

RIGHT TO HOUSING 2014



LEGAL ASPECT

According to Miloon Kothari, the United Nations special rapporteur on adequate housing, **the concept of the right to housing made its first symbolic appearance in the constitution of the Weimar Republic in 1919** (article 155), following the First World War (1914-1918). Article 155 reads:

“The distribution and usage of real estate is supervised by the state in order to prevent abuse and in order to strive to secure healthy housing to all German families, especially those with many children ... Real estate, the acquisition of which is necessary to answer the demand for housing, to promote settlement and cultivation of the soil and to elevate agricultural cultivation, may be expropriated ... Any increase in the value of the real estate which does not result from the investment of labor or capital has to be made utilizable to the community.”

(read more)

The Basic Law specifies that housing is a concurrent authority, meaning that it falls under multiple jurisdictions: the Länder have the right to legislate on housing matters, so long as the federal government has not established a usage law as part of its legislative authority. In Germany, only the following regions (Länder) have a right to housing enshrined in their state constitutions. (read more)

Germany has signed the Revised European Social Charter on 29/06/2007 but has not yet ratified it. It has neither signed nor ratified the Additional Protocol providing for a system of collective complaints.

Source : FEANTSA, 2012

RENT MIRROR SYSTEM

The “Mietspiegel” (rent mirror) is a distinctly German system which significantly restricts speculation.

This register places local ceilings on rent increases on the basis of use value: rent levels depend primarily on the building’s size, location, year of construction, and layout. The Mietspiegel’s role is twofold: it reflects the state of the rent market in a given time and place, and it places restrictions on changes in the market, limiting rent increases to the level of those that have already occurred in the area. It controls the market retroactively. Rent increases occurring during the lifetime of a lease are limited by the relevant Mietspiegel value. Moreover, they cannot exceed 20% over a three year period. All rent increases require tenant approval. Proprietors can, however, go to court to obtain the authorized increases. (read more)

Sources: Lucie Lechevalier-Hurard, “Des locataires allemands bien protégés” ([read the article](#)) + ANIL’s 2011 report “Marché transparent, marché pacifié ? Le rôle des miroirs de loyer en Allemagne”

PUBLIC HOUSING

Definition and situation in 2012

In Germany the term ‘social housing’ is rarely used and legal texts generally refer to ‘publicly subsidised housing’ or ‘housing promotion’, which represents about 5% of the national housing stock. Today public intervention in housing policy in Germany is not linked to specific providers, but entails public subsidy of any kind of housing providers in exchange for the use of a dwelling for social purposes (enforcing income ceilings and lower rents) on a temporary basis. It should be noted that social housing is, since 2006, entirely a competence of the Länder (provinces), which have implemented different programmes and funding schemes.

Source : CECODHAS, 2012

CIVIL SOCIETY ACTORS : BUNDESARBEITSGEMEINSCHAFT WOHNUNGLOSENHILFE - HABITAT NETZ - DEUTSCHE MIETER BUND - KATHOLISCHE BUNDESARBEITSGEMEINSCHAFT WOHNUNGLOSENHILFE - MIETSHAUSER SYNDIKAT -...



PROBLEMS

THE HOMELESS

The only estimates concerning the number of homeless in Germany have been made by such independent institutions as the Bundesarbeitsgemeinschaft Wohnungslosenhilfe (BAG W), a social service provider which claims that in 2000, approximately 500,000 inhabitants were homeless (including the repatriated).

There are two legal provisions pertaining to homelessness in Germany:

City governments must offer people living in the street temporary housing (the homeless being considered a threat to public order).

The federal law on social assistance (Bundessozialhilfegesetz, section 72), which provides for assisting the homeless in acquiring and keeping a home. Assistance in training and job hunting is also provided, as is financial assistance covering the costs of temporary housing.

Source: [The European network FEANSTA](#)

OTHER PROBLEMS

- In 2017, there will be a shortage of 825,000 rental units, primarily in major cities and university towns.
- Rents appear to be rising faster than previously.
- Tenants seem increasingly vulnerable to energy insecurity.

Source : Deutsche Mieter Bund



HABITAT WORLDMAP

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UNDER CONSTRUCTION

