

Peer Review on "Access to social assistance and rights for homeless people"

Belgium, 3-4 October 2019

Peer Country Comments Paper - Austria

Conservation of poverty or pathways to social inclusion?

DG Employment, Social Affairs and Inclusion

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Contact: Alberto Cortellese

E-mail: EMPL-SPSI-PEER-REVIEWS@ec.europa.eu

Web site: http://ec.europa.eu/social/mlp

European Commission

B-1049 Brussels

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1 Introduction

This paper has been prepared for the Peer Review on "Access to social assistance and rights for homeless people". It provides a comparative assessment of the policy example of Belgium and the situation in Austria. For information on the host country policy example, please refer to the Host Country Discussion Paper.

2 Situation in the peer country

The human right to housing, as it is recognised in the Universal Declaration of Human Rights (Art. 25), the United Nations International Covenant on Economic, Social and Cultural Rights (Art. 11) and in the European Social Charter of the Council of Europe Art. 31), does not appear in the Austrian Constitution. Housing rights are only mentioned as general targets of legal and administrative measures and as principal declarations of intent. There is no individual right to ensure housing for people that need it.

Austria is a federal state and has nine federal provinces, which are responsible for providing support measures for homeless people. They are autonomous concerning issues related to homelessness, to homelessness services and laws and regulations securing homeless people's rights such as social housing and housing related subsistence benefits as well as the prevention of eviction. In every province there is a needs-based minimum benefit system and a corresponding law, the *Mindestsicherungsgesetz* (Minimum Benefit Act), which is designed to ensure a dignified life and permanent inclusion into society for all people in social plight.

Nearly all services concerning assistance for the homeless in Austria are outsourced to and provided by non-governmental organisations or charity organisations. These organisations are mainly funded by the provincial governments.

3 Assessment of the policy measure

It is highly commendable that the Belgian government identified the fight against homelessness as a political priority within the framework of a Federal Plan against Poverty. The measures highlighted in the paper are formulated in a very general manner. More concrete specifications concerning the implementation of these measures would be desirable - such as an action plan.

In Austria, there is no national strategy to prevent, fight or end homelessness, but some provinces of Austria have established regional support systems for the homeless. They are already well elaborated. Especially the provinces of Vienna and Upper Austria have achieved professional standards in preventing and tackling homelessness. The Wiener Mindestsicherungsgesetz § 2 (Vienna Minimum Benefit Act) says that the province of Vienna provides for low threshold services, needs-based counselling and care opportunities in the field of securing housing (Wiener Mindestsicherungsgesetz, 2018). The province of Vienna transferred the implementation of the regulations of the Vienna Minimum Benefit Act to the Fonds Soziales Wien (Vienna Social Fund). Vienna has a very broad and differentiated offer of homelessness services driven by 21 organisations with more than 100 specific facilities. The Oberösterreiches Sozialhilfegesetz (Upper Austria Social Welfare Act) of 1998 declared assistance for the homeless an explicit target of regional social policy and a province-specific competence. Paragraph 7 of the Oberösterreichische Sozialhilfegesetz terms homelessness a social hardship which substantiates the claim for social assistance. Assistance can be provided in the form of accommodation in homes or direct payment. This act was transferred and slightly modified in 2011 in the Oberösterreichisches Mindestsicherungsgesetz (Upper Austrian Minimum Benefit Act). Paragraph 25 describes the guarantee of funding of organisations, which support homeless people such as prevention of eviction, outreach work, day centres, emergency shelters, residential homes, transitional homes and mobile caring in

compliance with the funds available. In 2008 the federal province of Upper Austria issued a regional welfare programme to guarantee basic support for the whole region and to fight the causes of homelessness. The guiding principles are multiplicity of provision and cooperation, measures of prevention of eviction, priority of reintegration in the housing market, access to social and state-funded housing and participation of service-users (Land Oberösterreich, 2009). The problem in Austria is that many people are not informed about their rights nor do they make use of their rights for fear of stigmatisation. Another problem is that the administration and distribution of the needs-based minimum benefit are not always in favour of the recipients. Some studies prove that the guiding principles of the executive authorities are based on an interest in minimising costs, the assumption of indolence in the case of unemployment as well as an assumption of misuse by application (Stark, 2007; Stark, 2012). A study by the Austrian Armutskonferenz (Austrian Anti-poverty network) (2007), which conducted interviews with 120 NGOs, pinpoints the following shortcomings: misleading information, long waiting periods, arbitrariness in granting a certain amount of money, harassing behaviour of clerks, verbal assaults, shortage of the minimum benefit and big administrative discretion due to vaque legal terms to the disadvantage of the clients (Die Armutskonferenz, 2007).

Austria has ratified the European Social Charter but explicitly refused to ratify Articles 30¹ and 31². The government of Austria does not accept an individual housing right. When BAWO (the Austrian umbrella organisation of homeless services) wrote a letter to ask for the ratification of these articles, the answer was: "The Austrian system of social housing is internationally accepted as a model of good practice. Therefore there is no need to implement an individual housing right. Otherwise it would be necessary to change the logical structure of the Austrian housing policy" (Mitterlehner, 2013). The Austrian government should rethink its rejection and approve the ratification of the European Social Charter.

In Austria, as in Belgium, the municipal administrations are responsible for checking main residence and population registers. The Austrian social security system is also based on registration. The relevant law concerning registration is the Austrian *Meldegesetz* (Registration Law). Homeless people can get regular registration in homelessness services such as emergency shelters, temporary housing, supervised living or hostels. The Austrian Law also offers a concept similar to the reference address, discussed in the Belgian paper. According to paragraph 19a of the *Meldegesetz* (Registration Law), homeless people can get a so-called confirmation of main residence, although they have no accommodation. The law says that the registration office has to release two copies of a confirmation of main residence upon application, if the person concerned can demonstrate that the focus on his/her life and relations are exclusively in the concerned community and if the person can name a contact point, which the person regularly visits. This contact point also

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¹ The right to protection against poverty and social exclusion: With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake: to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance; to review these measures with a view to their adaptation if necessary.

² The right to housing: With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed: to promote access to housing of an adequate standard; to prevent and reduce homelessness with a view to its gradual elimination; to make the price of housing accessible to those without adequate resources.

serves as a mailing address. In Belgium, the competence concerning reference addresses lies with the Public Centres of Social Welfare (PCSW).

The Host country paper only mentions cases of lack of clarity of competence among the centres. In Austria, NGOs dealing with assistance for the homeless serve as a contact point for the clients, who want to get the confirmation of main residence. Advisory services, street work offices or day centres also serve as contact points. Normally, homeless persons can choose the NGO where they want to get their confirmation of main residence. NGOs are free concerning specific rules on how to exercise the function of contact point. Usually they are very generous. Homelessness services formulate their own specific rules for persons who want to use them as a contact point. The conditions can differ slightly from organisation to organisation. In general the homeless persons must not be registered anywhere else and must have had their focus of life in the concerned community for at least one month. They must be Austrian citizens or equivalent to Austrian citizens and - if they have no income make a legal claim for unemployment benefit or minimum income benefit. In Upper Austria, the so-called contact point for poverty-driven-migrants also registers people from EU-countries, who are not equivalent to Austrian citizens. If they have a confirmation of employment or are registered as seeking employment, they get their confirmation of main residence for three months. In this case they must visit the contact point once a week. The NGOs in Upper Austria assess whether they are the most appropriate contact point with reference to the specific problems of a person. A common condition for most NGOs is that the homeless persons must accept a supervision agreement. This agreement includes the frequency of contacts the persons have to maintain. The frequency varies from institution to institution between once a week to once a month. This is more frequently than in the PCSWs in Belgium, where the person must report to the PCSW at least once a quarter year. In Austria, there are exceptions concerning the frequency of contacts, for instance if people are working or ill. In special cases, when the contact points seem to have too high threshold, streetworkers contact the homeless person in the field. A special problem appears if the clients are in prison only for some days. Then the prison address serves as registration address and the reference address is automatically deleted. When the person leaves the prison, they are automatically deregistered and often forget to apply for a new registration at the NGO.

In Vienna, there is a special situation. The P7 (Vienna Service point for homeless people of the Caritas Vienna) serves as a central primal contact point for many homeless people in cooperation with the Vienna Social Fund. P7 is also responsible for the confirmation of main residence (reference addresses). To get a confirmation of main residence, P7 examines the life situation of the concerned persons: whether they already have a fixed registration address or not and whether they are really roofless or homeless. P7 has no access to the central register of residence. P7 conducts no thorough investigation into whether the information provided by the clients is correct. In Vienna, persons who are not equivalent to Austrian citizens get confirmation of main residence only if they have a job offer and if their employer insists on a registration address. P7 sees a direct correlation between a lack of availability of subsidised housing and an increase in applications for confirmations of main residence. The regional agencies in Upper Austria are very cooperative, only in rare cases they deny registrations applied for by NGOs. In Vienna, there is a restrictive handling concerning confirmation of main residence at the registration offices. There is a selective exchange between P7 and registration offices. The NGOs refuse serving as a registration address only due to lack of cooperation or in case of benefit fraud: if persons already have a permanent address in another province to avoid so-called register tourism, or if the person has an accommodation with another

person. If NGOs refuse serving as a main residence address, there is no legal way to make an appeal as there is in Belgium, but people can try it at another NGO.

The Belgian paper describes two types of reference address: a reference address with the PCSW and a reference address with a natural person. Both options are also offered in Austria, but the second option is not exercised in reality, because homeless people are often the "black sheep" of the family andtend to have friends that face the same challenges. There is hidden homelessness in Austria, too, but this type of homelessness is mostly a form of sexual exploitation. It mainly concerns women who live with men in exchange for sexual services. Moreover an official registration with a relative or friend would be interpreted as cohabitation and mean a cut of benefits for all persons living in this accommodation.

Although the Cooperation Agreement on homelessness and housing between the Federal State (Belgium) and the federated entities 2014 provides a common definition of homelessness, we also wonder why the Cooperation Agreement did not implement the ETHOS typology³, especially taking into account the criticism of the viewpoint of the Federation of Public Centres for Social Welfare of Wallonia (p.18). In Austria, there is no federal definition of homelessness. But BAWO (Austrian umbrella organization of homeless Organisation) refers to ETHOS typology and most member organisations follow this example. The Host country paper says that the greatest number of disputes identified by the Resource Centre for the fight against poverty were related to the interpretation of the concept of homelessness (p. 14). As it is mentioned in the Belgian paper (p.12), we also agree that the recent definition is vague and ambiguous, thus allowing the representatives of the PCSW and the municipalities to interpret it in many different ways.

We agree with the statement of the Belgian Anti-Poverty Network on the importance to focus more on a structural approach and that affordable housing is the main problem for everyone (p. 22). Affordability of accommodations in general and of rents in the private housing market is a special challenge for homeless services in Austria, too, but primarily this is a question of social security and benefit schemes, especially in relation to the standards of adequate housing. In the different Austrian regions, there are different schemes to subsidise housing costs, such as the scheme of housing promotions, especially for tenants in social accommodations provided by a communal housing agency or by non-profit housing enterprises and subsistence benefits including fixed benefits to cover the housing costs.

4 Assessment of success factors and transferability

As the host country paper focuses on the topic of reference addresses, the reference address may be identified as a success factor serving as an instrument to secure social rights for homeless people. As mentioned above, a similar concept - the so-called "confirmation of main residence" - exists in Austria and likewise serves as a success factor to ensure the social rights of homeless people. The difference is that in Austria the task is not conceded to one organisation such as the PCSW, but split among many organisations, which specialise in assisting homeless people. We consider that diversity and specialisation offer more advantages for homeless people than the Belgian system. We agree with the statement of the Belgian Anti-Poverty Network

³ FEANTSA: ETHOS - European Typology on Homelessness and Housing Exclusion, 2005 https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion [Accessed 16 August 2019].

(pp.21) that cohabitation should have no influence on a person's income and that social rights should depend as little as possible on a person's registration.

We point out on the positive side the statement in the Host country paper that in some cases the reference address served a preventive purpose even if a person had an income at the time (p.15). We also agree and highly appreciate the comment of the Anti-Poverty Network (p. 22), stating that they would like the policy to focus more on the preventive and structural approach to homelessness. In the paper, there is no description of concrete measures for the prevention of eviction in Belgium as part of the assistance for the homeless or as a task of the PCSW. In Austria, three provinces (Vienna, Upper Austria and Vorarlberg) have established professional standards in preventing homelessness. Prevention services get their information about legal cancellations of tenancy contracts and eviction proceedings from the local authorities. The flow of information is regulated by the Mietrechtsgesetz (Law of tenancy) § 33a and allows the local authorities to become active in the prevention, either by themselves or in cooperation with prevention services. Prevention services can build their activities on these laws. The municipality can inform the local prevention service and intervention can start at an early stage of the eviction proceeding. However, the tenancy law does not oblige the regional authorities to establish prevention services or to inform existing prevention services about ongoing eviction proceedings.

The paper refers to the evidence-based effective response of Housing first (p.2). It is not clear if the report relates to "Housing first" projects in Belgium or to "Housing first" in general. The references to corresponding studies are missing. In Austria, there are 5 "Housing First" projects in three provinces, which differ from each other regarding the target group and access criteria for the clients. The first project, the Neunerhaus, started in Vienna in 2012 and was evaluated after a 3-year test phase. It passed with flying colours (L&R Sozialforschung, 2015). The project became a permanent part of the Vienna support system for the homeless.

It may be seen as a potential success factor that the Belgian government has identified the fight against homelessness as a political priority within the framework of a Federal Plan against Poverty, although – as mentioned above - concrete measures are missing, at least in the paper. In Austria, there is no national strategy to prevent, fight or end homelessness, there are only regional strategies in some provinces. The regional strategies are very clear and in theory, they seem to be helpful to ensure homeless peoples' rights and life circumstances. But in practice, the current endeavours of the federal government and the regional governments seem to counteract these strategies: there are measures to reduce the funding of homelessness services, the minimum benefit for refugees and families with more children has been reduced and begging has been banned in certain areas. On the federal level, the fight against homelessness does not seem to be a priority. Even worse, recent plans of the last government seem to be fighting the poor rather than poverty, especially regarding homeless people.

We highly appreciate the comment of the Federation of PCSWs of Wallonia (p18) that states that people should be involved in decisions that concern them through participation mechanisms. Participation is an essential part and success factor for the realisation of individual rights. There are no detailed descriptions in the report about participation mechanisms in Belgium concerning the assistance of the homeless. Participation in social work can be defined as the effective active involvement of service users in the provision of services as well as in decision-making processes affecting these services (Schnurr, 2001). Homeless people should have a say in the provisions set up for them and play an active part in influencing the services they use. Participation does not exclude the need for support, but describes how support should be provided. Participation is only worth having if it has an impact and adds value to the decision-making processes. Participation is one of 15 quality standards which are defined by the Framework Directive of the Vienna Social Fund (Dachverband Wiener Sozialeinrichtungen, 2015), and it is also part of the regional social welfare

programme in Upper Austria (Land Oberösterreich, 2009). The most common and widespread participation activities among NGOs, which provide services for homeless people in Austria, are information and consultation, practices which often mean no real involvement in decision-making. Consultation happens through satisfaction questionnaires, suggestions and complaint boxes to monitor and evaluate services. Participation also takes the organisational form of regular residents/user meetings in residential projects and day centers. Some organisations have elected resident representatives. In most cases, there is no real decision power conceded to the clients (Stark, 2011). The NGOs themselves are not involved in decision-making concerning social policy issues, but some NGOs have advisory functions for regional politicians.

5 Questions

- The report mentions Housing first as one of a number of innovative methodologies based on a Cooperation Agreement. It would be interesting to hear more about other methodologies and to have more information on how this support is put into practice.
- The report refers to the evidence-based effective response of housing first (p.2). It is not clear if the report relates to Belgian Housing first projects or to Housing first in general. The references to corresponding studies are missing. We also wonder if the term *chronic homelessness* is appropriate. This term creates the impression that homelessness might be an illness or diagnosis. We prefer the concept long-term homelessness or homeless people with chronic diseases.
- The report mentions a big number of so-called equipment grants. The term equipment is very imprecise. It should be described more clearly what kind of equipment is granted.
- The report mentions cases of vagueness of competence among the PCSWs. We wonder if people get benefits or not during the process of confirming competence.

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Annex 1 Summary table

The main points covered by the paper are summarised below.

Situation in the peer country

- No right for Housing
- Austrian provinces are autonomous concerning laws and regulations concerning homelessness and homelessness services
- Municipalities are responsible for registration
- Confirmation of main residence as reference addresses. NGO's serving as contact points
- Regional strategies to fight prevent and end homelessness

Assessment of the policy measure

- Federal plan against Poverty, but no elaborated action is offered
- Reference address as pathway to ensure social rights
- · Housing first? Lack of clarity in which dimension it is implemented in Belgium
- Common definition of homelessness leaves ambuigity
- ...

Assessment of success factors and transferability

- Reference addresses
- Housing First
- Federal Plan against Poverty
- Measures of prevention of eviction
- Participation of homeless people

Questions

- How are the innovative methodologies mentioned in the Belgian report (p.2.) put into practice?
- Does the reference of the evidence based effective response of housing first (p.2). relates to Belgium Housing first projects or to Housing first in general?
- The term equipment grant is unprecise. What kind of equipment is granted?
- Do people get benefits during the process of clearing of competence among the PCSWs?

Annex 2 Example of relevant practice

Name of the practice:	Housing First
Year of implementation:	2012
Coordinating authority:	Housing first Neunerhaus
Objectives:	 Providing immediate access to permanent independent apartments, without precondition. Move homeless people into permanent housing as quickly as possible with on-going, flexible and individual support as long as it is needed, but on a voluntary basis Direct placement into long-term, self-contained housing with no requirement that they progress through transitional programmes. Enabling self-determined lives in accommodation of one's own Preventing hospitalization through large-scale facilities Developing new and up-to-date forms of accommodation.
Main activities:	Substantial and multidisciplinary social support is provided to the re-housed homeless people though it is not a condition for them to participate in and comply with therapies or show sobriety; regular house visits or appointments at the counselling base, financial and social counselling, psychosocial support for maintenance of tenancy, strengthening of self-determination, cooperation with relevant social- and health institutions, cooperation with partners of housing economy
Results so far:	98% Housing stability, consolidation of health status of residents; Establishment of the so called Neunerhaus platform with 17 enterprises of the housing economy which acquires units for Housing first



