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# National strategies to fight homelessness and housing exclusion

## Germany

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exclusion**

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## Summary

In Germany there are no official national statistics or regular national reporting systems on homelessness and housing exclusion, and there is no national policy/strategy against homelessness. There is also no official definition of homelessness.

The only national data available on homelessness are regularly provided by the Federal Association for Assistance to the Homeless (BAGW). In principle, these figures cover all six of the ETHOS<sup>1</sup> Light categories, but the total figures are not broken down by category. In November 2017, the BAGW estimated the extent of homelessness in Germany at around 860,000 people in 2016. This figure consisted of 422,000 homeless people plus 436,000 recognised refugees without housing (included in the estimate for the first time). Compared with 2006, the number of homeless people (excluding refugees) had increased by 166,000 or 64.8%.

Until now, there has been no national strategy in Germany for tackling homelessness or housing exclusion. Significantly, this topic was not even mentioned in the coalition agreement concluded by the current governing coalition at federal level. Experts agree that it will not be possible to reduce (or even limit) the increase in homelessness solely by means of assistance to the homeless if conditions in the housing market do not change. This would require a more consistent policy to reduce housing shortages, which are increasingly spreading throughout Germany.

In principle, statutory responsibility for placing homeless persons and families in emergency accommodation without a tenancy agreement lies with the municipalities, and the cost is also borne by them. The same applies to further social benefits such as the 'assistance to overcome special social difficulties' under Social Code Book XII.

Support in housing emergencies is offered mainly by the municipalities, employment agencies and charitable institutions. The 'specialist centre for the prevention of homelessness' with overarching responsibilities is the main element in the municipal system for preventing and overcoming homelessness and housing exclusion. However, it is difficult to put this concept into practice. Due to the dual responsibilities of municipalities in the field of homelessness support – regulatory and social – a heterogeneous and confusing structure of municipal support has developed, which varies between states (*Länder*) and between municipalities.

The support service offered is housing-focused and supplemented by personal assistance. While municipalities usually focus on preventing and eliminating homelessness in the short term, charitable service institutions play an important role in the provision of 'assistance to overcome special social difficulties'. An evaluation of the existing support system in the municipalities of North Rhine-Westphalia reached an overall positive assessment of its effectiveness, but a differentiated evaluation was not possible due to the extremely varied organisational structures and data situations. A worrying result was that a considerable proportion of households threatened by homelessness remained outside the system of institutionalised assistance and thus received no support.

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<sup>1</sup> European Typology of Homelessness and Housing Exclusion.

## 1 The nature and extent of homelessness and housing exclusion

(1) In Germany there are no official national statistics or regular national reporting systems on homelessness and housing exclusion, and there is no national policy/strategy against homelessness (see Section 2). There is also no official definition of homelessness in Germany.

Despite around 20 years of criticism and lobbying by welfare associations, churches, trade unions and experts, no federal government has so far declared its willingness to compile federal statistics on housing emergencies. In its recent response to a question from the Green Party in the Federal Parliament (Deutscher Bundestag 2018), the federal government conceded that it has no up-to-date knowledge of the extent, composition and causes of homelessness and therefore no overview of promising strategies and measures to prevent and overcome it. In this answer as well as in its Fifth Report on Poverty and Wealth (BMAS 2017a), the federal government referred to the only national data that are available, namely those provided by the Federal Association for Assistance to the Homeless (*Bundesarbeitsgemeinschaft Wohnungslosenhilfe e.V.* – BAGW), even though it stressed at the same time that these data provide only a distorted picture of the actual situation.

In September 2017, the Federal Ministry of Labour and Social Affairs (*Bundesministerium für Arbeit und Soziales* – BMAS) commissioned a research project from the *Gesellschaft für innovative Sozialforschung und Sozialplanung* (Society for Innovative Social Research and Social Planning – GISS) entitled 'Origin, course and structure of homelessness and strategies for its prevention and elimination'. The project is aimed at investigating how different municipalities deal with (the threat of) homelessness; and at giving an overview of the structure and extent of homelessness in Germany as a whole, as well as strategies and measures for preventing and eliminating it. On the basis of the research results, hypotheses regarding the factors for the successful prevention and overcoming of homelessness will be developed. The plan is for the results to be presented to the public in 2019.

The rapidly growing housing problems in Germany over the past few years have increased the pressure on the federal government to reconsider its previous stance and tackle the problem of homelessness. The most recent impetus came from several Federal Council initiatives<sup>2</sup>, the last one in 2018. As a consequence, the introduction of emergency housing statistics is currently under discussion between the federal government and the *Länder*, with the participation of welfare associations. The BAGW has also published recommendations for the establishment of such statistics (BAGW 2018a). The Federal Ministry of Labour and Social Affairs has drawn up an Emergency Housing Statistics Bill, which will be submitted to the Bundestag before the end of 2019. Accordingly, a nationwide statistical survey of housing emergencies could be carried out for the first time in 2020. Housing shortages are of course not the only reason for homelessness in Germany, as discussed in Sections 2 and 3 below.

(2) Since 1992, the BAGW has regularly published nationwide figures on homelessness in Germany, and since 2011 has done so every two years. The current BAGW reporting is closely based on the definition of housing emergencies that was developed by a GISS research project (Busch-Geertsema, Ruhstrat 1994) and the research association 'Homelessness and Assistance in Housing Emergencies' (Forschungsverbund Wohnungslosigkeit und Hilfen in Wohnungsnotfällen 2005); this has also fed into the European discourse and significantly influenced the ETHOS definition drawn up by the European umbrella organisation FEANTSA<sup>3</sup> (Busch-Geertsema 2010).

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<sup>2</sup> The Federal Council, as the representative of the states (*Länder*), is a constitutional body. It participates in federal legislation.

<sup>3</sup> Fédération Européenne des Associations Nationales Travaillant avec les Sans-Abri (European Federation of National Organisations Working with the Homeless).

Housing emergencies thus include families and persons who are:

(a) **currently affected by homelessness and not institutionally housed** (including those without any accommodation; in makeshift accommodation such as barracks, caravans, gazebos, etc.; temporarily accommodated with friends, acquaintances and relatives; or living temporarily at their own expense in cheap hotels and guesthouses), as well as those who are **institutionally housed** (including those affected by housing emergencies, and those accommodated under the provisions of the minimum social security systems, e.g. in hostels for the homeless); and

(b) **directly threatened by homelessness**, because the loss of their current dwelling is imminent (due to termination by the landlord; to an action for eviction, including an unenforced eviction notice; or to a forced eviction), or because the loss of the current home is imminent for other compelling reasons (e.g. due to escalating social disputes, violent living conditions or demolition of the building) (see Table A1 in Annex).

In this respect, the estimates published by the BAGW cover all six ETHOS Light categories, but the total figures are not broken down by category (FEANTSA, undated).

The BAGW reports are based on information provided by 176 homeless services from all over Germany. The figures are based on a complex estimation model and are cumulatively calculated for the reporting year. This means that it is possible, indeed probable, that there is some degree of double counting. Moreover, a distinction cannot be made between homeless people who have found accommodation again after a certain time and homeless people who have been without accommodation for a longer period of time or permanently. The BAGW concedes that these period-related figures are not comparable with time-related figures and therefore cannot be used for domestic comparisons with the results for the state of North Rhine-Westphalia (NRW) (see below in this Section) or for international comparisons (for which data relating to the reporting date are generally used).

In November 2017, the BAGW estimated that there were 860,000 homeless people in Germany in 2016 and forecasted a further increase to 1.2 million by 2018 (BAGW 2017a, see Table 1; see Table A2 in Annex). The 2016 figure consisted of 422,000 homeless people plus 436,000 recognised refugees without housing (included in the estimate for the first time). Compared with 2006, the number of homeless people (excluding refugees) had increased by 166,000 or 64.8%. Although the number remained almost constant between 2006 and 2011, it increased rapidly after that and is expected to rise further in the coming years.



**Table 1: Number and characteristics of homeless people in Germany 2006-2016**

	Homeless people (thousands)										
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Homeless people in multi-person households	103	97	91	89	94	93	99	94	96	109	128
Homeless people in single-person households	145	139	132	145	152	165	185	216	239	258	294
Total homeless people	248	236	223	234	246	258	284	310	335	367	422
German immigrants	8	6	4	3	2	-	-	-	-	-	-
Recognised refugees	-	-	-	-	-	-	-	-	-	-	436
Total homeless people incl. German immigrants and accepted refugees	256	242	227	237	248	258	284	310	335	367	858

Source: BAGW 2017a.

Unfortunately, the BAGW does not differentiate its figures in accordance with the ETHOS Light categories, although they explicitly refer to them in terms of content. The estimation procedure is also not made explicit. The socio-demographic data are also referenced only in summary form. According to this, the share of children and adolescents among homeless people (excluding refugees) was 8% (32,000), while the share of adults was 92% (390,000). The proportion of adult men was 73% (290,000); the proportion of women was 27% (100,000). Approximately 12% of the homeless (excluding homeless refugees) were non-German EU citizens (approximately 50,000 people). Approximately 52,000 people were living on the streets without any accommodation. In the view of the BAGW, immigration has increased homelessness; but the main causes lie in a housing policy that has been misguided for decades, as part of the inadequate fight against poverty in Germany.

Further differentiations are possible using data from the documentation system on homelessness (DzW) operated by the BAGW. However, these refer only to the clientele in the non-profit sector. These include all categories of housing emergencies (including homeless people and people threatened by homelessness). Consequently, data from the DzW cannot be matched with the demographic structure of all homeless people in Germany (Neupert 2018; BAGW 2018b).

Until now, only NRW has compiled emergency housing statistics at state (*Land*) level. These statistics were introduced in 2011 as part of a more comprehensive poverty and social reporting system. Since then, seven short annual analyses with updated findings have been published. The findings concentrate on one element of housing emergencies, namely persons or households who are actually affected by homelessness. Persons living in unacceptable housing conditions, such as cramped housing, or those who are about to lose their current home, are not included. The data are based on reports compiled by the municipalities and charitable providers of homeless support and analysed by IT. NRW using separate questionnaires via the online survey procedure of official statistics (IDEV). The information from the municipalities relates to homeless people housed by the municipalities in accordance with their statutory obligations. It includes homeless households and persons who were accommodated as at 30 June of the reporting year in (emergency) public-sector accommodation in order to avert homelessness, or who were admitted to a normal dwelling on the basis of § 19 of the *Ordnungsbehördengesetz* (OBG – Public Order Act). Asylum-seekers and persons in accommodation for late repatriates are not included. Information from non-government organisations relates to homeless persons accommodated or cared for by charitable institutions providing assistance to homeless persons. Persons who were in in-patient facilities or in 'assisted living' facilities as of the 30 June deadline according to §§ 67f. Social Code Book XII are included, as well as persons with whom there was counselling contact in the course of the month of June in specialist counselling centres for the homeless.

According to the most recent report (MAGS NRW 2018a), as of 30 June 2017, a total of 32,286 persons in the state of NRW had been reported as homeless by the municipalities and charitable homeless services. Thus, the number of registered homeless persons had again risen sharply compared with the previous year (+28.9%). From 2015 to 2016, the number of homeless persons surveyed had already increased significantly (+14.6%), whereas in the previous years it had almost stagnated. Overall, the number of homeless persons surveyed rose from 15,826 to 32,286 between 2012 and 2017, an increase of 104%. In 2017, no gender data were available for 826 registered homeless people. Of the remaining 31,460 persons, 21,936 or 69.7% were male, 9,524 or 30.3% were female. 14.3% of the homeless were under the age of 18. This proportion had risen significantly compared with the previous year (2016: 8.3%). 27.9% were young adults (aged 18-29). A further 19.0% were aged 30-39, and 16.0% were aged 40-50. Almost one fifth (17.6%) were aged 50-64, and 5.2% were aged 65 and over.

According to the reporting municipalities, the sharp increase in the number of homeless people living in municipal housing is partly due to the fact that recognised refugees who cannot find affordable housing in a tight housing market have to be placed in (emergency) accommodation, for example, and are therefore among the homeless living in municipal housing and in accordance with the regulations<sup>4</sup>. At 30 June 2017, 37.0% of the adult homeless persons surveyed had non-German citizenship. This represented a rise of 8.7 percentage points over the previous year (2016: 28.3%). This is solely due to the significantly increased proportion of non-Germans among the homeless who are housed in municipal and regulated housing. 44.5% of the adult homeless persons surveyed had a migration background (2016: 35.0%).

Other *Länder*, such as Rhineland-Palatinate, have announced that they will follow this example and start compiling emergency housing statistics, but have not yet done so. Other *Länder*, such as Hesse, have also recently announced the introduction of such statistics, but are now waiting for an initiative at the federal level. In addition, a number of *Länder* have carried out individual surveys and reports on homelessness in their own area – for example, Baden-Württemberg (GISS 2015); Bayern (BSASFI 2017 and BMFAS 2019); and Hamburg (GOE 2018).

Other areas of focus for recent research on homelessness include studies on the situation of homeless young people (e.g. Eichler, Holz 2014; Beierle, Hoch 2017; Wissenschaftliche Dienste des Deutschen Bundestags 2018) and on the situation of homeless women (Steckelberg 2010, Hauprich 2018). Further studies deal with the living situation of homeless people (Gerull 2018), the health situation and care of homeless people (e.g. Trabert 2016; Bäuml et al. 2017; Kaduszkiewicz et al. 2017) and the conditions for the successful integration of homeless people (e.g. Gerull, Merckens, Dubrow 2009; Parnitzke 2016; Steffen, Henke 2018). An important role has been played for years by the studies carried out by GISS in Bremen, which has now also been commissioned to carry out the ongoing study for the Federal Ministry of Labour and Social Affairs.

## **2 Relevant strategies and policies tackling homelessness and housing exclusion**

### **2.1 Federal state strategy against homelessness and housing exclusion**

In Germany no national strategy has yet been developed against homelessness or housing exclusion. Significantly, this topic was not even mentioned in the agreement concluded by the current governing coalition. The following is an overview of the framework conditions and the political and legal treatment of homelessness and homeless people in Germany at federal level, as well as at *Länder* and municipal level.

Housing policy includes above all the following actors and policy areas. It is in the competence of the federal state to establish the legal framework, such as tenancy law, tax law, planning law and social and housing benefit law. It is up to the *Länder* to provide and finance housing benefits (the federal state bears half of the costs). The 2006 reform of the federal system shifted the competence (and obligation) to support social housing from the federal government to the *Länder*. To facilitate the transition, the federal state is supporting the *Länder* until 2019 with substantial grants. It is the responsibility of the municipalities to designate land as housing areas, to implement urban development planning and to provide construction permits. Furthermore, the municipalities offer special programmes to support persons/groups with special housing problems and housing needs. As a consequence, the prevention and elimination of homelessness and housing exclusion

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<sup>4</sup> Asylum-seekers are initially obliged to live in a reception centre or collective accommodation for up to six weeks, but no longer than six months or beyond the point when they are granted international protection status. Once they have become recognised refugees, they must look for accommodation in the housing market. For the current housing situation of refugees, see Baier, Siegert (2018).

is primarily a municipal responsibility. Public programmes and services are supplemented by the activities of voluntary welfare organisations.

In addition to the traditional assistance to the homeless, local youth welfare offices are responsible for looking after street children (i.e. homeless children and young people), in accordance with the Child and Youth Welfare Act. Through the use of neighbourhood work and street social work – mostly carried out by charitable welfare organisations – an attempt is made to establish the trust of the young people and to develop alternative housing and life plans with them. The municipalities can draw on supplementary federal and state programmes.

## **2.2 Homelessness and housing exclusion and national housing policy**

As a consequence of recent immigration, the population living in Germany reached a record level of around 83.0 million people by the end of 2018 (Statistisches Bundesamt 2019). In recent years, housing shortages have increased and accelerated in certain regions and cities. New contract rents across Germany rose by 4.5% year-on-year to €7.99 per square metre in 2017. Apartments at reasonable rents are hard to find nowadays for low-income individuals and households, especially in metropolitan areas in western Germany. At the same time, the housing supply in regions outside metropolitan areas exceeds the demand. These regions tend to be characterised by housing vacancies and declining rental prices. Regional variations are apparent in differences in rental prices, which ranged from €4.50 to €16.65 per square metre in 2017 (BBSR 2016 and 2018).

In 2017, a research group found that 40% of households in 77 large cities under investigation had to spend more than 30% of their equivalised net household income on housing (including additional costs, without heating costs), a proportion that is generally regarded as the maximum tolerable level for the housing cost burden (Lebuhn et al. 2017). In these cities there was a total shortfall of 1.9 million affordable apartments (Holm et al. 2018a). The researchers estimate that the gap in provision is currently widening, despite increased new building. In almost all large cities, rents for newly built apartments are higher than those for older units. Furthermore, the new builds make only a limited contribution to improving the social housing stock in these cities.

The main cause of homelessness is the scarcity or lack of affordable housing. Traditionally in Germany, the larger the local population, the higher the number and proportion of homeless families and persons surveyed. This distribution resulted from a concentration of vulnerable people and groups in urban agglomerations as well as the more highly developed support structures there. Recent regional studies show that this correlation still exists (see, for instance, the aforementioned studies in Baden-Württemberg, Bavaria and NRW). The current housing crisis was also concentrated initially in the west German conurbations, but has continued to spread.

At the same time, however, there is a broad spectrum of reasons for homelessness and the problems that trigger it. Homelessness can arise in connection with rent debts, personal conflicts or crisis situations, tenancy law conflicts with landlords or institutional action that causes homelessness. As surveys of homeless people have shown, when faced with imminent homelessness the people questioned first tried to solve their housing crisis themselves or resorted to informal help. Because the need for alternative accommodation often did not occur immediately, the interviewees often made contact with the system of institutionalised support only after a certain delay. Although a high proportion of the cases could probably have been solved only by the timely provision of an alternative home and would have been very difficult to prevent, other interviewees identified further starting points for welfare state interventions (GISS 2015).

In July 2014, the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Security set up an 'Alliance for Affordable Housing and Construction', which includes the federal state, the *Länder* and the municipalities, as well as other important actors. The aim was to improve the conditions for constructing and modernising good-

quality housing and to improve the provision of housing in regions and areas experiencing housing shortages.

Despite increased federal funding for housing construction being provided to the *Länder* and municipalities in recent years, the number of newly constructed homes (2017: 285,000 units) has not yet reached a volume that will sustainably satisfy the growing demand (around 350,000 units/year). Even more important is the fact that much of the investment in new housing is not aimed at affordable housing for middle- and low-income groups. Despite increased public funding, the stock of social housing is smaller than it was a decade earlier (Bundesregierung 2017). Most experts expect the existing shortages in the housing market to continue in the coming years (Witkowski, Ehing, Raffelhüschen 2015). Even though, under the new coalition agreement, housing policy should have a high priority in the current legislative period, the corresponding efforts have so far been limited.

At a housing summit on 21 September 2018, the cornerstones of a new joint housing offensive were agreed by the federal, state and local governments. They included a variety of measures to intensify housing construction and ensure the affordability of housing, and will support the construction of 1.5 million new apartments during the current legislative period. The federal government will make €5 billion available for this purpose between 2018 and 2021. The federal government has already initiated the necessary amendment to the Basic Law, which, among other things, allows it to participate in the financing of social housing construction. Together with funds from the *Länder* and local authorities, this will make it possible to provide over 100,000 additional social housing units. The expansion of the housing supply will help to ease the pressure on the housing market. This will also benefit those seeking accommodation. Increasing the supply of social housing will have a particularly positive effect on preventing and combating homelessness and housing exclusion.

But experts, the real estate industry, tenants' associations and the BAGW agree that the programmes planned and implemented to date will be far from sufficient to increase the total number of homes to the extent necessary to meet the rising demand. They seem even less likely to increase the stock of affordable housing for low- and middle-income households, given their excessive rental costs. At the same time, experts agree that it will not be possible to reduce (or even limit) the increase in homelessness by means of assistance to the homeless alone if the situation in the housing market does not change. This would require a more consistent policy to reduce housing shortages, which are increasingly spreading throughout Germany (e.g. Abstiens, Bormann, Bodelschwingh 2017; Holm, Junker, Neitzel 2018).

### **2.3 Political and legal treatment of homelessness and homeless people**

It is important for an understanding of the political and legal treatment of homelessness in Germany to know that homelessness is still today an administrative offence; that is, an individual violation of public order. This applies in particular to homeless people living in public spaces (Huttner 2007; Wolf 2016). Since homelessness poses a potential threat to public safety, the relevant legislation in all the *Länder* stipulates that the lower-level authorities responsible for averting threats to public order (the municipalities) are responsible for the implementation of measures to prevent or eliminate homelessness. Therefore, it is the task of each individual city or municipality to eliminate the danger to public safety arising from homelessness (Ruder 2015). Since there is no federal legislation in this area, each state has enacted its own legislation, in each case reflecting the view that the homeless are not to be considered primarily as individuals in need of help but as so-called 'troublemakers' as defined in police law. Emergency overnight stays also come under the provisions of this legislation.

At the same time, homelessness endangers certain constitutionally protected individual rights, such as the right to life, to health, to physical integrity and to human dignity. Therefore, each municipality has an undeniable mandate to protect these fundamental rights and to take preventive measures. Homeless people have a right to be provided with emergency accommodation by the municipality in which they are currently staying,

regardless of how long they have been there. Regulations requiring a minimum length of stay in a municipality are not lawful. Since the protection of fundamental human rights is at stake here, there is a right to legal accommodation irrespective of the nationality and residential status of the persons concerned. However, many municipalities do not fulfil this obligation sufficiently, either quantitatively or qualitatively (see aforementioned regional studies).

According to § 1 of the Social Code Books II and XII, it is the purpose of basic income support for job-seekers and of social assistance to 'enable those entitled to benefits to lead a life that corresponds to human dignity'. In the case of existing need, the person concerned has, within the framework of the statutory provisions, claims against the social welfare institution for cash benefits and benefits in kind or for personal assistance. From the legislator's point of view, these benefits should be used in particular to prevent (involuntary) homelessness. Against this background, social law has technical and temporal priority over police law. However, the elimination of acute homelessness is the province of regulatory law, which should only be used as the final stage after social preventive measures have been taken.

A large proportion of homeless people are placed in communal housing – mostly in emergency and homelessness shelters. In some cases, people who have lost their homes are admitted to normal flats but without a rental contract. In addition to single-person households, households with children also live in regular accommodation. In Germany, there is no uniform or binding determination as to which standards are to be followed for accommodation provided under regulatory law. The only decision made by the higher courts is that human dignity must be guaranteed (Ruder 2015). The Administrative Court in Kassel has described a 'civilising minimum' as 'a sufficiently large room which offers sufficient protection against weather conditions, including sufficient *heatability* in winter, basic hygienic requirements such as sufficient sanitary facilities, i.e. a washing facility and WC, a simple cooking area and makeshift furniture with at least one bed and a cupboard or chest of drawers as well as electrical lighting'. In addition, 'at least during the warm season, a refrigerator or shared use is part of the minimum equipment' (quoted in Rosenke 2017). In addition to the lack of standards for regulated accommodation, there is also no systematic overview of the actual facilities provided in this accommodation.

The ambivalence of state support for homeless people, oscillating as it does between the maintenance of public order and social policy, is further reinforced by the punitive attitude of many municipalities towards homeless people in public spaces. By introducing hazard prevention and special purpose ordinances, many cities have created a repressive instrument that enables them to criminalise homeless people and banish them from public spaces, especially those sites of special importance for a city's image. In the light of current developments, it can be assumed that the number of homeless people in public spaces will continue to rise. In combination with the realisation that current measures cannot prevent homelessness, it is necessary to develop strategies for dealing with homeless people in public spaces. The municipalities have long recognised this and have developed repressive strategies in addition to preventive measures (Wolf 2016).

## **2.4 Policy against homelessness and housing exclusion at *Länder* level**

The involvement of the *Länder* in housing policy as well as in policy against homelessness varies greatly. The case of NRW, which plays a special role in this area, will be presented here by way of example. In 2012, the NRW Ministry of Labour, Health and Social Affairs commissioned a study entitled 'Preventive Assistance against Homelessness in North Rhine-Westphalia' (Busch-Geertsema, Evers, Ruhstrat 2014). The aim was to collect information on the type, scope, responsibilities and organisation of preventive assistance, which was to serve as the basis for a comprehensive strategy against homelessness in NRW. In this state, the municipalities and districts are basically responsible for combating homelessness. They are obliged under the regulatory authorities' law (*Ordnungsbehördengesetz*) to accommodate people without shelter. For many years, the government of NRW has supported the municipalities and voluntary welfare organisations

and private organisations in overcoming and combating homelessness with an action programme against homelessness.

On the basis of the emergency housing statistics already introduced in 2011 and the results of the above-mentioned study on preventive help against homelessness in NRW, this policy was geared even more strongly than before to prevention. An action programme entitled 'Help in housing emergencies' was introduced in January 2016. The central objectives of the programme are:

- prevention of the threat of homelessness;
- integration of homeless people into normal, permanent housing conditions (housing procurement); and
- housing support for persons formerly threatened and affected by homelessness.

These goals are to be implemented through activities and instruments such as: the promotion of exemplary projects and project consulting; and integrated housing emergency reporting, research, public relations and information dissemination. Among other things, pilot projects for the Housing First approach based on public-private partnerships are being promoted, as this approach is as yet an unfamiliar one in German municipalities (e.g. Busch-Geertsema 2011 and 2014). Based on the FEANTSA typology (FEANTSA 2018), the state strategy against homelessness in NRW can be described as a housing-focused strategy accompanied by high-intensity support. The system of assistance for homeless people is outlined in Section 3 below. The results of the corresponding evaluation research are also presented in the same Section.

## 2.5 Financing of homelessness assistance

In principle, the statutory task of accommodating homeless persons and families in emergency accommodation without a tenancy agreement lies with the municipalities, who also bear the cost. In order to prevent the loss of housing, the payment of rental costs is stipulated according to Social Code Books II and XII. They are wholly borne by municipalities in the case of Social Code Book XII, and mainly borne by them in the case of Social Code Book II (with approximately a quarter borne by the federal state).

The cost of further social benefits such as 'assistance to overcome special social difficulties' as provided for in Social Code Book XII is also borne by the municipalities. As a rule, provision of these services is delegated to voluntary organisations. The municipalities pay most of the cost of providing assistance for the homeless, supplemented by contributions from welfare associations. The municipalities receive support from both the federal state and the *Länder* (e.g. MAGS 2018b).

Even though public and charitable welfare services work in close cooperation, free homelessness assistance suffers from the general scarcity of funds in the municipalities. The situation could be improved if the federal state were to pay the entire costs of the accommodation for recipients of minimum social security benefits according to Social Code Books II and XII. This would not only relieve the municipalities financially but would also increase the federal state's responsibility for paying the rising housing costs incurred under Social Code Books II and XII. This would presumably motivate the federal state to oppose further rent rises more effectively than hitherto.

## 2.6 The role of EU funds

The promotion of measures for homeless people is not a funding priority or a thematic objective of the European Social Fund for Germany in the funding period 2014-2020. In Germany, the Fund for European Aid to the Most Deprived (FEAD) – with funding from the European Union, the federal government and beneficiaries' own funds – is aimed at recent migrants from the EU as well as at homeless persons and persons at risk of homelessness.

The FEAD acts as a bridge between the target groups and the regular support system. Support is provided for additional staff positions, in particular counsellors for outreach work or in local counselling centres. They are intended to help those affected to access existing services, such as facilities for homelessness assistance or debt counselling, and to use them as sustainably as possible.

In the first round of funding since 2016, a total of 84 projects have been funded. Out of these, 34 projects are aimed at homeless people and people threatened with homelessness. The 34 projects have a total funding of approximately €20.3 million. The federal government provides 10%, or approximately €2 million. So far, around 16,200 people, 35% of whom are women, have been advised. Around 13,200 people, 36% of whom are women, have been successfully advised; that is, they have made use of at least one existing offer of help.

Starting in 2019, a further 67 projects with the same target groups are expected to be funded as part of a second funding round. Out of these, 31 projects are aimed at homeless people and people at risk of homelessness. The 31 projects have total funding of approximately €11 million. The federal government provides a share of 10%, or around €1 million. A total of around 7,000 homeless people and 10,000 people at risk of homelessness are to be supported through counselling centres and local or regional help services.

## 2.7 Indicators of homelessness and housing exclusion

Because there is no official national reporting system on homelessness and housing exclusion, no indicators have been developed to describe the housing emergency situation in Germany. Significantly, the last national social report of 2017 (BMAS 2017b) did not even include a chapter on homelessness. Even the Fifth Report on Poverty and Wealth of 2017 (BMAS 2017a) had only a short section on this topic, based solely on BAGW data. Overall, the following national and European indicators were used in this report (prepared once per legislative period) to monitor the housing situation:

- number of homeless people (section C II 8; national, data basis BAGW)
- home-ownership rate by level of income and settlement structure (C I 12.1; national, data basis SOEP<sup>5</sup>)
- ownership structure and income (C I 12.2; national, data basis Sample Survey of Income and Expenditure)
- housing cost burden on households based on EU-SILC (C I 13.1; Eurostat) – burden of high housing costs based on EU-SILC (C I 13.2; Eurostat)
- equivalence-weighted living space (C I 14.1; national, SOEP database)
- poor building condition (C I 15; national, SOEP database)
- environmental (noise and pollution) impact (C I 16; national, SOEP database).

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<sup>5</sup> German Socio-Economic Panel.



### **3 Analysis of the current patterns of service provision and challenges in implementing Germany's responses to homelessness and housing exclusion**

This Section outlines the German system of assistance and services for homeless people. It begins with a brief outline of the most important framework conditions under social law<sup>6</sup>. Against this background, the municipal institutions and services are presented, followed by an overview of the services provided by non-profit organisations for the homeless. Since the organisation of assistance varies between the *Länder*, reference is made here to a study from 2014 in which the service structure for NRW was systematically examined (Busch-Geertsema, Evers, Ruhstrat 2014). This is followed by the results of the evaluation of service provision in NRW.

#### **3.1 Legal framework**

##### **3.1.1 Assistance in securing accommodation under Social Code Books II and XII**

The payment of rent arrears is the most important financial benefit granted under social law to avert the threat of homelessness. This assistance is granted in order to avert enforcement of an extraordinary notice of rental termination by the landlord. The assistance is to be granted insofar as it is 'justified and necessary and otherwise homelessness threatens to occur' (§ 36 Social Code Book XII). At the same time an obligation to inform the courts has been incorporated into social welfare law. The courts are obliged to inform the relevant welfare assistance provider or its appointed representative in the event of an eviction order being issued due to a delay in payment of rent, according to § 543 Civil Code Book (§ 36 Social Code Book XII). Upon receipt of a notification, the relevant body – with the cooperation of the person concerned – must verify whether the eviction can be averted by payment of the rent arrears. Thus, housing security has become a statutory responsibility for the municipalities. Social Code Book II contains comparable regulations for those in need of assistance who require benefits to pay for accommodation and heating. In contrast to Social Code Book XII, which provides for the payment of grants, the benefits provided pursuant to Social Code Book II are limited as a rule to loans (§ 22 Social Code Book II). The requirement to inform the courts is identical to the provisions of Social Code Book XII.

##### **3.1.2 Assistance in overcoming special social difficulties pursuant to §§ 67 ff. Social Code Book XII**

According to §§ 67 ff. Social Code Book XII, persons with complex problems that cannot be overcome with other social assistance benefits have an individual legal right to assistance. The principal measures intended to help such individuals remaining in or obtaining accommodation are personal consultation and support. If the assistance is provided against the background of a threatened loss of housing, they form part of the measures for the prevention of homelessness.

##### **3.1.3 Tenancy law – extraordinary termination without notice according to §§ 543, 569 Civil Code Book**

The grounds for an extraordinary termination without notice by the landlord are laid down in tenancy law, as are the periods of time within which a termination on the grounds of delayed payment becomes null and void as a result of payment of the rent arrears. The landlord has an extraordinary right of termination if the tenant is in arrears for all or a considerable part of the rent for two consecutive months. The termination shall also become invalid if the landlord is satisfied with regard to payment of the rent and any compensation due according to § 546a, at the latest by the end of two months after the

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<sup>6</sup> See Huttner (2007) on the framework conditions under police and regulatory law.

claim for payment was made or if a public body undertakes to satisfy the claim. Since an amendment to tenancy law came into force on 1 May 2013, the courts have been able to order the tenant to provide security (e.g. a guarantee, or deposit of money) at the start of court proceedings for late payment. If the tenant does not comply with this security order, the court can also order the eviction by means of a temporary injunction before a decision is made on the merits of the case.

### 3.2 Municipal services for homeless people

The current service system for homeless people in Germany developed largely in the 1980s and 1990s. With the introduction of basic income support for job-seekers according to Social Code Book II, and its partial replacement of the continuing social assistance according to Social Code Book XII, the basic social-legal and organisational conditions were redefined starting from 2005. In the last five years no fundamental changes have taken place.

The key actors in the provision of assistance in housing emergencies and the prevention of homelessness in the municipalities are the municipal authorities, job centres, charitable welfare organisations and the housing industry. Following the recommendations of the German Association for Public and Private Welfare (DV 2013), success in preventing homelessness depends on successful networking and cooperation between these actors. This cooperation should be based on a jointly supported local programme for the prevention of homelessness, with clearly formulated objectives and measures. The municipality should have an overall local housing policy plan that includes prevention and provision of emergency housing support, the aim of which is to provide adequate assistance for all persons in precarious housing conditions.

The 'specialist centre for the prevention of homelessness' is the main element in the municipal system for preventing and overcoming homelessness and housing exclusion, and provides the organisational basis for preventive policies on housing emergencies. The basic guidelines for this were already outlined at the end of the 1980s by the German Association of Cities and Towns (DST 1987) and by the Community Centre for Administrative Simplification (KGSt 1989). Its guiding principle is to bring together the various competences required to deal with housing emergencies, which are otherwise distributed across various departments and organisations inside and outside the municipal administration.

The problem in establishing the specialist centres or units is that the responsibilities under public order and social welfare law for the prevention of homelessness are distributed in very different ways. The towns and cities, the lowest level of territorial division in Germany, are responsible for the prevention of homelessness under public order laws of the *Länder*. In contrast, larger cities not attached to a district ('district-free cities') and districts, the second tier of local administration in Germany, are responsible for the prevention of homelessness under the following provisions under social law, which is implemented in different ways:

- under social welfare law pursuant to Social Code Book XII – sole responsibility,
- under Social Code Book II variant 1 (standard variant) – joint responsibility with the employment agencies,
- under Social Code Book II variant 2 (which applies to the so-called *Optionskommune*, i.e. those local authorities with responsibility for the long-term unemployed) – sole responsibility.

As a result of this fragmentation, it is difficult to establish a specialist centre or unit with a unitary organisational structure and overarching responsibilities for homelessness. In practice, therefore, a number of different variants have emerged, with various institutional structures and a range of competences depending on local circumstances.

According to a survey conducted for the state of NRW (Busch-Geertsema, Evers, Ruhstrat 2014), three types have prevailed. Most district-free cities have combined the tasks of

dealing with housing emergencies in a specialist centre with its own management responsibility ('Zentrale Fachstelle'). Other cities have set up specialist services in a department that concentrates on certain aspects of emergency housing support. Coordination centres for the prevention of homelessness can be found particularly in rural districts and small towns that are working towards improved interdepartmental and cross-agency cooperation between the responsible authorities.

On the basis of data from 111 cities and towns pertaining to 19,301 cases (double counting possible), 17,019 households had rental debts or insufficient tenant solvency. Lack of the means to pay rent was the main reason for the threat of eviction. This accounted for 88.2% of all the responses. The cutting-off of 831 households from the energy supply was cited the second most frequent category. However, only 4.3% of the entries were in this category. The third most frequent entry regarded behaviour that did not comply with rental regulations (2.3%). All other reasons for impending apartment loss played only a marginal role with less than 1.5% of the responses in each case. On the one hand, these results reflect the great importance of dealing with rent arrears in preventing homelessness, but on the other hand the instruments and information channels of many municipal prevention agencies are almost exclusively focused on households in rent arrears. Only a relatively small proportion of these agencies offer also other types of support, such as support in finding another home or conflict mediation and similar support, so that it can be assumed that households threatened with homelessness for other reasons are not fully covered by the municipal prevention agencies.

The payment of rent arrears is the most important financial benefit under social law to avert the threat of homelessness. The assistance is granted in order to avert the enforcement of an extraordinary termination (due to late payment of rent) by the landlord. In addition, financial benefits for moving into another apartment may be considered if an existing rental agreement cannot be secured or if this does not seem sensible (e.g. due to escalating disputes). Just over a quarter (25.5%) of the measures taken in the event of imminent housing loss related to the assumption of rental debts. In almost 50% of cases, advice and support in negotiations with the landlord were mentioned most frequently. So, even though rent arrears were the principal reason for the threatened loss of housing, in practice the assumption of these debts played only a very minor role in solving the problem. Overall it can therefore be stated that, despite the fact that accommodation was available in many local housing markets, the vast majority of the case studies reported some difficulties in finding alternative housing for those at risk of eviction. In this context, negative characteristics (such as earlier non-compliance with payment obligations and so on) also play a special role for credit-rating agencies. Targeted support is only provided by some of the prevention agencies. However, even there, special guarantees given to landlords only rarely come into play.

Further support, going beyond that for coping with the immediate crisis situation (in particular debt counselling, addiction counselling and psychiatric help), was considered necessary for a considerable proportion of households threatened by homelessness, and was available in most case studies. On the other hand, follow-up assistance to safeguard the sustainability of crisis interventions by the prevention agencies was only available to a very limited extent. In addition, house visits, which are among expert recommendations (DV 2013) and which should take place especially where letters did not lead to a solution, were normally carried out in only just over a quarter of the cities and towns. The case studies show that home visits take place predominantly in cities with central specialist centres and particularly well developed preventive assistance. This shows that by consistently providing help to households threatened by housing loss, it is not only possible to reach almost all households, but also that homelessness can often be avoided in this way. Conversely, the case studies also show that a considerable proportion of households threatened by homelessness remain without contact with the support system and thus receive no support in overcoming the crisis situation.

The local regulatory authorities are obliged to accommodate people who have no accommodation, for reasons of public safety. This also applies if the persons concerned

have not found alternative accommodation by the time of the eviction. In this case, the regulatory authority is obliged to place the person concerned in community-owned or rented accommodation. If this is not possible, the authority can also seize the former dwelling and instruct the person to remain in it for a limited time. However, reinstatements (including those on a consensual basis) have played only a very minor role overall in NRW and are currently practised in only a few towns.

At the municipal level, success in preventing homelessness depends on successful networking and cooperation. The central actors are the local authorities, job centres, voluntary welfare organisations and the housing industry. All in all, aid in many places has been described as 'already relatively well networked'. However, this assessment is often combined with suggestions that the degree and scope of networking could still be further improved.

In the event of imminent homelessness affecting individuals or families, the municipalities are obliged by law to provide them with temporary accommodation. The shelters for the homeless that must be provided by the municipalities are required only to meet minimum standards of protection from the elements. Since there are no uniform standards, they vary from municipality to municipality in terms of their type and the facilities available.

For persons and households at risk of a loss of housing, the focus is on securing their housing or – if this is not possible – at least on finding temporary accommodation in alternative housing. In this respect, the prevention of homelessness is determined by a clear focus on housing. In the case of people with special social difficulties who are unable to cope with their housing problems without outside help, or where housing problems are accompanied by other personal or social problems, personal support is offered in line with needs, and normally provided by charitable service agencies.

With regard to single persons living rough, the traditional step-by-step approach remains in place in Germany, according to which homeless people first have to gradually acquire 'housing capacity' outside the regular housing market before they can be placed in normal permanent housing. An alternative assistance approach is the Housing First approach, which has now been positively evaluated many times. In this approach, even homeless people with complex problems are immediately placed in normal permanent housing and given intensive support. This approach has only recently been discussed in Germany and taken up in individual pilot projects (Busch-Geertsema 2018).

The barriers to homeless people accessing normal housing are particularly severe. This is due not only to the fact that many apartments are unaffordable for the persons concerned (because their rents are above the guideline values for 'reasonable' accommodation costs as stipulated by social security regulations), but also to the fact that the vast majority of housing companies reject applicants with negative credit rating reports, and landlords often have reservations about homeless people.

### **3.3 Charitable service agencies for homeless people**

In addition, there are in Germany, as in other EU member states, traditional charitable service agencies for homeless people, in particular the welfare associations Diakonie and Caritas (BAGW 2017b). The services they provide are client-oriented, provided by professionals and financed mainly by state funds. Also, in Germany earlier than in most other European countries, support for homeless people has been provided through the expansion of walk-in counselling centres and personal assistance in the form of assisted housing and living. The financing basis here is the individual legal entitlement of the homeless to 'help to overcome special social difficulties' in accordance with sections 67ff. of the Social Code Book XII.

NRW is one of the few *Länder* in which charitable specialist counselling centres for housing emergencies according to §§ 67 ff. Social Code Book XII have been expanded almost state-wide. Targeted counselling services for housing emergencies (where there is a threat of homelessness) are available in 22 of the 23 district-free cities and in 26 of the 31 districts. There are also differences in the counselling services offered by charitable organisations

with regard to their orientation towards prevention in the event of the imminent loss of housing. While some specialist counselling centres are still predominantly geared to the traditional target group of single homeless people, others place a clear emphasis on preventive help for households threatened by homelessness. All in all, it can be said that the majority of the specialist counselling centres of charitable providers are also confronted in their practice with the threat of loss of housing and that most of the corresponding assistance for this subgroup of housing emergencies is part of their range of tasks. In this process, cooperation with local authorities is also carried out to a significant extent.

### 3.4 Evaluation research

The evaluation research on homelessness in Germany has concentrated on the *Länder* and local authorities. One of the few evaluation studies was conducted in 2012 and 2013 by GESIS<sup>7</sup> (Busch-Geertsema, Evers, Ruhstrat 2014). It analysed the system for preventing homelessness in NRW, the state which – besides the city states of Bremen, Hamburg and Berlin – made very early efforts to promote the establishment of a research-based integrated assistance system. The study of preventive aid in NRW included, among other things, an assessment of the effectiveness of the aid provided. However, only very few cities and towns were able to provide information on the housing security activities they carried out in 2012 and their results in terms of case numbers. According to this, around two thirds of the at-risk housing situations were secured. In the case studies, too, there are few comparable data available to estimate the effectiveness of preventive aid due to the very different organisational structures and responsibilities.

Nevertheless, the study finds that in the cities with specialist centres, preventive aid was mainly assessed as effective by all participants. In most cases, this assessment could be confirmed with the available data. These assessments of the specialist centres also largely coincided with those by the charitable service agencies. Comparable assessments of effectiveness were made for the special housing protection offices in towns affiliated with the surrounding administrative district (*kreisangehörige Gemeinden*) that had competences under Book XII of the Social Code; assessments which again largely coincided with those by the charitable service agencies.

Even though the study came to an overall positive assessment of the effectiveness of the existing support system in the municipalities of NRW, a differentiated evaluation was not possible due to the extremely varied organisational structures and data situations. A worrying result was that a considerable proportion of households threatened by homelessness remain outside the system of institutionalised assistance and thus receive no support.

### 3.5 Main shortcomings of policy against homelessness in Germany

The main weaknesses and shortcomings of policy against homelessness in Germany can be summarised as follows.

- (a) Although housing shortages in German cities have been increasing dramatically for several years, neither the federal state nor the *Länder* have yet developed and implemented an effective strategy to reduce housing shortages, especially in the area of low-cost housing for low-income groups. The measures currently being developed and implemented will not even be sufficient to avoid a further worsening of housing shortages, let alone defuse the situation. A further worsening of the housing crisis and a further increase in housing exclusion is therefore foreseeable in the coming years.
- (b) For more than 20 years, federal governments have refrained from creating the basis for an appropriate public perception of the extent, structure and causes of the problem of homelessness and housing exclusion in Germany, and possible

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<sup>7</sup> Leibniz Institute for the Social Sciences.

solutions to it. For this reason, no federal government has seen fit to develop and implement a strategy to overcome this problem.

- (c) A characteristic feature of the political/legal approach to the problem of homelessness at *Land* and municipal level is the use of both punitive legal actions and socio-political interventions. It is therefore not always clear whether the measures of public assistance for homeless people serve primarily to ensure public order or to support the homeless people concerned.
- (d) Due to the dual responsibilities of the municipalities in the field of homeless support – regulatory and social – a heterogeneous and confusing structure of municipal support has developed, which varies from *Land* to *Land* and from municipality to municipality. In addition, charitable service institutions play an important role, above all in the provision of ‘help to overcome special social difficulties’.
- (e) Uniform nationwide statistics and reporting on housing emergencies should be demanded. But it is also important to introduce uniform types of, and standards for, homelessness support at municipal level, in which all actors are involved cooperatively.

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## Annex

**Table A1: ETHOS Light categories defined as homeless in Germany**

Operational category		Living situation		Definition	Defined as homeless in Germany
1	People living rough	1	Public space/ external space	Living in the streets or public spaces without a shelter that can be defined as living quarters	Yes
2	People in emergency accommodation	2	Overnight shelters	People with no place of usual residence who move frequently between various types of accommodation	Yes
3	People living in accommodation for the homeless	3	Homeless hostels	Where the period of stay is time limited and no long-term housing is provided	Yes (living situations 3, 4, 5, 6)
		4	Temporary accommodation		
		5	Transitional supported accommodation		
		6	Women's shelter or refuge accommodation		
4	People living in institutions	7	Healthcare institutions	Stay longer than needed due to lack of housing No housing available prior to release	Yes (living situations 7, 8)
		8	Penal institutions		
5	People living in non-conventional dwellings due to lack of housing	9	Mobile homes	Where the accommodation is used due to a lack of housing and is not the person's usual place of residence	Yes (living situations 9, 10, 11)
		10	Non-conventional buildings		
		11	Temporary structures		
6	Homeless people living temporarily in conventional housing with family and friends (due to lack of housing)	12	Conventional housing, but not the person's usual place of residence	Where the accommodation is used due to a lack of housing and is not the person's usual place of residence	Yes

**Table A2: Latest available data on the number of homeless people in Germany**

Operational category		Living situation		Most recent number	Period covered	Source
1	People living rough	1	Public space/ external space	52,000 people	Year 2016	BAGW 2017
2	People in emergency accommodation	2	Overnight shelters	NA		
3	People living in accommodation for the homeless	3	Homeless hostels	NA		
		4	Temporary accommodation			
		5	Transitional supported accommodation			
		6	Women's shelter or refuge accommodation			
4	People living in institutions	7	Healthcare institutions	NA		
		8	Penal institutions			
5	People living in non- conventional dwellings due to lack of housing	9	Mobile homes	NA		
		10	Non-conventional buildings			
		11	Temporary structures			
6	Homeless people living temporarily in conventional housing with family and friends (due to lack of housing)	12	Conventional housing, but not the person's usual place of residence	NA		

