einfach sozialer Wohnbau", [online] https://www.wohnbauforschung.at/index.php?inc=download&id=5321, (04.09.2019)

Kumnig, Sarah (2018): "Wohnraum für wen? Sozialer Wohnbau in Wien als Verhandlungszone städtischer Teilhabe". In: *Stadt für Alle! Analysen und Aneignungen*, mandelbaum Verlag, pp. 96–112

Kumnig, Sarah (2019): "Widerstand gegen Gentrifizierung. Strategien und Analysen wohnpolitischer Initiativen in Wien". In: Kadi, Justin; Verlič, Mara (eds.): *Gentrifizierung in Wien. Perspektiven aus Wissenschaft, Politik und Praxis*. Wien: Kammer für Arbeiter und Angestellte für Wien, pp. 165-175

LAK (2021): Befragung der Berliner Sozialämter zum Umgang mit Mitteilungen über anhängige Räumungsverfahren im Jahr 2019, Berlin: Landesarmutskonferenz Berlin | Fachgruppe „Wohnungslose Menschen"

LAK Berlin (2021): Befragung der Berliner Sozialämter zum Umgang mit Mitteilungen über anhängige Räumungsverfahren im Jahr 2019, Berlin: Landesarmutskonferenz Berlin

Land Berlin (2019a): Verordnung über das Verbot der Zweckentfremdung von Wohnraum (Zweckentfremdungsverbot-Verordnung ZwVbVO)

Land Berlin (2019b): Zweite Änderung der Ausführungsvorschriften. über das Verbot der Zweckentfremdung von Wohnraum (2. Änderung AV ZwVbG)

Madden, David; Marcuse, Peter (2016): *In Defense of Housing*. London: Verso

Martínez, Miguel A.; Wissink, Bart (2021): "Urban movements and municipalist governments in Spain: alliances, tensions, and achievements", *Social Movement Studies*, pp. 1-18

MasterCard (2017): Number of international overnight visitors in the most popular European city destinations in 2016 (in millions) [Graph], In Statista, [online] https://www.statista.com/statistics/310536/overnight-visitors-to-top-european-city-destinations/ (11.01.2022)

MHS (Mietshäuser Syndikat) (2021): Projekte in Berlin, [online] https://www.syndikat.org/de/projekte/?land=Berlin (15.04.2022)

Ministerie van BZK en Koninkrijksrelaties (2021) Staat van de Woningmarkt Jaarrapportage 2021, [online] https://www.woningmarktbeleid.nl/binaries/woningmarktbeleid/documenten/publicaties/2021/07/05/staat-van-

de-woningmarkt-jaarrapportage-2021/Staat+van+de+Woningmarkt+-+Jaarrapportage+2021.pdf (11.01.2022)
Ministerio de Fomento (2021): Estadística de precios de suelo urbano, [online] https://apps.fomento.gob.es/BoletinOnline2/?nivel=2&orden=36000000 (20.5.2021)
Ministerio de Transportes, Movilidad y Agenda Urbana (2022): Tabla 4.5.: Precio medio del metro cuadrado de suelo urbano en municipios de más de 50.000 habitantes. https://apps.fomento.gob.es/BoletinOnline2/?nivel=2&orden=36000000 (19.04.2022)
Möller, Philipp (2021): "Chance verpasst. Die Zweckentfremdung von Wohnraum hat die rot-rot-grüne Koalition nicht in den Griff bekommen", MieterEcho 420
MVA (2021): Erfpacht in Amsterdam, [online] https://www.mva.nl/artikelen/erfpacht-in-amsterdam (11.01.2022)
NOS (2020): Ondanks bouwstop groeit het aantal hotels in Amsterdam explosief, [online] https://nos.nl/artikel/2318021-ondanks-bouwstop-groeit-het-aantal-hotels-in-amsterdam-explosief (11.01.2022)
Novy, Johannes (2018): "'Destination' Berlin revisited. From (new) tourism towards a pentagon of mobility and place consumption", *Tourism Geographies*, 20(3), pp. 418-442
NU (2017): Dit gebeurt er als je de hypotheek niet betaalt, [online] https://www.nu.nl/wonen/4952951/gebeurt-er-als-hypotheek-niet-betaalt.html (11.01.2022)
Nul20 (2014) Aantal huisuitzettingen Amsterdam blijft afnemen, [online] https://www.nul20.nl/dossiers/aantal-huisuitzettingen-amsterdam-blijft-afnemen (11.01.2022)
Nul20 (2016): Minder ontruimingen vanwege huurschuld, [online] https://www.nul20.nl/dossiers/minder-ontruimingen-vanwege-huurschuld (11.01.2022)
Nul20 (2021): Opnieuw fors minder huisuitzettingen bij woningcorporaties, [online] https://www.nul20.nl/opnieuw-fors-minder-huisuitzettingen-bij-woningcorporaties (11.01.2022)
Nul20 2022: Woningvoorraad Amsterdam. (https://nul20.nl/dossiers/dashboard-woningvoorraad-amsterdam) (11.01.2022)
Observatori del Turisme de Barcelona (2019): Informe de l'activitat turística,

[online] https://ajuntament.barcelona.cat/turisme/sites/default/files/iat19_1.pdf (15.04.2022)

Observatori Metropolità de l'Habitatge de Barcelona (2020): Estructura i concentració de la propietat d'habitatge a la ciutat de Barcelona. 2019-2020, [online] https://www.ohb.cat/wp-content/uploads/2020/07/Lab_Propietat_2019-2020-VF.pdf (15.04.2022)

OIS (2019): Hoeveel toeristen komen er naar Amsterdam en regio, en waar verblijven zij?, [online] https://onderzoek.amsterdam.nl/interactief/toerisme-in-amsterdam (15.04.2022)

Palomera, Jaime et al. (2021): "Social Impacts of the Rental Market. Survey on the living conditions of tenants", Barcelona: La Hidra, [online] https://lahidra.net/wp-content/uploads/2021/07/Impactes-socials-del-mercat-de-lloguer-Enquesta-sobre-les-condicions-de-vida-de-la-poblacio%CC%81-llogatera-a-Barcelona-i-la%CC%80rea-metropolitana.-La-Hidra.-.pdf (15.04.2022)

Pararius (2021): "Dutch unregulated housing sector rents on the rise again". Press Release

Peter, Erik (2021): Erfolgreiche Besetzung in Berlin: Wohnungslose erkämpfen Haus. ("Successful occupation in Berlin: homeless people fight for house"). In: *taz*, 19.12.2021 [online] https://taz.de/Erfolgreiche-Besetzung-in-Berlin/!5822941/ (15.04.2022)

Pinkster, Fenne M. Boterman, Willem R. (2017): "When the spell is broken: gentrification, urban tourism and privileged discontent in the Amsterdam canal district", *Cultural Geographies* 24(3), pp. 457-472

Plank, Leonhard and Schneider, Antonia (2020): "Multiple Problemlagen und Regulierungsansätze in der "Sharing Economy" am Beispiel Airbnb", *Der Öffentliche Sektor* 46(2), pp. 13-22.

Rechnungshof Österreich (2021): Wohnbau in Wien. Bericht des Rechnungshofes, [online] https://www.rechnungshof.gv.at/rh/home/news/Wohnbau_in_Wien.html#:~:text=Der%20Rechnungshof%20kritisiert%20in%20seinem,der%20freih%C3%A4ndige%20Vergaben%20zul%C3%A4ssig%20waren. (15.04.2022)

Rolnik, Raquel (2013): "Late Neoliberalism: The Financialization of Homeownership and Housing Rights. Debates and Developments", *IJURR*. 37: 1058-1066. https://doi.org/10.1111/1468-2427.12062

Rudnigger, Michael (2019): "Die 'Option Eigentum' aus Sicht des Wohnrechtspraktikers". In: *GBV Festschrift*

Runder Tisch Liegenschaften (2021): Runder Tisch Liegenschaftspolitik, [online] http://www.openberlin.org/projekte/246 (15.04.2022)

Russell, Bertie (2019): "Beyond the Local Trap: New Municipalism and the Rise of the Fearless Cities". *Antipode*, 51, pp. 989-1010

Schipper, Sebastian (2018): *Wohnraum dem Markt entziehen?*, Springer Fachmedien Wiesbaden

Seidl, Roman J.; Plank, Leonhard; Kadi, Justin (2017): AirBnB in Wien: eine Analyse. Research report, [online] http://wherebnb.in/wien (31.05.2021)

SenFin (2021): Transparente Liegenschaftspolitik. Berlin: Senatsverwaltung für Finanzen, [online] https://www.berlin.de/sen/finanzen/vermoegen/liegenschaften/transparente-liegenschaftspolitik/artikel.702602.php (15.04.2022)

SenIAS (Senatsverwaltung für Integration, Arbeit und Soziales) (2021): Ausführungsvorschriften zur Gewährung von Leistungen gemäß § 22 des Zweiten Buches Sozialgesetzbuch und §§ 35 und 36 des Zwölften Buches Sozialgesetzbuch (AV-Wohnen), [online] https://www.berlin.de/sen/soziales/service/berliner-sozialrecht/kategorie/ausfuehrungsvorschriften/av_wohnen-571939.php (15.04.2022)

SenSW (2018a): Berliner Modell der kooperativen Baulandentwicklung (Leitlinien). Berlin: Senatsverwaltung für Stadtentwicklung und Wohnen (SenSW)

SenSW (2018b): Stadtentwicklungsplan Wohnen 2030 (StEP Wohnen 2030)

SenSW (Senatsverwaltung für Stadtentwicklung und Wohnen) (2019): Wohnraumbedarfsbericht Berlin 2019, [online] https://stadtentwicklung.berlin.de/wohnen/wohnungsmarkt/wohnraumbedarfsbericht/download/Wohnraumbedarfsbericht2019.pdf (15.04.2022)

SenSW (Senatsverwaltung für Stadtentwicklung und Wohnen) (2020): Bericht zur Schaffung von Wohnraum durch die städtischen Wohnungsbaugesellschaften von Berlin. Berichtszeitraum 2019. Vorlage im Hauptausschuss, am 03.08. 2020, Drucksache Nr. 18/2400 (A.19)

Sequera, J. and Nofre, J. (2018): "Shaken, not stirred: New debates on touristification and the limits of gentrification". *City* 22(5–6), pp. 843–855

Stadt Wien (2021): Durchschnittlicher Jahresbezug pro ArbeitnehmerIn nach

Bezirken 2006 bis 2018, [online] https://www.wien.gv.at/statistik/arbeitsmarkt/tabellen/einkommen-zr.html (09.06.2021).
Stadt Wien. (2018): Vienna: Hotel capacity & occupancy. Vienna: MA23
Stadtbodenstiftung (2021): Über den Boden zur solidarischen Stadt, [online] https://stadtbodenstiftung.de/
Stadtmission Berlin (2021): Notübernachtungen, [online] https://www.berliner-stadtmission.de/kaeltehilfe/notuebernachtungen (15.04.2022)
Statista (2022a): Total number of hotel beds available in Amsterdam (Netherlands) from 2009 to 2019, [online] https://www.statista.com/statistics/937296/number-of-hotel-beds-available-in-amsterdam-netherlands/ (15.04.2022)
Statista (2022b): Number of Airbnb listings in Amsterdam in the Netherlands from January 2018 to January 2020, [online] https://www.statista.com/statistics/1267092/airbnb-listings-amsterdam-netherlands/ (15.04.2022)
Statistik Austria (2020a): WOHNEN 2019 Mikrozensus – Wohnungserhebung und EU-SILC. Tabellenband. Statistik Austria, Wien
Statistik Austria (2020b): Durchschnittliche Baugrundstückspreise 2015 bis 2019, [online] https://www.statistik.at/web_de/statistiken/wirtschaft/preise/haeuserpreisindex/123297.html (06.05.2021)
Statistik Austria (2020c): Grundstückspreise Bezirke und Gemeinden
Statistik Austria (2020d): 2005 bis 2019 fertiggestellte Wohnungen nach Gebäudeeigen- schaften, Art der Bautätigkeit und Bundesländern
Statistik Austria (2021a): Wohnungsgröße von Hauptwohnsitzwohnungen nach Bundesland
Statistik Austria (2021b): Sonderauswertung Kündigungen und Räumungen. Statistik Austria: Wien
Statistik Austria (2021c): Rechtsverhältnis an der Wohnung nach soziodemographischen Merkmalen (Haushalte), EU-SILC 2020. In: Statistik Austria: Tabellenband Wohnen 2020 – Mikrozensus und EU-SILC
Statistik Austria (2021d): Durchschnittliche Wohnkosten von Hauptmietwohnungen – Wien, Mikrozensus 2020. In: Statistik Austria: Tabellenband Wohnen 2020 – Mikrozensus und EU-SILC
Statistik Austria (2021e): Durchschnittliche Wohnungspreise in den Bundesländern 2015 bis 2020, [online] https://www.statistik.at/web_de/statistiken/wirtschaft/preise/immobilien_durchschnittspreise/126140.html (13.01.2022)

Ten Teije, Stefan (2021): Huurprijzen vrije sector Amsterdam dalen al vijf kwartalen. Het Parool, [online] https://www.parool.nl/nederland/huurprijzen-vrije-sector-amsterdam-dalen-al-vijf-kwartalen~b5a0a7cf/?referrer=https%3A%2F%2Ftudocs.it.tuwien.ac.at%2F (15.04.2022)

Thompson, M., Nowak, V., Southern, A., Davies, J., & Furmedge, P. (2020): "Re-grounding the city with Polanyi: From urban entrepreneurialism to entrepreneurial municipalism", *Environment and Planning A: Economy and Space*, 52(6), pp.1171–1194

Tockner, L. (2017a): Mieten in Österreich und Wien. Arbeiterkammer Wien: Wien.

Tockner, Lukas (2017b): Wohnungsmieten und Wohnungspreise in Wien 2015.

Trilla, Carme; Bosch, Jordi (2018): El parque público y protegido de viviendas en España: un análisis desde el contexto europeo. Fundación Alternativas

Tulumello, Simone; Allegretti, Giovanni (2021): "Articulating urban change in Southern Europe: Gentrification, touristification and financialisation in Mouraria, Lisbon", *European Urban and Regional Studies*, 28(2), pp. 111-132

Uitermark, Justus (2009): "An in memoriam for the just city of Amsterdam", *City*, 13(2-3), pp. 347-361

Van Gent, Wouter (2013): "Neoliberalization, housing institutions and variegated gentrification: how the 'Third Wave' broke in Amsterdam", *International Journal of Urban and Regional Research*, 37, pp. 503-522

Verlič, Mara (2021): "Wer darf wo wohnen?" In: *Arch+* 224, pp.92-93

Volkshilfe Wien (2011): *Die lange Nacht der Wohnungslosen*. Wien: Eigenverlag.

Vollmer, Lisa (2018): *Mieter_innenbewegungen in Berlin und New York: Die Formierung politischer Kollektivität*. Springer-Verlag.

Wainwright, Hilary (2020): "Municipalism and feminism then and now: Hilary Wainwright talks to Jo Littler". In: *Soundings: A journal of politics and culture* 74(74), pp.10–25

Wijburg, Gertjan (2021): "The governance of affordable housing in post-crisis Amsterdam and Miami", *Geoforum*, 119, pp. 30-42

Wohnfonds (2020): Tätigkeitsbericht 2019, [online] http://www.wohnfonds.wien.at/media/Website%20PDF-INFO%20Downloads/%C3%BCber%20uns/wf_Tatigkeitsbericht2020_web.pdf (15.04.2022)

WVB (Wohnversorgung Berlin AöR) (2017): Materialien der WVB-Wohnraumversorgung Berlin. Rolle der Mieterräte Schulungsmaterialien. Berlin: WVB

WVB (Wohnversorgung Berlin AöR) (2019): Leistbare Mieten, Wohnungsneubau und soziale Wohnraumversorgung. Bericht zur Kooperationsvereinbarung 2018. Berlin: WVB

WVB (Wohnversorgung Berlin AöR) (2020): Leistbare Mieten, Wohnungsneubau und soziale Wohnraumversorgung. Bericht zur Kooperationsvereinbarung 2019. Berlin: WVB

WVB (Wohnversorgung Berlin AöR) (2021): "Leistbare Mieten, Wohnungsneubau und soziale Wohnraumversorgung". Kooperationsvereinbarung mit den städtischen Wohnungsbaugesellschaften Berlins. Berlin: WVB

WWFSG: Wiener Wohnbauförderungs- und Wohnhaussanierungsgesetz

This publication was financed by the German Federal Ministry for Economic Cooperation and Development and the German Federal Foreign Office. This publication or parts of it can be used by others for free as long as they provide a proper reference to the original publication. The content of this publication does not necessarily reflect the official opinion of the Rosa-Luxemburg-Stiftung. Responsibility for the information and views expressed therein lies with the authors.

PUBLISHER

Rosa-Luxemburg-Stiftung
Straße der Pariser Kommune 8A, 10243 Berlin, Germany
www.rosalux.org

AUTHORS:

Andrej Holm (Coordination, Berlin)
Bahar Sakizlioglu (Amsterdam)
Justus Uitermark (Amsterdam)
Carme Arcarazo (Barcelona)
Jaime Palomera (Barcelona)
Justin Kadi (Vienna)
Sarah Kumnig (Vienna)

EDITOR

Stefan Thimmel
Senior Fellow for Housing and Urban Policy, Rosa-Luxemburg-Stiftung

COPY EDITING

Marty Hiatt for Gegensatz Translation Collective

LAYOUT

Erifili Arapoglou

PRINT

G. Kostopoulos Printing House

PROJECT MANAGEMENT

Dorit Riethmüller

This publication is part of the project «RLS-Cities - Rebel, left, solidarity».


ROSA
LUXEMBURG
STIFTUNG


REBEL
LEFT
SOLIDARITY
CITIES