

SUMMARY OF ACTIONS CARRIED OUT IN CONNECTION WITH EVICTIONS OF VULNERABLE PEOPLE

(Period: 14 Sept - 23 Oct 2020)

1. Context and general data on 90% of the evictions prevented

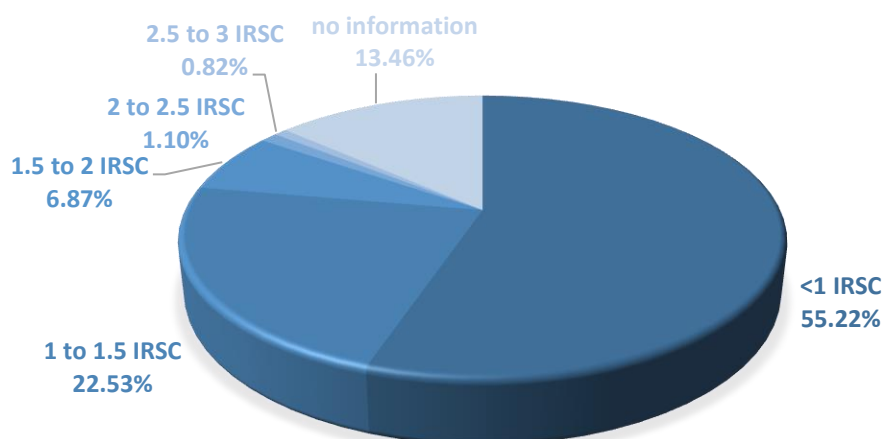
This document supplements the report titled 'Evictions of vulnerable people during the pandemic' which was presented a few days ago by this same unit. The above-mentioned first report provided an overview of the serious housing emergency that has arisen in Barcelona as a result of the eviction proceedings conducted between 14 September (when the courts resumed operations following the interruption caused by the first wave of Covid-19) and 23 October.

The document referred to the 443 eviction proceedings, affecting 1,211 people, including 463 children, of which the Barcelona City Council Anti-Eviction Unit was aware during that period. It also explained the extreme vulnerability of families at risk of eviction, their tenancy arrangements and the types of cases and owners, while explaining the mediation work carried out by the Barcelona Anti-Eviction Unit.

Out of these 443 processes, 405 evictions were prevented. In other words, 90% of evictions were not carried out. This was thanks to the mediation work (carried out by both the Anti-Eviction Unit and the other municipal staff in the city's network of housing offices) and the residents' association.

It must be noted that, of the 90% of evictions that were not carried out, **60% were avoided thanks to municipal mediation before eviction day**. This is extremely important as, in those cases, the families were spared the extreme distress of an eviction, with police officers and court staff at the door and without knowing until the last minute whether they would have to leave their home that day. In the **other 40% of cases, mediation had to be undertaken 'at the door' to prevent the evictions**. On those occasions, in spite of the ever-growing presence of police officers and the ensuing rising tension, with all that this entails (for affected families, residents' associations and municipal teams), suspension, deferral or other solutions buying time to find a solution that guaranteed the right to housing were eventually achieved.

It is worth remembering that these are extremely vulnerable households: 80% of them live on less than €800 per month, and over 50% on less than €537 per month, which makes paying rent completely unfeasible. In addition, other factors further exacerbate these families' situation, such as the fact that 37.8% of those at risk of eviction are people under 18, single mothers or households with elderly people or with people with chronic illnesses.



2. Infringement of the emergency legislation by large property owners

Thanks to the promotion of organised citizenship, Catalonia has emergency housing laws that provide protection in a significant range of situations of vulnerability that place people at risk of losing their homes (Law 24/2015, of 29 July, on urgent measures to address the housing and energy poverty emergency; and Decree Law 17/2019, of 23 December, on urgent measures to improve access to housing). In both cases, the legislation was passed in accordance with the idea of co-responsibility, establishing that it is not just government bodies who must address this problem but that large property owners must make an affordable rental housing offer before evicting their tenants. The definition of 'large property owner' in this case includes investment funds, financial institutions or any other kind of legal or natural person owning more than 15 homes. It is also worth noting that the definition of 'small property owner' in turn refers not only to private owners but also to natural and legal person with fewer than 15 homes registered in their names.

However, as mentioned in the previous report, it was observed during the period under analysis that over half the owners were large property owners in breach of their legal obligation to offer affordable rental housing before embarking on an eviction process.

Since this same legislation provides for the possibility of sanctions in such cases, and based on the information collected through the city's network of housing offices in coordination with the Anti-Eviction Unit and the Housing Discipline and Anti-Harassment Unit, during 2019 and to date in 2020, we have sent large property owners who were not complying with the current legislation 449 demands to make affordable rental housing offers.

66% of these demands were sent to financial institutions and investment funds. The remainder is split between estate agent limited companies (a type of business with significant tax advantages for operating in the rental market) and natural persons owning more than 15 homes.

During 2020, 361 demands were sent: 51% during the first half of the year and 49% in the second. Some of these have resulted in a positive response and the conclusion of an affordable rental housing contract. To date, 53 affordable rental housing contracts were concluded between 2019 and 2020, guaranteeing the right to housing for 201 people, 79 of whom were children. There are currently 17 sanctioning proceedings in progress, at different stages, adding up to a total of €564,680 in future fines. It is worth noting that the aim of these fines is never to collect money but to enforce the law and achieve affordable rental housing offers in order to prevent evictions.

The main large property owners that have had to be formally required by the City Council to comply with the law currently in force in Catalonia are:

BUDMAC + GESCAT + ANTICIPA (Blackstone)	26.12%
SAREB	15.30%
BBVA	14.93%
CERBERUS + DIVARIAN + HAYA	13.81%
BANC SABADELL	9.70%
BANKIA	7.09%
BUILDING CENTER	5.97%
ALTAMIRA + BANC SANTANDER	5.22%
ABANCA CORP.	0.75%
NORVET	0.75%
VAURAS INVESTMENTS	0.37%
TOTAL	100%

3. Examples of cases of extreme vulnerability in which the unit's actions prevented eviction

In the current circumstances, and in view of the second wave of the pandemic, it is of the utmost urgency that the moratorium on evictions be extended to all vulnerable people. This is being demanded by the municipal world: the third sector, social and residents' organisations, and the professional associations of healthcare and social workers are all demanding that the central government grant a moratorium on evictions for people in any situation of vulnerability.

In order to understand the extent of the problem we are talking about, we have set out below the cases of three families in situations of extreme vulnerability who should never have been threatened with eviction in the current state of alert and curfew situation, which show the urgency and the need to extend the protection of the current moratorium.

CASE 1: A married couple with two children under 18, whose social and financial vulnerability has been certified by social services. Eviction proceedings started by a large property owner (Norvet, SL) that had several empty flats in the same block of flats. One of the children was self-isolating pending a PCR test due to a positive Covid-19 case at school. In spite of this, it was not possible to prevent the eviction, with the risk to public health entailed by having to interrupt the child's self-isolation adding to the trauma of the situation. The central government moratorium did not cover this family because their vulnerability preceded Covid-19 and because they were living in the home without a document entitling them to do so, as a result of a situation of homelessness.

CASE 2: A family household of 11 people composed of 5 children and 6 adults (including a pregnant woman). The owner, the investment fund Cerberus, tried to evict them for the second time, but the Anti-Eviction Unit managed to prevent it at the last minute. The family was already vulnerable before Covid-19.

CASE 3: Eviction of two adult women who were mother and daughter. The daughter was unemployed and in receipt of no benefits, and the mother, who was seriously ill, was in receipt of benefit for total permanent incapacity and had a certified disability. Vulnerability before Covid-19. The Anti-Eviction Unit successfully mediated with the Management Company for Assets Arising from The Banking Sector Reorganisation (SAREB), and the eviction was temporarily suspended. However, the central government's current moratorium will not protect them against the next attempt to evict them.