

Germany: Act on Reporting on Homelessness

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In September 2019, the federal government adopted a bill on "Reporting on Homelessness" in Germany. The new law is designed to close a serious information gap in the area of homelessness and provide data on homelessness in Germany at national, regional and municipal level in the future.



Description

In recent years, the shortage of affordable housing in certain regions of Germany has increased dramatically and has developed (especially in the core cities of metropolitan regions) into a major social challenge. Against this background, it is estimated that homelessness has also increased sharply. This makes it all the more disturbing that, as noted by Hanesch (2019), no regularly collected national data on homelessness have hitherto been available in Germany.

In July, the Minister of Labour and Social Affairs finally presented a draft bill on "Reporting on Homelessness" (Wohnungslosenberichterstattungsgesetz), which was adopted by the federal government in September 2019:

- In order to improve the federal government's reporting on poverty and wealth and to provide the information basis for political action, a nationwide survey of homeless persons will be introduced, providing data at national, Land and municipal level. The statistics will be compiled for the first time for the year 2022 (statistical stocktaking using a reference date of 31 January). The statistics will be compiled centrally by the Federal Statistical Office.
- According to these yet-to-be-collected statistics, homelessness exists when: i) the use of a dwelling by a person or a majority of persons in the same household is neither secured by a rental or lease agreement nor by an in rem right; or ii) a dwelling is not available to a person or a majority of persons in the same household for other reasons.

- For the purpose of these statistics, data will be collected on persons to whom residential rooms or overnight accommodation were made available on the reference date because of homelessness as a result of measures taken by municipalities and associations of municipalities, or with the costs reimbursed by other social security institutions.

- Persons living on the streets and sleeping rough, as well as persons who have found accommodation with friends or relatives, will not be included in the new statistics, since, in the federal government's view, the cost of including them would be too high. These homeless groups will be investigated by the Federal Ministry of Labour and Social Affairs and the results will be published biannually.



Outlook and commentary

Only categories 2 (people in emergency accommodation) and 3 (people living in accommodation for the homeless) of the 6-category Ethos Light "European Typology on Homelessness and Housing Exclusion" (FEANTSA undated; see also Baptista and Marlier 2019) will be included in the planned national statistics. There is therefore a risk that the actual situation of homeless people will be only partially represented. In an initial round of comments from welfare associations and national associations of municipalities, the law was welcomed unanimously and the intention was positively assessed. In addition to the

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information already available, the planning basis for the housing policy of the Federal Government, the Länder and the municipalities will also be improved. Yet, at the same time, the need to improve the planned statistics was emphasised in detail:

- The Bundesarbeitsgemeinschaft Wohnungslosenhilfe e.V (2019), the Nationale Armutskonferenz (2019) as well as other welfare associations and municipal umbrella organisations pointed out that not all groups at risk of or affected by homelessness will be included in these statistics, particularly those living rough or living with friends or relatives (ETHOS Light categories 1 and 6). The justification given for this is not convincing, since these groups are included in the existing North Rhine-Westphalia statistics without any problems (Ministerium für Arbeit, Gesundheit und Soziales des Landes Nordrhein-Westfalen 2019). There, refugees with recognised status are also included, while they will be excluded from the planned national statistics if they are living in refugee accommodation. People living in institutions that are not specifically aimed at the homeless (such as women in women's shelters who are unable to return to their former homes), and people living in non-conventional dwellings due to lack of housing, will also be excluded.

- A further shortcoming of the draft bill is that it foresees the abolition of the survey of households at risk of losing their accommodation. Prevention is a key element of emergency housing assistance and is crucially dependent on such data. Thus, those at imminent risk of homelessness should also be included. It is particularly essential to record evictions and eviction judgments (as a total annual number), which must be filed directly with the competent local courts. In addition, the notifications of the bailiffs are to be recorded for scheduled and delayed evictions (Bundesarbeitsgemeinschaft Wohnungslosenhilfe e.V: 2019).

The Federal Council, as the representative of the Länder, has already indicated that it will approve the law if the statistics are produced in a more decentralised way. It is therefore foreseeable that the bill will be passed by the federal legislator and come into force before the end of this year. Although this will close an important gap in federal statistics from 2022, there is still a need for action to fill the remaining information gaps as soon as possible. It remains to be seen whether the improved information situation will also lead to needs-based action by the state actors.

Further reading

Baptista, I. and Marlier, E. (2019): *Fighting homelessness and housing exclusion in Europe: A study of national policies*, European Social Policy Network (ESPN), Brussels: European Commission.

Bundesarbeitsgemeinschaft Wohnungslosenhilfe e. V. (2019): *Stellungnahme zum Entwurf eines Gesetzes zur Einführung einer Wohnungslosenberichterstattung* ["Opinion on the draft law on the introduction of reporting on homeless persons"], Berlin.

FEANTSA (undated): *ETHOS Light. European Typology of Homelessness and Housing Exclusion*, <https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion>

Hanesch, Walter (2019): *ESPN Thematic Report on "National strategies to fight homelessness and housing exclusion – Germany"*, European Social Policy Network (ESPN), Brussels: European Commission.

Ministerium für Arbeit, Gesundheit und Soziales des Landes Nordrhein-Westfalen (2019): *Integrierte Wohnungsnotfall-Berichterstattung 2018 in Nordrhein-Westfalen. Struktur und Umfang von Wohnungsnotfällen* ["Integrated housing emergency reporting 2018 in North Rhine-Westphalia. Structure and scope of housing emergencies"], Düsseldorf.

Nationale Armutskonferenz (2019): *Stellungnahme zum Referentenentwurf des Bundesministeriums für Arbeit und Soziales* ["Opinion on the draft bill of the Federal Ministry of Labour and Social Affairs"], Berlin.

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