

Touching on a wide range of topics such as migration, homelessness prevention, housing, employment promotion and healthcare, BAG W offers a thorough breakdown of what the new German government's National Action Plan to Overcome Homelessness and Housing Exclusion by 2030 should focus on in order to meet its goals.

OVERCOMING HOMELESSNESS AND HOUSING EXCLUSION: WHAT GERMANY'S NATIONAL ACTION PLAN SHOULD LOOK LIKE



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INTRODUCTION

Germany has set a goal to end homelessness and housing exclusion by 2030 and is launching a national action plan to achieve this (Coalition Treaty between SPD, Bündnis90/Die Grünen and FDP; 24.11.2021).¹

With the coalition agreement of the new federal government, the long-standing demand of the National Federation for the Homeless in Germany (BAG W) for a “National Strategy to Overcome Homelessness and Poverty in Germany” is set as a task for the legislative period 2021-2025. The current estimates of the BAG W on the number of people experiencing homelessness in Germany for the year 2020 show that this is urgently needed: the total number of people experiencing homelessness has increased from 237,000 people in 2018 to 256,000 in 2020. If the number of recognised refugees living in homelessness is added, the total number of people experiencing homelessness in Germany is even around 417,000.²

Now the National Action Plan must be fleshed out with political measures. As early as 2013, the BAG W outlined the components of

- 1 Coalition Agreement 2021: MEHR FORTSCHRITT WAGEN - BÜNDNIS FÜR FREIHEIT, GERECHTIGKEIT UND NACHHALTIGKEIT. Retrieved from: https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf
- 2 BAG W (2021): Pressemitteilung Steigende Zahl Wohnungsloser im Wohnungslosensektor, Wohnungslosigkeit anerkannter Geflüchteter sinkt. Retrieved from: https://www.bagw.de/fileadmin/bagw/media/Doc/PRM/PRESSEMAPPE_BAG_W_Schaetzung.pdf


such a plan that it considers absolutely necessary in its “Call for a National Strategy to Combat Homelessness and Poverty in Germany.”³

In the following, we will first discuss the necessary framework of a National Action Plan from the point of view of the BAG W in order to then outline our concrete policy demands in key policy fields for the different levels - federal, state (“Länder”) and local - in the federal political system of Germany.

ACTION PLAN(S) AGAINST HOMELESSNESS AND HOUSING EXCLUSION: BACKGROUND AND SCOPE

The National Action Plan should address all subgroups of homelessness and housing exclusion in their specific living situations.⁴ This ranges from people who are currently homeless, to those who are at imminent risk of homelessness (e.g. termination or eviction is imminent), to people living in unacceptable housing conditions, such as overcrowding and escalating conflicts etc.

- 3 BAG W 2014: Aufruf zu einer Nationalen Strategie zur Überwindung von Wohnungsnot und Armut in Deutschland. Retrieved from: https://www.bagw.de/fileadmin/bagw/media/Doc/DOK/DOK_BAGW_Nationale_Strategie_Wohnungsnotfaelle.pdf.pdf
- 4 BAG Wohnungslosenhilfe e.V. (Eds.) (2010): Wohnungsnotfalldefinition der BAG Wohnungslosenhilfe e.V. Retrieved from: https://www.bagw.de/fileadmin/bagw/media/Doc/POS/POS_10_BAGW_Wohnungsnotfalldefintion.pdf



For a National Action Plan to overcome homelessness and housing exclusion, housing policy solutions are necessary but not sufficient on their own.”

For a National Action Plan to overcome homelessness and housing exclusion, housing policy solutions are necessary but not sufficient on their own. The causes of homelessness and housing exclusion are manifold and range from housing policy developments, such as rising rents and the insufficient supply of affordable housing, to serious socio-political undesirable developments and the insufficient expansion of prevention services in the municipalities.

Moreover, the problem of homelessness and housing exclusion is usually linked to different dimensions of social exclusion (e.g. unemployment, education and skills, health, or social support networks).

This characterises the particularly precarious situation of people experiencing homelessness and necessitates interdepartmental action by the federal government.

Germany’s characteristic federal system makes political action to overcome homelessness and housing exclusion necessary at all political levels, i.e. the federal, *Länder*, and local level. We therefore call on all political levels to develop and implement so-called framework plans for housing emergencies (*Wohnungsnotfall-Rahmenpläne*).

MAIN TASKS IN KEY POLICY AREAS

Prevention

Prevention is better than cure. We therefore demand the nationwide expansion of a preventive system to stop the loss of housing. This includes the secured and long-term financing of central counselling centres throughout the country. Implementing a functioning prevention system is a political decision, made by each individual municipality and district. We, therefore, call for the establishment of a funding programme for the development of municipal specialised centres in cooperation with the services of the Free Welfare organisations, e.g. in outreach counselling for people who are acutely threatened with losing their homes. Among other things, we demand to amend tenancy law to the effect that so-called grace period payments (*Schonfristzahlungen*) by the tenant can prevent not only termination without notice, but also ordinary termination. Furthermore, an eviction may only be carried out if a reasonable alternative living space is available.

Integrated Emergency Housing

Preventing the loss of housing should always have priority over accommodating people in a way that complies with German Public Order and Police Laws. People living in police-assigned shelters or emergency shelters are often in particularly desperate situations. They have usually fallen through the cracks of previous assistance programmes and may not even have received help according to §§ 67ff SGB XII.⁵ However, because the loss of housing cannot always be prevented, we demand the following:

- **At federal and *Länder* level:** Accommodation under German Public and Police Law must be discussed with the aim of developing guidelines for housing people experiencing homelessness in ways which respect their human dignity.
- **At *Länder* level:** As the highest regulatory authorities, the Ministries of the Interior are responsible for ensuring that the local and district police authorities fulfil their legal obligation and provide decent accommodation for people experiencing homelessness or prevent homelessness altogether.
- Each **municipality or administrative district** shall:
 - develop an integrated emergency support package. In an emergency, people require not only accommodation from police authorities, but also access to a range of low-threshold social services to ensure their livelihoods.

5 Bundesarbeitsgemeinschaft Wohnungslosenhilfe e.V. (2001): Kooperation und Arbeitsteilung zwischen freiverbandlicher Wohnungslosenhilfe und kommunaler Obdachlosenhilfe bei den Hilfen in Wohnungsnotfällen. Ein Positionspapier der BAG Wohnungslosenhilfe. Retrieved from: https://www.bagw.de/fileadmin/bagw/media/Doc/POS/POS_10_Kooperation_Obdachlosenhilfe_Wohnungslosenhilfe.pdf

- provide an emergency support service which is geared towards finding proper housing or providing needs-based support quickly.
- set up special winter emergency programmes, thus preventing people experiencing homelessness from dying of cold.
- ensure that police-assigned accommodation is decent and does not violate human dignity as far as size, location, accessibility, security, hygiene, and staffing is concerned. Such accommodation shall also guarantee a certain amount of privacy and the greatest possible access to the broader social welfare system, which would have a lasting positive effect on homelessness.

Housing Policy and the Provision Housing⁶

Rents and energy costs are rising in most cities and even in a lot of rural areas, while available housing is declining. Publicly subsidised social housing and thus affordable housing is decreasing due to the expiration of so-called occupancy bonds that guarantee low rents for several years or even decades after construction for apartment houses that were co-financed by the state.

Many municipalities and districts lack preventive measures to avoid the loss of housing. In addition, certain regulations in Code II of the Social Welfare Code (*SGB II*) make access to affordable housing more difficult for people with low incomes. For many welfare (*Arbeitslosengeld II*) recipients, rising rents are at the upper end of or above the defined housing allowance limit and after the first rent increase far above it.

6 BAG Wohnungslosenhilfe e.V. (Ed.) (2007): Wohnungspolitik gegen Wohnungslosigkeit und soziale Ausgrenzung am Wohnungsmarkt. Wohnungspolitisches Programm der BAG Wohnungslosenhilfe e.V. Retrieved from: https://www.bagw.de/fileadmin/bagw/media/Doc/POS/POS_06_Wohnungspolitisches_Programm.pdf

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They are seriously at risk of losing their homes. The benefit sanctions of SGB II have increased the risk of rent arrears. This further reduces the prospects of welfare recipients on the housing market. Therefore, we call for the inclusion of the following in the National Action Plan:

At federal level

- Reinstating housing policy as a federal-level responsibility and continuing the centralised promotion of social housing.
- Establishing the logic of common good orientation in housing provision with long and even permanent social bonds (“*Neue Wohngemeinnützigkeit*”).
- Making a certain proportion of socially committed housing explicitly available for people experiencing homelessness.
- Embedding the option of paying for rent arrears in the form of welfare payments in the Social Welfare Code II in order to prevent housing loss.

- Installing flexible guidelines on the adequacy of the costs of accommodation (rents, heating, electricity, & other additional costs) that consider real local average costs (reference values instead of maximum values).⁷
- Administering effective rent controls that prevent rent increases above 10% of the local average rent.
- Promoting schemes which aim to offset the cost of energy-saving measures incurred by tenants in social housing. Promoting social housing construction programmes in areas with high numbers of cases of homelessness and housing exclusion. These schemes shall be financed by the *Kreditanstalt für Wiederaufbau* (KfW).
- Creating a support programme for the closure of municipal emergency shelters with the aim of moving the former residents into apartments with full housing rights.

⁷ BAG W (2017): Position Bezahlbaren Wohnraum schaffen, Wohnraum für wohnungslose Menschen akquirieren. Retrieved from: https://www.bagw.de/fileadmin/bagw/media/Doc/POS/POS_17_Wohnraum_beschaffen.pdf

At *Länder* level

- Promoting a pro-active social housing construction policy to secure affordable housing for all.
- Setting up regional action plans which safeguard access to housing for low-income households.

At municipal or administrative district level

- Developing a strategy for ensuring an adequate supply of housing at municipal level which considers not only the housing needs of middle and higher earners, but in particular the needs of lower earners and of those receiving benefits.
- Making active use of housing construction promotion programmes.
- Giving priority to social aspects in the sale of public land to private developers (not only selling to the highest bidders!).
- Applying concepts to protect tenants in areas with a tight housing market, e.g. through local bans on the deconstruction of housing, conversion of rental housing into condominiums or commercial units, or reinforcement of building inspection authorities.
- Establishing appropriate price ceilings for new and follow-up lets which are in line with a standard rents table (*Mietspiegel*) or with comparable rents.
- Maintaining and renewing occupancy agreements for people experiencing homelessness.
- Securing housing by setting up advice services at municipal level which specialise in the prevention of housing loss and by ensuring collaboration with non-governmental homelessness organisations. This requires funding programs at the *Länder*-level.

- Making special efforts to acquire housing for people experiencing homelessness, e.g. with so-called guarantee contracts, a general rental model, or binding contractual agreements between municipalities and the housing companies.
- Transforming very basic accommodation provided by police authorities into regular housing where possible.

Health Care and Health Care Policy

People experiencing homelessness generally have serious health issues. As mentioned in the 2021 coalition agreement, people living in homelessness face significant barriers to accessing mainstream health care. These include problems with health insurance, co-payments for medications and other medical products, as well as prescription fees and increasing patient cost-sharing. Because of the special need for medical care for people experiencing homelessness, we demand the following:

At federal level

- Immediately stopping the imposition of new co-payments and surcharges and instead re-introducing exemption from charges for medication, remedies, and other medical products for those receiving welfare benefits.
- Considering exemption regulation for low earners to help with the costs of necessary medication for which a prescription is not required.
- Negotiating an agreement with the National Association of Statutory Health Insurance Physicians (*Kassenärztliche Bundesvereinigung*) regarding a guarantee to deliver statutory health services to all, including patients experiencing homelessness.

- Providing adequate financial support to projects that offer medical care to people living in homelessness. Towards this aim, Germany's statutory health insurance and the *Kassenärztliche Bundesvereinigung* shall create a joint fund at federal level which co-finances such projects.⁸

At *Länder* level

- Initiating proceedings in which the statutory health insurers, the *Kassenärztliche Bundesvereinigung* and the *Länder*, jointly define the health care delivery regions and ensure that the legally stipulated guarantee to deliver statutory health services is actually complied with.
- Promoting medical projects.

At municipal or administrative district level

- Including medical outreach schemes in all municipal emergency programmes.
- Setting up low-threshold support services in places where people experiencing homelessness find accessing support services difficult. At all times, the key objective shall be the clients' re-integration into standard health care.

⁸ Rosenke, Werena (2004): Das Gesundheitsmodernisierungsgesetz und die Folgen für die Klientinnen und Klienten der Wohnungslosenhilfe. Blitzumfrage der BAG Wohnungslosenhilfe. In: *wohnungslos. Aktuelles aus Theorie und Praxis zur Armut und Wohnungslosigkeit*. Heft 1/2004.

Employment Promotion and Labour Market Policy⁹

Of the people experiencing homelessness who are able to work, just under 12% are employed. Many of them have already been unemployed for more than a year (long-term unemployed)¹⁰. The instruments of the Social Welfare Code II often fail to reach people who are long-term unemployed in general and those experiencing homelessness while being long-term unemployed in particular. The employment promotion measures set out in the Social Welfare Code II and III do not consider the particular social problems of people experiencing homelessness and housing exclusion and are underfinanced.¹¹ Therefore, an inclusive social labor market is needed as a publicly supported sector for the integration of people who are long-term unemployed with high need for support. We call for the following actions:

At federal and *Länder* level

- Embedding social enterprise into the Social Welfare Code to provide a sound legal basis for a social labour market.
- Launching promotion programmes which provide start-up financing for social enterprises.

⁹ BAG W (2013): Sozialer Arbeitsmarkt und Sozialunternehmen: Voraussetzungen und Anforderungen eines innovativen Förderinstruments für die vom Arbeitsmarkt ausgegrenzten Personen. Retrieved from: https://www.bagw.de/de/publikationen/pos_pap/pos_arbeit.html

¹⁰ BAG W (2019): Statistikbericht – Zu Lebenslagen wohnungsloser und von Wohnungslosigkeit bedrohter Menschen in Deutschland – Lebenslagenbericht. Retrieved from: https://www.bagw.de/fileadmin/bagw/media/Doc/DOK/BAGW_Statistikbericht_2019.pdf

¹¹ BAGW (2009): Beteiligung von Menschen in Wohnungsnot und in besonderen sozialen Schwierigkeiten am Arbeitsleben. Retrieved from: https://www.bagw.de/de/publikationen/pos_pap/pos_arbeit.html

- Creating an operational programme within the European Social Fund that promotes employability skills and post-school qualifications for people who are at the very fringes of the labour market.

At municipal or administrative district level

- Backing social businesses with municipal resources.
- Developing projected targets for the jobcentres which place clear priority on people experiencing long-term unemployment.
- Clearly laying down the main promotion objective (i.e. employment support) in the Local Action Plan for Homelessness and Housing Exclusion.

Young adults under 25 years of age (under 25s) and youth welfare policy¹²

The care and support given to young adults who are experiencing homelessness and social problems is often insufficient and not designed to overcome existing developmental deficits or particular social problems. A lack of interaction between governmental funding bodies and service providers often results in indiscriminate and unfair refusal of support services, particularly by municipal funding bodies, such as youth welfare offices. As a consequence, young adults remain trapped in precarious housing and living conditions. Therefore, we demand the following:

¹² BAG W (2013): Rechtsansprüche junger Erwachsener in Wohnungsnot und sozialen Schwierigkeiten verwirklichen und fortentwickeln. Retrieved from: https://www.bagw.de/fileadmin/bagw/media/Doc/POS/POS_13_Rechtsansprueche_junger_Erwachsener.pdf

At federal level

- Putting an end to denying young people free choice of housing, a practice which is currently enforced via the Social Welfare Code II.

At *Länder* level

- Having *Länder*-promotion programmes for people experiencing homelessness which target young adults under 25.
- Ensuring that any special offers are planned and coordinated at the supraregional level by governmental welfare funding bodies. This shall be done in close co-operation with local job centres and non-governmental funding bodies.

At municipal or administrative district level

- Developing a general strategy which focuses on young adults experiencing homelessness and social difficulties. This shall include directives specifying responsibility and finance.
- Creating the basis and structures required for interlinking networks working in close cooperation, in particular youth welfare offices, homelessness support services, and job centres.
- Ensuring that people between the ages of 18 and 21 receive youth care services. The funding bodies of homelessness support services and youth welfare are to agree on specific areas of responsibilities.
- Specifying, guaranteeing, and financing interim support schemes for providers of homelessness services until a decision has been reached regarding financial responsibility. The concept and content of such schemes should adequately reflect the particular situation of young adults.

Migration¹³

The enlargement of the European Union and the resulting greater freedom of movement within the EU labour market has led to more citizens of the new Eastern European accession countries accessing homelessness organisations and service providers. Some of those people from Eastern Europe who arrive in search of employment find themselves unable to access the labour market for a variety of reasons and are, therefore, dependent on support services. In its coalition agreement, the current federal government has agreed to set up a federal state working group on homelessness among EU citizens.

Increasingly, providers of publicly-funded accommodation are reporting that their capacities are being stretched to the limit, particularly in urban areas. In addition, it is becoming increasingly difficult for recognised asylum seekers to find housing in order to be able to move out of asylum accommodation.

The housing situation of people without a residence permit or with an uncertain asylum status is highly characterised by insecurity and the fear of being caught by the authorities. People without legal papers are, therefore, more likely to seek help anonymously from low-threshold services provided by the homeless assistance system. That is why we request the following:

At federal level

- Promoting and supporting municipalities in their efforts to provide services for migrants experiencing homelessness and housing

¹³ BAG W (2013): Hilfen für Migrantinnen und Migranten in Wohnungsnot und sozialen Schwierigkeiten. Grundsatzpositionen der BAG Wohnungslosenhilfe e.V. Retrieved from: https://www.bagw.de/de/publikationen/pos_pap/pos_migration.html

exclusion. The federal government shall co-finance their emergency support services to enable them to adequately address the increase in demand brought about by increased migration.

- Assigning clear political responsibility. This is to be followed by the introduction of promotion programmes designed specifically to help migrants who are experiencing homelessness and housing exclusion.

At *Länder* level

- Issuing legally binding guidelines to the support services provided for in Articles 67f of the Social Welfare Code XII.
- Setting up comprehensive support and financing structures which reflect the increase in demand.

At municipal or administrative district level

- Ensuring that all migrants experiencing homelessness and housing exclusion have free access to emergency support services.
- Designing and setting up support services which include migrants at risk of housing loss.
- Developing and expanding social integration services for migrants living in unacceptable housing conditions.
- Expanding the offer of services designed to help migrants obtain employment and qualifications.
- Enhancing and strengthening the networking and co-operation between all advice and contact-point services.
- Ensuring medical care and access to the statutory health care system.
- Increasing low-threshold advice and support within social services for migrants.

Protection from Violence and Displacement

In general, people experiencing homelessness need special protection from violence and displacement in public spaces. Preventive and aftercare concepts and measures aim to curb violence against people living in homelessness. Inhuman and right-wing extremist motives and backgrounds of violence are to be documented and scientifically and politically processed. Federal framework legislation must work to ensure that discrimination against people experiencing homelessness is counteracted by police and regulatory law and that the prevention and prosecution of violence against them is promoted under the rule of law. Police and regulatory law must be designed in such a way that people living in homelessness can access public space and public infrastructure without discrimination.

The BAG W will actively contribute its differentiated demands for a National Action Plan to overcome homelessness and housing exclusion by 2030 to the political process, which is being shaped under the auspices of the newly created Federal Ministry for Housing, Urban Development and Building. Initial talks with the responsible federal minister Klara Geywitz have already taken place at the federal conference of the BAG W at the beginning of March 2022.

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