



# **The prevalence and consequences of evictions for the housing precariat in Brussels**

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Making the invisible visible

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# Summary results

Housing evictions are an invisible phenomenon that is on the rise in the last two decades (Sassen 2014). The housing precariat – people who have a very difficult time to afford a qualitative and stable home - is increasing in this regard (Köppe 2017). The few numbers that are available show that Belgium has the third highest eviction rate in Europe (0,27% of the total population) and that, among the three regions, the Brussels Capital Region has the highest eviction rate of Belgium (0,004%) (Verstraete and Dedecker 2015). It is double the rate of Flanders (0,002%), and eight times as high as the rate of Wallonia (0,0005%). The high numbers are, among others, a result of the existing and severe housing crisis in Brussels where there is a lack of affordable and qualitative housing stock on the one hand and the fact that a large proportion of inhabitants of Brussels is relatively poor on the other hand. The costs and consequences of evictions, which we will discuss in the remainder of this text, are severe on both the societal and the individual level.

## Innovative mixed-method research

Using an innovative mixed method research design, our study sheds further light on this highly invisible phenomenon in the BCR by researching the prevalence and consequences of evictions for the housing precariat in Brussels. Through the collection and the analysis of eviction judgements of 2018 of the 18 peace courts in Brussels, we were able to provide a complete picture on the number and geographical distribution of housing evictions in Brussels and a socio-demographic profile of the evictees. In addition, by conducting 31 interviews with institutional actors involved in the housing sector and over 100 hours of ethnography we got a sense of how evictions were being governed by the different actors involved in the eviction process. Furthermore, we conducted 25 biographical interviews with persons being evicted or at risk of eviction to trace their housing biographies and -trajectories and to determine the long-term individual risk factors, and short-term triggers that impact the chances of being evicted. Furthermore, we determined how evictions are being experienced by the evictees. In what follows we will discuss each of our results in more detail.

## How many, who, and where

Based on our quantitative analysis<sup>1</sup>, we found that 3908 judgments of evictions were being pronounced in the BCR in the year 2018. This means that 11 households receive an eviction judgment per day. The eviction filing rate is 0,13%: this means that 13 evictions were filed for every 1000 renter households. There are more eviction filings in the poorer neighborhoods of the North and the West of the BCR than in the richer South-East of the BCR. In this case, we see that the eviction rate is higher in neighborhoods with a higher share of job searchers, of single mothers with children, of people from north African or Sub-Saharan descent, and of minors in the total population, and a lower average taxable income. In this case, we also see that the eviction rate is higher when the monthly rent, the average habitable square meter is lower, and the share of houses with basic comfort is lower. This seems to suggest that people who rent in the lower and least qualitative echelons of the rental market are more at risk to be evicted.

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<sup>1</sup> For a more detailed analysis of our quantitative results see our article in Brussels Studies: <https://journals.openedition.org/brussels/6513>

In terms of the socio-economic profile, we could find that most eviction filings occur in the age group between 28 and 49 years old, which is the age when people raise children. If we add the conclusion that evictions occur more in neighborhoods where more minors live, we could conclude that children are often involved in the eviction process. Furthermore, we found that 70% from the renters is born outside of Belgium, of which 20% in the EU, 40% in an African country and 10% elsewhere. Persons who are born abroad are thus overrepresented in the population that receives an eviction judgment, since only 45% of all Brussels residents are born abroad.

The main reason that renter households get evicted are rent arrears. This is the case in over 80% of the judgements. The median of rent arrears is 2900 euro. 7% of the cases speaks of the overstaying of the lease as reason. Other more marginal reasons are nuisance, neighborly trouble, and damage, etc.

Most evictions – 81% - are being filed by private landlords. The remaining 19% of the evictions are being filed by landlords involved in the social housing sector. What is interesting in this regard, however, is that the eviction rate is twice as high (2,6%) among AIS and five times as high (6,7%) among the CPAS. In terms of geographical residence, we found that one third of the landlords lives close to the evictee, 13% even lives in the same accommodation, and one third of the landlords lives further away, outside of the BCR. We clearly see that the proximity of landlords and renters is closer in the central, poorer districts of the BCR, suggesting a poorer socio-economic profile of the landlord as well.

Finally, we see that the judicial procedure advantages the landlord. We found that only 40% is present in court, of which only 10% is represented by a lawyer, while 70% of the landlords is present and represented by a lawyer.

### Various eviction trajectories

Based on our twenty-five biographical interviews, we found that eviction is perceived by our respondents in different ways. We determined various eviction trajectories. Firstly, there is the official eviction from one's private home or secondly from one's home with a social purpose executed through a judicial procedure. One third of our respondents got evicted officially from their private homes, of which one fifth stayed until the actual eviction day because they had nowhere else to go to. One third has been evicted officially from their home with a social purpose, such as social housing, a house rented out by a social real estate agency or welfare office. Thirdly, four of the respondents got evicted because their leases were ended against their will. We thus sometimes these renters overstay their lease because they do not have nowhere to go. Fourthly, illegal evictions occur from private homes and from squats where the landlord takes matters in its own hands by harassing or threatening the renter verbally or physically to leave. Fifthly, some have experienced an eviction from their homes by a family member, usually in the process of a divorce. Sixthly, some of our respondents got evicted from a squat, officially through an administrative eviction procedure, or unofficially. Lastly, although temporary reception facilities often act as a transitory solution for an eviction, people who end up in these types of facilities often experience it as an expulsion. At Samu Social, for instance, one must leave every morning and return at night, and in emergency shelters, for example, one must leave after six months to a year. It is important to note that these trajectories often occur together. 13 out of our 25 interviewees have experienced multiple evictions, often from various types of homes. Eviction in this case is always experienced as forced, people feel they are forced to leave their homes against their will. This might go hand in hand with physical violence, but that is only sometimes the case. Most people experience more subtle forms of force, such as symbolic violence from the state.

There are three defining phases in an eviction trajectory for the people involved. The time before eviction, the event of eviction itself and the aftermath. By using biographical interviews, we take a dynamic approach looking at housing trajectories. So, we need to keep in mind that eviction trajectories do not show a linear progression. Evictees find themselves rather in a downward spiral once they are being evicted, which is very difficult to escape. 21 out of our 25 respondents have experienced very unstable housing trajectories and periods of homelessness. In what follows, we discuss each phase in detail.

### **Before the eviction: Long-term causes. Or is it consequences.**

It is difficult to determine whether the factors that we will mention here are the long-term causes or the consequences of an eviction. However, what is clear is that every single problem that people who are being evicted experience before the eviction aggravated after the eviction. Most of the respondents also struggle with multiple problems at the same time. In addition, we must be aware that we do not blame the victim, it is important to notice that it is a combination of market forces, policy regulations and individual life events that increase the risk of being evicted from one's home.

We determined six different long-term individual causes or consequences. 1) *Mental or physical health problems*. Most of our respondents (24) suffered from either mental or physical health problems. Mental problems range from burnouts and depressions to psychosis, or borderline. Our interviewees suffered from asthma – sometimes caused by the bad housing conditions they were living in -, diabetes, hypertension, epilepsy, and neurological diseases and motoric problems. 2) *Financial precarity*. All the respondents were in a financially precarious situation. They were either unemployed (22) or retired (2). Only one interviewee still worked in a sheltered workshop. Most received welfare benefits, invalidity benefits, or a pension. Some – sans-papiers or people missing the necessary documents - had no income at all. Some had, next to rent arrears, made other debts. 3) *Social isolation*. Most of the respondents were very socially isolated. They had (almost) no contact anymore with friends or family. 4) *Poor housing conditions*. Most respondents get evicted from houses of bad quality, sometimes they were even uninhabitable (2/3 of respondents). There are problems of moisture, mould, broken heating, no electricity nor running water. 5) *A history of eviction*. A lot of the respondents who have been evicted have been evicted before (13). 6) *Unstable family situations*. Some of our respondents have already been physically moving regularly with their parents or alone during their childhood; others have experienced physical or verbal violence in their youth; others have seen their parents' divorce. These unstable family situations transition into the next generation as we see that 19 respondents are single, widowed or divorced. To conclude, evictions are often the result of various problems, it is multifactorial. Evictions thus occur among the most financially, emotionally, socially, and physically precarious people within the city. Especially in the case of judicial evictions: people who stay in their home until the eviction itself do not have a housing solution and usually end up on the streets or in emergency housing.

### **Before the eviction: short-term triggers**

In the short term, people who get evicted often experience sudden financial difficulties on top off their already precarious financial situations. As a result, they cannot cope with a new financial setback. For instance, they lose their job, they experience a sudden or an aggravation of their mental or physical health problems. These health problems sometimes require long, and costly hospital stays, which might affect their partner relationship, or job trajectory. It can occur also

that due to a depression or other severe mental health problems one cannot manage their own finances anymore. In other cases, when one loses a partner, due to death or divorce, who managed the financial affairs – the one left behind might not know how to deal with the finances - or was the sole breadwinner. As a result of the latter, people get completely cut off from money.

Another reason that an eviction is filed for is that some renters stop paying the rent altogether out of protest because of the bad quality of the home they live in. However, this type of action often comes back as a boomerang and sets the unwanted process of eviction in motion. Because the landlord can evict the protester based on rent arrears or on the premise that they are going to do solve the bad housing quality and renovate the building. In the end the result is the same, the renter who protests bad housing quality ends up on the streets, often with nowhere to go. That is why most people are hesitant to protest bad housing quality. It is either staying in a house of bad quality, but with a roof over one's head or ending up on the streets.

### **The event of an official eviction**

All respondents who lived through an actual judicial eviction, with a bailiff that knocks on their door, the police that is present and a moving company that packs up one's things, experience it as an extremely violent and traumatic event. Before the eviction, people are stressed out and anxious. They often cannot sleep and get depressed. Some have suicidal thoughts because they do not see any solution.

They experience feelings of loss. They are not only losing a roof over their head, which means security, but also a home where they feel good. During an official eviction, they lose most of their material possessions because they cannot afford to collect them back from the municipal warehouse within the six months the warehouse holds it for them, or they do not have stable housing to put their stuff in. They lose most of their emotional possessions. However, these are the belongings that have been taken the most, together with more practical things, such as glasses and necessary medication. Pictures and small objects with emotional value are often packed in a hurry when the bailiff arrives. In the rush and confusion of an eviction, some lose their identification papers and their unemployment papers. In addition, they lose an official address. As such, some of the evictees just completely disappear from the system and cannot claim their social rights, such as health care benefits and a welfare income. Furthermore, they lose their social contacts and the habits they have developed in the neighborhood. The school of the kids, the shops they frequent, the doctor they go to, and the green spaces they visit and the public transportation system they use.

### **The aftermath: the long and impossible road towards housing stability**

Finding a stable home after the eviction is almost impossible. As a result, housing trajectories become erratic and unstable. The physical, psychological, social, and financial problems that were sometimes already there worsen after an eviction. Having the insecurity of not having a roof over your head makes any person with a mental illness trigger. People feel ashamed to ask for help from family and friends after an eviction and people tend to withdraw. Social isolation worsens as a result. Debts rise because the judicial costs of the eviction must be paid as well as the rent arrears. People feel helpless and alone. They feel rejected by general society and feel being looked down upon, stigmatized, and patronized by the social welfare agencies and housing organizations that are supposed to help them. In addition, they feel emotionally drained and have no energy nor motivation to change something about the unstable housing situation they are in.

In addition, having no access to an address, makes that they are cut off from their social rights or a welfare income, social housing, and health care benefits. It occurred more than ones that people get radiated and disappear from the system. Getting them registered back is often a difficult and painful process.

Furthermore, because the overall rent is too high, the existing housing stock is of bad quality and there is a shortage of social housing in the BCR, people who lose their homes do not find a new home easily. It feels like an insurmountable and impossible task to do. In addition, evictees get discriminated on the private and the social rental housing market based on their social status, their mental health status, their income, and/or their ethnicity. Because there is a shortage of affordable and qualitative housing, renters are lining up for the cheap places available and there is a lot of competition as a result. As such, landlords just need to pick and choose. There are landlords in this case who think they are doing people a favor to rent them a home. Social workers themselves are desperate themselves and do not know how to help because there is no qualitative and affordable housing available in the BCR.

### **Special case. Eviction in the social housing sector**

One third of our respondents and 19 % of the renters who received an eviction judgement got expelled by the social housing sector, by which we mean, a dwelling owned by an AIS, a social housing company, or the CPAS. In this case, renters do not get evicted because of rent arrears. When renters have only rent arrears, the social assistants of the social housing companies involved often find solutions in the form of budget management. However, when the renter causes nuisance to the other neighbors, such as noise, violence, littering in the communal hallways, they get evicted. In practice, this means that renters with severe mental problems get evicted and end up on the streets. This is rather problematic as social housing should be the last resort for people they can count on, especially financially and psychologically vulnerable people. Some of the homeless associations see eviction as such as a disciplinary learning tool in this regard. They believe that through good counselling they will help evictees find a new home again, and hope that they will learn from the experience on how to be a good renter and a good neighbor.

### **The governance of eviction. Forced Nomadism**

To conclude, we argue that the housing precariat lives in constant housing insecurity and is forced to leave its home repeatedly because of 1) a lack of state investment in affordable and qualitative (social) housing. 2) A lack of state investment in integrated and approachable social services that address the multidimensional problem of eviction and housing insecurity. And 3) a lack of protection of tenants' rights during judicial eviction proceedings. Evictions are one of the most excessive symptoms of a housing market in distress and needs to be avoided at all costs!

### **References**

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## Recommendations for the Brussels Capital Region

### Improve the affordability of housing by reducing the prevalence of market forces

Although eviction is multifactorial, the cause that appears to be the most decisive is the affordability of housing, i.e. whether the rents are payable. The high cost of housing comes into play at both ends of the eviction process. On the one hand, rent that is too high in relation to available income puts a financial strain on some households to the point of being evicted for non-payment (86% of eviction judgements). On the other hand, the same high rent complicates rehousing once eviction proceedings have been initiated. The high cost of housing is also the cause of eviction because some people fail to leave after a break in the lease, as the households concerned have nowhere else to go given their situation (7% of eviction judgements). The other reasons for eviction given in the judgements appear to be very marginal (behavioral problems, conflict, damage, etc).

In Brussels, access to housing is almost entirely dependent on the market. Currently, there is very little public regulation of the market (except during the term of a lease), leaving landlords a great degree of latitude in setting prices. As a result, landlords have an incentive to maximize their rental profits, while many tenants are forced to make substantial efforts, to the point where they can no longer afford to pay. In this system, except for the minority of cases where an owner carries out an eviction in order to occupy the property himself, eviction is the legal tool that guarantees the lucrative enjoyment of the property, by allowing a landlord to legally get rid of a tenant who is unable to pay the rent. To act on the root cause of evictions, it is necessary to make housing more affordable by regulating the rental prices on the private market.

### Increase the supply of housing not subject to market forces

Another way of making more affordable housing available is to increase the stock of social housing. This also makes it possible to provide decent housing for those categories of households that are discriminated against on the private market, who otherwise have no choice but to accept unhealthy or overcrowded housing conditions that are conducive to tenancy disputes that can lead to eviction.

Data from eviction judgements indicate that renting social housing from a SISP is the most protective situation regarding the risk of eviction: the eviction rate is 1.1% compared to 2.6% for the different AIS and 6.7% for the different CPAS. These disparities call into question the fairness of treatment between social and "assimilated social" tenants and could be mitigated by extending the protection mechanisms practiced within the SISP to the entire 'social housing'



sector. In addition, the high eviction rate by the various CPAS reveals the absurdity of evictions from transit accommodation. If these are to serve as a real springboard towards stable housing, their number must be drastically increased so that they can be used as rehousing in cases where eviction is unavoidable and that they are made available for as long as necessary.

### **Reform the legislation, case law and administrative procedures to correct power imbalances between tenants and landlords**

As it currently stands, judicial eviction proceedings favour the landlord. The fact that tenants are absent from the hearing in 60% of cases is particularly worrying in view of the impact on the judge's decision: tenants who are present are 20 times more likely to obtain a judgment allowing them to remain in their dwelling on the condition that they comply with a payment plan for their rental debt. Strengthening the presence of tenants in court by supporting them socially and legally is therefore a crucial issue. The ordinance reforming the judicial eviction procedure passed by the Brussels Parliament on 16 June 2023 is a step in this direction: by extending the time limits for appearing in court, it provides additional time for proactive social support prior to the hearing. A further step would be to generalize the postponement of hearings when tenants are in default or have not been able to benefit from social or legal assistance.

Furthermore, the legislation is intrinsically favorable to landlords. The following proposals would reduce this asymmetry: to systematically check if the landlord complies with his legal obligations (housing code, town planning regulations, registered lease,...), to take into account the fairness of the rent and the profile of the landlord in the decision-making process; to make appeals against eviction suspensive; to repeal the possibility of terminating a lease without a reasonable cause and to increase penalties for illegal evictions.

Add to this is the absolute need to rethink the procedures for dealing with insalubrity. Currently, reporting the poor condition of a property means risking eviction for the tenant, while landlords are subject to very few controls, sometimes illegally re-letting a property that has been banned by the DURL. To facilitate the filing of complaints, the rehousing of tenants who are victims must be ensured. More generally, the state of properties needs to be monitored more closely (for example, by introducing a license to rent), while at the same time developing aid for renovation, which must imperatively be accompanied by anti-inflationary measures such as long-term agreements or the collectivization of land (CLT).

### **Support tenants before eviction and protect the most vulnerable**

Each stage of the eviction procedure has negative repercussions. Strengthening social and legal support for tenants would encourage the amicable settlement of tenancy conflicts through the intervention of a third party. In this sense, the possibility of mobilizing a fund to cover rental arrears, conditional on tenants remaining at the premise and paying a fair rent, appears to be an interesting means of action. However, an approach focused on tenants must be coupled with the structural measures presented above, otherwise it runs the risk of exhausting the social system in both financial and human terms.

In addition, for the most vulnerable people - who often not only suffer from financial, but also (mental) health problems - managing a home on a day-to-day basis can be complicated, causing them to endure a series of evictions. It is therefore necessary to invest more means in developing integrated, low-threshold counselling on the psychological, the financial and the judicial level to ensure their residential stability.

## Develop statistical monitoring of the different types of eviction and at the different stages of the procedure

Currently, there is no institutional mechanism for producing data, whatever the type of eviction (judicial, administrative, or illegal). This lack of statistics collected on a regular basis prevents any temporal follow-up and complicates the implementation and evaluation of policies. It also contributes to the invisibility of evictions in Brussels and hinders reflection on their causes. The ordinance passed by the Brussels Parliament on 16 June 2023, which provides for the implementation of a monitoring based on eviction judgements, is a giant step forward. Supplementing this monitoring with a systematic record of the number of requests/citations in justice, the number of evictions notified by bailiffs and the number of evictions being carried out by force would make it possible to better assess the measures that encourage escalation or de-escalation at each stage of the legal proceedings. Keeping a record of administrative evictions also seems essential - and not so complicated - given that these are decided upon and carried out by the municipal authorities.

# Publications

## Website

<https://bru-home.ulb.be/>

## Published articles

Pernelle Godart, Eva Swyngedouw, Mathieu Van Criekingen en Bas van Heur, «Housing evictions in Brussels: how many, who and where?», *Brussels Studies* [Online], Algemene collectie, nr 176, Online op 12 février 2023, geraadpleegd op 30 mai 2023. URL:

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URL : <https://bsiposition.hypotheses.org/2672>

version FR – « Comment les politiques publiques aggravent les vulnérabilités ».

URL : <https://bsiposition.hypotheses.org/2394>

## Research reports

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Eva Swyngedouw, Pernelle Godart, Mathieu Van Criekingen et Bas van Heur. 2020. The prevalence and consequences of evictions for the housing precariat in Brussels. A state of the Arts. Research report. URL : [https://bru-home.ulb.be/reports/state\\_of\\_the\\_arts.pdf](https://bru-home.ulb.be/reports/state_of_the_arts.pdf)

## Organized event

Housing Evictions: understanding them better to better prevent them. *Presentations, discussions and exhibition*. 26 May 2023, La Fonderie, Brussels.

version FR – Les expulsions de logement : mieux les comprendre pour mieux les prévenir. Présentations, discussions et exposition.

NL versie – Uithuiszettingen: ze beter begrijpen om ze beter te voorkomen. Presentaties, discussies, tentoonstelling

Recording of presentations available here : <https://www.youtube.com/watch?v=V-ES2DAZOeg&list=PLQlpuesjurLYWDWsgCDZpbXzMmTY5Xlks>

## Communications

Session 'housing evictions. Hidden expressions of extreme housing precarity.', *RC21 conference*, 15/07/2021, Universiteit Antwerpen

Bru-Home - The prevalence and consequences of evictions for the housing precariat in Brussels, *Matinée de présentation des résultats des recherches BRUHOME-HYPER-MEASINB du programme Innoviris - « Rendre visible l'invisible »*, 10/11/2022, Ateliers des Tanneurs, Brussels

Payer ou partir ? Les expulsions de logement à Bruxelles, *Journée d'étude: "Hors de prix ! Les enjeux sociaux de la propriété du logement. Regards croisés de géographes, sociologues et politistes"*, 16/11/2022, Clersé, Université de Lille

Loyers impayés ou loyers impayables ? Les expulsions de logement à Bruxelles, *Cycle de formation « Expulsions domiciliaires : analyse du phénomène et organisation collective » du RBDH*, 18/11/2022, Université Populaire d'Anderlecht

Les expulsions de logement à Bruxelles. État des lieux, logiques et enjeux, *Auditions de la commission Logement du Parlement bruxellois*, 19/01/2023, Parlement bruxellois. URL : <https://www.youtube.com/watch?v=ar8UjqBEwC0&list=PLQ3uOzWd9MNzQNEW2c8cnYeItEFLTt5IO&index=14>

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Les expulsions de logement à Bruxelles : combien, qui et où ? *Les soirées folles du Centre d'écologie urbaine #4*, 23/03/2023, Uccle

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Loyers impayés ou loyers impayables ? Logiques et enjeux de l'expulsion de logement à Bruxelles *Journées Jeunes Chercheur-ses du Réseau Recherche Habitat-Logement*, 8-9/06/2023, Aix-en-Provence

Comment rendre compte de la problématique des expulsions ? Exemple du projet de recherche Bru-Home sur les expulsions de logement à Bruxelles, *Colloque « Comment prévenir les expulsions domiciliaires en Wallonie ? » organisé par le RWDH*, 15/06/2023, Monceau Fontaines

Tu paies ou tu pars ? Logiques et enjeux de l'expulsion de logement à Bruxelles / ¿Pagas o te marchas ? Lógicas y desafíos del desalojo de viviendas en Bruselas, *La production de l'espace au xxie siècle, Colloque du Réseau International d'études sur la production de l'espace, Luites de pouvoir, pouvoir des luites*, 26-30/06/2023, Universités Lyon et Saint-Etienne

### **to come**

Forced nomadism. The consequences of evictions for the housing precariat in Brussels. *17th European Research Conference on Homelessness*, 15/09/2023, Leuven.

Pay or leave! Housing evictions in Brussels, *'Making visible the invisible', Research on inequalities and injustices in cities and urban environments, Conference CIVIS Blended Intensive Programmes (BIP)*, 27-29/09/2023, Brussels

[Titre à venir], *Journée d'étude sur les expulsions locatives à Lille, organisée par l'APU du Vieux-Lille*, 17/11/2023, Lille

Logement et délogements à Bruxelles, *cycle de cours-conférences sur le logement à Bruxelles, Collège Belgique*, [date à venir], Brussels

### **Press release**

Please see our website for links to press articles and radio interviews: <https://bru-home.ulb.be/>