



# CARLA HUISMAN



# INSECURE TENURE

The Precarisation  
of Rental Housing  
in the Netherlands



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rijksuniversiteit  
 groningen

# **Insecure Tenure**

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# CHAPTER 1

## INTRODUCTION

### HAS RENTAL HOUSING BECOME LESS SECURE IN THE NETHERLANDS, AND WHY DOES THIS MATTER?

#### 1.1 In how far is Dutch rental housing becoming less secure?

Secure housing is important for people's well-being (Cairney and Boyle 2004, Elsinga *et al.* 2008, Morris *et al.* 2017, Fitzpatrick & Watts 2017, Darab *et al.* 2018, Bates *et al.* 2019). Uncertainty about if and when you will need to leave your home has a negative effect on ontological security (Hulse *et al.* 2011), the psychological stability that people need to live a meaningful life (for the origins of the term ontological security see Laing 1960, for the development of the concept in housing studies see Giddens 1991 and Saunders 1990). Whether housing is secure depends in the first place on the form of tenure. Home-ownership and permanent renting contracts offer more protection against insecurity than temporary leases. Such leases either end automatically at a certain moment, or might be terminated by the landlord at a moment beforehand unknown to, and thus usually undesired by, the tenant, while the tenant has no agency to prevent this, i.e. the termination is not due to rent arrears or other violations of the contract. Affordability and state of maintenance are two other factors influencing security of housing (Clair *et al.* 2019). If tenants cannot afford the rent anymore, as a result of steep rent increases, their housing situation will become insecure. Likewise, when homes fall in a state of serious disrepair, they offer less security. In summary, security of housing depends on security of tenure, affordability and state of maintenance. The process whereby housing becomes less secure for residents, or in other words, more precarious, I define as housing precarisation, analogous to the concept of labour precarisation, which refers to labour becoming less secure for workers, or more precarious (Kalleberg 2009, see also below).

The main question of this thesis is whether rental housing in the Netherlands, over the last twenty years, has become less secure. There is ample anecdotal evidence of such a trend, but no scientific research has, so far, been undertaken. Given the importance of secure housing for people's well-being, and the ongoing deregulation of the rental market in the Netherlands, such research is urgent and relevant. This research takes a first step in closing this knowledge gap, by asking: *to what extent is Dutch rental housing becoming less secure, or, in other words, more precarious, and how does this precarisation manifest itself?* In what follows, I trace this process of an increasingly insecure tenure in detail along the introduction of temporary rental contracts in the Netherlands, the shift

towards making tenants completely responsible for claiming their renting rights and the role of citizen participation in legitimising displacement of tenants. Throughout the text, I also explore the rationalities behind these trends, linking them to the ongoing residualisation of renting, the rise of housing as an aspirational, meritocratic investment good and the punitive and disciplining effects on tenants of this changing discourse.

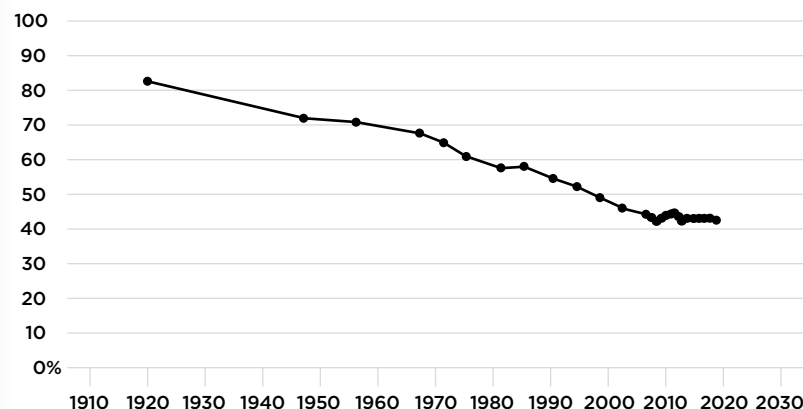
In my experience people grasp the issues described above, especially security of tenure, more intuitively through an analogy with the labour market. In a nutshell, in the Netherlands, most people used to have a permanent job, but now people more and more have temporary contracts (or they become self-employed). This shift from permanent labour contracts to temporary labour contracts is well-known. The media have been publishing about it regularly since its beginning at the end of the 1970s, it is a focus of political debate, and we also know how many people have permanent labour contracts and how many temporary. I observe a similar shift in housing, where most Dutch people used to have permanent rental contracts, but now more and more temporary rental contracts have been appearing (or they become home-owners). But in this case, the shift is not very well known. The media hardly publish anything on it and political debate is lacking. We also do not know how many people have a temporary rental contract, and who they are in terms of personal and household characteristics or how they experience this sort of lease. That is strange, since as with labour the shift from permanent to temporary rental contracts comprises an important transfer of risks from the landlord to the tenant. Renting becomes more precarious, that is, more risky, uncertain and unpredictable for the tenant, analogous to the shift of risks from employer to employee as theorised by for instance Kalleberg (2009) and Thompson (2010).

### 1.2 Meritocratic and neoliberal ideologies led to deregulation and residualisation of the Dutch rental sector

Let us start with some background on Dutch housing policy. While the government constantly and actively promoted home-ownership (Van der Schaar 1987), throughout almost all of the twentieth century, the Netherlands was a nation of renters (see figure 1.1 and the

**Figure 1.1**

**From a nation of renters to a nation of home-owners –  
Percentage of households renting in the Netherlands 1920-2018**



Source of data: calculated from Van der Schaar 1987:308 (1920-1985, Ministry of Housing, Spatial Planning and the Environment [VROM] 1999:25 (1990-1998), Ministry of Housing, Spatial Planning and the Environment [VROM] 2003:9 (2002), Statistics Netherlands 2019a (2006-2017), Statistics Netherlands 2019b (2018).

references below the figure). It was only by 1997 that the proportion of home-owners had risen to equal that of renters. Since the end of the first World War, as a result of enduring housing shortages, rents had been regulated, and tenants' rights had been strong (De Gaay Fortman undated, approximately 1918, Kraaijestein 2001). In the post-World War II years, the focus was on new construction of both rental (Helderman *et al.* 2004) and owner-occupied (Van der Schaar 1987:326) dwellings to assuage the enduring scarcity.

After more than forty years, by the end of the 1980s, the quantitative housing problem was declared solved, and the focus shifted towards improving the housing stock qualitatively (Ministry of Housing, Spatial Planning and the Environment 1989:49ff). In practice, this meant



the intensification of the promotion of home-ownership (Mulder 2005) and the deregulation and residualisation of rental housing, the latter term referring to the process whereby regulated housing increasingly becomes occupied solely by the most disadvantaged households (Van Kempen & Priemus 2002, Aalbers *et al.* 2017). In line with the political currents of the time, better quality homes were felt to be best realised through the free market, and regulated homes should be only for the minority of disadvantaged people who could not fend for themselves on the market (Ministry of Housing, Spatial Planning and the Environment 1989:114-115). Consequently, from 1989 onwards the regulation of both starting rents and annual increases was discontinued for homes beyond a certain threshold on the governmental point scale (which is used to translate the size and amenities of a home into a rent price, Ministry of Housing, Spatial Planning and the Environment 1989:140). Table 1.1 shows the slow rise of such unregulated rent.

Ever since, the value of points in euro on this scale has been steadily adjusted upwards to hasten the liberalisation of the still remaining regulated rental housing stock. Through allowing sharp annual rent increases, most years well above inflation levels (Ministry of the Interior and Kingdom Relations 2014) and steep rises in starting rent levels,

Table 1.1

Dutch housing sector 1985, 2005 and 2017

	1985	2005	2017
Regulated rent	58%	42%	33%
Unregulated rent	0%	3%	7%
Owner-occupancy	42%	55%	60%
Total	100%	100%	100%

Source of data: calculated from Van der Schaar 1987:308, Ministry of Housing, Spatial Planning and the Environment [VROM] 2006:12 & 15, Ministry of the Interior and Kingdom Relations 2019.

Table 1.2

Recent changes in the Dutch rental sector:  
number of dwellings in four rent classes 2009- 2015

	2009	2012	2015	change 2009-2015
Affordable <E390*	726.000	553.000	434.000	-40%
Moderate E390-E557*	1.441.000	1.399.000	1.263.000	-12%
Expensive E558-E700*	477.000	618.000	784.000	+64%
Unregulated >E700*	233.000	335.000	469.000	+101%
Total	2.877.000	2.905.000	2.950.000	+3%

Source of data: calculated from Blijie *et al.* 2016:28/ WoON 2015. \*All price levels shown from 2015, in line with source of data, but for 2009 and 2012 calculated according to the then operative thresholds. Note: 2015 is the most recent year for which reliable data are available.

the number of dwellings with a rent accessible to those eligible for individual housing allowances strongly declined (categories affordable and moderate shaded in table 1.2), while the number of dwellings with expensive rents strongly increased and those with unregulated rents doubled between 2009 and 2015 (table 1.2). As a result, renting has become more expensive; in terms of housing expenditures as a proportion of the household income, the average has increased from 28% in 1990 to 39% in 2015 for renting households (Statistics Netherlands 2019c,d).

These developments can be explained through the context of current Dutch housing politics, which is based on meritocratic and neoliberal ideologies. The core idea of meritocracy is that a society is just when social-economic positions are based on personal achievements, even when abilities between people vary, on the condition that life opportu-

nities are at first distributed equally, principally by offering all children the chance of achieving to the best of their abilities through education (Young 1958; Swierstra & Tonkens 2008). A safety-net should guarantee minimum provision for those who prove to be unable to support themselves. Neoliberalism contends that society best functions through an unfettered free market with the role of government restricted to ensuring a level playing field (Brenner & Theodore 2002). It is a natural extension of the meritocratic idea that housing should reflect earned social-economic status, while from a neoliberal standpoint the best way to create and distribute housing is through market mechanisms.

As a result, the main problem that Dutch housing policy is trying to solve is that housing does not adequately reflect earned social-economic status and the main strategy for solving it is deregulation of housing. Hence the liberalisation of an ever-increasing part of the rental sector, and hence the liberalisation of ever-more renting agreements – as with the introduction of temporary leases. At the same time, the government also intervenes actively through the introduction of heavier income-dependent rent-increases for those who are deemed too affluent to live in homes with affordable rents (Hoekstra 2017), *skewed* residents as they are called in the housing policy jargon (and indeed cartoons with lopsided tenants abound). Through these monetary measures, such tenants are nudged towards home-ownership or a home with an unregulated rent. Similarly, during the gradual systemic change from a more egalitarian society to a meritocratic society, structural adjustment problems might occur, which necessitate regular government intervention to deal with the consequences of liberalisation. For instance, because rents have been rising constantly, or in the jargon, became more market conform, government expenditures for housing allowances rose significantly (Ministry of Finance 2016). To limit the impact on the national budget, prospective tenants entitled to allowances are now restricted to renting homes from the affordable and moderate categories of regulated rents, which are on average smaller and of lower quality than those in the more expensive categories (Hoekstra 2017).

The ongoing liberalisation of the Dutch rental housing market, according to the combined meritocratic neoliberal ideology, is resulting in ongoing precarisation, I argue. The abolishing of protection for

tenants in terms of security of tenure, rent increases and maintenance is eroding ontological security. This means that although those with the least resources are impacted most, the changes in policy affect not only disadvantaged groups, but everybody. Looking at evidence from the United Kingdom, where the introduction of temporary leases quickly resulted in them becoming the norm, combined with the first corroboration from the Netherlands, I contend that current Dutch housing policy is stigmatizing renting. One of the recurring themes of this thesis is that many incremental steps have a cumulative effect, leading to unintended consequences. Policy makers do not set out to discipline and punish renters, but the combined effect of all the policy measures is a strong message: *You should not be renting at all.*

### 1.3 Where do we go from here? Overview of the thesis

Beyond this introduction and the conclusion, this thesis consists of five main chapters. Four of them have been previously published in international peer-reviewed scientific journals, one is currently under review. While the chapters are all different, they are all reflections of the same conundrum of the precarisation of Dutch rental housing, each with its own angle of incidence, and as such they complement each other. (Like looking at an object in a museum, and walking around it, and seeing different things from each angle, and the object looks different, depending on from where you view it.)

In Chapter 2, *Non-Enforcement as a Technique of Governance: The Case of Rental Housing in the Netherlands* I query what the meaning is of a situation in which regulations do not work in practice, but which are presumed/asserted to work in the accompanying political discourse. This provides a background into the workings of Dutch housing regulations concerning the main elements of rental security, namely starting rent levels, annual rent increases, (lack of) maintenance and termination of tenancies. The chapter also lays the groundwork for the political-philosophical thread concerning social-spatial inequality throughout all chapters, which we will return to in the conclusion. Through analysing political and bureaucratic documents, and drawing on my previous ethnographic research, I argue that non-enforcement of regulations can function as a policy mechanism in its own right, as a method to secure and transmit the objectives of government in a more subtle way

than an explicit, top-down exertion of power. As such, non-enforcement of regulations constitutes one of the main mechanisms behind renting in the Netherlands becoming less secure.

*A Silent Shift? The Precarisation of the Dutch Rental Housing Market* (Chapter 3) focuses on the specific element of termination of tenancies. The chapter investigates why the rise of temporary rent in the Netherlands has thus far failed to stimulate any societal debate, systematically reviews the scarce available evidence and proposes a research agenda in order to find out how much non-permanent renting is going on, and why.

I took up this challenge of research into non-permanent housing in Chapter 4, *Temporary Tenancies in the Netherlands: From Pragmatic Policy Instrument to Structural Housing Market Reform*. Here, I probe into how the shift towards temporary rent has come about. To answer this question, I analysed policy documents, media content and parliamentary archives. I conclude that a period of slow bureaucratic expansion led to a tipping point. Once this was reached, temporary tenancies were no longer seen as solutions for specific problems, but had become viewed as a desired goal in themselves.

Chapter 5 addresses another important problem identified in the research agenda. The questions are contained in its title: *Insecure Tenure in Amsterdam: Who Rents with a Temporary Lease, and Why?* The goal of the chapter, which is co-authored with Clara Mulder, is to gain insight into the characteristics of those living with temporary tenancies and also to provide a baseline to be able to assess the shift towards more temporary leases empirically over the coming years. We analyse data from the 2015 WIA survey (in Dutch: Wonen in Amsterdam; Housing in Amsterdam) through multinomial logistic regression. We find that young adults, students and those with a Western migration background have a higher chance of having a temporary lease, as well as people who had to move from their previous home because their lease was terminated or had become too expensive.

Indeed, precarious rental arrangements may result in 'housing-related involuntary residential relocation', or displacement (Marcuse 1985:205). But displacement also occurs to tenants with (seemingly) more secure tenancies. As part of a national policy for urban renewal, in Amsterdam between 1997-2015 many renters of affordable rental

housing were forced to leave their homes because of policies of state-led gentrification. In Chapter 6, entitled *Displacement Through Participation* I focus on how such displacement was being legitimized. Based on extensive ethnographic fieldwork, I conclude that here, citizen participation provides government a platform to impose its views in a context of severe power asymmetries, while alternatives are marginalised and dissent is disciplined.

In the conclusion, Chapter 7, I return to the overarching questions of this thesis reflected in the title *The Precarisation of Rental Housing in the Netherlands*. Armed with the evidence of the intervening chapters, we are now able to answer these questions. Here, I argue to which extent Dutch rental housing is becoming less secure and explore the three processes through which this precarisation manifests itself: the process of the continuous widening of the legal grounds on which temporary leases are allowed, the process of the non-enforcement of renting rights on the ground and the process of the discursive residualisation and stigmatizing of renting. I also discuss the further implications of the precarisation of rental housing in the Netherlands for policy and research, and reflect on possible future developments.

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## CHAPTER 2

# NON-ENFORCEMENT AS A TECHNIQUE OF GOVERNANCE

## THE CASE OF RENTAL HOUSING IN THE NETHERLANDS\*

When governments systematically fail to ensure that a policy is implemented, while at the same time keeping that policy in place, this can result in a reality where certain regulations are simultaneously officially present but informally absent. In this chapter, I derive from the case of rental housing in the Netherlands that such non-enforcement can be understood as a technique of governance. Here, rules on security of tenure, rent ceilings and maintenance are in theory strong, but in practice knowledge of these regulations is almost non-existent, and enforcement is so weak that the rules have become largely meaningless. Through analysing political and bureaucratic documents, and drawing on my previous ethnographic research, I argue that keeping regulations in place that are largely unknown to citizens and unenforced by authorities can function as a policy mechanism in its own right, as a method to secure and transmit the objectives of government in a more subtle way than explicit, top-down exertion of power. I conclude that non-enforcement as a technique of governance, previously overlooked by most research, deserves our attention, not just because of its effects on policy processes but also because of its impact on citizens.

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If men define situations as real, they are real in their consequences.

Thomas & Thomas, 1928:572.

### 2.1 Introduction

Non-enforcement concerns the situation when, implicitly, existing policy is not executed. This is particularly relevant in discussions around the introduction of new policies, or the modification of existing ones, because existing policies are usually taken as starting points, and the default assumption seems to be that these are enforced. But what if this is not the case? For example, what if politicians, civil servants, interest groups and academics are engaged in debate about modifying a policy which, in practice, is not enforced anyway? This raises a number of closely intertwined questions. First, how does a situation arise whereby, at the level of policy recipients (usually civil society), regulation is mostly ineffective? Second, why does this reality on the ground not manifest itself in the abstract discourse surrounding the policy? Third, how does this situation differ from outright deregulation, and who benefits from this paradoxical situation whereby policy simultaneously seems to exist and not exist?

In this chapter, I attempt to answer these questions by studying the case of rental housing in the Netherlands. Here, rules on security of tenure, rent ceilings and maintenance are in theory strong. Contrary to the situation in Anglo-Saxon countries, leases run in principle indefinitely and full rent controls usually apply. However, a largely unnoticed yet relevant aspect of the neoliberal shift in this country has been the *de facto* movement of government away from active enforcement of most regulations around rental housing. Rather than the state actively intervening to ensure enforcement, the current *modus operandi* is that, while a policy of strong state intervention remains intact in theory, and is assumed to function, concerned parties are at the same time supposed and presumed to take action themselves. However, such do-it-yourself enforcement is highly problematic. When the onus for securing their rights falls on the shoulders of individual tenants, they are forced to engage in possible conflict with their landlords, a risky and scary step most tenants, be they rich or poor, usually try to avoid as much as possible. Beyond this major obstacle, differences in knowledge and power

greatly influence whether citizens utilise these elective enforcement procedures. Furthermore, the housing rules and procedures are often perceived as complex and technocratic, and the government has made only marginal attempts to inform citizens about the laws, the reasons for their existence, and how people can claim their rights. As a result, both landlords and tenants are often unaware of the regulations that apply. Moreover, the mechanisms themselves are often ineffective, even when citizens do manage to access them. In the end, despite the fact that on paper regulation and enforcement is comprehensive, the rules *in practice* are hardly enforced at all. At the same time, proponents of deregulation argue that the current policy (as it exists on paper) is too strict, while this does not reflect the situation in reality at all.

So far, little sociological attention has been paid to non-enforcement, and certainly the specific angle of studying how failing to ensure compliance can be understood not just as a rational, technical problem of efficient goal attainment, but as a social phenomenon in its own right has been hitherto largely overlooked. I follow Lascoumes and Le Galès (2007:3), who argue that instruments for policy implementation should be regarded as autonomous subjects for analysis in political sociology, because they are ‘not neutral devices: they produce specific effects, independently of the objective pursued (the aims ascribed to them), which structure public policy according to their own logic.’ Indeed, non-enforcement should not be considered simply as a consequence of the unavoidably finite resources of government, but rather as a technique of governance in its own right. This is relevant, because like many things, the effects of not ensuring that rules are adhered to are not homogeneously distributed over the population, but patterned. Specifically, lack of enforcement of laws instituted exactly to protect citizens when they find themselves in a weaker position, will affect those very groups. Given the potentially far-reaching consequences of the underlying mechanisms, both on policy recipients and for wider political debates, non-enforcement is well worth our attention.

In the next section I explain how I came to and conducted the research that forms the basis of this chapter. After this, I define, discuss and link the different theoretical elements that underpin my analysis. Then, equipped with this theoretical framework, I move to the empirical part, my case study of non-enforcement of rules concerning

rental housing in the Netherlands. From this analysis of the empirical evidence flows the theoretical statement that non-enforcement can function as a technique of governance, and that this has consequences beyond administrative choices. I argue that this finding potentially applies beyond the case of regulation of rental housing in the Netherlands, to other domains, and expound on which conditions might exacerbate non-enforcement.

## 2.2 Method: Negotiating the hall of mirrors

This research emerges from observations made during my earlier investigations on such related but different topics as the legitimisation of the displacement of tenants caused by state-led gentrification (Huisman, 2014) and the precarisation of the Dutch rental housing market (Huisman, 2016a, 2016b). My interest in the practical application of Dutch housing regulations was, however, raised much earlier. Twenty years ago, I was asked by an acquaintance to volunteer at my local neighbourhood centre. After receiving some training, I became part of a small team of volunteers that offered advice and assistance at the weekly consultation hours for renters experiencing problems with their tenancies. Over the years, I continued my assistance of tenants in different roles, such as a member of the board of the local tenants’ association. My volunteering brought me in contact with many tenants experiencing issues with their landlords: tenants threatened with unlawful evictions, tenants charged rent levels and increases significantly higher than legally allowed, and tenants experiencing a severe lack of maintenance, while their landlords refused to address these matters. It is important to note that, while housing associations seldom resort to physical intimidation, the majority of complaints concern houses they own. Since housing associations possess most of the Dutch rental stock, this is in itself not surprising, but reminds us that having not-for-profit, social aims, does not equate to perfect behaviour. Of course, many Dutch landlords treat their tenants well, and consultation hours attract exactly those tenants with bad experiences. Sharing these experiences with acquaintances, however, all renters themselves, brought out that lack of knowledge about one’s basic rights as a Dutch tenant, which I observed *en masse* among the tenants I encountered at the neighbourhood centre, seemed to be a phe-

nomenon much more widely spread. Also, many of them thought it too tedious or dangerous to address the issues they experienced.

When some ten years later I became a researcher, I broadened my interest in tenants' experiences. A rift between the reality experienced by policy-makers and policy-receivers manifested itself time and time again in my ethnographic research. This included participant observation and interviews with tenants, civil servants and politicians as well as conversations with researchers. On the policy side, respondents were mostly surprised at my questions concerning the enforcement of rules. They usually equated the existence of regulations with their execution. On the receiving end of policies, most respondents showed a lack of knowledge of existing regulations and certainly a lack of belief in their enforcement. At the same time, most research and white papers seemed to take enforcement at face value.

This puzzling situation provided the starting point for the current research. Put as a question of political sociology, it reads: why are these regulations abandoned in practice but not cancelled, while at the same time it is maintained that they function? I also had to determine whether my problem was specific and limited to this particular case of current Dutch policy concerning regulations and enforcement of rental housing, or whether the conundrum had broader meaning. To answer these questions, I re-examined the materials I had collected in previous research projects and accumulated new information, specifically through collecting and analysing documents on the bureaucratic and political level. Adopting an iterative approach, I turned to possibly relevant literatures and so investigated several possible causal mechanisms. And so, in a constant back-and forth between theory and data, developed the central ideas of this chapter. After a long analysis of the theory and practice of responsive regulation, I concluded I had reached a certain degree of theoretical saturation: nothing could be gained – in the context of this research project – from entering new paths or revisiting old ones any more (Glaser & Strauss, 1967/2006).

Upon reflection, I concluded that my field of investigation (the population of cases) is the non-enforcement of policies. The literature explaining why certain regulations are not enforced typically attributes the phenomenon to, variously, a focus on the aims of policy rather than on the means, uneven application due to discrimination, imperfectly func-

tioning state apparatuses (lack of resources or skills) and other practical difficulties of execution, or an explicit decision by government to moderate, or even withdraw, from enforcement. I will elaborate on this in the theoretical framework. None of these, however, apply in the current case. The analysis concerns non-enforcement of rental housing policy in the Netherlands. I believe that exactly because this country is both nationally and internationally perceived as affording its renters strong protection, particularly in comparison with Anglo-Saxon countries (Hulse & Milligan, 2014; Toussaint, Tegeder, Elsinga, & Helbrecht, 2007), while at the same time the regulations are largely abandoned in practice, it can be seen as a *deviant* case (Gerring, 2006). Such cases are chosen for research because they deviate from the expected outcomes in an unexpected manner according to existing theory or knowledge. 'The deviant-case method selects the case(s) that, by reference to some general understanding of a topic (either a specific theory or common sense), demonstrates a surprising value' (Gerring, 2006:107). Through analysing deviant cases, hitherto unknown causal mechanisms might be discovered, and so bolster our insight into social phenomena:

The purpose of a deviant-case analysis is usually to probe for new – but as yet unspecified – explanations. [...] The researcher hopes that causal processes within the deviant case will illustrate some causal factor that is applicable to other (deviant) cases. This means that a deviant-case study usually culminates in a general proposition – one that may be applied to other cases in the population.

Gerring, 2006:108.

By analysing the deviant case of non-enforcement of rental regulations in the Netherlands, potentially a new, generalisable causal factor for explaining why regulations sometimes are not enforced, might be identified. An in-depth, hypothesis-generating analysis of a single case is a necessary precursor to future comparative and/or quantitative analysis of non-enforcement; it is an essential first step in which the complex, dualistic inner workings of non-enforcement are identified, analysed and assessed for generalisability. In this regard, it is the appropriate and definitive methodology for studying



this phenomenon, laying the foundations for subsequent research.

I limit the period under investigation to approximately the last ten years, that is between 2006–2016. This time-frame allows for some discernment of developments over the years, while providing enough focus not to become overwhelmed by historical detail. Further research might look into how the mechanism of non-enforcement develops in different instances of time and space.

Concerning my practical ventures, non-enforcement is usually not openly published as such in policy documents and government websites. Seldom are surveys commissioned to research in how far citizens are aware of their rights and responsibilities, or to investigate whether executive agencies actually enforce regulations. As a result, hardly any data are available. Nevertheless, by combining data from various sources, a picture of an almost complete lack of knowledge of existing regulations of virtually all involved parties combined with extensive non-enforcement of rules emerges.

With regard to bureaucratic mechanisms open to tenants I consulted yearly reports and policy documents produced by the Dutch renting tribunal (2006–2016) and Dutch renting teams. Also particularly relevant were lists of complaints made by tenants about their houses/landlords to these organisations, which are sometimes appended to the reports. Additionally, I studied technical documentation used by renting professionals to compute rent levels and assess maintenance problems, and yearly circulars issued by national government in which the practicalities of that year's policy are specified, such as maximum permitted rent increases for that year. To understand the efficacy of the Dutch renting tribunal, reports by the National Ombudsman were also consulted. I studied the formal information made available to tenants (concerning their rights) on the websites of the renting tribunal and the national government. I also included less formalised information made available to tenants via local tenant advocacy organisations and student organisations. I furthermore compared this to the information made available by real estate agents and landlords on their websites, including for instance various model contracts.

At the level of national government I accumulated white papers and other parliamentary documents: letters from ministers to parliament, formal discussions in parliament on changing laws, reactions

to questions by members of parliament to ministers (usually a result of media attention). As an adjunct to this I gathered the formal reactions submitted by various stakeholders in a parliamentary inquiry into proposed changes of the law on temporary rent. At the level of the municipalities and city district councils I consulted a wide range of policy documents touching on housing and enforcement. I studied law books and legal academic papers, and also academic papers discussing the Dutch housing sector from both Dutch and international journals. I collected data on (experiences with) housing from Statistics Netherlands, newspaper cuttings (from both national and local newspapers), campaign material and retrospective reports of mobilisations by tenants, and reports by various federations: the Dutch association of municipalities, the Dutch association of owner-occupiers, the Dutch association of real estate brokers and the Dutch association of landlords. I analysed all these sources carefully by reading and re-reading them, noting recurring themes and ideas.

For previous ethnographic research I had conducted extensive fieldwork at several sites in Amsterdam. I then took part in closed meetings and email discussions among tenants attempting to address a lack of maintenance in their houses or to resist displacement. I observed the interaction between such tenants and both local politicians and tenants' advocacy specialists in political fora and neighbourhood meetings, and observed the discussions between municipal politicians of different parties in debates about tenants' rights. I paid particular attention to the discourse of bureaucrats and politicians when attempting to relate national housing policy to local realities. Lastly, I used data from sixteen interviews with tenants and officials, which were all transcribed and analysed. I now turn to the theory I applied to the insights gained from these investigations.

### 2.3 Theoretical framework: Policy in practice

Policies arise, are executed, evaluated and modified in an ongoing cycle. Interest groups and other stakeholders vie with each other to put issues on the political agenda. Policy is an output of the resulting political debates. Laws and regulations can be viewed as the translation of policy into a concrete, legal framework suitable for implementation. Once they are implemented, policies are received by citizens, and the resulting

responses feed into new cycles of policy formation. Policies take many forms, but at their core they can be viewed as an expression of the state's will to influence citizens' behaviour through encouragement (stimulating certain actions), entitlement (bestowing certain rights), command (demanding certain actions) and/or prohibition (forbidding certain actions). Especially the last two cases, that focus on securing compliance to rules, are in the last instance reliant on the monopoly of the state on the legitimate use of violence (Weber, 1918/1946), and a plethora of instruments ranging from fines to confiscation of goods are employed. I define *enforcement* as all the active interventions governments undertake to ensure adherence of citizens to laws and regulations. A clear example is law enforcement by the police, expressed in their power to arrest and detain citizens suspected of breaking the law.

Of course, an exact, one-on-one correspondence between what is written in laws and regulations, and what happens in reality, is usually not only illusory but also undesirable. This often-observed difference between 'law in books and law in action' (Pound, 1910) stems partly from the fact that the benefits of complete enforcement resulting in total compliance are in most cases considered to be outweighed by the disproportionate social and economic costs incurred. Specifically, laws can be viewed as the formal translations of societal goals, and it is often considered more important that the aims of the law are achieved, rather than that the literal formulation of the law is strictly observed (in legal terms, the spirit of the law rather than the letter of the law). For instance, traffic rules are usually considered to aim for safety by decreasing the chance of accidents. Ensuring that no pedestrian ever crosses a red light, even when no other traffic is present, through intensive police monitoring and fining, might be consistent with the letter of the law, but not with its presumed aims. To complicate matters, as observed above, laws are the outcome of earlier political contestations and compromises between parties with different views and interests. As a result, the aims of policies are not always so clearly decipherable from the resulting laws, and this is compounded by the fact that the context changes over time.

Even if one focuses on the aims of laws (for the moment assuming they are transparent and unitary), a gap between policy and practice can still be observed.<sup>1</sup> Lipsky's study of street-level bureaucrats (1969)

is a famous example in the long tradition of scholars looking at why – when a given regulation is presumed to apply to all people in the same manner – certain segments of the population nevertheless receive different treatment than others. Such studies often focus on disadvantaged groups that are structurally overexposed to punitive policies. Enforcement is then patterned and unbalanced and falls more heavily on some shoulders than others. Social phenomena such as discrimination, sexism and other prejudices also exist and exert influence inside state apparatuses, and correspondingly cause unequal treatment before the law. Furthermore, enforcement might be hindered by practical problems such as the elusiveness of transgressors or lack of organisational skills and resources. Indeed, there exist many reasons for the gap between the law and the reality of enforcement, including cultural, moral and historical factors.

On the political level, in some cases, 'rule-makers may prefer that rules not be enforced' (Gilbert, 2015:2191, emphasis in original). A well-known example of such an explicit political decision not to enforce certain regulations, is the policy of the Dutch government to avoid enforcement of certain laws pertaining to the possession of soft drugs, while keeping the laws in place because of international agreements with other governments (Spapens, 2012). Also, if the present government has inherited certain unwanted regulations from its predecessor, given the long time-horizon associated with changing laws, it might be easier to not enforce the law rather than to try to change it. Policies 'implemented' in this way are potentially volatile, since a future government of a different persuasion can simply start vigorously enforcing again. However, over time, citizens might come to feel they have gained customary rights, and it might become both morally and legally difficult to reinstate the old rules. In this fashion, not enforcing regulations can purposely be used as a shortcut for changing policy pragmatically, a process dubbed 'deregulation through non-enforcement' by Deacon (2010).

In this chapter, however, I am concerned with more subtle and implicit occurrences, where regulations stay lastingly in place; very specific instances of a gap between policy and enforcement. I focus on cases where this gap is significantly large and caused primarily by the state itself, because it (at some point in time) structurally refrains

from interfering to secure compliance in a specific area of policy, not so much as the result of a conscious plan, but more as the outcome of a blind process, a theme developed more fully below. Because I concentrate on the gap between policy and actual enforcement, only cases in which the official policies and the resulting laws and regulations stay in place are relevant, so outright deregulation is excluded. To be clear, I also do not include cases when the state fails to enforce for external or secondary reasons, such as the difficulty of practical implementation. Finally, I direct my attention solely to those situations in which a policy as a whole is not enforced, as opposed to the phenomenon of uneven application amongst subgroups of the population, which will not be considered in this chapter. This motivates my confined, formal definition of non-enforcement as employed in the remainder of this chapter: *the tendency for governing bodies to implicitly shy away from active intervention to ensure rules are adhered to, and in this way to implicitly place the onus for securing enforcement in practice on individual citizens, while at the same time the policy stays legally intact*. It bears emphasising that under this limiting definition the literature reviewed earlier in this section should, strictly speaking, not be regarded as non-enforcement, but rather as various facets of incomplete, imperfect or unbalanced enforcement or explicit withdrawal from enforcement. Indeed, my definition is designed to capture the explanatory gap that exists in the literature concerning suboptimal enforcement.

The core idea of this chapter is that non-enforcement, thus defined and understood, can function as a technique of governance. This necessitates determining now what a technique of governance is. To start with, although in this chapter there is extensive attention to the (non-) functioning of administrative machinery, which might lead the reader to think that I employ a narrow, public administration approach to how governments govern, my analysis rests on a more abstract, multi-faceted interpretation. I use the term *governance* to emphasise that states manifest themselves in the space beyond government; in particular in interaction with civil society and the market (cf. Jessop, 1995). Next and relatedly, states as well as non-state actors employ *techniques* through which to achieve their goals beyond top-down, hierarchical impositions of power. In the work of Foucault, a technology of power is a mechanism shaping people's thoughts and behaviour that comes into being

at a certain point in time and space, which turns out to be politically and economically useful, and thus its use becomes more widespread and institutionalised.<sup>2</sup> Some well-known examples of such technologies of power, that are not introduced on purpose, but *emerge* (Foucault, 2003:242) in Foucault's work are the exclusion of madness (1964/1988) and the introduction of disciplinary power through the penal system (1975/1991).

This emergent property of technologies of power is a rearticulation of the above-mentioned notion of the blind process; there is no master plan. A blind process can be summarised as an accumulation of assumptions, decisions and ideas which in isolation do not carry the full logic, direction or intent of the overall outcome, but when taken as a whole do exhibit a clear, persistent tendency towards that outcome (Elias, 1997; Foucault, 1976/1980). Similarly, studies of governmentality (Foucault, 1978/2006) utilise the term 'regimes of practices', and focus on how thought operates within such 'organized practices through which we are governed and through which we govern ourselves' (Dean, 2010:28), and their ambitions and effects. Governmentality is governing through influencing people's mentalities, 'ruling at arms length' (Rose, 1996/2006), by shaping the way people see themselves and how they decide what should be done. An important element is how thought becomes linked to and embedded in technical means for the shaping and reshaping of conduct. The internal logic or strategy of regimes of practices are indeliberate but still result in a certain direction; they 'possess a logic that is irreducible to the explicit intentions of any one actor but yet evinces an orientation toward a particular matrix of ends and purposes' (Dean, 2010:32). A similar idea is evident in the work of Bourdieu (1972/1995), who stresses that the meaningfulness of the (re) production of social norms derives partly from people's unawareness of it.<sup>3</sup> He theorises that because people are born into and brought up in an already existing social environment, they will learn and internalise the existing social norms, and reproduce them. This reproduction of the existing social norms is not static though, but always changing, given the dynamism of the world; the agency of people. Bourdieu postulates that while people are perfectly aware of what they are doing in a concrete or narrow sense of the word, they are not aware of the effects of their actions in a broader sense, how they are reproducing (but at the same

time altering) the social norms of their time and place (more precisely, their subsection/ field) and exactly this unawareness makes this reproduction of social norms more meaningful.

I have elaborated on the emergent and unaware characteristics of techniques of governance because I want to stress that they emerge without a deliberate plan. This links to the observation in the introduction that instruments for policy implementation should be regarded as autonomous subjects for analysis in political sociology, because they are 'not neutral devices: they produce specific effects, independently of the objective pursued (the aims ascribed to them), which structure public policy according to their own logic' (Lascoumes & Le Galès, 2007:3). In summary, then, a technique of governance is a mechanism not instituted but emerging, through which governments achieve their aims indirectly by shaping people's thoughts and behaviour.

The last element still missing for our analysis is how ideas about citizens' rights and duties have changed in the last decennia. From the end of the 1970s, a shift in most modern Western states from Fordist Keynesian welfare states towards post-Fordist, Schumpeterian regimes can be observed (Jessop, 2002). Part of this transformation was a change in the dominant ideology in Europe and the United States. Rose (1996/2006) employs a Foucauldian framework to elaborate on the ideology of this shift towards what is commonly termed neoliberalism (see for the Netherlands Schinkel & van Houdt, 2010). He states that in the welfare state citizens were governed through social society by the solidarity of collective insurance. With the rise of neoliberalism, this system was deemed oldfashioned, dependency-inducing and inflexible; instead of seeing the citizen as a social creature, the role of government becomes to help people to assume their own individual responsibility. This becomes conditional to entitlement to certain rights (Raco & Imrie, 2000); a discursive shift from expectations towards aspirations (Raco, 2009). The whole responsibility for the outcomes and experiences of life is put onto individuals who do or do not take the opportunities that life gives them. This normative moral framework disciplines the behaviour of citizens, and includes a punitive element. The emphasis on people's own responsibility, and its accompanying tendency towards deregulation (or re-regulation via market mechanisms) is often critiqued

from the perspective that, due to differences in power and knowledge, some citizens are far better equipped than others to prosper when the social state retreats.

In summary, in this section I have examined the concept of non-enforcement and reasons why it occurs, outlined the notion of techniques of governance and stressed their emergent properties, as well as elaborated on the shift in dominant discourse. Let us now look at how this works out in practice.

## 2.4 The case of Dutch rental housing

The freedom of two people to engage in any contract is the starting point of Dutch law. However, government judged that in some specific cases the inherent power imbalance between the parties involved will lead to undesirable situations (Houweling & Langedijk, 2011). For instance, rental agreements, labour contracts and consumer purchases of goods and services usually take place between single individuals on the one hand, and more powerful actors, often larger organisations, on the other hand. To prevent exploitation of the weaker party, these types of contract are subject to peremptory law. Such legislation forces certain regulations upon people from which they cannot deviate; it is a 'legal provision which, in contrast to discretionary law, is not transactionable, i.e. parties [...] cannot agree between themselves to set it aside' (Eurofound, 2015). The legally determined minimum wage that applies in most states of the European Union, the United States and the United Kingdom (Dolado *et al.*, 1996; International Labour Office, 2014) is a well-known example: it does not matter if employer and employee contractually agree to lower wages; the worker will always be entitled to the minimum put down in law.

Not only has rental housing in the Netherlands already been in short supply for more than 100 years, it also continues to be so.<sup>4</sup> This enduring shortage creates a significant power imbalance between tenant and landlord, as for instance acknowledged in 2012 by the then Dutch Minister of Housing:

The market position of tenant and landlord is unequal: in many places [in the Netherlands] there still exist a scarcity of (affordable) rental housing which causes the negotiating position of a tenant

when entering into a rental contract to be unfavourable compared to that of a landlord.

Minister Spies in a letter to parliament, translation mine.

This explains why, since the beginning of the twentieth century, all Dutch rental contracts are subject to peremptory law. Save for a small number of explicitly defined exceptions, housing legislation specifies that all contracts run for an unlimited period of time and are easy to terminate for the tenant, but difficult to end for the landlord (Dutch Civil Law Book 7, 271–282). For the large majority of all Dutch rental housing, namely 84% in 2015 (calculated from the database Woon; Dutch Ministry of Internal Affairs and Affairs of the Royal Empire & Statistics Netherlands, 2016, hereafter referred to as Dutch Ministry), starting rent levels as well as yearly increases are restricted to upper limits set by the state (Dutch Civil Law Book 7, 246–257). The Dutch Housing Law regulates the maintenance of housing, obliging landlords to keep their houses in a reasonable state of repair (for example, no leaking roofs, mouldy walls or rotten windowsills). In theory, then, the protection of Dutch renters against unlawful eviction, unreasonable starting rent levels or rent increases and badly maintained housing is excellent.

To understand how this functions in practice, it is necessary to first describe the regulatory mechanisms through which the protection of renters is presumed to be enforced. I begin with the regulation of *rent levels*. The legally-allowed maximum starting level of the rent is determined through a points system that objectively associates points with the size of the dwelling and its amenities. The rent is a function of the number of points and the maximum level can be easily computed online. Similarly, the maximum percentage for yearly rent increases is annually determined by the government. If a landlord charges too much rent according to this scheme, or proposes too high a rent increase, and refuses a formal request from the tenant for reduction, the tenant can summon the landlord to the renting tribunal (in Dutch *huurcommissie*). This national administrative body, with local branches, functions as a court: it can make legally binding decisions on disputes between landlords and their tenants (Dutch Civil Law

Book 7:4). If the panel of experts that form the renting tribunal rules in favour of the renter, the rent then must be lowered to the correct level. Additionally, in several larger cities tenants can turn to renting teams (*huurteams*) for free or low-cost legal help.

The rent-lowering power of the renting tribunal also applies in disputes over *maintenance*. In case of serious disrepair, the tribunal is endowed with the power to reduce the amount of rent the tenant must pay significantly, from 40% to even 20% of the original level, in order to exert economic pressure on the landlord to address the defect. For maintenance problems the tenant can also appeal to the municipal building and housing inspection department. As the name implies, the task of these local agencies is to ensure all buildings in their district are well maintained, by pro-active inspections. When home-owners fail to keep to the minimum legal standards, the building inspection department can apply fines of increasing severity, or opt for direct intervention, such as hiring a contractor to fix the problem and then billing the landlord. Finally, tenants can also turn to the civil courts and ask a judge to rule that the home-owner needs to repair the house. Indeed, given the wider mandate of the civil courts this option is in theory available for any dispute between tenant and landlord.

Arguably however a tenant is most likely to encounter the civil courts in disputes about *termination* of tenancy. Tenants who dispute a termination notice are advised to refuse the notice until the landlord seeks eviction through the courts, at which point the case is tested by the judge. Under peremptory law the tenure is presumed to continue unless the landlord can argue that an exceptional situation applies, and that s/he has received a court order. (This assumes that the renter fulfils normal contractual obligations, such as paying the rent every month.) Simply writing in the contract that the contract has a fixed end date for instance does not, in itself, constitute grounds for exception.

Taken together this sounds like a formidable level of protection, especially compared to the situation in Anglo-Saxon countries. Why, then, do I speak of non-enforcement? A first reason is *lack of knowledge*. Many tenants are simply not aware of their rights. A common misconception, for example, is that regulation of rent levels and/or permanency of tenure only applies in the case of social housing, which is, in turn, often presumed to constitute of those houses rented out by hous-



ing associations (who indeed were the main vector in the realisation of affordable rental housing in the twentieth century). Yet this distinction is simply not visible in the law, which is in most cases owner-neutral. As stated above, rent regulations apply for 84% of all Dutch rental housing. Another problem is that in the last two decades the peremptory core of Dutch renting law has been complicated by an accumulation of technocratic adjustments, mostly describing exceptions from the norm (Huisman, 2016b). Even experts find the precise boundaries of the law increasingly difficult to understand, and for tenants the complexity is often intimidating. This is exacerbated by the fact that the Dutch government makes no serious attempt to emphasise the spirit of renting law, so there is no road map to help tenants distinguish technical details from core aspects.<sup>5</sup> Lack of knowledge also concerns unawareness of the mechanisms tenants can resort to, such as the renting tribunals. In 2008, the Dutch parliament commissioned the consultancy company Companen to investigate the effectiveness and societal output of the renting tribunal (in the context of wider public service reorganisations). The resulting report drew little attention in the media or the political arena. However, the document makes for revealing reading. The researchers conducted surveys with tenants who had engaged with the renting tribunal as well as with a representative sample of Dutch renters. According to the report, for instance, almost half of all renters are not even aware of the renting tribunal's function (2008, 17–19).

A second issue is that many tenants struggle to (or choose not to) access the regulatory mechanisms. As mentioned, modern renting legislation is perceived as highly complex, which is already intimidating for many tenants. However, a more fundamental problem is that the tenant is always presumed to activate the conflict by challenging the landlord in writing. If this does not yield the desired effect, the conflict has to be further escalated by the tenant, by applying to the renting tribunal or the housing inspection department, by starting a court case, or by resisting eviction until the landlord summons the tenant to court. These are always difficult steps, because many tenants are afraid of upsetting their landlord. The renting teams present in a limited number of Dutch cities can act as a buffer between tenants and landlords but this does not alter the fact that the tenant must bear the

responsibility for, and consequences of, activating the conflict. Indeed, the acknowledged asymmetry in power between tenants and landlords (itself the justification for peremptory renting law) manifests itself in many ways, ranging from a general erosion of ontological security to more extreme measures. In Amsterdam, for example, the Hotline Undesirable Landlord Behaviour (*Meldpunt Ongewenst Verhuurgedrag*) collects reports of the worst complaints made by renters about inappropriate behaviour of landlords. The two quotations below come from two different cases, and they are certainly not isolated examples (Hotline Undesirable Landlord Behaviour, 2009, translation mine, see for yearly overviews annual reports 2007–2015).

When renter starts a procedure to have the rent checked, landlord reacts aggressively and in an intimidating way, announces that he will evict the renter himself. When rent is lowered by renting tribunal from € 650, to € 150,-, landlord intensifies threats: “*We pray upon the renter and his kid. We will butcher them like beasts. He will never live there in peace.*”

Last Friday the landlord of the [address removed] visited his building and made very clear to the ground floor tenant what his opinions are on the procedure of the renting tribunal [the tenant started]. He also asked the renter to sign a statement that he would vacate the house. When the renter declined, he was physically attacked, by which violence he was injured. Eventually, the police intervened. The renter was treated by a doctor and has pressed charges against the landlord.

Against this backdrop, it is not surprising that most tenants will not pursue the defence of their rights. But even if they are willing to engage in open confrontation with their landlord, tenants differ widely in the extent to which they are able to do so. In particular, those with less social, economic, cultural and/or economic capital are at a disadvantage, and are more likely to regard starting administrative/legal procedures as (variously) excessively complex, expensive, risky, exhausting and time consuming. More advantaged tenants have more options, for instance of just putting up with too-high rents or alternatively opting out by relocating to other rental or owner-occupied housing.

A third issue concerns the (inherently) *limited efficacy* of the enforcement mechanisms. Maintenance is a striking example of this. The following excerpt from an interview with a tenant (Amsterdam, 2010, translation mine) shows that tenants can have serious maintenance complaints, and that landlords (in this case a housing association) do not always respond optimally:

And in my daughter’s room, over there by the hallway, I once fell through the floor because it was completely rotted through. Then you call the landlord and say: “Hey, I fell through the floor.” Yes, it happened several times in fact. My neighbour, who rents from the same landlord and has the same problem, she once fell so badly that an ambulance had to come. So it is actually really dangerous. And then, the landlord, they say: “We will send someone around to repair it.” And then it takes a few weeks. And then somebody comes round and measures it, and just sticks a piece of wood over it, which does not solve the problem at all.

Such lack of repairs illustrates that a significant part of the stock is structurally in a poor state. Indeed, the proportion of Dutch renting households who regard their dwelling as being badly maintained has been remarkably stable for the last 18 years, and this contrasts sharply with owner-occupiers, at 18.6% vs 3.7% (Table 2.1).

Despite this sustained level of dissatisfaction, two thirds of all renters who suffer from neglect of maintenance state they will *not* start a procedure with the renting tribunal (Companen, 2008:5). Of these, more than 33% feel that starting a procedure has no point, because they think this will not yield any results.<sup>6</sup> This feeling is grounded in reality. In more than half of all cases of the small minority of tenants who did file a complaint at the renting tribunal (only about 2,250 each year, according to the yearly reports of the renting tribunal) and whose rents were lowered because of maintenance complaints, the complaints were not solved afterwards (Companen, 2008:49). The economic sanction wielded by the renting tribunal is in many cases ineffective, as a landlord can simply choose to absorb the loss.

Table 2.1

**Proportion of Dutch households that find their houses badly maintained (calculated from Dutch Ministry, 2016)**

Year	Rental	Owner-occupied
1998	18.9	4.2
2002	18.5	3.7
2006	18.7	3.4
2009	18.8	3.1
2012	18.3	3.9
2015	18.4	3.6
Average 1998–2015	18.6	3.7

“In how far do you agree with the following statement: ‘My dwelling is badly maintained’”; proportion of households that answered ‘agree’ or ‘completely agree’. Percentage whereby total number of rental households is 100% and total of owner-occupied as well.

Additionally, starting a procedure at the renting tribunal is tedious and time-consuming, as can be gleaned from this rendition of social workers’ experiences:

In particular the capacity/power of the renting tribunal to (significantly) lower the rent temporarily in case of serious disrepairs in itself is good, but this option does not work as a means of putting pressure when the handling time is two years. Social workers sometimes doubt whether to advise tenants to start a procedure at the renting tribunal. The handling times are so long – one to two years – that in practice nothing remains of the positive effects. Additionally, a procedure that drags on for years creates a lot of frustration with their – mainly elderly – clients. [...] These days, it frequently happens that tenants who are completely by rights do not start a procedure, solely because the renting tribunals do not function well.

2004b:158–160, translation mine.

This quotation comes from a report from the Dutch Ombudsman, who in 2004 admonished the tribunal for ‘neglecting their legal duties’ by a ‘tradition’ of ‘exceeding unacceptably’ the period of four months within which a verdict should be reached by, on average, one to one-and-a-half years. Six years later, by 2010, the Ombudsman ascertained that things had not improved at all and that extreme tardiness was a structural problem of the tribunal (National Ombudsman 2004a, 2004b, 2010). Indeed, in their year report for 2015, the tribunal acknowledges that they still have not reached the goal of attaining the legal maximum period in most cases, and that they will not succeed in 2016 either (Renting Tribunal, 2016).

In practice, the municipal housing inspection department also has limited efficacy. Although it will intervene in the most acute cases, when there is a risk of imminent structural failure, in practice its role in addressing maintenance problems is marginal. It does not actively engage in monitoring the quality of rental housing and neither functions, nor views its role, as a contact point for tenants dissatisfied with maintenance. Tenants who call the department are often advised to address the issue with their landlord, and failing that to take recourse to the renting tribunal (who in some cases will refer the tenant back to the inspection department). Municipal housing inspection departments often also have their own enforcement priorities, especially overseeing the construction of new buildings, and this further limits their role.<sup>7</sup> The limited efficacy of the Dutch renting tribunal and the municipal housing inspection department cannot simply be attributed to bureaucratic incompetence. The Dutch state is renowned for its administrative efficiency and, while incompetent individuals inevitably exist, this cannot explain the recurring, structural failure of these institutions specifically to ensure compliance with rental regulations.

So far I have thus observed that due to lack of knowledge (enhanced by the invisibility of the state), the complexities involved in accessing indirect enforcement mechanisms and their perceived and actual shortcomings, enforcement of rental law is often limited. If this was generally acknowledged by politicians, academics and other experts, then discussions could proceed on whether and how to address these problems. Yet a striking feature of the political-academic discourse around renting law in the Netherlands is the presumption that the enforcement mech-

anisms function well and that the law is enforced. When asked about the challenges of enforcing rental laws, politicians and policy-makers will typically declare that renters are well-protected because their rights are enshrined in law but, if engagement with the landlord does not work, they can always seek support from (variously) the renting tribunal, the municipal housing inspection department and the civil courts. Take for example the recent statement of the then Dutch Minister of Housing, in response to acute cases of mould infestation in a large number of rental houses in the city of The Hague:

At this moment, if it becomes apparent that a tenant lives unnecessarily [sic] in a damp house, the existing instruments suffice. In case of health problems, the municipal health service can be called in, and in case of technical faults, the municipal housing inspection department, as well as the renting tribunal in case the landlord does not keep his house in a good state of repair and the tenant is thus paying too much rent. It also stands to reason to deal with complaints about dwellings on the local level. I have also not received any signals that the above-mentioned services do not function well. Therefore, I see no reason for myself to assume a larger role.

Blok, 2016, translation mine.

Essentially, the fact that these mechanisms exist is presumed – in fact, asserted – to be synonymous with enforcement, and used as justification for sustaining them, and not undertaking further action. Compare this with the excerpt from an interview below (Amsterdam, 2010, translation mine), where Jane, a tenant, and her husband Daniel, discuss the option of taking their complaint about their roof that has been leaking for years (the landlord’s attempt to fix it resulted in the leaks increasing) to the municipal building inspection department:

Jane: ‘Yes, but what I’m also afraid of, if I went and did that [report to the municipal building inspection department], is that they’ll say, “Oh madam your roof is going to cave in. That’s not safe any more, we’re going to completely board up the house.”’

Daniel: ‘And then they might say: “And you have to leave.”’



Daniel and Jane decided not to take their complaint to the municipal building inspection department, because they were afraid that the department would say their house was uninhabitable, and that, in turn, they would lose their home.

A further example of this tendency to equate the existence of regulation with enforcement concerns the phenomenon of temporary tenure. Although very recently legalised, there are signals that in the last decade temporary contracts (of various kinds, ranging from time-limited contracts to highly precarious house guarding or anti-squat) were already emerging as a standard feature of day-to-day renting culture (Hochstenbach & Boterman, 2015; Huisman, 2016a; Huisman, 2016b; Sakizlioglu & Uitermark, 2014). Attempts to address this phenomenon were typically met with responses stating (in essence) that temporary contracts by definition cannot exist (because of their exclusion from the law), that abuses are incidental and that tenants can always, if need be, verify the permanence of the contract through the civil courts. Predictably, no action was subsequently undertaken by the state to investigate (or address) the tendency away from the permanent norm (Priemus, 2015); in fact, regulatory steps of recent years have been in the opposite direction. This discursive invisibility, combined with the absence of enforcement, has created exactly the conditions for the temporary sector to thrive. Indeed, this normalisation on the ground of the growing Dutch irregular renting sector has sustained an increasingly successful lobby for ever deeper liberalisation of the rental sector, citing precisely the excessive protection afforded to renters. For instance, *Vastgoed Belang* (Real Estate Interest), the Dutch association of private property landlords, self-identifies as 'a great defender of more flexibility of Dutch rental law in general' and proposes a 'far-reaching liberalisation of the rental market', going on to argue that Dutch rental law for housing and shops is currently 'so constricting that the [market] sectors cannot function well' (Vastgoed Belang, 2014, my translation from the Dutch).

This gives some clues as to why non-enforcement perpetuates. Clearly, although no one actor can be held responsible for the emergence of the situation in which regulations do not work in practice – but which are presumed/asserted to work in the accompanying political discourse – certain actors do benefit from this situation. Successive Dutch govern-

ments have been ideologically retreating from renting for many years now (Musterd, 2014). Maintaining just the idea rather than the practice of strong regulation and enforcement tends to be significantly less controversial than explicit deregulation. At the same time, the elective enforcement mechanisms used in renting law allow the implicit transfer of responsibility for enforcement to the citizen. Enforcement is, then, by definition, complete in the sense that tenants are presumed to have all the tools available to them to protect their rights and that if they fail to do this, then they only have themselves to blame; it is their own fault. Moreover, renting in the Netherlands is increasingly discursively framed as a transient phenomenon that citizens should quickly leave behind in favour of buying a house. Regulated rental housing ('social housing'), in particular, is often framed in negative terms, as a housing form only suitable for the (un)deserving poor, neither desirable for (nor accessible to) the middle class (Musterd, 2014). Whereas the elective character of the enforcement mechanisms disciplines renters along the logic of the need to assume their own responsibility, the fact that the mechanisms often do not work further disciplines renters, along the logic that they should actually not be renting at all. Another point, often overlooked, is that for landlords who violate the rules the worst that can happen is that the legally correct situation is restored (for instance, the rent is adjusted to the correct level, or the landlord is forced to fix the leaking roof). There is no sanction against the violation per se. This means that for landlords there is very little risk associated with violating tenants' rights (irrespective of whether the landlord does this consciously or unconsciously) and this potentially reinforces a 'nothing gained, nothing lost ...' culture amongst landlords. In other words, the lack of sanctions encourages landlords to try and bend the rules to their advantage. The earlier examples of landlords intimidating tenants are instances of non-compliance, but it is non-enforcement that creates the conditions in which non-compliance transcends the incidental to become structured and widespread.

How does one explain the lack of academic attention for this phenomenon? For academics based outside the Netherlands, this is fairly easy to answer. To start with, it is difficult for them to understand the details of how the specific enforcement mechanisms work in practice. Moreover, in countries such as the US and the UK the protection for renters is so poor that many academics tend to uncritically eulogise

the Dutch rental sector (see for a comparable argument Uitermark, 2009). Within the Netherlands, ethnographic studies of the housing market are comparatively scarce. Relatedly, many academics, as with middle-class professionals more generally, might sympathise with the goals of strong rental laws, but will simultaneously distance themselves from the rights and responsibilities attached to them in as far as they impact on their own personal lives: this is for someone else.

### 2.5 Conclusion: Non-enforcement as a technique of governance

In this chapter, I derive from my case-study of rental housing policy in the Netherlands that non-enforcement of policy can be utilised as a technique of governance. Not intervening to ensure rules are adhered to can have advantages over abolishing rules beyond a quick-and-dirty way of deregulation, exactly because the policy officially stays in place. While rental regulations in the Netherlands in theory are peremptory, the shift towards citizen responsibility in practice means that rights more and more become favours bestowed by benevolent landlords or abstract concepts that can only be claimed by the advantaged. This is a remarkable departure from the starting-point of guaranteed rights for tenants to shield them from adverse effects of the inherent power imbalance between tenant and landlord. Moreover, politicians, policy-makers and academics seem to be unable or unwilling to recognise the reality on the ground, to the point that many continue to argue that current regulations are too strict. I argue that keeping regulations in place that are largely unknown to citizens and unenforced by authorities, can function as a policy mechanism in its own right, as a method to secure and transmit the objectives of government in a more subtle way than explicit, topdown exertion of power.

The question arises: in how far can this non-enforcement phenomenon be generalised beyond the (Dutch) rental sector, for example to labour regulation? Labour in any case seems to function differently, because although in recent decades many Western countries have increasingly flexibilised their labour sectors (Esping-Andersen & Regini, 2000; ILO, 2016), there often remains societal consensus about the desirability of enforcing minimum-wage regulations and upholding basic working conditions. States will still intervene to enforce such laws, and there is a moral discourse in

which citizens are actively discouraged by both the state – and their fellow citizens – from accepting substandard pay and conditions. Firm, visible enforcement helps to sustain this discourse, and it is further strengthened by the input and activism of labour unions.

The Dutch rental sector functions rather differently. Unlike in the 1970s and 1980s there is a high degree of fragmentation and alienation amongst tenants, even though the sector is, with a proportion of 41% of all housing stock (Dutch Ministry 2016), in an absolute sense still large. The institutions defending the rights of tenants are politically weak and defensive, often adopting technocratic, rearguard actions against a steady sequence of deregulatory changes pursued by successive governments. Indeed, successive Dutch governments have strongly promoted home-ownership above renting, and for reasons touched upon earlier, renting is increasingly framed in a negative light; at best as a transitory phase in the housing career. If tenants want protection, which they are implicitly discouraged from wanting or needing, they should first negotiate with their landlord. If that fails it is entirely their own responsibility to seek enforcement of these rights; the risks are also for them to bear, and if or when they fail it is their own fault.

I argue that the Dutch rental sector has been susceptible to non-enforcement for the following reasons, which I phrase in generic terms to seek an abstract characterisation of the conditions under which it emerges. It is a large sector that has won and discursively sustained strong protection for citizens, with direct support from the state, arguing that the protection should be a right rather than an aspiration. As the state began to retreat both ideologically and in practice from the sector, it was easier to leave the (elective) enforcement mechanisms in place, to avoid political controversies resulting from a too-rapid withdrawal and to emphasise the new primacy of citizens' own responsibility. Although these mechanisms always had their limits, the sharp discursive shift against the sector, the resulting fragmentation of citizens and the almost total invisibility of the state in enforcement issues meant that their enforcement in practice was greatly diminished. The *idea* of enforcement that remains is useful to many political actors – in particular, by virtue of the fact that it is there and not there at the same time – which, I contend, is exactly why it is sustained.

Given the tendency to welfare-state restructuring in many Western democracies it is conceivable that non-enforcement can and will emerge in other sectors and in other countries. Vulnerable sectors are arguably exactly those which were once unquestionably considered public goods, accumulating a strong regulatory framework; which still concern a very large segment of the population (meaning deregulatory changes cannot be rapid); do not have life-and-death immediacy (meaning that citizens who fail to secure their rights do not suffer irreversible consequences, at least in most cases); and which have experienced a sustained period of reframing as aspirational goods (and/or as safety nets). Future work could explore these hypotheses. The complex interaction between non-enforcement and non-compliance also merits further attention through a deeper analysis of their interface.

The critique of old welfare states may have been that citizens were seen as passive, consuming victims rather than creators of their own destinies. More ownership of their surroundings can indeed help people assert themselves. For people to thrive, however, they need security, articulated via minimum standards and basic rights. Enforcement is an important part of (discursively) sustaining those standards and rights. Lack of enforcement feeds lack of knowledge and creates a situation whereby the violation of these standards and rights is increasingly normalised both discursively and in practice. *After all, if the government does not intervene, it must surely be legal?* Non-enforcement is thus far more important than a simple question of administrative efficiency. It is a process through which acquired rights fade away, while on paper all is well, creating a reality in which the consequences of, and responsibility for, non-enforcement can be offloaded onto the citizen. At some point, this makes it essentially impossible for people to claim their rights, which undermines the ontological security of citizens and disciplines and re-aligns their behaviour. As the case-study of Dutch renting points out, this is not just an issue for the 'other', or for disadvantaged citizens. Irrespective of income or societal status, it is extremely unsettling and difficult for tenants to confront their landlords, due to the inherent asymmetries of power involved. Do you engage in the defence of your rights, initiating a long and probably unsuccessful process and inviting the enmity of your landlord... or do you accept that it is easier (and, in fact, the socially *reasonable* course of action) to simply give up on those rights?

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## Notes

- 1 Indeed, the now rather obsolete gap studies, a sub-discipline of the sociology of law, took exactly such gaps as its research focus (see Gould & Barclay, 2012 for an historical overview, Sarat, 1985 for a contemporary critique). Deemed somewhat naive for its belief in laws as being 'purposively rational' and a one-on-one translation of policy aims, gap studies fell out of favour some decades ago.
- 2 'What we have to realize is precisely that there was no such thing as a bourgeoisie that thought that madness should be excluded or that infantile sexuality should be repressed; but there were mechanisms to exclude madness and techniques to keep infantile sexuality under surveillance. At a given moment, and for reasons that have to be studied, they generated a certain economic profit, a certain political utility, and they were therefore colonized and supported by global mechanisms and, finally, by the entire system of the State. If we concentrate on the techniques of power and show the economic profit or political utility that can be derived from them, in a certain context and for certain reasons, then we can understand how these mechanisms actually and eventually became part of the whole' (Foucault, 2003:32-33). A potential pitfall of such a mode of explanation is that we merely describe occurrences, or revert to describing events as occurring because they serve a function; in other words, a teleological explanation, since it explains a phenomenon by means of a description of how it functions, and derives from this its cause.  
To clarify, I use the concept technique of governance, rather than technology of power to indicate a scale level; Foucault's disciplinary power for instance occurs at a scale larger than non-enforcement. I furthermore refer to governance rather than power or governmentality because it applies specifically to the state.
- 3 Interestingly, while Foucault and Bourdieu are sometimes pitted against each other, in this respect they complement each other; Foucault states: 'People know what they do; they frequently know why they do what they do; but what they don't know is what what they do does' (as cited in Dreyfus & Rabinow, 1983:187), while Bourdieu expresses the following sentiment: 'It is because subjects do not, strictly speaking, know what they are doing that what they do has more meaning than they know' (Bourdieu, [1972] 1995:79). These authors might seem to be contradicting each other, in fact they show two facets of the same phenomenon. Foucault focuses on the compound effects of people's actions, that they cannot know; Bourdieu puts the impossibility of knowing what one is doing in a bigger sense to the fore.
- 4 While the scarcity of affordable rental housing runs across the whole country, in

- the largest cities the problem is most acute. Amsterdam, the Dutch capital, is the locus of the most severe pressure on the housing market.
- 5 This is in contrast to, for example, a sustained publicity campaign of the Dutch government to simplify citizens' yearly tax declaration, with the recurring slogan 'We can't make it any nicer, but we can make it easier!'
  - 6 Regarding rent levels, approximately half of the tenants that suspected that they paid too much rent stated that they would not pursue this at the renting tribunal because they expect no result or are afraid to upset the landlord.
  - 7 Relatedly, responsive regulation (Ayres & Braithwaite, 1992; Braithwaite, 2011) encapsulates the idea that states should avoid regulation and enforcement via 'command and control' and instead utilise dialogue and enticements where possible. Enforcement informed by responsive regulation is pervasive within the OECD – it is perceived as best practice (OECD, 2014) – and the Netherlands is no exception; it has become standard fare for Dutch executive agencies.

## CHAPTER 3

# A SILENT SHIFT?

# THE PRECARISATION OF THE DUTCH RENTAL HOUSING MARKET\*

The traditional Dutch rental contract is permanent (i.e. time unlimited), but there are indications that in recent years the number of temporary rental contracts has increased considerably. Dutch housing policy appears to be responding to this by pursuing deregulation of the conditions under which temporary rent is permitted. It is in this regard startling that there is no reliable data available about the size or character of the temporary sector, and it has thus far not attracted any scholarly attention. Given that temporary rent can be viewed as a form of precarisation, a transfer of risk to citizens, with corresponding negative effects on the lives of those involved, it is imperative to close this knowledge gap. This chapter is a first attempt to do this. Firstly, I systematically review the scarce evidence that is currently available, and secondly, I explore why the rise of temporary rent has thus far failed to stimulate any social debate; it appears to constitute a silent precarisation that contrasts with the politically sensitive issue of labour precarisation. In doing so, I will identify the research questions that must be answered if the significance of this process for both tenants and wider welfare-state restructuring is to be fully understood.

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### 3.1 Introduction

'Everyone is living anti-squat!' was the title of a recent news item on the Dutch national popular television channel RTL4 (EditieNL, 5 December 2012). Although 'everyone' is clearly hyperbole, in the last 15 years, the Netherlands has indeed seen a proliferation of temporary housing arrangements (Buchholz 2009; Van der Molen 2011). It is, for instance, estimated that there are 50,000 anti-squatters; rent paying, live-in security guards occupying empty buildings, in the Netherlands (Renooy 2008). The rise of such precarious housing is striking, given that strong protection of tenants has been the norm in the Netherlands for decades. Normally, rental contracts have unlimited duration and can only be terminated by the landlord for a legally very restricted number of reasons (Lawson 2011). Most rent prices as well as ceilings on annual increases are determined by the government (Haffner and Boumeester 2010, 2014). In contrast, temporary contracts offer hardly any protection to the tenant. They are characterised by their limited and usually unclear duration (Uitermark 2009), while rent prices are often determined by the market.

Officially, to rent out a dwelling with a *temporary contract*, the house owner requires a permit. Permission is restricted to specific situations (i.e. substantial renovation or demolition in the foreseeable future, sale of a previously owner-occupied dwelling) for a limited duration when it is deemed infeasible to rent out dwellings on a permanent basis (Dutch Vacancy law, article 15). The second main form of temporary tenure in the Netherlands is *anti-squat*, where the renter functions as a low-level 'security guard' for an empty property by living in it. The anti-squatter is not paid for this function and furthermore is expected to pay rent.

Although reliable figures are not available (Priemus 2011), anecdotal evidence suggests that both temporary rent and anti-squat are increasingly becoming normal forms of living. According to an article in the national newspaper *De Volkskrant* (Gualtherie Van Weezel 2012), applications for temporary rent permits doubled in 2011, and for instance, in 2013, almost half of all dwellings rented out newly by Amsterdam housing corporations had a temporary contract (calculated from AFWC 2014:66). Various sources indicate explosive turnover growth in the anti-squat brokerage sector (e.g. Reijmer 2011; Voorn and Heesakkers 2012). Moreover, there is a tendency amongst politicians and policy

makers towards expansion of temporary rent. Following an extension of the maximum period of temporary rent from 3 years to 5 years in 2005, the Dutch parliament in 2013 decided on a further relaxation of the regulations to make even longer periods permissible. New, far-reaching changes normalising temporary renting contracts are at the time of writing under discussion in Parliament and expected to come into effect by July 2015.

It is striking, in this regard, that when asked by critical members of parliament how large the temporary rent sector actually is in the Netherlands, the Ministry of Housing responded that no official statistics are available (House of Representatives of the Netherlands (2012). In academic circles, there has also been very little attention for the issue (but see Priemus 2011). Scientists studying housing tend to focus on topics such as, for instance, the role of real estate capital in the financial crisis of 2007–2008 and its aftermath (e.g. Ronald and Dol 2011) or the economic and social effects of the shift from renting to home-ownership (e.g. Helderman *et al.* 2004). There is, however, little attention for shifts towards temporary contracts inside the rental sector itself. Academic studies of the Dutch housing sector consistently assume that temporary rent is a structurally marginal phenomenon. Although research agendas are of course always socially constructed, this opinion (as discussed later) is at least partly informed by the difficulty of quantifying the size and growth of the sector.

I argue that the absence of rigorous analysis of temporary housing in the Netherlands needs to be addressed because of its potential impact on the wider Dutch housing sector and because of its implications for the more general precarisation of existence in advanced welfare states.

Precarious living arrangements are widely acknowledged to impact negatively upon people's lives (Cairney and Boyle 2004; Elsinga *et al.* 2008). Apart from the actual reality of finding oneself without affordable accommodation as the contract ends, the fear of losing one's home is also influential (Hulse *et al.* 2011). This influences people's *ontological security*, a concept coined by Laing (1960) and developed by Giddens (1991, see also Saunders 1990). It refers to the way people give meaning to their life, and how continuity and stability help deal with the experience of everyday events. It is difficult to build a stable life, if it is unclear

when one has to move and what opportunities for new accommodation will be available.

The increase in temporary housing arrangements can be seen as a form of precarisation. This concept usually refers to the increase in precarious work: 'employment that is uncertain, unpredictable, and risky from the point of view from the worker' (Kalleberg 2009:2). Since the end of the 1970s, due to political and economic restructuring, labour relations have increasingly become characterised by a shift of risks from the employer to the worker (Thompson 2010). As a result, Bourdieu (1998) famously stated that precarity is now everywhere (see also Beck 1992).

It is clear that there are parallels between the socially negative effects of precarious housing and those associated with precarious labour. Yet, there have thus far not been any notable attempts to understand temporary housing in terms of the precarisation literature or to analyse why (in contrast to labour) there is so little critical attention for the growth of temporary housing. I propose a research agenda for analysing the growth of temporary housing through a precarisation lens. This will enable a better understanding of the wider significance of this silent precarisation for broader welfare-state restructuring.

In the remainder of this chapter, I begin by formally defining the concept of temporary rental arrangements and describing the main forms that currently exist in the Netherlands. After verifying that there are no meaningful data available regarding the size of the temporary sector, but that there are nevertheless many strong signals that the sector is (rapidly) growing, I then turn to the question of *why* the rise of temporary rent has thus far failed to stimulate any social debate. This silent precarisation is then compared to the politically sensitive issue of labour precarisation. Towards a conclusion, I identify the research questions that must be answered if the significance of this process for both tenants and wider welfare-state restructuring is to be fully understood. Some methodological suggestions for future research are also made.

### 3.2 Temporary rent in the Netherlands

Before trying to gauge the character and extent of temporary rental arrangements in the Netherlands, it is necessary to first define what is meant exactly by temporary rent. The core of such rental arrange-



ments is that they can be ended without the landlord being legally obliged to give a juridically valid reason for not continuing the lease. This includes fixed-term contracts (e.g. 6 months) where the landlord is under no compulsion to renew the lease after expiration, and unlimited contracts (such as anti-squat contracts) in which no end date is given such that the landlord can terminate the contract at short notice. In addition, I focus on temporary rental arrangements in the context of residence, as opposed to other forms of use, so short-term accommodation for recreation (i.e. holiday homes) or renting for business purposes is excluded from my definition. Lastly, arrangements that do not involve an exchange of money (i.e. letting somebody stay for free in exchange for labour) are not considered.

In the Netherlands, permanent rental contracts have been the norm for a long time. Such contracts are characterised by strong tenant rights, because they have an unlimited duration and can only be terminated by the landlord for a legally restricted number of reasons. The tenant, on the other hand, can in almost all cases always terminate the contract on a short notice of 1 month, without having to supply a reason. Furthermore, the starting level of the rent as well as ceilings on annual increases are in 95 % of all Dutch rental contracts not determined through the market, but subject to regulation (Haffner and Boumeester 2010). Lastly, most housing regulation applies irrespective of the ownership model. That is, rent protection in terms of security of tenure, rent levels and rent increases exists regardless of whether one rents from a private landlord or a non-profit housing corporation.

Permanent contracts in the Netherlands can only be terminated by the landlord for three reasons, which have to be proven in court before eviction becomes legal (Dutch Civil Law Book 7:271–282, Lawson 2011). Firstly, if the tenant fails to meet certain basic legal requirements, a court can terminate the contract. For example, a tenant is obliged to pay the rent, to not cause extreme nuisance (noise, criminal behaviour) and to not damage the property. To secure eviction on such grounds, a landlord has to prove in court that the tenant has persistently violated at least one of these basic requirements. The second legal ground for ending a permanent contract is that a home-owner urgently needs the property because he/she or a member of their close family wishes to live in it. In this case, the landlord has to prove that she/he cannot reasonably be expected to

seek accommodation elsewhere. (Moreover, if the owner bought the house less than 3 years ago, this ground does not apply.) The last legally allowed reason for terminating a rental contract occurs when the homeowner wants to demolish the dwelling or renovate it so extensively that the tenant cannot continue to live in it. In most cases, the landlord is then obliged to supply other, comparable housing to the tenant. Table 3.1 summarises the main differences between permanent and temporary rental contracts in the Netherlands.

Table 3.1

Comparing permanent rental contracts with temporary rental contracts	
Permanent rental contract	Temporary rental contract
Strong tenants' rights	Weak tenants' rights
Unlimited duration	Unclear/limited duration
Difficult to terminate	Easy to terminate
Rent regulation	Unregulated

Table 3.2

Comparing European and Anglo-Saxon countries on tenants' position	
European	Anglo-Saxon
Strong tenants' rights	Weak tenants' rights
Long/unlimited duration	Unclear/limited duration
Difficult to terminate	Easy to terminate
Rent regulation	Unregulated

If we now turn to the international context, we note that in Western Europe tenants' rights are in broad terms quite strong as well. Contracts are either permanent or long term, with a right to renewal. While starting rents are often determined by the market, ceilings on

annual increases are often state regulated. In Germany, Denmark and Sweden, for instance, most rental contracts are permanent and subject to largely the same conditions as in the Netherlands (Kemp and Kofner 2010; Scanlon 2011), while, for example, in Belgium, Austria and France, contracts are usually of limited but long duration, and the landlord has to supply a valid reason in court akin to the ones described above for not renewing the contract (Scanlon 2011). In contrast, Anglo-Saxon countries are characterised by weak tenants' rights and market dynamics (Scanlon 2011). Here, contracts that are either of limited duration without a right to renewal or of unlimited duration but with termination possible at short notice are the norm. In the UK, for instance, leases of 6 months are most common. The situation in the USA, Australia and Canada is similar. The main differences between Anglo-Saxon and European rental systems are summarised in Table 3.2. The similarity with Table 3.1 is deliberate: temporary contracts within the otherwise permanent European rental system can be viewed as (emerging) islands of Anglo-Saxon rental norms within that system.

The divide between these two rental systems can be seen as a reflection of the difference in welfare-state regimes, originally caused by historically shaped national class alliances (Esping-Andersen 1990). Indeed, whereas Anglo-Saxon countries exhibit traits of liberal forms of government that are minimalistic in provision and rely largely on markets, Western European countries have been characterised as either social democratic or corporatist, resulting in, respectively, universalistic or more hybrid public-private provision, but in both cases with a larger role for government intervention and regulation (Esping-Andersen 1990, 1999). Kemeny (2001) expanded on this thesis. He argues that Anglo-Saxon governments encouraged the market to supply rental housing and supplemented this with a residual public housing stock for a minority of disadvantaged welfare recipients, resulting in a dualistic rental market. In contrast, European countries did not make such a sharp distinction between needs-based state provision of housing and private rental markets, but encouraged competition between profit and non-profit housing provision resulting in unitary rental markets. The last two decades have seen some convergence between the two groups of countries towards more neoliberal policies (Peters 2012),

and the Netherlands has been no exception to this trend (Musterd 2014). Dutch housing regulation is in theory elaborate and strict. The norm is a permanent rental contract, and temporary contracts are only allowed for a limited, restricted number of reasons. Four main forms can be discerned: limited contracts conditional on the status of the house, limited contracts conditional on the status of the renter, unlimited but easy to terminate contracts and unlawful contracts.

Firstly, limited contracts conditional on the status of the *house* are issued when dwellings will be demolished, renovated or sold in the near future and for this reason cannot reasonably be expected to be rented out normally. Over 70 % of all rental housing in the Netherlands is owned by housing corporations, large not for profit organisations (Statistics Netherlands). In the context of urban renewal projects, they often demolish or upgrade entire blocks of buildings. The tenants of those blocks that have permanent contracts usually obtain a right to replacement housing, as well as financial compensation towards moving costs (Huisman 2014). They are given a period of time to choose, and to move into, their replacement housing. Once these tenants leave, the vacated dwellings are rented out on a temporary basis, to prevent them from standing empty. These temporary renters do not obtain the right to rehousing, nor are they recognised as stakeholders in the participatory urban renewal process (Sakizlioglu and Uitermark 2014). Also when a dwelling is empty and for sale, it can be rented out on a temporary contract. In the Netherlands, the sale of a dwelling is *not* a valid reason for the termination of a rental contract. This means that renting out a dwelling with a normal, permanent contract will make it almost impossible for the new owner to evict the tenant and thus make the dwelling uninteresting to buy for a future owner-occupier.

The second form of legal temporary rent is conditional on the status of the *tenant*. In the case of student<sup>1</sup> and youth contracts, people can rent a dwelling for as long as they fulfil the condition that they are in higher education or below a certain age (Van der Molen 2011). If students graduate or quit their studies, they are granted 6 months to find other housing; if they fail, they can be evicted. The same applies for tenants with so-called youth contracts; if they reach a certain age, they need to vacate their apartment (Nul20 12 June 2011 and 6 February 2012). Both forms of conditional contracts are recent phenomena; campus con-

tracts were introduced at the beginning of the 2000s, youth contracts only in 2011, on an experimental basis.

In contrast, contracts with unlimited duration which can be terminated by the landlord at short notice without reason are forbidden in the Netherlands. This is why anti-squat agencies maintain that they do not rent out dwellings, but instead employ security guards to prevent squatting and vandalism.<sup>2</sup> These 'security guards', however, do not receive a salary for their services, but have to pay a considerable fee for the privilege of guarding a building, a fee that often reaches the level of normal rents in the Netherlands (Dutch Union of Tenants 2014). Their contracts are notoriously precarious; it is usual that the landlord is permitted to terminate the contract with only 2 weeks' notice (Martínez-López 2013).<sup>3</sup> As such, anti-squat is a deliberate attempt to circumvent strict Dutch housing regulation. Anti-squat agency Alvast, for instance, makes this clear on its website: 'The contracts of Alvast are formulated in such a way that the temporary users cannot claim rights pertaining to protection of tenure'.<sup>4</sup> However, in some of the few cases that have been legally tested, the courts have ruled that the 'guards' should be considered renters with normal, permanent rental contracts (e.g. Amsterdam Court of Justice 2011). But given the continuing shortage of affordable housing in the Netherlands, many anti-squatters are happy to have secured some form of housing and do not dare or want to claim their legal rights.

The last form of temporary housing consists of the grey market. Given the scarcity of housing in some parts of the Netherlands, many landlords manage to impose conditions on their tenants that are not legal, such as a contract for a limited period of time or an unlimited contract with the possibility of short-notice termination as well as rent levels or increases above what is allowed by law. The practice whereby renters rent out their dwellings to somebody else without permission of the landlord also falls in this category. Both anti-squat and the grey market reflect that security of tenure for tenants is not only just determined by existing legislation, but also on circumstances in practice, as well as how tenants experience that reality (Hulse and Milligan 2014).

### 3.3 No data, but likely growing

Having characterised the four main forms of temporary rent in the Netherlands, it is relevant to ask how often they occur. Unfortunately,

there are currently no meaningful statistics available. At the national aggregate level, nothing is known. The state-commissioned National Survey on Housing in the Netherlands (WoON), for example, that is repeated every 3 years and for which more than 40,000 respondents are interviewed, does not include any question about the form of rental contracts. Statistics Netherlands does not have any data either. An isolated housing corporation or municipality might, from time to time, publish some data on temporary rent, but this occurs in a purely ad hoc fashion and is an inadequate basis for systematic, structured analysis.

Data on the different forms of temporary rent are also sparse or non-existent. For example, the only estimate we have of the number of anti-squatters in the Netherlands (between 20,000 and 50,000 on a total population of 16.4 million) comes from Renooy (2008:36). His sources are one interview with an unidentified respondent and the text found on the website of one anti-squat agency (Renooy 2008). Because of the lack of data, the upper bound of his estimate is continually repeated in the media (e.g. Van der Tol 2011; Van der Ploeg 2012). Anti-squat agencies are generally reluctant to release detailed data about their activities, arguing that it could undermine their position in the market.

Most striking, however, is the lack of structured data regarding the more official forms of temporary rent. As far as we have been able to ascertain there are no pooled statistics available at any level regarding the number of (formerly owner occupied) dwellings that are being temporarily rented out while they are being sold. Similarly, there is little data available on the number of student/youth contracts. Furthermore, temporary rent in the context of urban renewal is not monitored. The Dutch federation of housing corporations (Aedes) collects no data on temporary rent (personal communication Aedes, 5 March 2015). Yet, there are several reasons for thinking the temporary sector is growing.

One important reason is the impact of the global financial crisis of 2007–2008 and the ensuing global economic recession. Many urban renewal projects have been delayed or cancelled. Even before the crisis, many housing corporations already had the tendency to switch from permanent to temporary rent many years before the urban renewal event nominally justifying the switch—renovation or demolition—actually takes place (de Zeeuw 2005, 2010). In this way, the housing corporation can avoid displacing permanent renters later in the trajectory and hence avoid

the need to rehouse and compensate them. The price, of course, is that the dwelling potentially spends many years more than necessary (or, indeed, legally allowed) outside the regular, permanent rental circuit. The crisis has only served to exacerbate the phenomenon: planned dates for renovation and demolition are postponed, but the temporary rent persists. The financial crisis has also impacted on the private market. The number of dwellings for sale has been continually increasing, while the average time that a dwelling is for sale has significantly increased (NVM 2013). The crisis has particularly impacted on office buildings, fuelling a boom in anti-squat agencies' turnover (Voorn and Heesakkers 2012).

While the phenomena described above are market driven, in the sense that lack of access to investment capital facilitates a lengthening of a temporary phase in the life of a building, they have been accompanied by regulatory shifts that began before the crisis but which have accelerated in its wake. Until 2005, temporary rent was only allowed in the case of advanced plans for demolition/far-reaching renovation or a vacated, previously owner-occupied home being for sale. In such cases, a permit could be obtained for renting the building out temporarily for a year. Afterwards, the permit could be renewed each year, up to a total of 3 years. In 2005, this period was extended to 5 years. After a successful lobby of, amongst others, the Dutch association of owner-occupiers (Vereniging Eigen Huis), the Dutch Parliament decided in 2013 to relax the rules even further. Private home-owners selling their old dwelling on the market are no longer obliged to seek renewal of their temporary rent permit, but immediately obtain permission for temporary rent for 5 years, and in such cases, all regulations on the maximum rent level have been lifted. The argument is that many home-owners did not intend to become landlords and that they struggle to pay the mortgage on the low regulated rents. Housing corporations are now permitted to temporarily rent out their houses for up to 7 years, while office space can be rented out for living purposes for up to 10 years. Note that this does not mean that the tenant receives a single contract for 10 years. Rather, the tenant has a series of shorter contracts, often between 6 months and 2 years, which the house owner renews repeatedly. The lengthening of the legally allowed period of temporary rent up to 7 or 10 years inevitably raises the question how temporary temporary rent actually is.

While the consequences of these latest changes of regulations were

yet unknown because they were just coming into effect in the summer of 2013, at that very moment, a campaign for further relaxation begun. Kick-started by Amsterdam housing corporations, notably a publication by corporation Stadgenoot (de Langen and Anderiesen 2013), this lobby soon included the national association of housing corporations (Aedes), the aldermen in charge of housing of the four major cities Randstad, as well as the small orthodox Christian political party ChristenUnie (Nolles 2013; Schouten *et al.* 2013). Their arguments of creating living space for currently underserved target groups such as youngsters and increasing residential mobility convinced the current Minister of Housing Stef Blok. In summer 2014, he proposed far-reaching changes to the law. Temporary renting contracts will be introduced as a normal form of tenure. The only restrictions will be that the contract can be for a maximum of 2 years and that it cannot be extended for the same tenant. However, the modest amount of attention this proposal drew concerned *not* this previously unheard of major abolishment of rent protection, but focused instead exclusively on marginal specific measures for certain target groups such as students, youngsters or problematic renters (but see Dutch Bar Association 2014). Indeed, Minister Blok (2014) downplayed the impact of these changes arguing that because of the transaction costs involved, landlords will not engage en masse in temporary contracts. The proposal was received positively by the majority of Parliament, and at the time of writing, it is expected that the changes to the law will come through by 1 July 2015.

As such, it is entirely plausible that we will observe a further expansion of temporary living arrangements in the near future. In the previously highly regulated housing market of the Netherlands, this will constitute a significant shift towards weaker tenants' rights. Yet, this change in the distribution of rights and risks between landlords and tenants has not sparked any discussion in the public domain so far. In the next section, I develop a tentative exploration why this shift has been silent so far, and how we can understand it.

### 3.4 A silent shift

No structural research documents the extent of temporary rental arrangements in the Netherlands, while there are ample signals that it is increasing. I identify four principal reasons for this lack of non-an-

ecdotal, non-incidental studies. The first explanation lies in the assumption that temporary rent adds to the stock, and the second in the assumption that it constitutes a transient phase in people's lives. The third cause concerns the use of temporary rent to 'patch up' certain problems in housing policy, without considering the aggregate effect of many such patches. The fourth factor is connected to the inherent difficulty of measuring the phenomenon of temporary rent.

As regards the first point, a common assumption amongst politicians, policy makers and researchers in the Netherlands, is that temporary rent is *adding* to the current housing stock, because the dwellings concerned otherwise would have remained empty. Given the continuing scarcity of housing in (some parts of) the Netherlands, adding more housing to the stock is conceived as a positive development. However, given the growth of temporary rent, the question is whether rather than adding, it is replacing other, more structural uses of the housing stock, especially given the continuously lengthening periods of time involved. In the case of home-owners struggling to sell their old home, the bonus now put on temporary rent by the recent decision of the Dutch government to significantly deregulate it will almost certainly lead to replacement; as long as the dwelling is at least nominally kept on the market, a landlord will naturally opt for a temporary contract of fixed duration with a free-market rent above a permanent contract that is difficult to terminate with a regulated rent. In the context of urban renewal, a dwelling that is rented out temporarily for 5–10 years as it waits for a renovation that might never happen should also be considered to be *replacing* a dwelling that could have been rented out permanently.

The second common assumption explaining the disinterest in temporary rent in the Netherlands that prevails amidst the Dutch housing policy community concerns the renters themselves. It is often assumed they are young, highly educated, unattached and thus robust to the insecurity of temporary rent. The precarious living situation will only constitute a short and *transient* phase in their lives, it is thought, after which they will move on more secure forms of housing, such as a permanent rental contract or owner-occupied housing: the stereotypical temporary renter is a student. But there is no reason to assume that other, less advantaged people will *not* end up in such

insecure housing. The continuing scarcity of affordable housing in many Dutch cities, the increasing shift towards a market-based model of housing, and the lack of any safety net for outsiders and newcomers imply that pressing need, rather than free choice, is often a determinant of how and where people live (Dutch Union of Tenants 2013). The extension of the maximum permissible period of temporary rent to 10 years, and the corresponding emergence of almost 'permanent temporariness', also means it is more likely that initially 'robust' temporary renters will lose this robustness during the tenancy, i.e. they will shift into a new life phase such as family formation.

The third factor behind the lack of interest in temporary rent is the fact that most forms of temporary tenure are usually only considered from the angle of the specific problem they are supposed to be address. Policy makers, politicians and academics focus on distinct problems, such as keeping houses occupied during urban renewal or relieving home-owners with financial problems due to double mortgages because they bought a new home without having sold the old one. The compound effects of all these isolated policy responses are seldom considered, leading to the assumption that temporary rent arrangements are a marginal phenomenon. However, I argue that if we take the extent of and increase in the various forms of temporary rent arrangements as a whole, this constitutes a significant shift towards the temporary.

The above-described assumptions that temporary renting is a positive, though marginal phenomenon because it adds housing to the stock that is used as a temporary stop-over by people able to deal with the insecurity, combined with a focus on individual policy responses explain why there is no interest of researchers, politicians, policy makers and other housing professionals in collecting data. But another reason is that collecting data on the character and extent of temporary rent presents a daunting methodological challenge. The gold standard approach to find out how many people live in temporary housing in the Netherlands would be, of course, to count them or estimate their number through a random sample. Unfortunately, due to the specific nature of temporary housing, this will be difficult. The semi-legal and fleeting character of precarious living does not lend itself very well to random sampling techniques. For instance, drawing a sample from the municipal population register (GBA) will omit many people. Although



legally people are obliged to register at the address they factually live (Law on the Municipal Population Register articles 65–66), many municipalities do not allow people to register in buildings not designated for living. As a result, many anti-squatted buildings are officially registered as empty. Secondly, in the case of dwellings, home-owners often do not allow temporary renters to register (see for an example of a housing corporation Central Council of Appeal 2008). Temporary renters are furthermore unlikely to respond to general surveys because of their semi-legal and precarious living status. Dutch survey response rates are low at 55 % at best (Stoop 2005), and the non-response is heavily biased exactly towards renters and low-income groups (Te Riele 2002). Furthermore, as mentioned earlier, anti-squat agencies have been shown to be reluctant to divulge information.

In conclusion, I argue that the lack of research and the related lack of data have meant that an important shift in the Dutch rental system has gone unobserved. The Netherlands seems to be shifting towards the Anglo-Saxon model of weaker tenant rights, without this being an explicit policy goal. This stands in stark contrast with the shift towards home-ownership, which has been extensively promoted by the Dutch government and extensively studied. Moreover, it also contrasts with the elaborate attention devoted to a similar, earlier shift in another domain, namely the demise of the permanent labour contract in the context of the rise of temporary contracts.

Interestingly, this shift seems to be more important for its symbolic meaning than for its statistical importance: between 1992 and 2012, the number of Dutch workers with a permanent contract decreased only from 75 to 69 %, while the number of temporary employed workers increased from 13 to 16 %, and the number of self-employed persons increased from 12 to 15 % (Statistics Netherlands, see also Corvers *et al.* 2011). However, it would be wrong to conclude that the discussions of the last 15 years about the precarisation of labour are *much ado about nothing*. On the contrary, the debate about this shift of risks from employer to worker (Kalleberg 2009) is at the heart of (European) welfare-state reform and the underwhelming statistics potentially mask a generational trend. Could, for example, the rise of the temporary labour contract be an age-related phenomenon? That is, will the youngsters that now have temporary contracts obtain a permanent

contract later on in their career or will they have to spend most of their professional lives switching from one temporary contract to another?

Analogous questions could be posed regarding the emergence of temporary rent. How large is the sector? How is it composed? What is its wider significance for welfare-state reform? Is the extent of the shift masked by generational factors? Yet, as observed earlier in this chapter, there exist neither data nor debate. Potentially, then, the sector is being precarised without any of the critical attention associated with labour precarisation. This silent shift therefore deserves attention from researchers, both at the theoretical and at the methodological level.

### 3.5 Research agenda: investigating the precarisation of the Dutch housing market

To fill the gap in our knowledge, we need to know more about the various forms of temporary rental arrangements in the Netherlands. Are there more contracts with a limited length, or are there more contracts that run indefinitely but can be ended with 2 weeks' notice? What are the main categories of people in precarious housing? Are they indeed young and unattached, as often is assumed, or are there also more vulnerable people ending up in temporary rent? Are motivations for being in this form of tenure mainly positive (low cost, easy access), negative (no alternative) or neutral? What combinations of such push and pull factors occur? How do residents experience this form of housing, is it stressful, problematic, adventurous? Is temporary rent geographically concentrated in the four largest cities known as the Randstad, or in urban areas, or is it occurring throughout the country? And what proportion of the Dutch housing market is non-permanent? These are some of the questions that need to be answered if we want to seriously engage with this neglected form of housing. But apart from these empirical questions into what, who and how many, there are also pressing broader questions. What does this shift signify? What is the history? Who are the main actors involved? Can we observe similar changes in other countries, in Europe perhaps? How is the discourse pertaining to living in insecure circumstances evolving over time? What can we learn from the labour precarisation literature, and what are the differences and similarities? I believe these questions (organised in Table 3.3) can be summarised as follows:

Table 3.3

## Researching the silent shift: topics and methods

Main research topics	Examples of relevant dimensions	Quantative methods	Qualitative methods
<b>Forms of temporary rental arrangements (what) and volume (how much)</b>	Period of contract	<b>Primary data collection</b>	<b>Primary data collection</b>
	Termination of contract		
	Rationale for temporary contract	Surveys (cross-sectional + panel):	In-depth interview/ focus groups:
	Legal status of contract	General surveys	Tenants
	Rights according to contract	Targeted surveys	Other stakeholders
	Responsibilities according to contract		
	Rent price levels and increases	<b>Secondary data analysis</b>	Ethnography
	Number of contracts		
	Number of households and individuals	Statistical data collected by	<b>Secondary data analysis</b>
<b>History/growth over time (when)</b>	Recent years	Associations of house-owners	
	Recent decades	Tenants advocacy organizations	Document analysis
	Pre/postwar period	Government	Media
	Changes in regulation	Research bureaus	Policy
<b>People involved with precarious housing (who)</b>	Renters		Contracts
	Landlords of different scales and with different organisation forms	Indirect data:	Laws
	Government (policy makers and politicians) on different levels; municipalities, central government	Permits issued	
	Advocacy organisations/lobby groups	Turnover statistics	
	Media	GIS	
<b>Motivations for being in precarious housing (why)</b>	Interaction of push and pull factors; positive (low cost, easy acces)/negative (no alternative)/neutral		
<b>Residents' experiences (how)</b>	Perception of their housing situation		
	Impact on other parts of their lives		
	Moment in life course		
<b>Physical and geographical pattern (where)</b>	Residential dwellings/business spaces		
	Physical state of buildings		
	Urban/rural spread/concentration		
	Distribution withi cities/regions		
	Situation in neighbouring countries/ Europe/outside Europe		

What is the extent and character of precarious housing in the Netherlands?

How should we understand the silent growth of temporary rent in the Netherlands in the context of precarisation?

Concerning method, it would be a great improvement if large-scale housing surveys (such as WoON) would recognise temporary rent as an existing form of housing and if questions concerning this form of tenure would be incorporated. In this way, the empirical foundations for accurately monitoring the character as well as the growth of the sector *overtime* can be laid. Alternatively, data could be collected by devising and administering surveys targeted specifically on temporary rent. To obtain a deep understanding of how insecure housing impacts on people's lives, more qualitative methods can be employed. In particular, interviews with tenants will yield more insight into the experiences of people. The more general shift can be investigated by studying policy documents, media content, as well as through interviewing key figures such as directors of anti-squat agencies, housing corporations and politicians. These are just a few examples of how one could go about closing the gap in our knowledge. Undoubtedly, other, more creative ideas could be employed. But my main point is not *how* we should research precarious housing in the Netherlands, but *that* the issue urgently requires attention.

A practical goal of proposing this research agenda is to provide policy makers with data on temporary housing in the Netherlands. This is especially relevant given that there is a clear trend in policy towards further expansion of the temporary sector. By more accurately quantifying the size and character of the sector, we can clarify how far existing policy actually reflects, and influences, the reality of temporary rent on the ground. In this way, the desirability of future expansion of the sector could be critically assessed. Indeed, perhaps the most important goal of proposing this research agenda is to stimulate an open and fundamental societal debate about the appropriate balance between legal protection of renters and the rights of landlords. By gathering and making public information about the extent and the character of precarious housing in the Netherlands, not only a much needed empirical basis for such discussions will be created, but also the findings themselves will help put the topic of this silent shift on the agenda.

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### Notes

- 1 These contracts are commonly referred to in Dutch as campus contracts; however, most of the dwellings involved are not situated on a university campus, but in ordinary non-university neighbourhoods.
- 2 Anti-squat started off in the 1990s as a way to prevent squatting, but has turned into a form of tenure in its own right, while the Dutch squatting movement has been marginalised (van Gemert et al. 2009).
- 3 Furthermore, contracts often include far-reaching restrictions: “Anti-squat regulations comprise: no parties, no children, no pets, no smoking, no guests overnight, no vacation (permission required to leave the house for more than three days), maintenance of house and garden, no contact to the press.” (Buchholz 2009:215, see also Heijkamp 2009).
- 4 My translation from Dutch, see [www.alvast.nl/eigenaren/leegstands-beheer-anti-kraak/](http://www.alvast.nl/eigenaren/leegstands-beheer-anti-kraak/), last visited 15 March 2015.

## CHAPTER 4

# TEMPORARY TENANCIES IN THE NETHERLANDS: FROM PRAGMATIC POLICY INSTRUMENT TO STRUCTURAL HOUSING MARKET REFORM\*

Between 1997 and 2012 temporary tenancies emerged and evolved as a pragmatic policy instrument within the Dutch housing sector. In this chapter, based on analyses of policy documents, media content and parliamentary archives, we argue that this was a period of implicit, technocratic erosion of the existing permanent rental norm, creating the political and material foundations for the emergence of a new, more explicit ideological discourse that has been evident since 2013. We then explore these most recent developments, in which temporary tenancies are now championed as a catalyst for structural housing market reform, and comment on the possibility that the recent proposal to introduce time-limited tenancies as a normal form of tenure, will lead to permanent, rather than temporary, contracts becoming marginal in Dutch society.

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It is moreover neither the goal to abandon the principle of the rental contract of unlimited duration nor to leave the system wherein temporary rent is the exception to the rule. [...] The intention is therefore to introduce in housing law a 'time-limited tenancy', analogous to business leases, on which rent ceilings will apply, but security of tenure will not, and the tenancy will thus end 'automatically' after the agreed period.

Minister Blok of Housing proposing the introduction of generic temporary renting contracts in the Netherlands in his letter to the Lower Chamber of Parliament of 11 April 2014; our translation from Dutch.

### 4.1 Introduction: the Dutch permanent renting norm

In some countries, such as the United Kingdom and the United States, the insecurity that comes with non-permanent residential tenancies has become so normalised that it is hardly worthy of attention. However, when a country like the Netherlands, long renowned for its strong protection of renters, starts to introduce temporary renting contracts as a normal form of tenure, this warrants significant notice. Indeed, traditionally, temporary rent has been forbidden in Dutch law, except in some very limited and restrictive, well-defined circumstances (Donker van Heel, 2004). Nevertheless, the last decade has seen a strong trend towards relaxing these regulations by continually expanding the exceptions (Van de Pest, 2013). These changes have attracted little attention or controversy, partly due to the continuing perception of temporary rent as a marginal and essentially positive phenomenon that can be deployed in those few situations where permanent contracts are deemed untenable (Huisman, 2016). Very recently (2013-2015), however, a sharp shift has occurred. Major stakeholders in Dutch housing have started arguing that temporary contracts are inherently desirable, and the government is introducing policy which, for the first time in modern Dutch political history, elevates the temporary contract to the same legal status as permanent contracts. This is likely to have a profound impact upon the Dutch rental market, especially since in other countries similar policies led to the swift dominance of time-limited tenancies (Kadi, 2015; Morgan, 1996).

Where did this change come from? In order to answer this question, policy documents, media content and parliamentary archives

were analysed. Based on this analysis, this chapter develops the argument that it was exactly the slow sequence of apparently technocratic, uncontroversial developments surrounding temporary rent between 1997 and 2012 which made this shift possible. By allowing more and more exceptions to the rules, the norm of permanent renting contracts was eroded. This paved the way for challenging the standard in a more fundamental way, a development discussed subsequently. The shift fits in with simultaneously occurring changes in views on the desired size of the rental market and the groups it should cater for. In the final part of this chapter we argue that given the speed of recent developments, the introduction of non-permanent tenancies might quickly result in *permanent* tenancies becoming the exception. If this happens, it will have a profound effect on the character of rental housing in the Netherlands, because it will strengthen the desirability of home-ownership as a more secure form of housing, and relegate renting to a temporary solution for the young and upwardly mobile, as well as the only option for those who cannot afford to buy a dwelling. That a similar development thirty years earlier in the UK rapidly resulted in an extremely precarious rental housing market, especially in England and Wales, should be food for thought.

#### **4.2 1997-2012: Introduction, consolidation and expansion of a pragmatic policy instrument**

At the beginning of the twentieth century, the Dutch government sought to improve the deplorable and precarious housing conditions of many households (Kraaijestein, 2001). The introduction of the Dutch *Law on Terminating Tenancies* (Huuropzeggingwet) in 1918 (De Gaay Fortman undated, approximately, 1918; Kraaijestein, 2001) essentially forbade landlords to terminate tenancies unless tenants failed to fulfil some fundamental duties. As a result, between 1919 and 1985, temporary rent seems to have been almost non-existent in the Netherlands. All rental contracts were permanent. Unless the tenant fails to meet some minimal basic conditions, such as paying the rent on time or not causing gross nuisance, it is very difficult for a landlord to terminate a renting contract and evict the tenant (*Dutch Civil Law Book* 7:271-274). According to Dutch law, for instance, even when a house is to be demolished, the landlord has to offer the tenant a similar dwelling with a contract on the same terms

as before, as well as compensation for moving costs (*Dutch Civil Law Book* 7:274). Only in 1985 temporary renting contracts were admitted again as part of the *Law on Vacancies* (Leegstandswet), but solely as an exception in very specific cases where permanent contracts were deemed infeasible, and the alternative would be leaving the dwelling empty (with the risk of it being squatted) (Dutch Association of Municipalities; Vereniging Nederlandse Gemeenten; VNG, 2011). They were seen as a solution for short-term vacancies, when normal provisions such as replacement housing were not practical. In such instances it was thought that time-limited tenancies could benefit home-owners, tenants and local residents (Brokx & de Ruiter, 1980). They would supply rent income to owners, increase the available rental stock and prevent feelings of unsafety caused by empty buildings. Stressing the exceptional status of time-limited tenancies, strict conditions applied. The owner could only apply for a permit to rent out the dwelling temporarily in the case of previously owner-occupied or newly built dwellings that were for sale or, in case of previously rented dwellings, if they were to be demolished or rebuilt soon.<sup>1</sup> Furthermore, as with the majority of all Dutch rental housing, then and now (Haffner & Boumeester, 2010; Van der Schaar, 1987), rent ceilings applied. There is no evidence that extensive use was made of temporary renting contracts after their introduction in 1985. According to the Dutch association of owner-occupiers for instance, no private home-owners ever utilised this possibility (Vereniging Eigen Huis, 2015).

To provide some context, throughout almost all of the twentieth century the majority of all Dutch households lived in rented accommodation<sup>2</sup> (Van der Schaar, 1987, Statistics Netherlands), and consecutive governments stimulated renting as well as owner-occupation. By the late 1980s, however, the policy started to focus exclusively on the expansion of home-ownership, and while still substantial in absolute numbers, over time the ever-shrinking rental sector became more and more discursively projected as a residual form of tenure for those who could not support themselves (yet). It is against this backdrop that in 1997, more than a decade after the introduction of the *Law on Vacancies*, landlords start engaging substantially with renting out dwellings on a non-permanent contract.

One of the first domains where time-limited tenancies emerged was urban renewal. At the end of the 1990s, due to the policy of upgrading dis-

advantaged neighbourhoods through state-led gentrification (Teernstra & Pinkster 2016; Uitermark *et al.*, 2007), many dwellings, predominantly owned by housing corporations,<sup>3</sup> were being rebuilt. Traditionally such dwellings were left empty and boarded up if vacated shortly before renovation or demolition. To improve the *liveability* of the neighbourhood, the dwellings were now rented out on temporary contracts instead. The urban renewal plans from the late 1990s and early 2000s were very ambitious, and construction soon stagnated (Priemus, 2004; Vromraad, 2002). This was compounded by the advent of the global financial crisis of 2007–2008 and the ensuing economic recession. Due to the delays, the number of dwellings rented out on temporary contracts, as well as the total time that they were rented out on such tenancies, increased significantly (Dekker, 2003). While many renewal plans were postponed indefinitely, housing corporations did not transform the temporary contracts into permanent ones (Dutch Union of Tenants, 2015). Although this was against the rules, no enforcement by the government took place.

Student housing was the second area where temporary tenancies were introduced. Before 1997, tenancies for dedicated student housing were permanent, just as all other rental contracts in the Netherlands. While it was necessary to fulfil the condition of pursuing academic studies to enter the tenancy, ceasing this education (either through finishing the degree or quitting) could not result in termination of the tenancy (Nieuwenhuijsen, 2006). During the 1990s the number of students enrolled in higher education stabilised, but the supply of housing available to them actually decreased. The focus on larger, higher quality owner-occupied housing resulted in the disappearance of affordable housing through demolition, upgrading and tenure conversion as well as in a lack of new suitable construction (Oskamp & Hoppesteijn, 2003). To maximise efficiency, from 1997 onwards a small local housing corporation specialising in student accommodation (Duwo), attempted to introduce so-called campus contracts. Such agreements contain a stipulation stating the tenancy will be terminated when tenants cease their studies. However, such a clause lacked a basis in Dutch law, as resulting test court cases showed (Nieuwenhuijsen, 2006). Around the year 2000 interest group Kences, uniting most housing corporations specialised in student accommodation in the Netherlands, started lobbying for legalisation of such contracts. When in 2006 the law was indeed changed, it was the

first incidence in the Netherlands of temporary rent conditional on the status of the *tenant* rather than conditional on the status of the house. As the name implies, campus contracts were initially only deployed in designated student housing at university premises. However, quickly already before they were legalised the use of such contracts spread from the campus to normal residential neighbourhoods and all other parts of university cities. Soon, in almost all situations where students rented through housing corporations, campus contracts became the norm (Companen, 2010; Municipality of Amsterdam, 2005).

The third field in which non-permanent rental arrangements emerged in the period 1997–2012 was as a way to prevent vacancies in dwellings for sale. Due to the policy of transferring a large amount of rental stock to the owner-occupied sector (Priemus, 2004), many previously rented dwellings entered the market. Temporary rent in the formal sense (i.e. with a permit) was not allowed (Dekker, 2005) in order to prevent strategic misuse such as symbolically putting a dwelling on the market to circumvent rent protection (Brokx & de Ruiter, 1980; Spies, 2011). Nevertheless, during this period housing corporations often let these dwellings temporarily, using somewhat controversial legal constructions (Blok, 2013; De Zeeuw, 2005). Both ‘use agreements’ and ‘anti-squat’ are explicitly designed to circumvent formal renting law and allow properties to be let out under highly precarious circumstances for the tenant (Martinez-Lopez, 2013; Priemus, 2015; Van Eijck & Naafs, 2014).<sup>4</sup> For owner-occupied homes temporary rent came into view via a different route. Due to the global financial crisis which began in 2007, dwellings became much more difficult to sell. The average length of time for a dwelling to be on the market increased significantly (Schilder & Conijn, 2013). The growing group of owner-occupiers active on the housing market felt squeezed by this, arguing they often faced a double mortgage burden: the mortgage for their new home, as well as the monthly payments for their as-yet unsold old home. Following this logic, the Dutch association of owner-occupiers successfully launched a lobby to remove all perceived barriers to temporary rent of dwellings for sale, such as rent ceilings (VNG, 2013).

With the possible exception of the growing use of anti-squat (Priemus, 2015), none of the developments described above have been particularly controversial. They all have an ad hoc, pragmatic flavour



and a win-win feel, offering a fix for specific technical problems encountered by landlords and at the same time creating (temporary) living space where there was hitherto only vacancy. Yet the compound effect of all these changes was significant. To start with, there were volume and normalisation effects: temporary contracts became increasingly familiar to both tenants and landlords, with housing corporations and real estate agents gaining bureaucratic experience in administering such tenancies. Also, unlike with permanent contracts, the allocation of temporary contracts is unregulated. Housing corporations can issue contracts to whichever individuals or categories of people they prefer. As such, the growth of temporary rent normalised the distribution of rental housing outside existing distribution regulations. Indeed, sometimes extensive use of temporary rent is now *de facto* supplanting permanent contracts, not augmenting them. In some urban renewal districts, for example, temporary rent has taken on a semi-permanent character as unclear future renovations are pushed back repeatedly. Due to the technocratic character of the debate, the point is rarely made that these houses have been effectively withdrawn from the regulated housing supply for the best part of a decade; such distribution issues are seldom raised (but see Dutch Union of Tenants, 2015).

Furthermore, this institutionalisation of temporary rent has been strengthened by, at the municipal level, patchy or non-existent enforcement of the laws that, in theory, curb misuse by landlords, while the working assumption at national policy level and discursively is that they *are* enforced. This is significant because regulatory relaxation, for instance the introduction of campus contracts, has so far always led to utilisation in a far wider array of situations than originally planned or claimed. Relatedly, at the level of national government a sequence of significant relaxations of laws to make permit-based temporary rent possible in an ever wider array of situations, for ever-longer periods of time has continued the trend towards deregulation. For instance, the window of time during which home-owners are in some cases allowed to rent out their dwellings with temporary tenancies was initially 3 years, but was then extended to 5 years, followed by further extensions to 7 or sometimes even 10 years (see Tables 4.1 and 4.2, Dekker, 2003, 2005, Van de Pest, 2013, VNG, 2013).

Table 4.1

**Maximum period a landlord can obtain permission from the government to issue temporary tenancies in the Netherlands**

Period	Maximum time period
Pre-2005	3 years
2005–2012	5 years
post-2012	7 years — social housing (demolition/renovation) 10 years — office buildings

Lastly, and not to be understated, the expansion of temporary rent has not occurred in a vacuum. The Dutch housing discourse is increasingly moving towards the benefits of home-ownership (Elsinga & Hoekstra, 2005) and away from (regulated) renting, and tenure transformation

Table 4.2

**Extension of exceptions in which home-owners can obtain governmental permission to issue temporary tenancies on their dwellings**

Period	Permitted situations
Pre-2006	Shortly before renovation/demolition Owner-occupied dwellings for sale — strict conditions apply
2006–2012	Shortly before renovation/ demolition Owner-occupied dwellings for sale — strict conditions apply Student housing
Post-2012	Shortly before renovation/demolition Owner-occupied dwellings for sale — strict conditions lifted Student housing



(Priemus, 2004) has been a major driving force behind the expansion of temporary rent. The current meritocratic discourse (Young, 1958), which advocates allocation of living space based on merit, naturally extends to the argument that rental contracts should be temporary rather than permanent (cf. Heijkamp & Griffioen, 2015; Heijkamp & Borstnik, 2016). All these factors contributed to the sharp shift that was witnessed in 2013, which we now describe.

#### 4.3 2013-2015: Structural housing market reform

In July 2013, around the same time the latest relaxation of the regulations on temporary rent came into force, Amsterdam housing corporation Stadgenoot launched a plan for introducing generic temporary contracts:

The idea of the five-year contract builds on the flexibilisation in the rental sector due to the introduction of the campus and youth contracts. In January 2012, the Minister made further flexibilisation possible for dwellings that are for sale; the possibilities for temporary rent based on the Law on Vacancies have already been widened too. Now, we propose the next step, namely a simple, easy and generically applicable device: the five-year contract.

De Langen & Anderiesen, 2013, translation ours.

Stadgenoot's plan constitutes a clear break with the old logic. No longer is the argument that time-limited tenancies will persuade landlords to rent out their transitionally vacant houses. The distinctly new element is that they want to use the timelimited tenancy to change the way housing is distributed. Rather than allocating rental housing through waiting time, as is usual now for most rental housing in the Netherlands, the new goal is to supply specific groups, such as starters, with a chance to enter the housing market earlier. When the five years have finished, they either have made progress in their professional careers, and will be able to afford more expensive free-market housing, or they will have to relocate to less desired, less central city districts (Nolles, 2013). In either case they will have to move, which is evaluated positively by Stadgenoot as 'more dynamism on the housing market'.

By September 2013, Stadgenoot had convinced the four other main Amsterdam housing corporations of the necessity to exert influence. Through the Amsterdam newspaper *Het Parool* they announced a large lobby campaign in The Hague, the seat of the government, in order to 'try to force through a change of the law that will make temporary renting contracts possible in the city' (Nolles, 2013, translation ours). Indeed, in November 2013 the small orthodox Christian political party Christenunie launched a pre-proposal for a bill introducing five-year renting contracts for young people (Schouten, De Snoo, & Visser, 2013). The Dutch Union of Tenants (Woonbond) did not agree: 'The starters' contract will put tenants out on the streets without any rights' (Buite-laar, 2013, translation ours). They contended that only an increase in new construction will offer a structural solution to the continuing housing shortage in many Dutch cities. In February 2014 the aldermen of major Dutch cities Amsterdam and Utrecht (later joined by their Den Haag and Rotterdam colleagues) joined the lobby for what are by then dubbed 'nomad contracts' by the Union of Tenants (C. Huisman, 2014). In April 2014, Dutch Minister of Housing Stef Blok announced the government's intention to introduce temporary contracts. He did this in a letter to the Lower Chamber of Parliament that like most Dutch housing policy contains a complicated mix of wishes and ideas from different stakeholders. On the one hand, the category of temporary rent conditional on the status of the tenant, introduced in 2006 with campus contracts for students, will be extended with contracts for young people (age 18-28), large families (households consisting of eight or more persons) or any other category government wishes to define. On the other hand, the category of temporary rent conditional on the status of the house will also be extended.

The most important proposal, however, is to introduce generic temporary contracts as a normal form of tenure (Blok, 2014). According to the Minister, it is a simple solution to the many requests for exceptions he received from representatives of home-owners. The proposed contracts will have a maximum duration of two years. They can be concluded not just with specific groups, but with anybody. To protect renters, Minister Blok argues, they cannot be renewed (but can be transformed into permanent tenancies), so tenants cannot have a string of such contracts with the same owner. However, otherwise, there are no

preconditions for their use: they can be used anytime, anyplace. As far as can be gleaned from the letter, landlords will be allowed to engage in a perpetual string of such contracts, only not with the same tenant. Blok asserts that the high transaction costs associated with renting out a dwelling every two years will dissuade landlords from engaging en masse in them. There exists a real danger, however, analogous to earlier developments in Dutch labour law (Dirks, 2000), that tenants will be evicted to be replaced with new tenants on another temporary contract.

In September 2014 the proposal was published online, inviting input from interested parties.<sup>5</sup> Perhaps predictably, the internet consultation yielded mainly positive appraisals by representatives of house-owners such as the Dutch associations of housing corporations and real estate investors, while spokespersons for renter organisations were mostly negative. In July 2015 Minister Blok announced that the proposal is to be discussed in Parliament in autumn 2015, and if swiftly agreed upon it can come into effect by February 2016. Notwithstanding some internal disagreements, it is backed by the ruling coalition of Dutch Labour party PvdA and the VVD, a right-wing liberal party. While the Socialist Party, the third largest party in the

Table 4.3

**Proposed further relaxation of regulations on temporary rent in the Netherlands in 2016**

Permitted situations	- All dwellings, all circumstances
	- Landlord can engage in unlimited number of temporary contracts (with different tenants)
Maximum window	- Unlimited (for the landlord)
Restrictions	- Contract can be between 1 and 24 months, not longer
	- Contract cannot be renewed with same tenant (but can be transformed into a permanent contract)
	- Rent ceilings apply in some situations

Lower Chamber, might oppose the proposal, this will likely be offset by endorsement from the almost as large right-wing PVV or the centre-right CDA and other parties.

To summarise, the Netherlands is moving from a situation in which temporary tenancies were only allowed as an exception for a limited, restricted number of reasons, and for which in most cases a permit was required, including a limit on the maximum period of use, to a situation where temporary tenancies will become a normal form of tenure, with no need for a reason, no permit, and no limit on their use (Table 4.3). This constitutes a shift from permanent renting contracts as the norm, with temporary contracts as a marginal exception, to the introduction of temporary contracts as a normal form of tenure. The question is: will this shift be followed by a development where temporary renting contracts become the norm?

**4.4 Conclusion: From pragmatic policy instrument to structural housing market reform... and beyond?**

This chapter has charted the recent development towards introducing time-limited tenancies in the Netherlands. At first glance, given the Dutch tradition of strong renter protection, this policy switch seems hard to understand. We have attempted to clarify this by looking closely at the emergence of temporary renting contracts in the period 1997–2012. We found that during these years, time-limited tenancies were first presented as solutions to specific, short-term problems, such as vacancies before renovation or demolition of houses. However, over time the emphasis has shifted towards changing the way housing is distributed and promoting dynamism on the housing market. Moreover, the temporary contract became increasingly visible and mainstream. This can be attributed to specific market dynamics (overambitious/ stagnating urban renewal, the impact of the financial crisis on both the private and public housing sector, the continuing transfer of housing from the rental to the owner-occupied sector), the continued relaxation of regulations, and the self-reinforcing effect of the increasing use of temporary rent as a policy instrument for creating temporary housing for selected target groups such as students. At the same time, and closely coupled with the sectoral

shift towards home-ownership, access to housing became increasingly discursively framed as a meritocratic issue, that is, something to be earned. The permanent contract does not sit comfortably within such a discourse.

All these factors accumulated so that by 2013 a tipping point had been reached. Temporary tenancies were no longer viewed as infrequently occurring exceptions for well-defined situations, but as a normal part of the market, and an inherently desirable goal in themselves. Housing corporations and local politicians (predominantly from the major Dutch cities) as well as national political parties started a lobby to make the temporary tenancy a normal alternative to the permanent tenancy. The Dutch government responded by recently (2014) announcing the recognition and legalisation of the temporary tenancy within standard Dutch renting law (as opposed to its current status as at least in theory a carefully circumscribed exception). This is the first time in modern Dutch history that this has happened, and the obvious question is how this regulatory normalisation will impact upon the Dutch housing market in the coming years assuming, as is likely, that the Dutch Parliament ratifies the proposal. This is not such a strange thing to ask, given the earlier, similar development in the United Kingdom, where until the end of the 1970s the permanent renting contract was commonplace.

Indeed, due to a sequence of reforms between 1979 and 1996 the permanent renting contract was practically abolished in the United Kingdom (Kemp & Keoghan, 2001; Kemp, 2009; Morgan, 1996), highlighting how quickly huge changes can occur once the first explicit step has been taken. The rental market in the United Kingdom (comprising 37% of all housing, British Office for National Statistics) is now, especially in England, notoriously precarious. Time-limited tenancies of 6 months have become the standard, and (especially in London) rents are soaring (Bachelor, 2015), with rent control limited to social housing. Where will the Dutch rental sector (currently 44% of the national stock, Statistics Netherlands) be 20 years from now? Especially given the growing scarcity of rental housing, it is likely that many Dutch landlords will henceforth opt for short-term contracts rather than permanent contracts because of the increased flexibility it will offer them. Yet the Dutch mainstream media pays scant attention to these issues.

Will this lack of interest fuel a new phase of deregulation, such as the removal of rent ceilings?

This absence of attention is also significant because, as the UK again demonstrates, it is far more difficult to reverse deregulation than to implement it in the first place, even when there is substantial political support for it. There the emergence of *Generation Rent* traditionally home-owning sections of the population now forced to rely long-term on the precarious rental sector given the unavailability of homes they can afford to buy has bolstered support for stronger protection of renters. However, meaningful reform is unlikely in the foreseeable future. If, as expected, the two-year contract becomes law in the Netherlands, under which circumstances will a future Dutch government be willing and able to re-regulate? As illustrated by the quotation at the beginning of this chapter, Minister Blok has stated that temporary contracts should not displace permanent contracts as the norm, but the actions of his government are establishing the conditions for exactly this to happen.

#### Post-script

At the end of April 2016, at the time this chapter was accepted as an article, the law, as expected, had been just passed by the Dutch parliament, with only some minor changes. All major political parties backed it, and the law will come into effect as of July 2016.

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- 10 Letter of the Minister to the Lower Chamber]. Den Haag: Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer.
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**Notes**

- 1 The Law on Vacancies also introduced temporary tenancies for vacant buildings not previously used for housing such as offices under similar conditions as for housing.
- 2 Between 1920 and 1990 the proportion of households renting gradually decreased from 82% to 55% of all Dutch households (Van der Schaar, 1987, Statistics Netherlands). By 1997, the distribution between renting and home-ownership was exactly 50% 50%. Since then, both the number and the proportion of households renting has continued to shrink slightly, so that by 2014 44% rented and 56% owned their home (DGW/ABF Research, 2015).
- 3 Housing corporations are not-for profit organisations that own the greatest share of the Dutch rental housing stock (C.J. Huisman, 2014).
- 4 Indeed, the period 1997–2012 also saw growing use of these constructions (Priemus, 2015). We do not discuss these further here because, due to their somewhat idiosyncratic character, they are still a long way from obtaining the kind of discursive and regulatory acceptance that temporary rent increasingly enjoys. The same applies to the municipality of Amsterdam's experiments with 'youth contracts'.
- 5 <https://www.internetconsultatie.nl/tijdelijkehuur>



## CHAPTER 5

# INSECURE TENURE IN AMSTERDAM: WHO RENTS WITH A TEMPORARY LEASE, AND WHY?\*

We employ hitherto underused local survey data (N = 17,803) to assess for the first time the occurrence of temporary leases in Amsterdam and explore the characteristics of the tenants. Although permanent contracts are still dominant, one of our observations is that the majority of young adults aged 18-23 are renters with a temporary lease. Using multinomial logistic regression analysis, we found that students, those with a Western migration background, those who moved because their previous rental contract was terminated or because the previous dwelling was too expensive, and those who moved from abroad were particularly likely to have a temporary lease. Families were unlikely to have a temporary lease. Given recent developments – in 2016 temporary leases were legally established as a regular tenure in the Netherlands – it is possible that in the coming years the number of temporary leases will increase sharply from the baselines reported in this study.

\* This chapter was written together with Clara Mulder, and is currently under review at an international peer-reviewed journal.

### 5.1 Introduction

Secure housing is important for people's psychological well-being. Uncertainty about when you have to leave your current home and find a new one can cause stress and undermine ontological security. In the Netherlands, where in 2015 42.6% of all households rented (Statistics Netherlands 2019a), regular tenancies are of unlimited duration and difficult for the landlord to terminate unless the tenant does not fulfil certain basic conditions, such as paying the rent on time. Fixed-term tenancies, tenancies with unlimited duration which the landlord can terminate easily, and tenancies that depend on certain transitional conditions linked to either the tenant or the house all share the trait that they increase the risk of uncertainty for the tenant. For brevity we refer to these non-permanent leases collectively as *temporary* leases. For a long time, the Netherlands has been known for its high levels of tenant protection, with permanent renting contracts traditionally being the norm (Huisman 2016a, 2016b) and starting rents as well as increases regulated by government. Consequently, renting is not very different from home-ownership in the sense of security of tenure. This situation stands in stark contrast with the situation in, for example, the UK (Fitzpatrick & Pawson 2014), the USA (Desmond & Gershenson 2016) and Australia (Hulse & Milligan 2014, Darab *et al.* 2018), where renting contracts can easily be dissolved by the landlord.

Yet, it seems that the Netherlands may be on its way to losing its rental protection, since over the last two decades, ever more variants of temporary leases have been introduced (Huisman 2016a). The *youth contract* followed the introduction of the *student contract*, and rental contracts that end when the apartment is *sold* came after those that are automatically terminated when the dwelling will be *renovated* or *demolished*. At the same time, informal arrangements as well as irregular/illegal forms of renting such as anti-squat (house guardianship) thrived. Despite this proliferation of temporary rental contracts conditional on characteristics of the house or the tenant, the number of such contracts is not registered anywhere. We do not know how many households in the Netherlands have a temporary contract, nor do we know if and how these households differ in significant ways from other households.

The reasons for the gap in our knowledge have been summarized as follows (Huisman 2016b). An important assumption is that temporary

rent is simply a bonus addition to the stock because it brings previously vacant spaces into use. Secondly, temporary leases have been regarded as only a short, transient and thus insignificant phase in people's lives. Also, newly introduced contract forms have each been regarded as incidental solutions to incidental problems, while their combined impact has been overlooked. Lastly, there are inherent methodological difficulties associated with measuring temporary rent, such as the invisibility of such forms of tenure in official databases and low response rates amongst people with temporary tenancies.

At any rate, the Dutch parliament recently decided to further widen the possibilities for the legal use of temporary leases. In July 2016 a law was passed, the *Housing Market Throughput Law* (in Dutch: *Wet Doorstroming Woningmarkt*), which removed the exceptional status from temporary leases, establishing them as a normal form of tenure. The stated goal of this widening is to increase the supply of housing, as well as the availability of dwellings for specific target groups. Temporary leases are also presumed to reduce financial risks for potential landlords, making it more likely that they will lease out their properties. This law has the potential to change the Dutch housing market significantly. The normalisation of temporary leases could considerably accelerate the already speedy residualisation of renting, and stimulate home-ownership as the only means of escape from insecure tenure. Certainly, since the introduction of the law a large housing corporation decided to completely switch to the use of temporary contracts (De Key 2015), and a press report suggests a sharp increase in their use (Damen & Bontjes 2017).

Housing insecurity is not exclusively a renting phenomenon, since home-owners can for instance lose their homes by defaulting on their mortgage. However, in this chapter we focus on the insecurity in the rental sector that is connected with temporary leases, where fulfilling the financial contract (i.e. paying the rent each month) does not necessarily guarantee continuation of tenure. Understanding the phenomenon of housing insecurity is timely since a shift from stable to insecure renting is emerging (or ongoing) in a number of countries. In the Netherlands the phenomenon of temporary leases is relatively new, while in countries such as England,<sup>1</sup> Australia and New Zealand, countries with already precarious private rental sectors where temporary leases

are the norm, the *comparatively* secure social housing sector is now also increasingly becoming insecure through the introduction of temporary leases (Fitzpatrick & Pawson 2014). Combined with the relative as well as absolute increasing numbers of households renting after the Global Financial Crisis in several European and Anglo-Saxon countries (i.e. Denmark: Statistics Denmark 2017, Ireland: CSO 2017, US: JCHS 2017, UK: DCLG 2017), and many liberal governments promoting the private rental sector, more insight into temporary leases is imperative.

To be able to assess the shift towards more temporary leases empirically over the coming years, one requires a baseline. Providing such a baseline is one of the goals of this chapter. The other goal is to gain insight into the characteristics of those living with temporary tenancies. We focus particularly on the capital of the Netherlands, Amsterdam. Amsterdam is an interesting case for studying temporary leases because of its tight housing market and its attractiveness to students, immigrants and internal labour migrants.

By employing local survey data from the *Housing in Amsterdam* (Wonen in Amsterdam, WIA) survey conducted in 2015, we estimate the volume of temporary tenancies and assess who is using this form of tenure, using descriptive analyses and multinomial logistic regressions of housing tenure. We use the most common tenure in Amsterdam, permanent leases, as a comparison and also present results on the chance of home-ownership. This is the first time such a study has been undertaken, since it is only since 2013 that this housing survey, as the first in the Netherlands, cautiously started to ask questions about temporary tenure. Furthermore, the year 2015 is particularly relevant because it is, essentially, the point just before the introduction of the new law and thus useful as a baseline for future monitoring.

## 5.2 The Dutch housing market and the Amsterdam context

While traditionally a country where the majority of the population rented, by the end of the 20th century the Netherlands was well on its way to becoming a nation of home-owners. By 2015 57.4% of all households owned their own home (Statistics Netherlands 2019a). The switch from renting to home-ownership can be largely attributed to Dutch housing policy, which since the 1980s can best be characterised as the active promotion of home-ownership complemented by the deregula-

tion and residualisation of renting. Direct as well as indirect subsidies, varying from for instance tax rebates to governmental mortgage guarantees, helped many households to acquire homes. For the last decades, more than three-quarters of all rental housing was owned by housing corporations (calculated from Woon 2019a): not-for-profit organisations which can be described as quasi-autonomous non-governmental organisations or quangos, because they function in close cooperation with the government in executing rental policy.

Table 5.1

Dutch and Amsterdam housing market (2015)

	The Netherlands <sup>A</sup>		Amsterdam <sup>B</sup>	
Population	16.900.726		822.272	
Occupied dwellings	7.211.229		417.100	
Owner-occupation	4.119.362	57.4%	127.500	30.6%
Renting	3.244.238	42.6%	289.600	69.4%

A Statistics Netherlands 2019a, 2019d  
B RIS 2016:19, Municipality of Amsterdam & AFWC 2016

In line with the general political developments in the Netherlands, neo-liberal arguments that the long-established system of rent controls applying to most rental housing should be viewed as market-distorting subsidies fell on fertile ground. Rent controls were held responsible for continuing (localised) housing shortages, hampering investors from developing more rental housing. Deregulation of the rental stock is an attempt to mitigate this. As a result, the share of regulated rental housing has been constantly decreasing and the share of unregulated rental housing increasing. Even within the regulated sector rent levels have been raised significantly in the last 15 years, enlarging the proportion of income households have to spend on rent,<sup>2</sup> and making renting a less favourable alternative to buying a home than before.<sup>3</sup> Indeed, between

2009 and 2015 the number of homes affordable for low-income households was halved, whereas the number of dwellings with free-market rents more than doubled (Blijie *et al.* 2016). Less affluent households are partly compensated for the high rent levels by individual housing benefits. To curtail the resulting increasing impact on the national budget, tighter restrictions on what sort of housing low-income households can rent were put in place in 2016 (Dutch Housing Law, art. 46). The shrinking stock of regulated housing is more and more earmarked for specific target groups, and viewed as a temporary safety net or social service for more vulnerable people who are not (yet) capable of managing independently on the market. Bar some very curtailed exceptions, such as for officially recognized refugees, homes with regulated rents from housing corporations are distributed according to time on a waiting list.

Relatedly, in spatial policy by the end of the 1980s the goal of regional deconcentration of economic growth was interchanged for a focus on stimulating economically already prosperous areas. The four largest cities of the Netherlands, together known as the Randstad, have grown continuously ever since. Spatial planning constraints have however hindered the construction of new housing to some extent, so that especially Utrecht and Amsterdam, as the main economic hubs of the country (Raspe *et al.* 2010, Statistics Netherlands 2017), have been experiencing shortages of both rental and owner-occupied housing (Van Duinen *et al.* 2016). A former bulwark of progressive policy, Amsterdam has a large proportion of rental housing in comparison with the rest of the Netherlands (table 5.1). In 2015 over two-thirds of the local stock was rental, and of this 82% was regulated rent. The city also lagged behind on the promotion of home-ownership, although since the beginning of the 2000s it has been catching up (Aalbers 2004, Huisman 2009). At the same time, the unusually large demand for housing in Amsterdam far exceeds the available supply. As a consequence, the prices of homes for sale as well as the levels of rent charged are among the highest of the country, and keep rising (Statistics Netherlands 2019d, Gualtherie Van Weezel & Huisman, 2017).

Tables 5.2 and 5.3 give a detailed overview of the different sectors of the Amsterdam housing market. Table 5.2 describes the three long-established forms of tenure, namely home-ownership, permanent rent and

Table 5.2

## Long-established forms of tenure Amsterdam housing sector (2015)

	Landlord	Net monthly cost	Entry conditions	Security	Share of market <sup>c</sup>
<b>Owner-occupation</b>		aver. 820 euro <sup>D</sup>	Affluent enough to obtain mortgage (approx. 50,000 euro gross a year) <sup>E</sup>	good	30.6%
<b>Permanent rent</b>					
<b>Regulated rent</b>	Housing corporation	400-710 euro <sup>F</sup>	> 8 years on waiting list, income < 34,911 euro gross a year <sup>G</sup>	good	42.9%
	Private landlord	400-710 euro <sup>H</sup>	Discretionary freedom of landlord	good	14.5%
<b>Unregulated rent</b>					
	Housing corporation	710-1000 euro <sup>F</sup>	Discretionary freedom of landlord Affluent enough to pay free-market rent	good	2.7%
	Private landlord	710-1500 euro <sup>I</sup>	Discretionary freedom of landlord Affluent enough to pay free-market rent	good	9.4%
<b>Irregular housing options</b>					
<b>Subletting</b>	tenant	400-1500 euro	Informal social network	non-existent	-
<b>Squatting</b>	n/a	low	Willing and able to break law	low	-

C Municipality of Amsterdam &amp; AFWC 2016

E Nibud 2015

G Woonbond 2014

I Municipality of Amsterdam 2016

D Woon 2019b

F AFWC 2016:12

H Municipality of Amsterdam 2015

irregular housing options. *Home-ownership* appears to be unattainable for the majority of the population. Because rent regulations are owner-neutral, homes with regulated rents can be either owned by housing corporations or by private landlords. Given the high demand for housing, waiting times for *homes owned by housing corporations with regulated rents* have risen constantly since the 1980s. By 2015 they started at approximately 7 years of waiting time for a home in the least attractive neighbourhoods, rising to over 20 years for more popular areas (AFWC 2016:31). *Private rental dwellings with regulated rents* are let out through the social network of the

owner. Few are coming up for rent and vacated dwellings are usually put into *unregulated rent*. Both corporation-owned and privately-owned homes with unregulated rents are distributed through the discretion of the landlord. Because of the substantial profit that can be made by renting out apartments, the amount of homes bought to let is on the rise (Van der Molen 2017, Nul20 2019). As can be gleaned from online housing ads, private landlords often prefer expats as renters. Such high-income migrants are expected to be able and willing to pay high rents for short-term leases without demurring, given their lack of acquaintance with Dutch rent-

Table 5.3

## Forms of tenure introduced since 1997 Amsterdam housing sector (2015)

	Landlord	Net monthly cost	Entry conditions	Security
<b>Campus contract</b>				
<b>shared</b>	Only housing corporations	200-400 euro <sup>J</sup>	Local college fee paying student, 1 year on waiting list + cooptation system	Contract ends when no longer fee-paying student
<b>non-shared</b>	Only housing corporations	400-590 euro <sup>J,K</sup>	Local college fee paying student, 3 years on waiting list	
<b>Youth contract</b>	Only housing corporations	approx. 400 euro <sup>L</sup>	Age between 18-22, no children, not for students, 4 years on waiting list <sup>M,N</sup>	Contract ends at age 26
<b>Temporary rent based on Law on Vacancies</b>	Housing corporation or private landlord	400-1500 euro	Discretionary freedom of landlord	Contract ends after 1/2/5 years
<b>Anti-squat</b>	Agency, housing corporation or private landlord	80-235 euro <sup>O</sup>	Discretionary freedom of landlord + cooptation systems, no children, willing to live in non-housing	Non-existent: notice to quit within 14 days

J Duwo 2016:20

L Stadgenoot 2013:53-54

N Schouten 2014

K AFWC 2016:13

M Van der Tol 2016

O Van Eijck en Naas 2014

ing culture. Sharing a home, defined as living together with one or more adults you have no family relation with, can happen across all sectors of the housing market.<sup>4</sup> Considering more irregular but equally long established housing options, *subletting* of apartments is forbidden by law (Dutch Civil Law book 7:244), but can be highly profitable given the pressure on the housing market. Since *squatting* was made illegal in 2010, the number of squatted homes has most probably decreased, but as with subletting, no official data are available.

Table 5.3 deals with forms of tenure that were introduced from 1997 onwards. These are all temporary. Amsterdam housing corporations, who own most of the rental stock, have been actively lobbying for the introduction of temporary contracts (Nolles 2013, Huisman 2016b).

According to them, the current system of distribution of scarcity by waiting time should be replaced by a system that continuously gives new, young people a chance to live in the city temporarily. The idea is that when the contract ends, the tenant has perhaps gained enough income to afford free-market rental housing or become an owner-occupier. If things have not proceeded so favourably, the tenant can obtain a home in the periphery of the city. The campaigns of the housing corporations have led to the introduction of several new forms of temporary leases. Student housing is nowadays in Amsterdam solely let out with *campus contracts*, which are automatically terminated 6 months after the tenants finish or terminate their studies. In 2012, several Amsterdam housing corporations started a pilot project with so-called *youth contracts* for young adults age 18-22,

which ended once the tenant reached the age of 26. (Starting from July 2016, the conditions changed. Since then, one-third of all vacated homes with regulated rents from housing corporations are rented out with youth contracts which are now available for those in the age category 18-27, and in this new form the lease automatically ends after 5 years.) *Temporary rent based on the Law on vacancies* allows home-owners to temporarily let out their homes on a time-limited lease when they are to be renovated, demolished, or vacant awaiting sale. (They differ significantly from temporary leases based on the law that came into effect on 16 July 2016, which can last at most 2 years, after which the tenant can be replaced by a new tenant with a similar temporary lease.) Finally, *anti-squat* or guardianship was originally introduced to prevent squatting of vacant properties, but given the successful criminalisation of squatting, anti-squat seems to function solely as a way to let out homes without basic rights for tenants.

Demand for housing structurally exceeds supply. Careful observation of the column labelled 'entry conditions' shows that for newcomers to the city, housing options are scant. Affluent people might be able to afford to buy a home, or to rent in the unregulated rental sectors. Those on lower budgets cannot access regulated rental housing because they lack waiting time (for corporation-owned housing), and the chance that a private landlord will select them to rent out one of the few newly vacant homes with regulated rents is extremely low. Indeed, given the structure of the local housing market, there is a clear need for resources that most newcomers lack: an extensive social network and knowledge of the local housing market. Illegally renting a sublet home may be one of the most feasible options. Certainly, the conditions under which a newcomer to a city such as Amsterdam can secure a permanent rental contract are so limited that it is unrealistic to speak of a choice between permanent and temporary forms of tenure. Rather, temporary lease is frequently the only available choice.

### 5.3 Theoretical framework- Preferences, needs, resources and constraints: housing decisions leading to temporary leases

Temporary leases lead to housing insecurity, "residents' limited capacity to determine how long they may remain in their home" (Morris *et al.* 2017: 653), specifically for housing-related reasons.<sup>5</sup> This is important because it impacts negatively upon people's ontological security,<sup>6</sup> that is,

the stable psychological basis that people require to thrive and develop is undermined. Such an erosion of stability contributes negatively to subjective wellbeing and mental health. These effects can extend into other domains of life, as people are deprived of time and energy to focus on other activities; sometimes it causes people to live in an atmosphere of anxiety and fear (Morris *et al.* 2017, Fitzpatrick & Watts 2017, Darab *et al.* 2018), and it can hinder constructive life planning.<sup>7</sup> As pointed out by Van Gelder (2010) and further developed by Hulse *et al.* (2014), housing insecurity and its limiting consequences can be legally inherent in the housing situation, but it can also be *de facto*; or a result of the way tenants experience, and adapt to, their situation. How long people experience housing insecurity is relevant as well, since adverse effects might accumulate over time. Relatedly, not all tenants respond to the uncertainty in the same way. In their study of Australian long-term private rental sector tenants in large cities, Morris *et al.* identified three typical responses to housing insecurity; "incessant anxiety and fear; lack of concern; and concern offset by economic/ social capital and traded off against locational preference" (2017:653). Indeed, the burden of insecure tenure is not evenly distributed, falling more heavily on those with fewer financial resources and smaller networks, as well as cultural capital.

How can we explain who lives with a temporary lease? What are the main differences between those renting with permanent leases or owning their dwelling and those with temporary leases? People's residential situations are usually understood as the result of their housing choices. Housing choices occur when people consider moving. Important motives for moving are events in the life course such as leaving the parental home, starting to live with a partner, having children, union dissolution, child launching, retirement and reaching old age (Mulder & Hooimeijer 1999). Some moves are motivated by work, education or by housing-related preferences. Rational choice theory classically underpins many housing studies (Lux *et al.* 2017). In such economically oriented frameworks residential outcomes depend on the choice for a certain location, a specific type of house and form of tenure. These choices are the result of the combination of households' preferences, resources and constraints in a particular context: "Any type of move can be said to follow from a motive, but the move is only effectuated after its cost is overcome by means of resources, given that the context provides



an opportunity” (Mulder & Hooimeijer 2002:240, cf. 1999). It then follows that the type of tenure is simply one of many factors that households have to balance in their residential choices.

In the literature on the choice between renting and owning, it has indeed been argued that this choice depends on the benefits and costs of owning versus renting, the resources to overcome the costs, and the temporal and spatial context. The balance between benefits and costs is differentiated between individuals, households and life-course stages, and so are resources (Mulder & Wagner 1998). Because moves into owner-occupied homes are associated with high transaction costs, home-ownership is less desirable for those who foresee they may move again soon, for example students, young adults more general, newly divorced people and singles. Owning also requires a stable income and a certain level of assets, making it more affordable to those with steady jobs, those in dual-income couples and those who have spent more time in the labour market (Mulder & Wagner 1998).

To a certain extent, temporary leases might be viewed as just a type of renting. In that sense, one might argue that those population categories who are likely to rent – rather than own – would also be likely to have temporary leases. However, temporary leases are specific in the sense that it is hard to think of any benefit they would have compared with a more secure type of tenancy. In most legal frameworks, tenants can terminate a permanent contract relatively easily, so legally a tenant does not constrain herself unduly by choosing a permanent contract over a temporary contract. As a result, temporary leases are very unlikely to be the first choice of people, if they can under similar circumstances also obtain a permanent lease.

For this reason, although housing decisions are certainly informed by a blend of opportunity, aspiration, resources and constraints, in our theoretical argumentation, we give a large prominence to urgency and scarcity in analysing why people live with temporary leases. With regard to preferences or benefits, we think the issue is not so much what are the circumstances in which some people might *prefer* to live with temporary leases, but rather what are the circumstances in which some people might be more prepared to *accept* temporary leases as an option. Concerning urgency, some moves are indeed not the result of a choice based on a preference, but the consequence of a pressing need arising out

of circumstances.<sup>8</sup> Such urgency limits the time available to search for suitable housing and may therefore lead to accepting a temporary lease if no other options are available. Regarding scarcity, it is important not to overlook or marginalize structural aspects of the context, that is, the local housing market, in the determination of housing decisions (Tu *et al.* 2017). Given the current constraints of the Amsterdam housing market, it is very difficult for many to obtain other, more secure housing. The absence of other options may be caused by urgency and/ or restrictions in resources, such as money, time on the waiting list, knowledge about the local market and social capital, which are aggravated by the overall scarcity of housing. Another reason for accepting temporary leases would be that some people might mind less about the temporariness of their housing. People who only expect to live in Amsterdam for a short time, or expect to move soon again, may be less bothered by a time-limited contract. Alternatively, those with fewer ties binding them to their dwelling such as a partner, children or possessions may be less attached to security of tenure.

We hypothesize that a number of particular characteristics will increase the chance of accepting a temporary lease. Age will be an important factor, for a number of reasons. For many young adults, there may be no alternative present, while the urgency of need may be strong, and resources may be restricted. This is because there is an often rapid succession of important events at the earlier moments in the life course, such as leaving the parental home, entering into higher education, the first job, changing jobs to establish a career, moving in with a partner and starting a family, and these events often coincide with moving (Bernard *et al.* 2014). Hence, those at young ages move more often than those of more advanced ages. Those who are younger, however, have fewer housing options, since they have lower incomes, less savings and no steady employment career (yet). Owner-occupancy through a mortgage, as well as renting a home with an unregulated rent will be often out of their reach, for financial reasons. Also, given that homes with regulated rent are distributed mainly through waiting time, and registration is only possible from age 18 onwards, those who are younger are at a disadvantage when looking to obtain such secure affordable housing. The availability of youth contracts also contributes to the expectation to find mainly young people with temporary leases. Furthermore, young adults

may be less attached to security of tenure than those of more advanced years. For youngsters the temporariness of their housing might match with the transitory character of their current life phase; they expect to live there for a short time and do not yet have strong ties to the dwelling. They may not yet have acquired many physical personal possessions or invested in their living spaces. In contrast, more senior citizens seem to be more attached to security of tenure. For instance, in their research among tenants in the social rented sector in England, Fitzpatrick and Pawson found, with regard to the insecurity of their leases that: "Older people, people with health or disability issues, and families with children, tended to be the most concerned, though more pronounced anxiety was not confined to those groups" (2017:1032). Similarly, Darab *et al.* (2018) who focused on women above 45 in a more rural part of Australia, found that for this population category, security of tenure was the unanimously shared and foremost housing preference.

Relatedly, we expect *being enrolled in education* to enlarge the chance of having a temporary lease. Students have an urgent need to be housed in the vicinity of their educational venue, for practical reasons, while their resources are usually quite restricted. Dedicated student housing is the main housing option for students in Amsterdam, and at the present time, it always comes with a temporary lease, while not many other options are present. Students might not mind so much about the insecurity of their tenure, because they may expect to live there only for the duration of their studies, and they are likely to have fewer ties to a dwelling for similar reasons.

Furthermore, we anticipate people who recently *moved to Amsterdam* from either inside the Netherlands or from foreign countries to have a higher chance of accepting temporary leases. Not already residing in Amsterdam, they may not have much time to look for adequate housing, while not many alternatives present themselves to them. Having just arrived in the city, they are likely to still miss the elaborate social network that is necessary to obtain housing in informal ways, and to have insufficient knowledge of the local market. Depending on their country of origin, they may even be unaware of secure renting as an existing option. Affluent foreign migrants specifically have a higher chance of obtaining housing with temporary leases, because of the strong preference of private landlords to rent out their more expensive homes to this

group with this form of contract. Another factor is that some of those moving to Amsterdam may only expect to be in the city or even the country for a limited time, for work or education. As such, they may be less attached to security of tenure.

With regard to *international migration background*, we expect those with Western migration backgrounds to have a higher chance of accepting a temporary lease because many of them will be expats envisaging a return to their country of origin. On the other hand, we expect those with a non-Western migration background to have a lower chance to accept a temporary lease. In Amsterdam, the main categories of those with a non-Western migration background are those with at least one parent born in Turkey, Morocco, Suriname or the Dutch Antilles. On average, people in these categories leave the parental home later than those who do not have a migration background (Stoeldraijer 2014). When such young adults do move out, they more often go to stay with a member of the family or to share with others.

*Household situation* will influence willingness to accept a temporary contract as well. Those who live alone may be less attached to security of tenure than those who live with a partner, for instance because it is easier for them to move. Similarly, those who have no children living at home may mind less about temporary leases. Those living alone will also have less spending power because they cannot combine their income with their partner to obtain alternative forms of housing. We also expect that those who share accommodation with others might have a lower chance, since they can join resources.

Considering *income and employment status*, less affluent people are excluded from several housing options, such as free-market rentals or owner-occupancy, while some forms of temporary lease (i.e. anti-squat) are more affordable. Likewise, those who are unemployed, living on benefits or self-employed, may have a higher chance of accepting temporary leases, because they are often excluded from more secure, more expensive forms of housing.

People's *level of education* will also influence their chances on the housing market. Higher educated persons may be viewed as attractive tenants by landlords, or may obtain more easily a mortgage because of the expectation that they will keep or improve their earning capacity over time. Therefore we envisage those with a lower level of education to be more

likely to accept temporary leases. On a more speculative note, we wonder whether there might be a link between *gender* and the acceptance of temporary leases. Perhaps women are more attached to security of tenure, and it is easier for them to obtain, since landlords sometimes prefer women over men, because they are perceived as quieter and tidier tenants.

Those who had to move from their previous home for urgent reasons, will have a higher chance of renting with a temporary lease. Those whose *rental contract was terminated* or whose *housing had become too expensive*, have in common they have to make do with whatever is available because of the immediacy of their housing need.

Finally, since home-ownership is the second tenure in Amsterdam after permanent renting, we also include it in our analysis. For most characteristics, we expect the chance of being an owner-occupier to be the exact opposite of the chance of having a temporary lease.

## 5.4 Data and Method

### Dataset and sample

*Housing in Amsterdam* (WIA) is a survey jointly commissioned by the Department of Housing of the Municipality of Amsterdam, the seven Amsterdam boroughs and the Amsterdam Federation of Housing Corporations.<sup>9</sup> The research has been repeated every two years since 1995 (Dignum & Kan 2014). Included are questions about residents' current and previous housing situation, their housing wishes, their socio-economic status and how they evaluate their surroundings. In 2015, a stratified random sample of 92,332 households was drawn from the municipal register of inhabited dwellings, excluding officially registered shared and institutional housing, such as student units with shared kitchens or nursing homes (Booi 2016). Stratification entailed dividing Amsterdam into 85 small neighbourhoods. The questionnaire was delivered by post, with the possibility to complete it on paper or online, in Dutch or in English. In areas where the response initially was not sufficient, extra efforts through phone calls and calling at houses were undertaken. This resulted in 18,920 people completing the survey, which translates to a total response rate of 20.5%. For our analysis, households of which it could not be determined whether they rented with a permanent contract, a temporary lease or whether they were home-owners were removed. This resulted in a final data file with 17,803 respondents.

The low response rate is unfortunate, but WIA is the only feasible option at hand. From the population and dwelling registers, we have an indication<sup>10</sup> of some of the sources of under- and overrepresentation. For example, while slightly more men than women appear in the sample (51.4% vs. 48.6%), according to the municipal statistics department Research, Information and Statistics (RIS) the city is actually home to fewer men than women (49.3% vs. 50.7%, 2015). Also, those of younger ages are underrepresented: 10.4% of the population falls in the age category 18-23, but in the sample this category only holds 2.5%. Of the age category 24-29 the population holds 15%, but the sample only 7.3%. Furthermore, owner-occupiers are overrepresented: in 2015, 28.9% of the dwellings were owner-occupied, (RIS 2016) rather than the 40.8% we find in the sample.

Another drawback from the survey is that it attempts to exclude shared accommodation – while temporary leases could very well be overrepresented in such accommodation. However, since registration of such units is incomplete, some people who share with individuals other than partners or children still appear in the sample. Furthermore, given that many people with an anti-squat contract live in vacant office buildings, anti-squat is likely to be underrepresented because non-residential buildings are excluded from the sampling frame. For reasons of socially acceptable answer patterns, we also assume that subletting will be underreported. In all, those with temporary leases are almost certainly underrepresented in the data. This implies our estimation of the share of temporary leases in Amsterdam will be conservative. We have considered using weighted data to correct for selective nonresponse, but decided against this because the numbers having temporary leases by category of respondent are rather small and applying large weights for some categories might 'blow up' to accidentally high numbers in such categories.

### Measures and method

All variables were derived from the survey, except for international migration background which was retained from the data that formed the sampling frame (obtained from the municipal statistics department RIS). The dependent variable has three categories: having a temporary lease, having a permanent lease, and home-ownership. Those

enrolled in higher education were coded as *currently fulltime in higher education*. For *education level*, we used the highest obtained qualification. Lower education included primary school, pre- and short vocational secondary education (vmbo/ mbo-kort), middle education encompassed longer vocational education, high school and pre-university education (mbo-lang/ havo/ vwo), higher education included universities and universities of applied sciences. For the variable *international migration background* we considered all who had at least one parent who was born outside the Netherlands. We follow Statistics Netherlands (2019f), who split this category up into the two subcategories of Western and non-Western migration backgrounds. They define Western countries as Europe excluding Turkey, North America, Indonesia and Japan, and non-Western as all other countries. For *household composition* we considered those who indicated that they formed a household with someone who is not their partner or their child, as sharing. For *source of income*, transfers included benefits, study loans and pensions. We split *household income* into lower, middle and higher incomes. For lower incomes, the upper threshold is the maximum income to be eligible for social housing (gross € 34,911 per year in 2015), middle incomes include up to 1 times modal income (gross € 49,500 per year in 2015), according to the standard Dutch policy indicator (modal = gross € 33,000 per year in 2015) and higher incomes includes all above this. Income was self-reported, and in line with general survey trends, almost a quarter of the respondents declined to answer. The variables on *reasons for moving* (“rental contract was terminated” and “home as too expensive”) are based on questions concerning reasons for moving to the current home.

We use multinomial logistic regression models of having a temporary lease, or being a home-owner, compared with the most common tenure: having a permanent lease. Although home-ownership is not our main focus, we think it is important to show results on it because it is the second most common tenure in Amsterdam. Because students are a specific population category with a large proportion having a temporary lease, we show the outcomes of two models: one for the complete sample, and another from which those currently fulltime enrolled in higher education (n = 905) are excluded.

## 5.5 Results

### Descriptives: who rents with a temporary lease

The main characteristics of the people in the sample and the percentages living in the different tenure types by category of the independent variables can be found in table 5.4. Overall, 4.4% of the sample has a temporary lease, versus 54.8% with a permanent lease and 40.8% who is owner-occupier. Concerning those with temporary leases, more women than men are in this category. The distribution over the age groups is very uneven. The majority of the youngest part of the sample turns out to rent with a temporary lease, namely 52% of those between 18-23 years. In the next category, containing people between 24 and 29 years, the proportion drops to 22%. This tapers off to half a percent of those over 50 years. A substantial share of those currently in higher education have a temporary lease, namely 40%. Those with a middle level of education, and, to a lesser extent, those who finished a form of higher education, are somewhat overrepresented in the temporary lease category. This can be partly explained by the overlap with those who are currently in higher education: they have mid-level education levels as their highest qualification. Slightly more people with a Western migration background have a temporary lease than those with a non-Western background and those with no immigration background. Though, as described above, the survey attempts to exclude those in shared accommodation, still 2.8% of the respondents indicate they are living together with others who are neither their partners nor their children. Within this category, 16.4% has a temporary lease.

Considering the link between the reasons for moving and temporary leases, of those who had to move because their rental contract was terminated or their dwelling had become too expensive, respectively 17.6% and 9.3% had a temporary lease as their next tenure. Finally, almost 80% of those in the sample states their previous home was in the city. Those who moved in from elsewhere in the Netherlands or abroad are overrepresented in the category temporary leases with 8.3% and 18.0%.

### Analysis: Temporary leases versus permanent leases

#### Model for the full sample

According to the multinomial logistic regression for the full sample (table 5.5), there is a statistically significant association between age and

Table 5.4

## Descriptive statistics: Who has which tenure in Amsterdam

Variable	Sample count	Sample %	Temporary lease %	Permanent lease %	Home- owner- ship%
<b>Total sample</b>	<b>17.803</b>	<b>100.0</b>	<b>4.4</b>	<b>54.8</b>	<b>40.8</b>
<b>Gender</b>					
Female	8.648	48.6	5.2	58.7	36.2
Male	9.155	51.4	3.7	51.1	45.2
<b>Age</b>					
18-23 years	451	2.5	52.3	38.6	9.1
24-29 years	1.304	7.3	22.0	50.6	27.4
30-39 years	3.189	17.9	4.7	47.3	48.0
40-49 years	3.235	18.2	1.9	46.9	51.2
50-95 years	9624	54.1	0.5	61.2	38.2
<b>Currently fulltime in higher education</b>					
Yes	905	5.1	40.0	38.6	21.4
No	16.898	94.9	2.5	55.6	41.8
<b>Level of education</b>					
Lower education	3.729	20.9	1.6	83.9	14.6
Middle education	3.230	18.1	6.3	61.2	32.5
Higher education	10.126	56.9	4.9	40.4	54.8
No answer	718	4.0	4.6	78.0	17.4
<b>International migration background</b>					
No migration background	11.383	63.9	4.0	48.7	47.3
Western migration background	2637	14.8	6.4	49.4	44.2
Non-Western migration background	3.783	21.2	4.4	76.7	18.9
<b>Household composition</b>					
One-person household	8.140	45.7	5.5	62.4	32.1
Couple without children	4.793	26.9	3.9	45.2	50.9
Couple with children	3.212	18.0	1.6	42.1	56.3
Single parent	1.152	6.5	1.7	72.2	26.0
Sharing with others	506	2.8	16.4	63.6	20.0

Variable	Sample count	Sample %	Temporary lease %	Permanent lease %	Home- owner- ship%
<b>Total sample</b>	<b>17.803</b>	<b>100.0</b>	<b>4.4</b>	<b>54.8</b>	<b>40.8</b>
<b>Main source of income</b>					
Employed	8.187	46.0	4.8	43.6	51.5
Self-employed	2.295	12.9	3.0	40.7	56.4
Transfers	6.140	34.5	4.8	71.2	24.0
No answer	1.181	6.6	2.7	74.0	23.3
<b>Household income</b>					
Low income	5.962	33.5	6.6	76.2	17.2
Middle income	2.351	13.2	2.5	47.0	50.5
High income	5.228	29.4	2.6	26.5	71.0
No answer	4.262	23.9	4.7	63.8	31.4
<b>Reason for moving: rental contract terminated</b>					
Yes	579	3.3	17.6	54.1	28.3
No	17.224	96.7	4.0	54.8	41.2
<b>Reason for moving: home was too expensive</b>					
Yes	451	2.5	9.3	51.7	39.0
No	17.352	97.5	4.3	54.9	40.8
<b>Location previous home</b>					
Amsterdam/never moved	14.132	79.4	3.1	56.1	40.8
Elsewhere in the Netherlands	2.863	16.1	8.3	45.8	45.9
Abroad	539	3.0	18.0	59.2	22.8
No answer	269	1.5	3.0	72.9	24.2

Table 5.5

**Multinomial logistic regression: predicting the likelihood of temporary leases in Amsterdam**

Predictor	MODEL 1 STUDENTS INCLUDED		INCLUDED		MODEL 2 STUDENTS EXCLUDED			
	Temporary lease		Home-ownership		Temporary lease		Home-ownership	
	B	SE	B	SE	B	SE	B	SE
(Intercept)	1.372	0.279	-2.389	0.113	0.675	0.306	-2.355	0.116
Gender: Female	-0.248***	0.091	-0.162***	0.038	-0.179	0.109	-0.169***	0.002
Age	-0.106***	0.005	0.013***	0.002	-0.097***	0.005	0.012***	0.039
Currently fulltime in education	1.336***	0.124	-0.014	0.108				
Level of education (ref: lower education)								
Middle education	-0.183	0.183	0.867***	0.067	-0.357*	0.209	0.849***	0.067
Higher education	0.157	0.169	1.351***	0.059	0.230	0.178	1.357***	0.060
No answer	0.165	0.268	0.193*	0.116	0.254	0.278	0.180	0.117
International migration background (ref: no)								
Western migration background	0.549***	0.121	-0.098*	0.052	0.610***	0.135	-0.104**	0.053
Non-Western migration background	0.117	0.120	-0.791***	0.055	0.195	0.143	-0.812***	0.057
Household composition (ref: one-person household)								
Couple without children	-0.077	0.117	0.127**	0.048	0.223	0.137	0.130***	0.049
Couple with children	-0.666***	0.170	0.434***	0.058	-0.388**	0.178	0.449***	0.059
Single parent	-0.868***	0.249	-0.127	0.085	-0.497**	0.253	-0.111	0.086
Sharing with others	-0.444***	0.163	-0.705***	0.131	0.146	0.227	-0.704***	0.144
Main source of income (ref: employed)								
Self-employed	0.146	0.150	0.023	0.056	0.140	0.163	0.022	0.057
Transfers	0.113	0.111	-0.804***	0.054	0.091	0.156	-0.792***	0.056
No answer	-0.085	0.220	-0.677***	0.086	0.143	0.227	-0.679***	0.087
Household income (ref: low income)								
Middle income	-0.333**	0.163	1.152***	0.058	-0.061	0.178	1.160***	0.059
High income	0.082	0.137	1.754***	0.056	0.178	0.154	1.770***	0.057
No answer	-0.146	0.114	0.807***	0.053	0.010	0.147	0.836***	0.055
Reason for moving: rental contract terminated	0.612***	0.145	-0.643***	0.110	0.738***	0.168	-0.703***	0.115
Reason for moving: home was too expensive	1.040***	0.212	0.070	0.117	1.180***	0.228	0.081	0.119
Location previous home (ref: A'dam/never moved)								
Elsewhere in the Netherlands	0.249**	0.107	0.125**	0.050	0.215	0.139	0.120**	0.052
Abroad	1.062***	0.164	-1.001***	0.122	1.061***	0.178	-1.054***	0.125
No answer	0.451	0.417	-0.330**	0.166	0.381	0.441	-0.352**	0.167

Notes: model 1: n = 17,803 model 2: n = 16,898, \* p < .10, \*\* p < .05, \*\*\* p < .01, the reference-

category is permanent lease.



the chance to have a temporary renting contract: this chance is lower at older ages. This ties in with our expectations: more senior citizens are more likely to be more attached to security of tenure, and they will have more resources available to access permanent leases or owner-occupation. Compared to men, women have a significantly lower chance to have a temporary lease. We speculated this might be so, because women might be more attached to secure housing and they might be in a better position to obtain this as well. Those who are currently in higher education have a significantly higher chance to have a temporary lease than those who are not. Again, this confirms our hypothesis, we expected students to have a higher chance of accepting temporary rent, given their need to be close to their institutions and their restricted resources.

However, people's highest completed level of education does not seem to influence the chance of having a temporary contract, compared with those who live alone. This is in line with our hypothesis. We also supposed that those who share might have a lower chance, since they can join resources, and this is indeed what we found. Contrary to expectation, we found no difference between couples living together and one-person households. We considered that more spending power and more difficulty in relocating as a couple would lead to a lower chance of accepting temporary lease, quod non. However, we do find an enhanced likelihood of owning a home for couples without children. It could be that the Amsterdam housing market is so tight that mainly those couples who can either afford to own or are prepared to rent temporarily stay in Amsterdam, while others tend to leave the city.

While we surmised that being employed would lower the chance of having a temporary lease, and being self-employed or relying on transfers might increase the chance, people's main source of income is not significantly associated with their chance of having a temporary lease. Similarly, we expected those with lower incomes to have an increased chance of having a temporary lease. There is indeed a marginally significant negative effect for those with a middle income, indicating a lower chance for them to have a temporary renting contract than those with a lower income. However, those with higher incomes are not found to have a lower chance than those with the lowest income. Some of those with high incomes might live in luxury or expensive furnished

apartments with a temporary lease, but we do not have the information necessary to explore this idea.

Those who had to leave their previous home because their renting contract was terminated and those who moved because their home had become too expensive have a significantly higher chance of having a temporary contract than those who moved for other reasons. This confirms our idea that people are more likely to accept temporary leases when they have an urgent need. Finally, compared with those who already lived in Amsterdam, those who moved from elsewhere in the country had a marginally significantly higher chance to end up in temporary rent, and those whose previous home was abroad, have a significantly higher chance. This is in line with our expectation, based on the idea that those who lack a social network will be more likely to end up with a temporary lease.

#### **Model with those in full time higher education excluded**

With students excluded (second model in table 5.5), most of the associations found in the model for the full sample persist, but there are a few exceptions. In this model, the negative association between gender and the chance of temporary rent is slightly smaller and not statistically significant. Also in contrast with the model with the full sample included, here, those with middle levels of education have a marginally significantly lower chance of having a temporary contract compared with those with a low level of education. This might be because in the first model, students mostly form part of the category middle education, since we measured the highest level of education achieved. However, still no effect is visible for those with a high level of education.

The significantly negative associations between households living with children, either a couple or a single parent, are weaker than in the model for the full sample. Students seldom already have children, this likely fortified the effect in the model with students included. The significant negative relation between sharing with others and having a temporary lease vanishes in this second model. It could be that especially students team up to rent together in order to obtain a permanent contract. Also, in the model with students excluded, middle incomes cease to be marginally significantly negatively associated with whether people have temporary leases. Perhaps the fact that students usually

have a low income explains this. Finally, the positive effect for those whose previous home was elsewhere in the Netherlands is slightly smaller and non-significant rather than marginally significant. The significantly greater chance for those whose previous home was abroad nevertheless persists.

#### **Analysis: Home-ownership versus permanent leases**

As expected, on several points, the chances for owner-occupancy mirror those for temporary rent. The chance of owning a home, for instance, significantly increases with age, and couples with children are particularly likely to own. Those who relocated from abroad, and those moving because their lease came to an end, are also unlikely to own their home. This falls in with our ideas, since upon arrival from foreign parts a temporary lease might be more attainable as well as more practical than immediately buying a home.

A cluster of variables indicating socio-economic status is significantly associated with chances of home-ownership but not with the chances of having a temporary lease: having high education levels and a middle or high income is positively associated with home-ownership, whereas the parameters for having a non-Western migration background and for transfers as the main source of income are negative. This is also in line with expectations.

For two characteristics, significant effects are found in the same direction for temporary leases as for home-ownership. Women have a significantly lower chance for owner-occupancy while (in the full sample) they are also less likely to have a temporary contract. Those whose previous home was elsewhere in the Netherlands are more likely to own than those who already lived in Amsterdam, or to have a temporary rental contract. This may reflect their lack of access to the regulated rental market, which may lead them to resort to less regulated housing options: temporary rent and owner-occupancy.

#### **5.6 Conclusion**

In this chapter, we have made the first step into assessing what increases the chance of having a temporary lease, in this case in Amsterdam. We argue that given the importance of secure housing for people's wellbeing, the recent shift in the Netherlands from permanent

contracts to time-limited leases deserves attention. Although permanent contracts are still dominant, we find that the majority of young adults aged 18-23 are renters with a temporary lease. From a multinomial logistic regression analysis, we found that students, those with a Western migration background, those who moved because their previous rental contract was terminated or because the previous dwelling was too expensive, and those who moved from abroad were particularly likely to have a temporary lease. Families with children were unlikely to have a temporary lease.

The contribution of this research is that it presents, for the first time, data on who has a temporary lease and what increases the chance of having such a contract. The limitations of the current study are a reflection of the problems with the limited availability of meaningful data. The response rate is rather low, and data from other sources showed there exists a bias towards home-owners and other more advantaged groups, which influences the results. The design of the survey also limited the analysis, since some relevant variables are not measured. For instance, no information is available about divorce or relationship breakup. The next instalment of the survey will remedy some of these concerns.

One of the goals of the current study is to create a baseline. Temporary leases as a normal form of tenure were introduced in the Netherlands in 2016, and it took landlords some time to come to grips with the new possibilities. The current research allows us to trace the development of this new contract form over time. This will also give some indications as to whether temporary rent will be a phenomenon mainly connected to age, or that a cohort effect will occur. Will temporary rent become a new rung on the housing ladder, related to the earlier stages of the life-course, with temporary leases as the lower rung, permanent rent as the middle and owner-occupation as the top rung? Or will the development be more analogous with that of the labour market, and will youngsters of the current generation never obtain a permanent renting contract?

Concerning policy, the recommendation is to start to seriously register and analyse temporary rental arrangements in the Netherlands, and to use this as input for new policy. While this might sound obvious, in the context of temporary leases we observed that further extensions are repeatedly being implemented while the results of the

previous round of changes are only starting to become clear. Policies based on factual data rather than on intuitions hopefully will deliver better results.

The first findings indicate that temporary leases might well be more than a marginal phenomenon. As we hypothesized, temporary leases might be one of the only options for newcomers on the housing market, may they be young adults, or moving from within or without the Netherlands. Those with an urgent need seem also have to rely on temporary leases, given other options are out of reach.

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## Notes

- 1 With regard to private renting, first Scotland and to a lesser extent Wales and Northern Ireland seem as of late to be inching towards a slightly less unregulated sector in terms of landlord registration, the curbing of 'no-fault eviction notices' and rent controls (Moore 2017), while England very recently and unexpectedly seems to want to fall in with this trend (Elgot, 2019).
- 2 The average proportion of their income renters spent on housing expenses rose from 28.3% in 1990 to 38.8% in 2015. Owner-occupiers spent 20.5% in 1990, and 28.3% by 2015 (Statistics Netherlands 2019b, 2019c).
- 3 In addition, to encourage households with average incomes to move into owner-occupancy or homes with free-market rents, steep income-dependent rent increases have been introduced annually since 2013 (Van Duijne & Ronald 2018).
- 4 Neither sharing nor furnished lodgings find their way into the table: they are not forms of tenure. Two friends can buy or rent an apartment together, and it is possible to buy a furnished apartment, or let one.
- 5 Residents' capacity to determine how long they may remain in their house may also be limited by other factors, such as their employment status, their health, or their ability to pay the rent or the mortgage. Here, we focus on housing-related housing insecurity, when the uncertainty springs directly from the lease.
- 6 The concept originates from Laing (1955) and was developed in the context of housing by Saunders (1990) and Giddens (1991).
- 7 Beyond the uncertainty about when you need to leave, tenants in precarious renting situations often experience reduced autonomy and privacy in their dwellings, for instance being denied the possibility of having a garden (Darhab et al. 2017), pets (Power 2017) or starting a family (Heijkamp & Borštnik 2016).
- 8 For instance, relation break-up or divorce, eviction as a result of rent arrears or defaulting on the mortgage all create an immediate need for alternative housing. Similarly, temporary contracts themselves bear a negative-compulsory dimension: to move house may no longer be a decision per se, but rather the result of a landlord terminating a contract or the expiration of a fixed-term.
- 9 The resulting survey data are in general not available for analysis by others; "The use of the file is reserved for the municipality of Amsterdam and the Amsterdam housing corporations", codebook 2015.
- 10 Since the population register does not include undocumented inhabitants, it does not provide a complete picture of the population of Amsterdam.



## CHAPTER 6

# DISPLACEMENT THROUGH PARTICIPATION\*

Citizen participation is often regarded as a means to increase local democracy. Seldom is participation viewed as a means to legitimate disruptive practices of states. However, participation can become a tool for the effective implementation of policy rather than a means to enhance justice, if no power is transferred to citizens. Displacement in Amsterdam is a case in point. Here the local council together with housing corporations yearly forces over 2,000 households to leave their houses, a consequence of an ambitious policy of state-led gentrification. Following Foucault, I explore the rationalities and techniques employed to ensure compliance. The promise of influence lures tenants into lengthy discussions with power holders. Investment choices are presented as objective facts and so provide a rationale for the disruptive interventions. Participation thus provides government a platform to impose its views in a context of severe power asymmetries, while alternatives are marginalised and dissent is disciplined.

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### 6.1 Introduction

In discussions about citizen participation it is often assumed that the goal of such practices is to enhance local democracy. This research shows it can also be used to ensure co-operation of citizens without allowing them any meaningful influence. In Amsterdam, during the past five years for instance, over 10,000 households have been forced to leave their houses as a result of the city's policy of state-led gentrification. (Amsterdam Federation of Housing Corporations 2008, 2010, 2011). However, no serious contestation against this displacement<sup>1</sup> exists and it is not an item in public debate. It seems to be invisible. That is strange, since displacement is a very invasive, large and mainly negative change in people's lives. This led to the following research question: How is displacement in Amsterdam being legitimated? Following Johnson *et al.* (2006), I define legitimation as the process by which state interventions come to be seen as normal, as just, accepted as 'the way things are'. In particular, I was curious how displacement is legitimated to the to-be-displaced people. The answer lies in the promise of citizen participation. Drawing on ethnographic fieldwork, I argue that citizen participation plays a large role in generating tenants' compliance with their displacement. By engaging tenants in a deliberative process, power holders create the opportunity to effectively shape and limit the discursive space concerning displacement.

As a result of progressive policies, Amsterdam's housing stock consisted for the last thirty years predominantly of affordable rental housing, distributed through local government. Since the mid-1990s, however, the city has adopted a neoliberal<sup>2</sup> agenda of delivering the majority of all housing to the forces of the market as quickly as possible (Uitermark 2009). This project is carried out in partnership with Amsterdam's six housing corporations, not-for-profit organisations that own more than half of all Amsterdam housing, by demolishing or renovating the latter's existing blocks of houses, causing displacement of the current tenants. Together they have developed a bureaucratic routine that streamlines this practice. Before going into more detail, I summarise this process briefly.

In line with classical gentrification theory, the transformation process starts with disinvestment (Smith 1996). During this period the housing corporation ceases to invest money in maintenance. This leads

to problems such as leaking roofs. The local council does not interfere. Every time somebody leaves, the house will be left empty or let out on a temporary basis. When tenants ask the housing corporation about future plans they obtain no clear answers. This period of abandonment and uncertainty prepares tenants for an upcoming change while leaving them in the dark about actual plans. After ten or more years without maintenance, tenants are informed that given the bad state of their houses, demolition or a total overhaul of the block is needed, so they have to leave. They are offered replacement housing, a financial compensation and formal participation. According to Dutch law, at least 70 per cent of all households have to agree with the plans before the housing corporation can execute them. This seems to sufficiently safeguard the interests of the tenants.

However, housing corporations present their plans as the only viable option. The poor technical state of the houses is used to justify the conversion into owner-occupied apartments or free-market rentals. In reality, the level of proposed improvements such as the size of the new apartments and the quality of the amenities are subject to choice. A very high quality upgrade, as intended, results in high rents unaffordable for the current tenants as well as the necessity to sell some of the apartments to cover the investment, resulting in displacement. In disadvantaged neighbourhoods, also a discourse of the necessity to increase social mix prevails. Because they lack specialised technical and financial knowledge, tenants often assume there is indeed no alternative and comply. Negotiations with the housing corporation subsequently continue in a constructive atmosphere. All parties have come to understand participation as tenants obtaining some influence on how they will be displaced, not whether. When tenants on the other hand do not accept this framed reality, they find out that participation does not grant them any power. What follows then is a struggle of many years, ending with the housing corporation pushing its plans through, or punishing the tenants by returning to the phase of disinvestment. In the remainder of this chapter, first some relevant strands of literature are touched upon, in particular theories of citizen participation and governmentality. I continue by providing a rationale for my ethnographic case studies, a research method well suited to examine rationalities and techniques of governmentality. Then the source of the displacement, Amsterdam's trans-

formative housing policy, is examined. Subsequently, I elaborate on my argument through two contrasting case-studies. The first case demonstrates how tenants are made to comply, while the second case explores what happens if they resist. I conclude that the institutionalised practice of participation serves mainly to efficiently implement and legitimise displacement, not to give those directly involved voice.

## 6.2 Displacement, legitimation and citizen participation

The literature on citizen participation does not often approach its topic from the angle of legitimation. Rather, it tends to focus on the idea that giving people a say about their direct environs and making them co-responsible in the process is a way to make governance more democratic (Delli Carpini *et al.* 2004). Related to this, there exists a tendency to favour abstract normative stances over empirically informed analyses (Marinnetto 2003). For instance, the ideas of Jürgen Habermas motivated many writers to envisage what form citizen participation ideally should take.

Habermas argues that in current society self-interest rather than rational arguments determines the outcome of political discussions (Mansbridge *et al.* 2010). Authors following Habermas thought about how to devise spaces (*fora*) in which people can exchange opinions in an open, respectful atmosphere without power distorting debate (Mendelberg 2002). This ideal is grounded on the idea that power exists independently and outside of people and can be blocked from discussions by applying certain procedures. It is hoped that through the resulting egalitarian communication new mutual understandings between people develop, leading to their opinions to converge into a consensus (Healey 1992). The assumption is that people will be convinced by the 'better' argument, supposing an objective hierarchy between arguments based on some kind of rationality (Healey 1992). People's interests are thought essentially to coincide so much that they can reach full agreement on most salient topics.

The Habermasian approach has become the dominant model in planning, although it has received (and partly incorporated) much critique (Bächtiger *et al.* 2010). Pluralists, for instance, point out that citizens are not one generic category, but a heterogeneous group of people with different opinions, interests and resources (Amin 2005). In her influential critique of deliberative democracy Mouffe (1999) argues that no ratio-

nal standard for judging arguments can be devised: politics consists of struggles between sometimes irreconcilable interests and only temporary compromises between different groups are possible. The problem with the deliberative democracy model is furthermore that it tries to eliminate power. But for Mouffe, power is ubiquitous and ineradicable, and constitutive of social relations (cf. Foucault 1980 [1976]). Purcell (2009) contends that because of the insistence on locking out power rather than transforming it, deliberative democracy does not challenge existing power relations but reinforces the status quo and as such (inadvertently) functions to legitimate neoliberal projects.

Another analytical dimension concerns space and time. In particular, institutionalists alert us to the influence that place-specific historical pathways exert on the form and practice of participation schemes (e.g. Silverman 2009). Indeed, it is difficult to fully understand participation in present-day Amsterdam without looking at its history. The current participation model originates from successful grass-roots resistance against modernistic large-scale urban renewal plans of the 1970s (Uitermark 2008). But the power base underlying this mobilisation has disappeared, as with other social movements of the 1970s (Mayer 2000). The remaining tenant organisations have become professionalised, institutionalised and co-opted by the government (Galesloot *et al.* 2009). Furthermore, the goals of the urban renewal policy have changed profoundly (see below), but are implemented through a new use of the old, still existing participation structures. As such, the participation process has become a negotiation between two parties whose interests are diametrically opposed. Most tenants want to stay and the housing corporation wants them to leave. The Habermasian ideal of creating open, egalitarian fora for deliberative democracy seems far removed from this reality. Following Mouffe (1999), I argue that in the case of Amsterdam displacement, the interests of both parties seem irreconcilable, and a consensus based on the better rational argument seems unlikely.

Much attention has been devoted in the literature to the significance of socio-economic differences between (non-)participating citizens (e.g. Mendelberg 2002). Unless efforts are made to empower disadvantaged groups currently not well represented in representative democracy, existing patterns of social inequality will be repeated in citizen partic-

ipation (Silverman 2009). Indeed, in my research the highly formal, bureaucratic and technical character of the participation process gives better educated, middle-class residents a distinct advantage. However, it is emphatically the lack of power transfer to citizens that is decisive in the case of Amsterdam displacement, because it limits all tenants regardless of their social status.

For Marxists, exactly the fact that in many participatory schemes citizens do not receive any decision-making power, exemplifies that citizen participation functions merely to legitimate top-down policies, rather than to improve democracy. This approach was strongly influenced by Arnstein (1969). She argues that people are lured into participating by the promise of obtaining influence. In the process, they find out that no power is transferred to them, and they lack the knowledge and experience to have any impact. Participants become disillusioned and frustrated. Meanwhile, local government uses this 'illusory form of participation' (Arnstein 1969:218) to claim their policies are supported by the community (cf. Amin 2005).

This Marxist view of citizen participation as a legitimisation of top-down policies does indeed resonate with the Amsterdam situation. Plans for demolition or renovation and the resulting displacement are already given from the outset of the participation process (Uitermark 2008). Given the crumbled power base of the tenants, negotiations are characterised by a severe power imbalance. Tenants do not receive any meaningful influence. As a result, some participants experience it as an empty, obligatory exercise on the part of the housing corporation, facilitated by the local council. However, this legitimisation-through-participation works not only as a front to the outside world, in many cases it also makes the tenants comply without resistance. To explain this, we need to go beyond classical Marxist theory and dive into Foucault-inspired ideas about participation as a strategy of government. Such writers emphasise that modern governments, broadly defined as any 'conduct of conduct' (Dean 2010:266) govern through governmentality (Foucault 2006 [1978]). Rather than issuing decrees from a central command point, policy is created and implemented through complex interaction between discourses and techniques involving several actors. Such 'ruling at arm's lengths' (Rose 2006 [1996]) shapes the way people see themselves and how they decide

what should be done. Through such existential politics, selective narratives; ways of thinking that are both descriptive and prescriptive, are formed and mobilised (Raco 2009). Governments together with other actors influence people’s ideas about what is proper conduct, and this has a profound effect on material practices.

Citizen participation is a specific form of governmentality (Blakeley 2010), steering the population to think and behave in specific ways. As such, it ‘is an effective means of social regulation’ (Marinetto 2003:104). Most citizen participation is organised by the government, as part of a larger agenda, which significantly influences the form and content of engagement (Raco 2003). The government imposes categories concerning the nature of the problem, its causes, the scope, and possible tools to address it. Participation therefore is by its very necessity a process of narrowing the scope of issues and reducing alternatives available to actors. The predominant role of local government in organising participation means that ‘participation itself can act as a mechanism of control’ (Blakeley 2010:139).

My case studies show that such ideas make sense in the context of Amsterdam displacement: the participatory framework, co-produced by the city council and the housing corporations, functions as a technique of governmentality. The formal participation shapes and limits tenants’ space for action. The process demands constructive, frequent contact between the tenants and the housing corporation. This gives the housing corporation the opportunity to constantly present its agenda as the only objective and realistic option. This resembles what Dodge (2009) calls a technical-rational discourse; when problems originating in policy analysis and solutions dominate discussions, rather than ideas of citizens. The large involvement of government and housing corporations provide them a platform to impose their specific views on matters, while subjugating other discourses (Blakeley 2010). Any attempts by tenants to propose alternatives are disciplined. This is brought about by requesting that tenants behave reasonably and exhibit common-sense (cf. Fung & Wright 2001). When necessary the housing corporation (backed-up by the council) will correct the tenants by referring to the hard limits of the participation; they emphasise the primacy stemming from their position as economic owner of the building.

6.3 Method

On the surface, all actors in the displacement process seem to work together to reach the best outcome possible. It is only through extensive participant observation, by observing tenants, house-owners, tenant supporters and local politicians interact that the underlying mechanisms can become clear. Displacement, and its legitimation, is a process that happens through interaction, mainly in meetings. Surveys or interviews are then of limited use since they yield reflexive, individual accounts of events from the past. I performed ethnographic fieldwork for nineteen months. This consisted of making observations, noting them down, analysing what I had seen, relating it to existing theory, coming up with new ideas and questions, going back in the field armed with these, making more observations and repeating the whole cycle until arriving at an analysis that explains for all observations (Hammersley & Atkinson 2007).

To observe how the process of displacement unfolded over time, I selected cases at the very beginning of it (see Table 6.1). Each year, the displacement process starts for approximately 30 groups of tenants. Through the Neighbourhood Support Centres for Housing, an organisation that facilitates tenants, I obtained access to seven such groups of renters. They were chosen for their geographical spread over the city, which also meant socio-economical spread. In terms of ownership, three of the six Amsterdam housing corporations are represented in my sample. Six of the groups consist each of 50 to 100 households living

Table 6.1

Sampling method

Criteria for selecting cases	Reason
At the beginning of the process	To be able to study the whole process
Geographical spread	Explanatory leverage
Socio-economic spread	Explanatory leverage
Different housing corporations	Explanatory leverage

in apartments in a block owned by a housing corporation. The seventh group is different, because it is part of a whole neighbourhood threatened with displacement in the long run. It is comparable with the other groups, though, because at the moment only 100 households are directly being forced to leave.

I observed at more than 30 meetings between tenants, most lasting over 3 hours. I was present at negotiations between tenants and housing corporations and attended meetings of the borough council where the displacement was debated. I had many informal conversations, with tenants, temporary renters, housing corporation employees, tenant supporters, civil servants and local council members. I was included on email lists of tenants, and studied policy documents, newspaper clippings and correspondence. I observed what people discussed and in which way and how they took on different roles. I was curious about the strategies people decided on, what information they had access to and whether they were able to use it. I continued my fieldwork until I felt I reached a point of theoretical saturation (Glaser & Strauss 1967); I felt my analysis did not gain substantially any more from new materials.

In this chapter, rather than going into ethnographic detail, I generalise my findings and present two contrasting cases that represent the two main routes of compliance and resistance. One of these cases is in the South of Amsterdam, an affluent borough of which the population is predominantly Dutch (Amsterdam Department of Statistics 2011). My second main case lies in the North, a poor borough. Half of the population in the specific neighbourhood is of non-western ethnic descent, while the other half mainly consists of old-time Amsterdammers with low income (Amsterdam Department of Statistics 2011). This shows that perhaps contrary to expectations, displacement in Amsterdam is not limited to working-class neighbourhoods: three of my seven cases lie in affluent areas. Nor is, as we will see below, socio-economic status the factor that determines whether tenants comply or resist. Before proceeding, however, it is first necessary to understand something of the policy background that underpins Amsterdam's programme of state-led gentrification.

6.4 Amsterdam's transformative housing policy

As can be gleaned from Table 6.2, over the last twelve years, Amsterdam's housing stock has changed substantially. The volume of own-

er-occupied housing has almost doubled from a marginal 17 per cent to a more robust 31 per cent. This increase has mostly taken place in the large regulated rent sector, that decreased from 80 per cent to 61 per cent. It is a result of the ambitious policy of state-led gentrification that the city is pursuing since the late 1990s.

The transformation of the housing stock not only involves a change in tenure, but also an upgrade of the quality of the houses in terms of size and amenities. Larger, better equipped houses are hoped to attract the middle class to the city (Amsterdam Department of Housing 2009). The goal is to change the composition of the population so that the proportion of affluent people increases and that of lower-income groups

Table 6.2

Amsterdam housing stock 1999, 2011 and goal 2020

	1999	2011	2020 goal
Owner-occupied	17%	31%	51%
Regulated rent	80%	61%	35%
Free-market rent	3%	8%	14%
	100%	100%	100%

Source: Based on numbers from: Municipality of Amsterdam et al. (2003), Municipality of Amsterdam & Amsterdam Federation of Housing Corporations (2011), Amsterdam Department of Housing (2009).

decreases. Although the policy is implemented city-wide, disadvantaged neighbourhoods are a focal point. They are supposed to improve by creating more so-called 'social mixing', the dispersal of concentrations of low-income people, mainly of ethnic descent, to counter 'neighbourhood effects' (Ostendorf et al. 2001). Replacing part of the neighbourhood population by more affluent people is based on the hope the latter will function as a role model to their worse-off neighbours,



as well as stimulate the local economy (Van der Graaf & Veldboer 2009). Apart from this social-engineering aspect, it is deemed necessary to attract the middle class to stay economically competitive (Amsterdam Department of Housing 2009).

Following the recommodification of the Dutch housing market that started in the first half of the 1990s (Ronald & Dol 2011), Amsterdam is one of the last cities to deliver its housing stock to the market. Since the 1960s, the scarce good of housing had been allocated by the local council, who distributed all affordable rental apartments across the city through a waiting list accessible to large sections of the population, including the middle class. To alleviate the scarcity, the city council, together with housing corporations, focused on the production of rental housing. The result was a decommmodified housing market consisting almost completely of affordable rental apartments, distributed by the state (Uitermark 2009). When neoliberal ideas made their entrance in Dutch politics in the mid-1990s, Amsterdam's progressive housing distribution system came under attack. It was described as 'not of this time' as well as untenable. While affordable rental housing used to be available to large sections of the population (only people with very high incomes were barred), according to the new ideology it should become only a sober safety-net for the temporary inconvenienced, such as students and recent divorcees, and the permanently disadvantaged, those living long-term on scarce means (Amsterdam Department of Housing 1998). The bulk of the stock should be distributed through the logic of supply and demand, not by government.

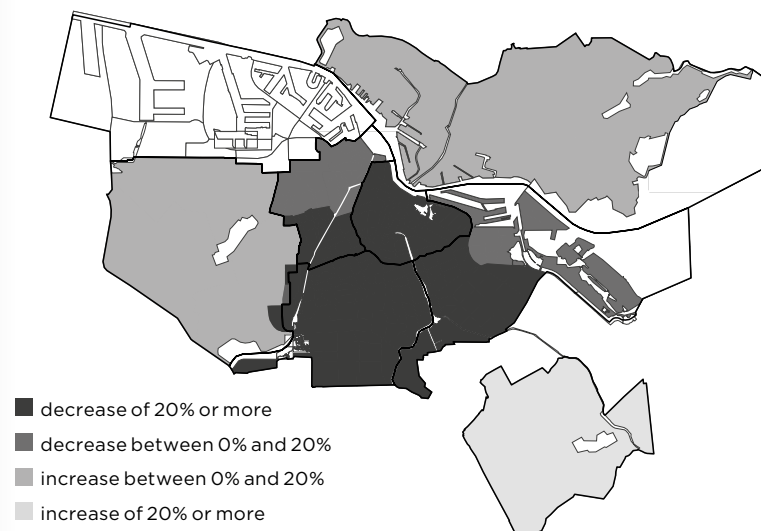
Another rationale for transforming the housing stock is the proclaimed financial unfeasibility of producing and maintaining affordable housing, caused by low rents. In the Netherlands, most rents are not determined by market mechanisms, but by the state, as a function of the size and amenities of a house. When in the mid-1990s housing associations, quangos that own the majority of houses with regulated rents, were privatised into foundations (another result of the new ideology), their overhead costs rapidly increased. Directors of housing corporations now maintain that because of rent regulation, social housing does not yield sufficient incomes (Gruis 2010).

Given Amsterdam's continuing economic success (Raspe *et al.* 2010), delivering its housing stock to market forces is leading to a concentra-

tion of affluent people in the most popular neighbourhoods, while less prosperous people are dispersed and concentrated to less favourable locations, a phenomenon known as residualisation (Schutjens *et al.* 2002). An example is the effect of the sale of social housing on households of non-western ethnic descent, on average the poorest inhabitants of the city (Amsterdam Department of Statistics 2011). Figure 6.1 illustrates how such sales dispersed a proportion of such households to the least popular parts of the city between 2002 and 2003. In the most popular areas, the Centre and the South, the proportion of non-western ethnic households decreased by 20 per cent or more. In the least popular parts, notably the Western Garden cities, the North and the

**Figure 6.1**

**Change in proportion of households of non-western ethnic descent after sale of rental housing in different boroughs in Amsterdam 2002-2003**



Source: Amsterdam Department of Housing (2005)



Bijlmer satellite city in the South East, the percentage stayed the same or increased.

Amsterdam's housing market is tight: more people want to live in the city than there is living space. The construction of new houses to add to the stock is heavily restricted by national regulations (Vermeulen 2008). The proposed transformation has to take place within the already existing housing stock. It is essential to note that, given normal mobility rates, it is unrealistic to attain this transformation in a short period. And this is where the displacement occurs, because the policy is executed by block-by-block renovation or demolition of tenanted houses, euphemistically called 'urban renewal', forcing the inhabitants to leave. This approach yields economies of scale and time compared with a house-by-house approach, whilst not being too large to manage. The city council executes the policy in partnership with Amsterdam's housing corporations, who own the houses and share the goal of the city council of attracting the middle class.<sup>3</sup> Transforming their stock into larger, higher quality housing will also strengthen their financial position because it yields higher rent incomes, and the sale of some houses creates a temporary financial boost. I will now turn to the role participation plays in implementing this transformation agenda.

### 6.5 Two cases: compliance and resistance

In this section, I narrate the stories of two cases that exemplify the two main routes of tenants accepting or rejecting their forced moving. In the case of Southstreet, displacement is implemented by letting tenants choose between two evils. The tenants 'choose' displacement as the lesser evil, since it is framed as the only viable option to them. Let us look at this first case more in detail. The 60 apartments on Southstreet<sup>4</sup> owned by the housing corporation Domus are slowly subsiding. Such bad foundations and the nuisance that comes with repairing them, is usually the rationale given for a total overhaul of a block, resulting in displacement. But in 2009, when the credit crisis was already firmly consolidated, Domus decided on the cheap option of repairing foundations while the upper-floor tenants would continue to live in their apartments. When the housing corporation announced this, the tenants protested vehemently against the forecasted months

of nuisance ('It promises to become an out-and-out hell', they wrote), as well as at the assertion that apart from the foundations, their houses were fine. Following a call-out from the housing corporation, five tenants enlisted for a representative committee, that was to negotiate with Domus, assisted by two tenants supporters.

When it became clear that maintenance beyond the foundations was urgent after all, the housing corporation developed a conventional conversion plan to make the larger investment worthwhile. More than half of all apartments, currently all social housing, will be sold or become free-market rentals. Since the block lies in an affluent neighbourhood, the discourse of social mix is absent. In this case, the housing corporation deemed the conversion necessary solely to make the larger investment worthwhile. A less costly alternative, for instance foundation repairs and maintenance combined with a compensation for the nuisance was not considered. The committee of tenants agreed with the conversion plan, because this would give all households the opportunity of rehousing. Given the options the housing corporation presented them with, it seemed the only viable solution. They lack formal power to demand compensation for the nuisance. They do not even try to mobilise the other tenants to protest, because they do not believe this will have any impact. In fact, the committee is lacking a mandate from the rest of the 55 households. They simply assume that the other tenants share their opinions: they have never called a meeting to gauge the opinions of the people they are supposed to represent.

The committee is tagging along with the increasingly invasive plans of the housing corporation because matters are persistently presented as non-binding. But over time, the committee has actually agreed with quite a lot; they are currently negotiating details of the renovation plan rather than whether the plan should go forward or not. Whether to agree with this was never discussed with the rest of the tenants. The latter will be able to vote about it once negotiations are concluded, but there will be no alternatives. Tenants either vote in favour or against, but there will be no opportunity for them to suggest changing the plan; it has been prepared by the committee that is supposed to be the representative body of the tenants. The plan will include that people have to leave. At most half will be given the opportunity to move back after spending more than a year in tempo-

rary rehousing, while the renovated apartments will have significantly higher rents. The chosen format of participation leads to them not being able to influence whether they have to leave. Rejection of the plan is not considered a realistic option: the technical necessity, after years of negligence, has become pressing. An alternative, such as less costly renovations, is not considered.

I now turn to my second case-study; the Van der Pek neighbourhood. Here the tenants first seemed to have succeeded in preventing displacement. However, their victory turned out to be the starting point for a struggle lasting years. If we take a closer look, gentrification in Amsterdam has been spreading out from the city centre and the Van der Pek garden village lies at its newest expansion frontier. Since the 1970s, low-income migrant families have increasingly become part of this traditional White working class neighbourhood. The houses are small and the rents low. Such neighbourhoods are a focal point of the gentrification policy, and the discourse of the necessity of increasing social mix prevails in such areas.

In 2003 housing corporation Ymere, the house-owner, announced they wanted to demolish all 1,500 houses. The composition of the population was pronounced 'overly homogeneous' (Ymere 2005:1) and the houses deemed to be in a bad technical state. The majority of tenants opposed the plans: 71 per cent indicated they did not want to leave (Ymere 2006). After years of campaigning, in 2007 the residents, organised in a committee, reached agreement with Ymere and the city council. There would be no demolition and no forced moving. The southern part of the neighbourhood would become a pilot area. The 367 households there could choose to stay or to move out and receive replacement housing. Vacated houses would be renovated promptly. Afterwards, it would be decided whether to continue this approach in the rest of the neighbourhood.

This victory turned into defeat when from the end of 2007 all tenants in the pilot area were visited in their houses by employees of the housing corporation. Heavy pressure was put onto them to leave:

With or without appointment, one or two employees of Ymere drop by at tenants' houses. During such talks, several times it is asked or insisted upon that people move out, and even houses outside the offi-

cial system are being offered. This also happens to people that have clearly expressed they wish to stay. Information is given at length about moving, but not about the possibility to stay. [. . .] Consequently, tenants experience this possibility as a fake choice.

*Letter from the committee of tenants.*

As a result, by September 2009, 200 of the 367 households had left. But the vacated houses in the pilot area were not renovated.<sup>5</sup> Ymere pronounced them to be in a worse state than expected. Demolition and forced moving of the remaining households were again considered. After more than a year of fruitless negotiations with Ymere, in autumn 2010 the tenants addressed the local borough council. The council members agreed that the tenants should be taken seriously. But they also felt a need to 'diversify' the neighbourhood and relied on the investments of the housing corporation to make this a reality.<sup>6</sup> They urged the tenants to partake in mediation. The committee felt forced to comply for fear of otherwise being depicted as unreasonable. During spring 2011, a professional mediator and an alderman from the council tried to reconcile the parties. Ymere refused to commit to anything until the technical investigation, by now already lasting four years, was finished.

Although the committee has many active members, consults the residents often and regularly delivers its newsletter by hand door-to-door to all 1,500 houses, the housing corporation now started questioning the representativeness of the committee. Ymere demonstrated this by organising informal brainstorming sessions on its own, thus bypassing the committee. During the summer of 2011, tenants were invited to 'dream' about their neighbourhood in 'round table conversations'. Questions concerning displacement or demolition were consistently ignored during these workshops; there was no opportunity for tenants to formally exercise influence. Nevertheless, in November 2011 the housing corporation presented its new plan for the pilot area, claiming it was inspired by the 'participation', referring to the open-ended brainstorming sessions. But while the tenants had expressed that they like their neighbourhood and wish to stay, the housing corporation maintains a radical intervention is necessary: 'The neighbourhood is slipping away: there is a negative selection: weaker people go to live there'. (manager

Ymere at a meeting of the borough council in 2011). By transforming the stock through demolition as well as renovation to free-market rent and owner-occupied housing, they want to attract more affluent people (Ymere 2011). While currently all houses are within the regulated rent sector, only 28 per cent of them will remain so, and even those rents will more than double.

For the tenants, the actions of the housing corporation have become the problem. For ten years, they have been threatened with displacement, while their houses are not maintained. The social fabric of the neighbourhood is falling apart, since every free-coming house is left empty or rented out on a temporary basis. The tenants fear large-scale demolition will destroy the character of their neighbourhood. Given that Ymere broke all earlier agreements, they do not hold much value in the recent promise that some can come back afterwards. Even if this would be possible, they would have to spend at least two years elsewhere, and then return to a completely transformed neighbourhood for a much higher rent.

### 6.6 Displacement through Participation

Based upon all my case-studies, I will now present a generalised account of how tenants are made to comply with their forced moving. *The Amsterdam Framework Agreements for Social Plans in Case of Renovation and Demolition* (Municipality of Amsterdam *et al.* 2009) define the rights of tenants. The document is couched in friendly language leaving the impression that tenants are important stakeholders. However, upon close reading, it is revealed that tenants hardly have any rights at all: housing corporations decide on the necessity of demolition, renovation and displacement. Tenants that are forced to move obtain rehousing and a compensation for moving costs of 5,000 euro, as well as the formal right to consultation. Combined with Amsterdam's transformative housing policy and the discourse of the necessity of costly renovations or new construction, it is this institutionalised practice of compensation and consultation that helps the legitimisation of displacement. Displacement is seen as the only option, while the tenants are seen as amply compensated. Unfortunately, even these minimum conditions are not so good as they seem. People are still displaced. The replacement housing is often suboptimal, while it is hard to obtain a house of the same size at the same price.<sup>7</sup> Most tenants will be

worse off, especially the elderly who will have to spend all of the financial compensation on a moving company and redecorating. But it is the promise of consultation that needs further examination.

The only room for participation is the so-called 70 per cent-rule. This rule, originating from Dutch national law (BW 7:220 part 3) implemented in the 1970s, states that at least 70 per cent of all tenants have to agree with the plans of the corporation. This seems to safeguard their interests. If a majority does not like the plans, they can refuse to agree. This creates a space for negotiation. The housing corporation tries to limit this by presenting their plans as the only possibility. 'There is no alternative': the technical necessity of the proposed renovation or demolition and the financial consequences are presented as given. This discursive depoliticising of the conflict is helped by the professional support tenants obtain from the local Neighbourhood Support Centre for Housing (NSCH). This quasi-governmental organisation is financed by the city council to facilitate tenants, while the work they do for residents threatened with displacement is sometimes directly paid for by the housing corporation. The NSCH claims to have complete independence, but in practice fulfils an ambiguous role. Most professional supporters have become cynical over time. They assume a 'realistic' approach: the tenants are encouraged to focus on the best deal possible for them within the given framework of displacement. Consider for instance this typical dialogue between a critical member of a committee of tenants and a tenant supporter about the proposed sale of half of all apartments in the block:

Tenant: So much social housing has disappeared from the city already. Should we really be wanting this?

Tenant supporter: You should only consider your personal interests here, and the personal interests of the tenants of your block. Such larger questions have no role in these discussions, if you want to address them, you should join a political party.

Field note meeting committee of tenants Southstreet  
January 2012.

To obtain support, the housing corporation prepares the plan that is put to the vote together with a delegation of tenants. If the members of this committee accept the proclaimed unavoidability of the displacement, the negotiations take place in a constructive atmosphere. The housing corporation is willing to give in to some demands, such as lowering the rent until the displacement. These small victories give the committee a feeling of ownership. When the negotiations have finished, they will encourage the other tenants to vote in favour of the plan, since they feel it is the best deal possible. Giving in to small demands of the committee of tenants is not the only way through which housing corporations obtain compliance. They also engage in personal visits to tenants' houses. In one-on-one conversations, the housing corporation emphasises the necessity of the intervention, and sometimes offers replacement housing already before the plan is put to the vote of the tenants. Some tenants accept for fear they will otherwise end up without a house.

Committees that doubt the necessity of the proposed intervention try to use the 70 per cent rule to gain influence beyond agreeing to or refusing the specific plan. For them, the rule creates a window of hope, that it will be possible to exert some influence over their situation. Perhaps they can prevent their displacement. They come up with alternative plans and calculations. They approach their local council members. As a result, they are urged to behave reasonably or else be branded as unreasonable activists. The housing corporation openly starts questioning whether the committee truly represents all tenants. This reflects the power of the housing corporation to establish lines of legitimacy – who is unreasonable or not. As in the case of the Van der Pek neighbourhood, housing corporations often by-pass committees by inviting tenants to stipulate their wishes in informal workshops or surveys. The results are used to justify the plans of the corporation. Wishes that were formulated without context are equalled with 'what people want'. That tenants for instance dream about having more space, becomes a rationale for constructing larger houses that they cannot afford.

In case of resistance, time is on the side of the housing corporation. Talks between the committee and the housing corporation are often continued for years, while the housing corporation refuses to commit to anything. Lengthy technical investigations have to be awaited or the housing corporation is deliberating internally. Such delays exhaust and

demoralise tenants. In the meantime, through normal moving dynamics, more tenants move out and their houses stay empty or are let out on a temporary basis, weakening the position of the remaining tenants. The problems caused by the lack of maintenance become worse. The local council also stops investing in the public space. The street begins to look abandoned.

## 6.7 Conclusion

It was shown how in the case of Amsterdam displacement citizen participation creates legitimisation for a disruptive policy. The policy of state-led gentrification aims to rapidly transfer the previously decommodified housing stock to the market. By converting affordable rental dwellings to higher quality owner-occupied apartments and free-market rentals it is hoped that the middle class can be attracted to the city. Amsterdam's transformative housing policy provides housing corporations ample arguments for their plans of displacement and conversion. Technical conditions are invoked to justify far-reaching renovation or demolition plans which will displace current tenants; investment choices are presented as objective technical facts. In poorer neighbourhoods, the urgent necessity of increasing social mix is emphasised as well. Under these framing conditions, tenants are invited to participate in discussions with their house-owner concerning the future of their dwellings.

This formal participation shapes and limits tenants' space for action. The process demands constructive, frequent contact between the tenants and the housing corporation. This gives the housing corporation the opportunity to constantly present its agenda as the only objective and realistic option. Any attempts by tenants to propose alternatives are disciplined. The housing corporation owns the houses, has extensive resources and routinised knowledge and ultimately can decide to terminate tenants' contracts. Non-complying tenants try to obtain support from their local council. Local politicians play their part in the disciplining by downplaying their own role. They insist on both parties reaching a reasonable compromise. In several of my cases, they offered mediation, sessions that try to reconcile parties whose interests are diametrically opposed: the tenants want to stay and the housing corporation wants them to leave. Tenants lack power and knowledge and

tenant supporters as well as local council members disempower them. Faced with such restricted options tenants either accept the discourse of displacement, thus gaining some minor influence on how they are displaced in a constructive atmosphere, or resist to discover that they are powerless. The latter group do not experience their forced moving as legitimate, but they simply lack the power to successfully resist it.

I have approached the literature on citizen participation from this perspective of conflicting interests within a context of severe power asymmetries. Deliberative democracy theory then has limited use, since it is a normative ideal of eradicating power rather than a tool for analysing empirical reality. Recognition of ineradicable conflicting interests (Mouffe 1999) is an important step forward. However, because Marxist and Foucauldian writers have analysed participation from a critical but decidedly more analytical perspective, these approaches proved to be better suited for my research problem. Marxists view participation as a means to gain legitimacy for top-down policies, and this view is supported by my research. To understand how governments succeed in gaining compliance without open conflict, I drew on writers who identify citizen participation as a form of governmentality. It indeed creates a space for repeated contact between citizens and government which facilitates the transmission of specific rationalities. Through such engagement, tenants are made co-responsible for the policy that is being implemented.

Let me briefly touch on an issue that emerged during my fieldwork but which was beyond the scope of this chapter. Specifically, why do some tenants resist, and others not? Although it is true that higher educated, wealthier tenants do have an advantage in the participation process, class does not seem to be the determining factor in whether tenants comply or resist. Two factors do however seem important: the already-existing social cohesion within the group of tenants and the approach of the specific housing corporation. Concerning the first factor, groups of tenants that share a culture of regular intensive contact, appear more likely to resist than those who only experience superficial contact. They seem more able to create an internal counter-discourse and to translate this into action. The second factor relates to the internal organisational culture of the housing corporation. In my cases the harsh and blunt communication style of several such organ-

isations seemed to spawn resistance. The more social and understanding tone of other housing corporations was more conducive to creating a compliant atmosphere.

Finally, let me conclude by emphasising that theory could benefit from examining the impact of the discourses and institutional practices that surround participation in reality, since many authors fail to ask what is at stake and who is in control. The only viable alternative to displacement-through-participation is to change the goals of the policy. As long as the pre-ordained goal is the displacement of tenants for more affluent inhabitants, tinkering with the process will yield no results, and meaningful participation will remain impossible.

### Acknowledgements

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## Notes

- 1 Following Marcuse (1985) I define displacement as housing-related involuntary residential dislocation. Such forced moving is not a result of individual actions as defaulting on the rent or causing nuisance, but caused by more general developments such as gentrification or abandonment.
- 2 Neoliberal ideology has been defined as the believe that 'open, competitive, and unregulated markets, liberated from all forms of state interference, represent the optimal mechanism for economic development' (Brenner & Theodore 2002:350). This ideology, in which the role of the state is mainly to facilitate the market, has gained global significance (although this ascendancy has been necessarily uneven and context-dependent) and can clearly be tracked in Amsterdam's shift in housing policy.
- 3 The policy is also executed by the sale of tenanted privately owned housing. Displacement in these cases is often harsher, involving more intimidation and even physical violence (Hotline Undesirable Landlord Behavior Amsterdam 2009). I focus on housing corporations since they own the majority of affordable rental housing in Amsterdam.
- 4 To protect the privacy of my respondents, I changed the name of the street and the housing corporation of the first case to non-existing ones. I kept the real names in the second case, because since I ended my fieldwork, it has received much media attention, which makes it easily recognisable even if I change names.
- 5 Instead, they were left empty or rented out on a temporary basis to students, boutiques and art projects.
- 6 While local politicians agree with the transformation in abstracto, they are also directly confronted by the reality of their own constituents being displaced. Faced with this, many politicians downplay their own power. Others genuinely believe they lack power, due to deficient

expertise, and this has a self-reinforcing effect.

- 7 This is a result of changing Dutch rent policies that only affect new renting contracts. The system of rent subsidies for low-income households only partly compensates for these increases.

## CHAPTER 7

### **CONCLUSION:**

### **THE PRECARISATION OF RENTAL HOUSING IN THE NETHERLANDS**

#### **7.1 Recapitulation: Facets of the precarisation of rental housing in the Netherlands**

In order to answer the research question posed at the beginning of the thesis – to what extent is Dutch rental housing becoming more precarious, and how does this precarisation manifest itself? – I first briefly recap the findings of the earlier chapters.

In *Chapter 1* I introduced the theme of insecure housing and precarisation. I argued that the uncertainty of not knowing whether you need to leave your home weakens ontological security, and as such has a negative influence on wellbeing. The anecdotal evidence that indicates an increase of insecure housing in the Netherlands provided the rationale for this research, making it urgent and relevant. The trend of precarisation fits in with wider developments in Dutch housing policy since the mid-1980s. Prominent elements are the switch to the successful promotion of home-ownership and the lifting of rent controls for a growing proportion of the stock. Within the shrinking regulated sector, the government constantly allowed rent prices to be increased at well above inflation levels. As a result, renting within the regulated as well as the newly created unregulated sector became more expensive, and this translated into a significant increase of the average proportion of the household income renters spend on housing expenditures. This is relevant, since the security provided by housing not only depends on the certainty that the lease does or does not provide. Unaffordability and a serious lack of maintenance can also force tenants out of their homes, and the aggregate effects contribute to the precarisation of renting.

In *Chapter 2* I studied non-enforcement of rules and regulations as a technique of governance. Because rental housing in the Netherlands formed the case study through which I analysed this phenomenon, the chapter provides a useful background on Dutch housing regulations. In the Netherlands there are swathes of rules and regulations to protect renters. On paper, these guarantee security of tenancy, regulate rent increases and ensure that houses are well maintained. However, in many cases, these rules and regulations are not enforced, so the reality on the ground differs sharply from the reality that is often presumed/asserted to exist in policy documents. For instance, many tenants wrongly assume that rent regulations only apply to homes owned by housing corporations and not to homes with private landlords. The

protections do not function well in practice due to a number of factors: a lack of knowledge among renters and landlords about their existence or about how they work; the complexities and inherent risk associated with accessing the enforcement mechanisms, requiring open conflict with the landlord; and the limited efficacy of the enforcement regulations themselves. I concluded that this duality, protections that are simultaneously there and not there, functions as a technique of governance. Against a backdrop of an ongoing discursive tilt against the desirability of a large, stable and affordable rental sector, and the reframing of public goods as aspirational goods, tenants are asserted to already enjoy formidable levels of protection. Their failure to secure this protection is thus, by extension, their own responsibility, their own fault. This weakens the position of tenants, adding to the precarisation of rental housing in the Netherlands.

In *Chapter 3* I zoomed in on the element of security of tenure. I observed that there has been strikingly little attention for the phenomenon of the Dutch rental sector becoming more precarious in terms of the introduction of non-permanent leases. Compared to the ongoing and prominent discussions about employment security, ample anecdotal evidence of a shift towards temporary or otherwise uncertain rental situations has not been translated into political discussion about or scientific analysis of the topic. The shift, so far, has been silent. No data are collected, hence estimations of the amount of precarious rental arrangements are absent. I give some reasons for this lack of attention, noting that given the potential for such housing arrangements to undermine ontological security, and its wider significance for welfare-state restructuring, it is imperative to research this topic. To this end I proposed a concrete research agenda to chart the size and character of the sector and its evolution; this thesis constitutes the first step in executing this research agenda.

In *Chapter 4* I looked more in depth at reasons for the shift towards precarious renting arrangements being silent, and how the role of temporary contracts in the Dutch rental sector changed through the years. Before 1997 such contracts were essentially non-existent. However, a sequence of developments – urban renewal, state-led gentrification, the introduction of special contracts for students and other target groups, the financial crisis – led to the steady expansion of the situations in

which temporary rent is permitted. I argue that combined with the phenomenon of non-enforcement of regulations (see *Chapter 2*), the assumption that temporary rent only creates win-win situations and the tendency to underappreciate the aggregate effect of all these individual policy reforms, the sector eventually reached a critical tipping point. Rather than being an ad-hoc, technical solution to various other problems in the housing market, temporary contracts have since 2015 been proposed as a general-purpose instrument for significantly altering the distribution of rental housing. At the time the chapter was originally published (2016), the Dutch government approved a no-strings-attached two-year temporary rental contract for private landlords, and five-year contracts for several specific groups for housing corporations. This was a major break with the traditional role of temporary contracts as an – in theory – heavily circumscribed exception to the permanent rental norm. It is noteworthy that this development was not fully anticipated when the research agenda, *Chapter 3*, was written; in that sense the shift towards temporary contracts, and as such the precarisation of the Dutch rental housing sector is proceeding faster than expected. The topic of this thesis proved to be a moving target.

*Chapter 5* focussed on the specific case of Amsterdam. By analysing data from the 2015 WIA survey (in Dutch: Wonen in Amsterdam, English translation: Housing in Amsterdam), which is unique in the Netherlands due to its inclusion of questions about precarious housing, my co-author Clara Mulder and I provide an initial baseline on the share of temporary renters living in Amsterdam. Via multinomial logistic regression we were able to identify significant factors which increase the likelihood of having a temporary lease. Amongst other observations, we show that the majority of young adults between 18-23 years live in temporary rent. Also students, those with a Western migration background, those who moved because their previous rental contract was terminated or because the previous dwelling was too expensive, and those who moved from abroad were particularly likely to have a temporary lease. Perhaps these findings do not sound surprising, but they are the first attempt to place what before were only anecdotal observations on a formal footing. Given the potential for the temporary rent law of 2016 to greatly impact on the future structure of the Dutch housing market, the baseline provided by this argument could and, I argue, should form

the first of a periodic analysis of how the proportion of temporary rental housing in relation to permanent rental contracts and owner-occupation is changing. I return to this topic below in the scientific and policy recommendations. This chapter also differs from the others in that it takes a fine-grained look at the housing options available (in Amsterdam) to different sections of the population, taking issues such as age and income into account. This analysis leads to the conclusion that, contrary to the usual assumption in housing studies, newcomers entering the Amsterdam housing market cannot, realistically, choose between renting a house permanently or temporarily. The choice for temporary rent is a consequence of the lack of alternatives.

Finally, in Chapter 6 I examined displacement, i.e. involuntary residential relocation: when people are forced to move. Compared with permanent renting contracts, which used to be the standard tenure in the Netherlands until the end of the twentieth century, the distinguishing feature of temporary renting contracts is that they end at a time beyond the tenants' control. As I show in the chapter, permanent renting contracts, however, can also become precarious. I followed several groups of established renters in Amsterdam attempting to resist their stated gentrification driven displacement. This (looming) displacement, which corrodes their ontological security, is presented as inevitable by the housing corporation landlords. A participatory process is used to legitimate the process, both internally and externally, and serves to transmit the logic that tenants can only influence how, not whether, they are displaced.

## **7.2 The significant precarisation of Dutch rental housing manifests itself through three processes**

Having summarized the contributions of the previous chapters, it is time to address the central research question of the thesis: *To what extent is Dutch rental housing becoming more precarious, and how does this precarisation manifest itself?* It will not surprise the reader that I think that Dutch renting is becoming precarious to a significant extent. The successive introductions of new temporary contract forms advances very quickly (Chapters 3 & 4), as do the continuous steep rent increases and the increases of starting rents (Chapter 1). Rules on security of tenure, rent ceilings and maintenance are in theory still strong, but in practice

knowledge of these regulations is almost non-existent, and enforcement is so weak that the rules have become largely meaningless (Chapter 2). An explicitly ideological discourse has been evident since 2013, in which temporary tenancies are now championed as a catalyst for structural housing market reform (Chapter 4). Empirical evidence shows that the majority of young adults in Amsterdam has a temporary renting contract, rather than a permanent one or being an owner occupier (Chapter 5).

I argue that this process of increasing precarity of the Dutch rental sector manifests itself simultaneously through three processes. The most concrete, easily identifiable process is *the increasing widening of the situations in which temporary rental contracts are legally permitted*. Chapter 4 charts how in the last two decades the repeated use of temporary contracts as a technical instrument to solve unrelated problems in the housing market created increasingly many exceptions to the permanent rental norm. This created a momentum that yielded the introduction in 2016 of the unconditional two-year temporary contract. This constituted the first unconditional departure from the permanent rental norm in modern Dutch political history, and as stated above, it is a departure that I myself had not anticipated when I started this research. Of course, one might ask: why should the introduction of new contract forms, which are additional to permanent renting, increase precarity? Tenants can still choose for a normal renting contract, and surely landlords prefer a stable long-term relationship with their renters? What is the relevance when the new law does not affect existing renters, whose rights are well-protected? The answers to these questions can be found in different chapters. In the Netherlands, especially in the big cities, scarcity of housing is a fact of life. As explained in Chapter 5, due to economic and regulatory constraints, electing for temporary or otherwise precarious housing is usually more a necessity than a choice. Scarcity also creates a power imbalance between tenant and landlord, an imbalance that was itself the justification for the introduction of permanent rental contracts as a pre-emptive right (Chapter 2). The Dutch government has stated that the new temporary contracts will not displace permanent rental contracts. However, this statement seems to be a statement of belief more than anything else, since all regulatory trends and market dynamics point in exactly the opposite direction. As noted in Chapters 3 and 4, temporary

contracts were also introduced quietly in the UK in the 1980s, but quickly became the norm, almost completely displacing permanent rental contracts. If the economic incentive is large enough (e.g. a new renter can be asked to pay substantially more rent), rent-seeking landlords will rationally accept a rapid turnover of renters as an acceptable cost.

This portrayal of landlords might jar with how we traditionally perceive the Dutch rental market. However, the *process of non-enforcement* (Chapter 2) emphasizes that the daily reality of renting in the Netherlands is not the same as the reality that policy makers and politicians presume/assert to exist. This is a theme that permeates every chapter of this thesis. Discussions of how good or bad a particular policy (reform) is, are typically couched in the assumption that existing policy is implemented – when, in multiple ways, it is not. I regard this as the second process through which Dutch renting is becoming more precarious. It is less tangible than the regulatory relaxations mentioned above, which make temporary rent possible in an ever-wider number of situations. However, it is arguably more far-reaching. Despite the complexities and ineffectiveness of the various rules and regulations that, on paper, protect renters, the idea continues to exist that Dutch renters are amply protected – privileged, even (Chapters 2 and 6). This creates a sharp duality between what actually happens on the ground and what is simultaneously asserted to be happening on the ground. I think that, in various ways, this duality is itself a threat to ontological security. It is one thing to tell a renter that she has no or limited rights, or that the rights that she has are difficult and risky to obtain; this is, I feel, a more honest depiction of how the situation really is (Chapter 2). But if a renter is consistently told that all is well and that there are no problems, and that it is easy to address problems with their housing, then the failure of the renter to secure those rights can logically only be attributed to the failure of the renter herself (Chapter 2), or her failure to be reasonable and realistic (Chapter 6). Such constructions have a very strong disciplining effect. The actual failure of the various protections (even when renters try to access them) is a clear and concrete erosion of tenant security, but the implicit transmission of blame is a more subtle instrument through which ontological security is further undermined. As stated in the earlier chapters, and at the risk of repeating myself: I do not think that phenomena such as the process of non-enforcement are planned; it is not that somebody sets out to

make this happen. It has arisen as the result of many accumulating and intertwined developments in the Dutch housing market over the period of several decades. However, it does function, which is why it persists; somebody benefits.

This brings me to the third precarisation process. If the first concerns the way precarisation is being articulated through law books and policy, and the second concerns the peculiar effects of saying that renters are strongly protected when in fact they are not, the third process concerns *the more overt discursive shift against renting in recent decades*. This cannot be ignored. Since the late 1990s home-ownership has been promoted at the direct expense of rental housing – in many Dutch cities the supply of houses for purchase could only be expanded by converting rental housing. As part of this shift, rental housing is increasingly framed as something that a typical Dutch citizen might briefly encounter, but only on the way to acquiring one's own house. In a nutshell, only the poorest or otherwise severely disadvantaged should live there for any protracted length of time, or need regulatory protection (Chapter 2). At the same time, the idea of the permanent rental contract is at odds with the meritocratic ideal of constantly having to prove one's right to stay put. As I put it in Chapter 1, the introduction: the message that is being conveyed is 'you should not be renting at all'.

In summary, precarisation manifests itself through three processes, namely the continuous widening of the legal grounds on which temporary leases are allowed, the process of non-enforcement of regulations and the increasing discursive framing of renting as a social service for disadvantaged people. It is likely that these processes are actually mutually dependent and interconnected, interacting and reinforcing each other. For instance, it is possible that the ongoing non-enforcement of regulation in the practical reality will reinforce the discursive framing, setting in motion a new round of legal widening, which will in turn impact upon the reality on the ground. Whether and how these processes interact could be the topic of future research, a point we will return to later.

### 7.3 Back to the future: Recent diverging processes of rental precarisation in Anglo-Saxon countries

A recurring theme in this thesis has been the comparison of the precarisation of the Dutch rental housing market with the earlier but similar devel-



opment in the United Kingdom (Chapters 1, 4 & 5). As noted earlier, from the end of the 1970s the British government implemented a series of policies that had by the end of the 1990s resulted in a completely precarious private rental sector, and a diminished, residualised social housing sector (Kemp & Keoghan, 2001; Kemp, 2009; Morgan, 1996). This shows that over the relative short period of twenty years, a secure rental sector can be transformed into a very insecure one. The standard lease in the UK now lasts half a year (Moore 2017), and in England can be legally terminated by the landlord for any reason at any moment after the six months have passed. Rent control in terms of starting rents and rent increases only applies to social housing, and renting has become very expensive (Elliot 2019). Lack of maintenance has become a serious issue, and tenants do not dare to ask landlords for repairs for fear that the landlord will respond by terminating the lease (Rogers *et al.* 2018). Recently, in several Anglo-Saxon countries, two divergent processes of rental precarisation have come to the fore, that might be relevant for the Netherlands. On the one hand, governments have come with tentative proposals to make private rental housing less precarious. On the other hand, by making leases conditional on the behaviour of the tenant, governments are making social housing more precarious. In this section, we chart these latest developments.

As illustrated in the quotation below, taken from research on older tenants in New Zealand by Bates *et al.* (2019:5), in Anglo-Saxon countries renting nowadays is often seen as synonymous with precarity: “The disadvantages of renting are that I hate moving all the time; just when you think you’re sorted and settled, you have to move again. You can’t put your roots down.”. Similarly, Hulse and Milligan (2014) state: “In Australia, we often see security as a ‘natural’ part of home ownership and renting as an inherently insecure form of housing”. Perhaps this explains why most research on security of renting comes from Anglo-Saxon countries.

In those countries, since the global financial crisis of 2007–2008 and the ensuing global economic recession, home-ownership is becoming less accessible for many people, while the already small social housing sectors usually continue to shrink (for the USA, see Schwartz 2018, for the UK, see Stephens 2018, for Canada, Australia and New Zealand, see Martin *et al.* 2018). As a result, the number of households renting in the private sector is increasing, and the amount of time they spent there is lengthening as well (Pawson *et al.* 2017, Hulse *et al.* 2019). This has recently

led to governments considering making renting in the private sector somewhat more secure. In Australia, the three states with the largest populations (New South Wales, Victoria and Queensland) plan to change rental legislation to offer more security for tenants (Martin 2018). In the United Kingdom, Scotland and Wales limited the use of tenancies that can be terminated by the landlord at will (Moore 2017), and in England the online consultation on removing the notorious section 21 of the Housing Act, ended mid-October 2019. The government proposes to abolish this law, which allows landlords to terminate tenancies at will (British Ministry of Housing, Communities & Local Government 2019). Given the extreme precarity of renting in these countries, these attempts at making rental contracts more secure are promising, but will only lead to modest improvements for tenants. For instance, while proposing to abolish what are commonly named ‘no-fault evictions’, the British government allows termination of tenancies on many grounds, such as the landlord wanting to move in, the mortgage provider taking possession, retrofitting or demolition of the home or minor misbehaviour of the tenant.<sup>1</sup>

At the same time, as the pressure on the remaining social housing stock increases, it is important to note that Anglo-Saxon governments are making access to social housing (Morris 2018), as well as the right to remain there, more conditional (Fitzpatrick & Pawson 2014). Time-limited leases for social housing were introduced in England in 2012, with the tenants’ ‘income, employment status, under-occupancy and behaviour’ as possible factors for housing providers for deciding whether to renew the lease after expiry, and if so, for how long (Watts & Fitzpatrick 2018). The so-called fixed-term tenancies create a system where tenants that do not conform to the norms are punished with a shorter renewal period of their tenancy, or even termination, while ‘good’ behaviour is rewarded with longer lease periods. The English government might make the use of such leases obligatory for local authorities that provide social housing (*ibidem*).

This relates to a change in ideas on the function of social housing. Fitzpatrick and Watts (2017) sum up the two different visions well. On the one hand, one can view social housing as a temporary safety net to catch the most needy people as well as those that have temporarily slipped in life, for instance through job loss, akin to a social service. The safety net should be bouncy, to allow people to

bounce back quickly to housing supplied by the free market. On the other hand, social housing can be viewed as an important, permanent housing tenure in its own right for poor people. In Fitzpatrick and Watt's words (p. 1026):

In the first [vision], social housing is a short-term welfare intervention, subject to periodic means test to ensure that it is rigorously targeted at those in greatest need, and operates as a transitional 'springboard' to other tenures. In the second [vision], it is a key mechanism for securing stable homes and communities for low-income groups, and a legitimate long-term 'tenure of destination'. On one side, overriding priority is given to what is viewed as the efficient allocation of scarce resources, and on the other to the security of poor households.

Since the end of the 1970s, this first vision of social housing as a sober safety net has become dominant. Indeed, previous, similar articulations of this vision resulted in the current residualisation of the sector. The new element is the ongoing conditionality of the lease, that stimulates precarisation.

In summary, Anglo-Saxon countries have had precarious rental housing sectors now for so long, that they equate renting with precarity. Given the increasing long-term reliance of households on the private rental sector, recent legislation tentatively tries to smooth the roughest edges by allowing a measure of security. In contrast, social housing is becoming more precarious, by making leases conditional on the behaviour of the tenant. Interestingly, this growing emphasis on conditional leases can also be observed as an emerging trend in the Netherlands. We return to this point in more detail below, in section 7.5, the final part of the conclusion.

#### **7.4 What can be done? Contributions and limitations of the current study translated into recommendations for further research and policy**

This thesis *contributes* to the development of academic knowledge in several ways. To start with, the understudied but relevant topic of especially the *process* of precarisation of rental housing has been put on the

agenda. Rather than investigating rental security as a static phenomenon, the focus has been on the gradual shift to more precarity in housing over time. Such an analysis of the process of the growing insecurity of renting (in this case in the Netherlands) was previously lacking in the international field of housing studies. The theoretical exploration of why people would accept a temporary lease rather than a permanent one, is also the first of its kind in the Netherlands, and given that we could not locate any similar studies, perhaps also internationally. The statistical analysis of who rents with a temporary lease in Amsterdam is similarly novel. An important finding is that age is correlated with the chance of having a temporary contract and that the majority of those in the age category 18-23 years have a temporary contract. The mechanisms of both non-enforcement as a technique of governance and citizen participation as a means to legitimize state interventions were developed and add to the theoretical understanding of complex sociological phenomena. Hitherto, non-enforcement was mainly understood as bureaucratic or organisational failure, rather than a mechanism for governing, whereas studies of citizen participation usually take the idea of allowing people more influence on their direct environment as their starting point, rather than state-legitimation. By linking the topic of rental housing to conceptions of governance and governmentality, this study also furthers the international field of political sociology. The proposal of the research agenda is both a theoretical and methodological contribution, as is the identification of the lack of knowledge concerning precarious living arrangements in the Netherlands.

This brings us to the *limitations* of the study, which somewhat mirror its contributions. Given the unavailability of data, it was not possible to indicate the precise magnitude of the phenomenon of precarisation in the Netherlands. As was described at length in the previous chapters, this is a result of the lack of attention for many important aspects of Dutch renting. Most importantly, the number of temporary rental contracts is not registered nationally nor at the local level. How many students have a renting contract? How many people are living as property guardians? How many youth contracts are there? How many landlords have switched to the new generic temporary contracts since their introduction in 2016? The answer to all these questions and more, is: we do not know. Policy is based on assumptions, such as that only

students are living precariously, but these notions are not corroborated by any evidence. Lack of maintenance and rent increases are not well documented either.<sup>2</sup>

Concerning *recommendations for future research*, it is striking that the academic literature on labour precarity is much further developed than the academic literature on housing precarity. In particular, the theoretical underpinnings of the concept of labour precarity, and the development of instruments to chart and compare its progress within and across countries are further advanced in comparison with housing precarity. One notable point is that the literature on labour precarisation explicitly acknowledges the shift of risks from the employer to the employee as a core, characterising feature of precarisation (Kalleberg 2009, Thompson 2010). More recently the role of the shifting of risks from the government to the worker as an additional element of precarisation has become also a topic of focus (Kalleberg 2018). I see here parallels with the process of non-enforcement of regulations described in Chapter 2, where I argue that non-enforcement constitutes a transfer of risks from the government to the renter. At any rate, future research could more explicitly work with the literature on labour precarisation. Furthermore, as mentioned above, the finding that the precarisation of Dutch rental housing manifests itself through three processes could be followed by research that looks into the interaction between these processes, and the possibility of mutual reinforcement. This analysis could also be expanded to other countries. In how far is the current process of precarisation unique for the Netherlands, or can we also find similar developments in other countries?

A natural starting point for *further quantitative research* is to collect survey data, over a period of multiple years, enabling us for instance to place our baseline analysis of the WIA 2015 data in a broader context. Survey data from WIA 2017 are now available, and data from WIA 2019 are expected to be available soon. It would already be interesting to compare these three datasets to understand whether the precarious renting sector in Amsterdam is measurably growing, and whether multinomial regression analysis yields similar results, or that the categories of people who display a higher chance of accepting a temporary lease are changing. In 2016 the new temporary contract forms were introduced, so there is a possibility that this policy

shift is already reflected in the WIA 2017 and WIA 2019 data. Of course, WIA concerns only Amsterdam; while perhaps representative of other Dutch cities with a large amount of rental housing and significant pressure on the market from scarcity, such as the other Randstad cities, similar survey data should be collected for the rest of the Netherlands too, preferably as part of the national periodic WoON survey. As mentioned in Chapter 3, this state-commissioned National Survey on Housing in the Netherlands (WoON) is repeated every 3 years. For the 2017 wave of data collection, over 70,000 respondents were interviewed, and the outcomes of the survey provide substantial input to Dutch housing policy. However, the questionnaire still does not include *any* question about the length or termination of rental contracts, while questions on maintenance and rent increases are very limited.<sup>3</sup> I presented my research at the PBL, the Planbureau voor de Leefomgeving, the Netherlands Environmental Assessment Agency that co-designs the survey, in June 2017 and pressed upon them to include questions on temporary rent in the next wave of WoON, which will take place in 2020.

Methodological challenges remain. As discussed in Chapter 2, even if questions concerning temporary rent, lack of maintenance and other salient issues were included in regular surveys and attempts were made to reach those concerned, people living in precarious housing can be difficult to get to respond to surveys, and this requires further attention, i.e. *better research designs*. For instance, those renting precariously have a larger chance to not actually live where they are officially registered, for instance because their landlord does not allow this (Chapter 3). Rather than relying solely on the population register as a sampling frame, i.e. as the database to draw the survey sample from, as occurs in the Netherlands but also in other European countries (for instance for a number of countries involved in the EU-Silc research; Eurostat 2013), perhaps address registers, which contain also buildings not intended to live in, could be used as well.

Another example concerns survey questions. When analysing responses to the WIA 2015 questionnaire I noticed an unexpected link with the 'discursive obfuscation' of renting that I flag up in Chapter 2 in the thesis. Specifically, a number of respondents were visibly uncertain about the type of rental contract they had: tenants renting

in clearly precarious situations at the same time claiming to have 'normal' renting contracts, and tenants that were legally almost certainly entitled to a permanent contract indicating that they had temporary contracts.<sup>4</sup> To improve research designs it would be useful, and improve the quality of data, to conduct qualitative research to understand how citizens interpret and respond to such survey questions, and to accordingly rephrase questions and routing of questionnaires so that they lead to clearer outcomes. A final point originating from WIA is to look carefully at our finding, emerging from the regression analysis, that previously having had a temporary contract increases the chance of currently having a temporary contract. Could it be that more temporary rent fuels more temporary rent – and, if so, what are the possible explanations for, and long-term consequences of, this self-reinforcing mechanism?

The recommendations for quantitative research above also apply to the broader *international context*. Research into security of rental housing in Europe is scarce and often country specific. Comparing precarity, let alone comparing the process of increasing precarity over time, between countries is greatly hindered by the absence of reliable statistics. The recent attempt to develop a measure for precarity across Europe by Clair *et al.* (2019) is commendable, but limited in its applications. For instance, no difference is made between tenants with a short-term lease or a permanent rental contract.

There is also an important role to play for *qualitative research*. The Anglo-Saxon literature does engage with the experiences of tenants from different categories of the population. Across qualitative research under for instance older renters in Australia (Darab *et al.* 2018, Morris 2018), New Zealand (Bates *et al.* 2019) or young adults in the UK private rental sector (McKee *et al.* 2018, Soaita & McKee 2019), the common theme seems to be that the experience of precarious housing is sub-optimal for all dwelling in it. At the same time, findings show that the capability to deal with this precarity varies between people, based on social-economic position and personality traits. More Dutch and European qualitative research can greatly improve our in-depth understanding of how people come to live in precarious housing. Semi-structured interviews could uncover in how far tenants accept this tenure owing to a lack of choice, and how they experience their

housing situation. Research designs could focus on those categories that were identified in Chapter 5 as having a higher chance of having a temporary renting contract, such as students, internal and international in-movers, and those who had to leave their previous home because of termination of the contract. Furthermore, the impact of the condition of the home, in terms of the state of maintenance and the affordability of the home, on the experience of precarious housing could be explored and would enrich our knowledge of the challenges of living in homes in need of repairs, or of having your rents raised sharply, or how these problems sometimes combine. Finally, most of the extensive suggestions for possible fruitful avenues for future quantitative and qualitative research, made in Chapter 3 (and summarised there in table 3.3) are still valid.

This thesis also hopes to *advise Dutch politicians and policy makers*. A first policy recommendation concerns the considerable speed at which reforms of the rental sector are accumulating (Chapter 4). This rapid succession of reforms cannot be the result of evidence-based policy making, since there is simply not enough time between reforms to objectively assess and evaluate the impact of the previous reform. Moreover, the reforms inevitably overlap, reinforce and interfere with each other, making it very difficult to understand their cumulative and aggregate impact. To get a better grip on what exactly is happening in the rental market, it is therefore strongly recommended that the Dutch government, for several years, refrains from undertaking any further significant widening reforms. This will give much-needed time to rigorously evaluate the developments of the past few years.

Secondly, and relatedly, I advise policy-makers to base their policies on evidence rather than conjecture. As discussed in Chapter 2, much policy around rental policy seems to be an articulation of how things should be – or a repetition of how things are claimed to be – rather than an understanding of how things are on the ground. This makes it very difficult to understand, scientifically, where evidence-based policy stops and aspirational, normative policy begins. In any case, I propose that the government undertakes extensive quantitative and qualitative research in order to more comprehensively document the experiences of renters in the Dutch market, also for instance regarding lack of maintenance, so that policy can be based on this.

Finally, and most importantly, after having studied the precari-  
sation of the Dutch rental sector for a considerable amount of time,  
I cannot refrain from giving as the *main policy advice to rescind all laws  
allowing temporary rent in the Netherlands*. It bears stressing that until  
recently (or perhaps still) the strength of the Dutch rental sector was  
that it was not residualised and that it offered ontological security  
almost comparable to that of owner-occupied housing for a large sec-  
tion of the population. This strength is now rapidly being dismantled,  
while it cannot easily be repaired. Once it is gone, it will be too late.

**7.5 Conclusion: An increasingly insecure tenure - The continuing  
precarisation of the Dutch rental housing market**

In the introduction I have discussed the transformative policies which  
over the last decades have reduced the size of the Dutch rental sector in  
favour of home-ownership and, within that shrinking rental sector,  
sought to allocate an increasing share of it to target groups and to  
gradually weaken the protections afforded to tenants. This erosion of  
the regulated housing stock is unlikely to abate. For example, the deci-  
sion by the Dutch government to maintain the so-called liberalisation  
threshold for rental housing at 710 euro per month between 2015 and  
2019, while at the same time allowing the euro-value of points (which  
are used to determine rent levels) to increase annually beyond inflation  
(Dutch government 2019), has meant that ever more dwellings from one  
year to the next fell, by virtue of this bureaucratic construction, into  
the deregulated sector. The general two-year contracts available to pri-  
vate landlords, and the specific five-year contracts that several hous-  
ing corporations are now looking to specialise in, are likely to further  
move the sector away from the traditional permanent rental norm.  
Despite the many changes to renting policy in recent years, not many  
politicians actively advocate liberalising all the rental stock, includ-  
ing existing permanent rental contracts. Partially this has been the  
result of a political logic which has sought to spare existing tenants  
from the full force of deregulatory reforms. However, is this consen-  
sus now breaking down? Has another tipping point been reached? A  
change seems to be coming. In June 2018, 23 Dutch housing corpora-  
tions presented a manifesto to the Dutch Minister of Housing (*Mani-  
fest 2018*, see *Pleidooi 2018* for a counter argument). They argue that they

**Table 7.1**

<b>Proposed changes to income entry conditions for renting housing with regulated rent from housing corporations, June 2019<sup>5</sup></b>			
<b>NOW</b>		<b>PROPOSED</b>	
Type of household	Gross annual income in euro	Type of household	Gross annual income in euro
80% of stock needs to go to households households with incomes	< 38,035	100% of all stock needs to go to households with income under the new limits:	
10% of stock can go to households with income	< 42,436	1-person household	< 35,000
10% of stock can go to households with any income	no limit	2- or more person household	< 42,000

can house people in a more fitting and more cost-effective manner if  
the system of regulation of starting rents and annual rent increases is  
replaced by a system whereby household composition and income are  
assessed annually to determine people’s rent. People currently living  
in homes that are deemed too large or too cheap for them, should be  
forced to move through steep annual rent increases, even those with  
low incomes. The Minister responded in June 2019 with a proposal to  
change the law that will be discussed in Parliament in December of this  
year (Minister of the Interior and Kingdom Relations 2019). The core of  
this proposal are more measures of liberalisation and residualisation.  
The income threshold for housing corporation-owned homes will be  
lowered for single person households, excluding more people that live  
alone with a modest income from regulated rental housing, while the  
threshold for couples and families will be increased (table 7.1). The net  
result will be a decline of 8% of the category of households eligible for

**Table 7.2**

**Proposed changes to maximum allowed annual rent increase, June 2019**

	NOW			PROPOSED	
Type of household	Gross annual income	Annual rent increase		Gross annual income	Annual rent increase
	in euro			in euro	
<b>Lower incomes</b>					
<b>1-person household</b>	< 42,436	Inflation + 2.5%		< 45,000	Annual rent increases of 25 euro until a rent of 300 euro per month has been reached, <sup>1</sup> then inflation rate + 2.5%
<b>2 or more person household</b>	< 42,436	Inflation + 2.5%		< 52,000	
<b>Middle incomes</b>					
<b>1-person household</b>	> 42,436	Inflation + 4.0%		45,000- 55,000	Annual rent increases of 50 euro until a rent of 720 euro per month has been reached, <sup>1</sup> then inflation rate + 2.5%
<b>2 or more person household</b>	> 42,436	Inflation + 4.0%		52,000 -74,000	
<b>Higher incomes</b>					
<b>1-person household</b>	> 42,436	Inflation + 4.0%		> 55,000	Annual rent increase of 100 euro until a market conform rent has been reached, <sup>2</sup> then inflation rate + 2.5%
<b>2 or more person household</b>	> 42,436	Inflation + 4.0%		> 74,000	

1 Or when the maximum rent according to the system for valuing homes has been reached, whichever comes first.  
2 In this case, this could be above 720 euro.

homes with regulated rents owned by housing corporations (Aedes & Woonbond 2019), which more than fits the rationale the government put forward in the proposal that “the target group should not become too large” (Minister of the Interior and Kingdom Relations 2019:8). Steep rent increases for middle and higher income households will be allowed, to stimulate them to move out of the regulated sector (table 7.2).<sup>6</sup> This is not too far from the trend towards the reframing of traditional rent protection as a necessary evil that should only be required by the most vulnerable in society, who furthermore (by virtue of their social failure) need to be periodically means-tested to ensure that

they still belong to the target group. Perhaps this scenario sounds far-fetched, but as discussed in section 7.3, it is precisely what is happening to the demoralised social renting sector in England. The danger of such developments is that they seriously undermine ontological security. People need stability and predictability in their living situations in order to thrive. Temporary contracts, precarious housing, means-tested housing, continuous achievement: these all erode that basis.  
How did we get here? There has been no outright, overt attack on the Dutch rental sector. Election manifestos of right-wing parties occasionally hint at dismantling the regulated rental sector, but in the ‘polder’



or compromise model of Dutch politics such claims are not politically realistic. Even now, in 2019, an attempt to liberalise the sector overnight could expect stiff resistance. But such steps have simply not been necessary, as I have demonstrated in this thesis. Next to the physical restructuring, decades of reforms and non-enforcement are fundamentally altering the way people perceive renting and the protections that, at least on paper, are associated with it; the very culture around renting is changing. As touched upon in Chapter 2, rights for tenants are increasingly an abstract construction for the 'other'. They are complicated and scary to obtain in practice, and under these circumstances it is easier to assume that the rights do not apply to you, than to accept your inability to secure these rights. At the same time, and echoing the findings of Chapter 2, many of us are firm advocates of these rights for the weakest in society: but if we, academics and other middle-class professionals with resources and cultural capital, already do not feel empowered to obtain them, why do we assume so automatically that they are being obtained by others? The sector is rife with such cognitive dissonance concerning rights and responsibilities. Quite possibly this will continue for some years to come, until the rights accrued over generations are truly forgotten, or – maybe – until a sharp change in economic or social conditions suddenly changes the terms of the debate. The sudden economic crisis of 2008 yielded the Generation Rent movement in the UK, with dashed aspirations of home-ownership and the precarious reality of renting transforming from a short stage early in the life course to the most likely tenure for the rest of one's life (McKee *et al.* 2017), suddenly putting the topic back on the political agenda (Elgot 2019).

In the meantime, the sad conclusion of this thesis is that, in terms of the precarisation of Dutch housing, the worst is probably yet to come. As matters stand now, I foresee a further progression of the silent shift, which in the end will make renting in the Netherlands an unattractive alternative, but at the same time the only option for those who cannot escape to the more secure tenure of home-ownership. I hope that, in some way, this thesis will help people to understand the relevance and urgency of ontological security in housing, and the negative impact that insecure tenures have on human lives.

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## Notes

- 1 For instance: the tenant has damaged the furniture, the tenant has been convicted for antisocial behaviour or for having been involved in a riot. Furthermore, the government wants to introduce the desire to sell the home as a valid reason for termination. Similarly, the Australian states are looking to replace current leases with longer term leases, rather than making them of unlimited duration and only terminable on restricted grounds (Martin 2018).
- 2 To give an example, due to methodological changes at Statistics Netherlands, the most recent year for which reliable numbers can be found for the absolute number of homes in the four rent classes (presented in table 1.1 in Chapter 1), is 2015.
- 3 WoOn only filters out people who indicate that they are not home-owners but do not pay any rent.
- 4 For instance, a significant number of people answered “a normal renting contract” to the question “what sort of renting contract do you have”, and did not chose the answer category “campus contract”. However, when asked further on in the survey whether they thought they would be obliged to move within the coming two years, they would answer “yes, because when I finish my studies my renting contract will be terminated”.
- 5 Housing corporations are currently obliged to rent out 80% of their dwelling to households with an annual income of less than €38,035. They can rent out 10% of the remaining stock to households with incomes between €38,035 and €42,4368, and another 10% to households with any income above €38,035, including incomes above €42,4368. The government proposes that all housing corporation owned homes with regulated rents should be rented out to those with incomes below the new thresholds of €35,000 and €42,000, newly differentiating between 1- and 2 or more person households.
- 6 In more detail: Landlords should be able to annually raise rents with 50 or 100 euro for households with a middle to high income until a market conform rent level has been reached. In the words of the Minister, such rent increases will be “increasing the incentive to look (after some time) for rental housing outside the regulated segment for such households. [...] To illustrate: in the current system, for a rent of for example € 650 a rent increase of at most € 36.40 (5.6%)

is allowed, raising the rent to € 686.40; with this proposal for a law an increase of € 50 (of 7.7%), raising the rent to € 700 or an increase of € 100 (15.4%), raising the rent to € 750 will be allowed (on the condition that the maximum permitted rental price threshold of the system for valuing housing will not be transgressed).” (Minister of the Interior and Kingdom Relations 2019, no page number, translation mine)

To shrink the remaining stock of very affordable housing that is deemed too cheap, the plan is to allow annual rent increases of 25 euro for rents under 300 euro until a rent level of 300 euro has been reached. The fourth measure proposed is to give tenants the right to request lowering of the rent for at most 3 years. The landlord keeps full discretionary power to grant this request or not. If granted, landlords can afterwards set the rent back at the original (higher) level, and implement rent increases retrospectively for the time the rent was lowered. The background of this measure is complicated, but it will assist landlords that want to force out their tenants after some time by raising rents.



## AFTERWORD

‘Private renting making millions sick in England, poll shows’, was the headline of *The Guardian* newspaper on 15 January 2020. The article continued: ‘Unaffordable rents, poor living conditions and the risk of eviction are causing a quarter of people – about 2.7 million – to feel hopeless while more than 2 million have been made physically ill’.<sup>1</sup> News like this, which shows how poisonously precarious the English rental market has become, reinforces my concerns about the precarisation of the Dutch rental housing market. This is why I am so grateful for having been given the opportunity to do this research.

As always, it starts with Steven, who has been with me every step of the way. He read and commented on the very first incarnation of my research proposal, which I was encouraged to develop by my master tutor, dr. Walter Nicholls. Professor Clara Mulder showed trust in me by selecting me for an Ubbo Emmius position to undertake this research at the University of Groningen. She knows my weaknesses, but consistently helps me to focus on my strengths. Her open mind brought me to my second promotor, professor Louise Meijering, whose keen mind and gentle encouragement stimulated me to greater conceptual clarity.

While conducting this research, I was also deeply involved in developing a secure, affordable and well-maintained grass-roots housing project. The collaboration with many others involved in housing association Soweto and the Nieuwland project has been valuable to me, and it is amazing that together, we pulled it off, and people are actually living and working in what we dreamt up together. Meanwhile, at the Faculty of Spatial Sciences in Groningen, at the Department of Demography, I was surrounded by smart, caring people that research very different topics, but that are united in that they all try to make the world a better place. Liesbeth, Sanne, Hinke, Shirish, Miriam, Mirjam, Ajay, Sepideh, Lei, Eva, Daniel, Billy, Nikoletta, Sergi, Roberta, Karin, Eliza, Nicola, Elda, Jodi, and all other past and present colleagues made working there a pleasure. When I learned that Ori was at the department where I had just obtained a position, I was certain that I would not be without a friend in Groningen. First Jianjun, and later Annaclaudia showed me in different ways how nice it can be to share an office.

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# CURRICULUM VITAE

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## Education

2009 BSc Sociology,  
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 2012 Research Master Social Sciences *cum laude*,  
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## Research

Oct 2013-Oct 2019 Ubbo Emmius Award to conduct PhD research on own research proposal *A Silent Shift: The Precarization of the Dutch Housing Market* at the Population Research Centre, Department of Demography, Faculty of Spatial Sciences, Groningen University. Since 2018 part-time, supervised by prof. dr. Clara Mulder and prof. dr. Louise Meijering.

Jan 2018-Jan 2019 Postdoctoral researcher in the one-year NWO Smart Urban Regions of the Future (SURF) pop-up project *Living Together, Researching Together* at the Housing Management Chair, Department of Management of the Built Environment, Faculty of Architecture and the Built Environment, Delft University of Technology. Supervised by prof. dr. Vincent Gruis and dr. Darinka Czischke.

April 2019- January 2022 Postdoctoral researcher at the Co-Lab research group in Collaborative housing, at the Housing Management Chair, Department of Management of the Built Environment, Faculty of Architecture and the Built Environment, Delft University of Technology. Supervised by prof. dr. Vincent Gruis and dr. Darinka Czischke.

## Publications in international, refereed journals

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## Recent miscellaneous publications (selection)

Huisman, C. J. (2017) Editorial: '1967'. *Rooilijn* 50(2). <http://archieff.rooilijn.nl/home?issue=05002>.

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Huisman, C. J. (2019) 'Top-down Collaborative Housing?' Blog on the Co-lab website, May, <https://co-lab-research.net/2019/05/06/1290/>.

## Recent invited public presentations (selection)

'All Flex' documentary on precarisation of housing by Abel Heijkamp & Julij Borštnik. Input for the documentary, onscreen appearance, answering questions from the audience at several screen-



ings together with the filmmakers, 2016. <http://thefutureofwork.eu/?p=19>

‘Huren wordt steeds precairder- Implicaties van en voor beleid’. Presentation Lunchseminar Planbureau voor de Leefomgeving, Den Haag 29 June 2017.

‘Living Together, Researching Together’. Project presentation NWO Surf Pop-Up Meeting Utrecht 9 April 2018 & 4th VerDuScongres SURF in de Regio Amersfoort 29 November 2018.

‘Collective self-organisation in housing: the Dutch case’ Presentation at the international seminar on ‘Collaborative Housing’ in Amsterdam, 22 November 2018.

‘Tackling exclusion through co-housing refugees together with local tenants’. Presentation at the policy conference of the European Federation of National Organisations Working with the Homeless (FEANTSA), 31 May 2019, Porto, Portugal.

‘How to manage self-management? – On the cooperation between self-organised tenants and housing corporation professionals in a mixed Dutch-refugee housing project’, paper presented at the conference of the European Network of Housing Researchers (ENHR), August 2019, Athens, Greece.

‘Tijdelijke huurcontracten boeken terreinwinst op de huurwoningmarkt’. Interview met Carla Huisman, door Johan van de Beld, November 2019. *Corporatiegids* 3 15-17.

#### **Miscellaneous activities**

2005- now	Chairwoman of Housing Association Soweto
2007- now	Editor, since 2013 managing editor, of Rooilijn, magazine for science and policy in spatial planning

## ENGLISH SUMMARY

# INSECURE TENURE

## THE PRECARISATION OF RENTAL HOUSING IN THE NETHERLANDS

Secure housing is important for people's well-being. Uncertainty about if and when you will need to leave your home has a negative effect on ontological security, the psychological stability that people need to live a meaningful life. Home-ownership and permanent renting contracts offer more protection against insecurity than temporary leases. Such leases either end automatically at a certain moment, or might be terminated by the landlord at a moment beforehand unknown to the tenant, while the tenant has no agency to prevent this, i.e. the termination is not due to rent arrears or other violations of the contract. Affordability and state of maintenance are two other factors influencing security of housing. If tenants cannot afford the rent anymore, as a result of steep rent increases, their housing situation will become insecure. Likewise, when homes fall in a state of serious disrepair, they offer less security.

The main question of this thesis is whether rental housing in the Netherlands, over the last twenty years, has become less secure. There is ample anecdotal evidence of such a trend, but no scientific research has, so far, been undertaken. Given the importance of secure housing for people's well-being, and the ongoing deregulation of the rental market in the Netherlands, such research is urgent and relevant. This research takes a first step in closing this knowledge gap, by searching for answers to the question: *to what extent is Dutch rental housing becoming less secure, or, in other words, more precarious, and how does this precarisation manifest itself?*

In Chapter 1, entitled *Has Rental Housing Become Less Secure in the Netherlands, and Why Does This Matter?*, which is the introduction of the thesis, I sketch the contours of recent Dutch housing policy. While throughout almost all of the twentieth century the majority of Dutch households

rented, from the early 1990s onwards the idea that dwellings with a regulated rent ('social housing') should only be for the minority of people who could not fend for themselves on the free market became dominant. This resulted in changes in the regulations concerning renting. Subsequently landlords have been able to convert many dwellings with a regulated rent into dwellings with an unregulated rent. At the same time, the rent levels of the remaining regulated stock have become progressively higher.

These developments can be explained through the context of current Dutch politics, which are based on meritocratic and neoliberal ideologies. The core idea of meritocracy is that a society is just when social-economic positions are based on personal achievements. That everybody has equal opportunities for self-development, starting with equal opportunities in education is deemed a necessary condition in the meritocratic ideology.

Neoliberalism contends that society best functions through an unfettered free market with the role of government restricted to ensuring a level playing field. It is a natural extension of the meritocratic idea that housing should reflect earned social-economic status, while from a neoliberal standpoint the best way to create and distribute housing is through market mechanisms.

The ongoing liberalisation of the Dutch rental housing market, according to the combined meritocratic neoliberal ideology, is resulting in ongoing precarisation, I argue. The abolishing of protection for tenants in terms of security of tenure, rent increases and maintenance is eroding ontological security. Although those with the least resources are impacted most, the changes in policy affect not only disadvantaged groups, but everybody. Looking at evidence from the United Kingdom, where the introduction of temporary leases quickly resulted in them becoming the norm, combined with the first corroboration from the Netherlands, I contend that current Dutch housing policy is stigmatizing renting. One of the recurring themes of this thesis is that many incremental steps have a cumulative effect, leading to unintended consequences. Policy makers do not set out to discipline and punish renters, but the combined effect of all the policy measures is a strong message: *You should not be renting at all.*

In Chapter 2, *Non-Enforcement as a Technique of Governance: The Case of Rental Housing in the Netherlands* I query what the meaning is of a sit-

uation in which regulations do not work in practice, but which are presumed/asserted to work in the accompanying political discourse. This chapter also provides a background into the workings of Dutch housing regulations concerning the main elements of rental security, namely regulation of starting rent levels and annual rent increases, (lack of) maintenance and termination of tenancies. Through analysing political and bureaucratic documents, and drawing on my previous ethnographic research, I argue that non-enforcement of regulations can function as a policy mechanism in its own right, as a method to secure and transmit the objectives of government in a more subtle way than an explicit, top-down exertion of power. As such, non-enforcement constitutes one of the main mechanisms behind renting in the Netherlands becoming less secure.

*Chapter 3, A Silent Shift? The Precarisation of the Dutch Rental Housing Market* focuses on the specific element of termination of tenancies. The chapter investigates why the rise of temporary rent in the Netherlands has thus far failed to stimulate any societal debate, systematically reviews the scarce available evidence and proposes a research agenda in order to find out how much non-permanent renting is going on, and also why.

I took up this challenge of research into non-permanent housing in *Chapter 4, Temporary Tenancies in the Netherlands: From Pragmatic Policy Instrument to Structural Housing Market Reform*. Here, I probe into how the shift has come about. To answer this question, I analysed policy documents, media content and parliamentary archives. I conclude that a period of slow bureaucratic expansion led to a tipping point. Once this was reached, temporary tenancies were no longer seen as solutions for specific problems, but had become viewed as a desired goal in themselves.

*Chapter 5* addresses another important problem identified in the research agenda. The questions are contained in its title: *Insecure Tenure in Amsterdam: Who Rents with a Temporary Lease, and Why?* The goal of the chapter, which is co-authored with Clara Mulder, is to gain insight into the characteristics of those living with temporary tenancies and also to provide a baseline to be able to assess the shift towards more temporary leases empirically over the coming years. We employ the WIA dataset (Wonen in Amsterdam; *Housing in Amsterdam*), based on a biannual

survey amongst a sample of Amsterdam households, for multinomial logistic regression analysis. We find that the majority of young adults in the age category 18-23 years in Amsterdam have a temporary contract. Also students and those with a Western migration background have a higher chance of having a temporary lease, as well as people who had to move from their previous home because their lease was terminated or had become too expensive.

Indeed, precarious rental arrangements may result in forced moves, or displacement. But displacement also occurs to tenants with (seemingly) more secure tenancies. As part of a national policy for urban renewal, in Amsterdam between 1997-2015 many renters of affordable rental housing were forced to leave their homes because of policies of state-led gentrification. In *Chapter 6, entitled Displacement Through Participation* I focus on how such displacement was being legitimized. Based on extensive ethnographic fieldwork, I conclude that citizen participation provides government a platform to impose its views in a context of severe power asymmetries, while alternatives are marginalised and dissent is disciplined.

In the conclusion; *Chapter 7, The Precarisation of Rental Housing in the Netherlands*, I return to the central research question of this thesis: *To what extent is Dutch rental housing becoming more precarious, and how does this manifest itself?* It will not surprise the reader that, based on the preceding chapters, I do think that Dutch renting is becoming precarious to a significant extent. The successive introductions of new temporary contract forms goes very quickly (Chapters 3 & 4), as do the continuous steep rent increases and the increases of starting rents (Chapter 1). Rules on security of tenure, rent ceilings and maintenance are in theory still strong, but in practice knowledge of these regulations is almost non-existent, and enforcement is so weak that the rules have become largely meaningless (Chapter 2). An explicitly ideological discourse has been evident since 2013, in which temporary tenancies are now championed as a catalyst for structural housing market reform (Chapter 4). Empirical evidence shows that the majority of young adults in Amsterdam has a temporary renting contract, rather than a permanent one or being an owner occupier (Chapter 5).

I argue that this process of increasing precarity of the Dutch rental sector, or in other words, precarisation, manifests itself simultaneously

through three processes. The most concrete, easily identifiable process is *the increasing widening of the situations in which temporary rental contracts are legally permitted*. Chapter 4 charts how in the last two decades the repeated use of temporary contracts as a technical instrument to solve unrelated problems in the housing market created increasingly many exceptions to the permanent rental norm. This created a momentum that in 2016 yielded the introduction of the unconditional two-year temporary contract. This constituted the first unconditional departure from the permanent rental norm in modern Dutch political history, and it is a departure that I myself had not anticipated when I started this research.

The process of legal widening is easier to observe than the second process, that of *non-enforcement of regulations*. This concerns the situation that the daily reality of renting in the Netherlands does not match the reality that policy-makers and politicians assume/declare exists. Although protection of tenants in the Netherlands should, in theory, still be quite strong, to a large extent this is not enforced. Many tenants and landlords are completely unaware of the rules. At the same time, the idea perpetuates that renters in the Netherlands enjoy outstanding, and possibly too much, protection. This paradoxical duality leads to a situation in which renters are deemed to be responsible for securing their rights themselves, which in practice turns out to be very difficult or even impossible. This contributes strongly to renting becoming less certain and undermines ontological security.

The third process of precarisation concerns the *overt discursive shift against renting in recent decades* or, expressed differently, the changing moral connotations attached to renting. After decades of stimulating home-ownership and putting emphasis on the point that “housing associations should return to focussing on their core task”, renting is increasingly seen as something negative. Renting is framed as something that you should only encounter briefly in your life, as a step towards buying a house. Long-term renting is reserved only for poor people, or those that for some other reason belong to another ‘problem group’. In this way, a social rental home becomes a form of welfare benefit.

It is likely that these three processes influence and strengthen each other: the legal widening might lead to changes in the daily reality of renting and the discourse surrounding renting, while the shifting discourse around renting drives, for example, further legal widening.

More research into the increasing precarisation of renting in the Netherlands is urgently needed, both at scientific and policy level. At the moment, for example, there is no attempt to keep track of how many temporary renting contracts there are in the Netherlands. The ongoing widening of the situations in which temporary renting is permitted occurs at such a rapid tempo, with each reform quickly followed by another, that it is not possible to claim that changes in the law are based on any rigorous evaluation. Until recently the strength of the Dutch rental sector was that it offered almost as much security as buying a house. However, this strength is now being rapidly eroded – and it will not be easy to reverse this situation once it is too late. Rescinding recent regulatory relaxations, in particular the two-year temporary contract, would be a step in the right direction.

For now, the sad conclusion of this thesis is that, in terms of the precarisation of Dutch housing, the worst is probably still to come. I anticipate that the silent shift will continue, with the result that renting will become an unattractive alternative, but at the same time the only housing option for those who do not have the possibility of escaping to the greater security of buying their own home. I hope that, one way or the other, this thesis helps people to understand the importance and urgency of housing security, and to appreciate the impact of insecure tenure on people.

# NEDERLANDSE SAMENVATTING

## ONZEKER WONEN

### DE PRECARISATIE VAN HET HUREN IN NEDERLAND

Zeker wonen is belangrijk voor het welzijn van mensen. Onzekerheid over of en wanneer je je huis uit moet heeft een negatief effect op de bestaanszekerheid, de psychische stabiliteit die mensen nodig hebben om een zinvol leven te leiden. Koopwoningen en vaste huurcontacten bieden meer bescherming tegen onzekerheid dan tijdelijke huurcontacten. Dat laatste zijn contracten die automatisch eindigen op een vastgesteld moment, of contracten die door de verhuurder opgezegd kunnen worden op een moment dat vastgesteld niet bekend is bij de huurder. De huurder heeft geen mogelijkheid zo'n opzegging te voorkomen, in de zin dat de opzegging niet het gevolg is van een langdurige huurachterstand of andere vormen van serieuze contractbreuk. Betaalbaarheid en staat van onderhoud zijn de twee andere factoren die de zekerheid van het wonen beïnvloeden. Als huurders de huur niet meer kunnen betalen als gevolg van zeer grote huurverhogingen, dan wordt hun woonsituatie onzeker. Ook woningen die kampen met ernstig achterstallig onderhoud bieden minder zekerheid.

De hoofdvraag van dit proefschrift is of huren in Nederland in de laatste twintig jaar onzekerder is geworden. Er zijn behoorlijk wat aanwijzingen voor zo'n trend, maar tot nu toe is er nog geen wetenschappelijk onderzoek naar gedaan. Omdat zekerheid in wonen belangrijk is voor het welzijn van mensen, en gezien de voortdurende deregulatie van de Nederlandse huurmarkt, is zulk onderzoek urgent en relevant. Dit onderzoek zet de eerste stap in het dichtmaken van dit hiaat in onze kennis, door te zoeken naar antwoorden op de vraag: in hoeverre wordt huren in Nederland minder zeker, of in andere woorden meer precair, en hoe manifesteert deze precarisatie zich?

In Hoofdstuk 1, getiteld *Is huren in Nederland onzekerder geworden,*

*en waarom doet dit ertoe?*, de inleiding van het proefschrift, wordt de context van het recente Nederlandse huisvestingsbeleid geschetst. Terwijl gedurende bijna de gehele twintigste eeuw de meerderheid van de Nederlanders huurde, is vanaf het begin van de jaren negentig het idee leidend geworden dat woningen met een gereguleerde huur ('sociale huurwoningen') alleen bestemd moeten zijn voor een kleine groep mensen die zich niet op de vrije markt kunnen redden. Hieruit vloeide aanpassing van de regels omtrent huren voort. Dit zorgde ervoor dat verhuurders veel woningen met een gereguleerde huur hebben kunnen omzetten in woningen met ongereguleerde huren. Ook de huren van de overblijvende gereguleerde huurwoningen worden steeds hoger.

Deze ontwikkelingen hangen samen met de huidige Nederlandse politiek, die gebaseerd is op het meritocratische en neoliberale gedachtengoed. In een meritocratie wordt het gezien als rechtvaardig wanneer maatschappelijke posities worden gebaseerd op prestaties. De randvoorwaarde hierbij is dat kansen voor zelfontwikkeling gelijk zijn voor iedereen, om te beginnen door gelijke onderwijskansen. Neoliberalisme gaat ervan uit dat de maatschappij het meest gediend is bij een vrije markt, waarbij de overheid alleen ingrijpt om ervoor te zorgen dat de randvoorwaarden voor alle partijen gelijk zijn. Het ligt in het verlengde van het meritocratische idee dat de woonsituatie de verdiende sociale status moet weerspiegelen, terwijl vanuit neoliberaal oogpunt woningen het best gebouwd en verdeeld kunnen worden door het marktmechanisme.

Ik beargumenteer dat de voortdurende liberalisatie van de Nederlandse huurmarkt, aan de hand van de gecombineerde meritocratische en neoliberale ideologie, resulteert in voortdurende precarisatie. Het afschaffen van bescherming voor huurders op het gebied van huuropzegging, huurverhoging en onderhoud ondergraaft de bestaanszekerheid. Alhoewel de mensen die het minste hebben het hardst getroffen worden, treft het veranderende beleid iedereen, niet alleen achterstandsgroepen. Als we kijken naar hoe het in het Verenigd Koninkrijk is gegaan, dan zien we dat de introductie van tijdelijke huurcontracten er snel in resulteerde dat ze de norm werden. Wanneer we dit inzicht combineren met de recente ervaringen in Nederland, dan stel ik vast dat het huidige Nederlandse woon-

beleid huren stigmatiseert. Een van de terugkerende thema's in dit proefschrift is dat veel kleine weinig betekenende stapjes samen een cumulatief effect hebben, wat leidt tot onbedoelde gevolgen. Beleidsmakers maken niet bewust plannen om huurders te disciplineren en te straffen, maar het gecombineerde effect van alle beleidsmaatregelen samen leidt toch tot een duidelijke boodschap: *Je zou helemaal niet moeten huren.*

In Hoofdstuk 2, *Niet-handhaven als een techniek om te besturen, de casus van het huren in Nederland*, kijk ik wat het betekent wanneer regels in de praktijk niet werken, maar waarvan het wordt aangenomen/gesteld dat ze werken in de bijbehorende politieke discussie. Dit hoofdstuk geeft ook inzicht in de werking van de Nederlandse regelgeving die betrekking heeft op de belangrijkste onderdelen van de huurbescherming, namelijk het begrenzen van de hoogte van de huur bij aanvang van het contract, jaarlijkse huurverhogingen, (achterstallig) onderhoud en opzegging van de huur. Door het analyseren van politieke en beleidsdocumenten, en op basis van mijn eerdere etnografische onderzoek, stel ik vast dat het niet handhaven van regels functioneert als een op zichzelf staand beleidsmechanisme, als een manier om de doelstellingen van de overheid te waarborgen en over te brengen op een meer subtiële manier dan expliciete machtsuitoefening van bovenaf. Op die manier vormt het niet-handhaven een van de voornaamste mechanismes die ervoor zorgen dat huren in Nederland onzekerder wordt.

Hoofdstuk 3 heet *Een stille verschuiving? De precarisatie van de Nederlandse huurmarkt* en focust op het specifieke onderdeel van het beëindigen van huurcontracten. Het hoofdstuk onderzoekt waarom de opmars van de tijdelijke verhuur van woonruimte in Nederland tot nu toe niet heeft geleid tot enig maatschappelijk debat, bespreekt de weinige wel aanwezige gegevens en stelt een onderzoeksagenda voor om uit te vinden hoe vaak precair huren voorkomt, en waarom.

Ik nam zelf het voortouw in het uitvoeren van deze agenda in Hoofdstuk 4 *Tijdelijke huurcontracten in Nederland: van pragmatisch beleidsinstrument tot structurele woningmarkthervorming*. Hier probeer ik erachter te komen hoe de verschuiving naar tijdelijke huurcontracten tot stand is gekomen. Om deze vraag te beantwoorden, heb ik beleidsdocumenten, media-uitingen en parlementaire archieven

geanalyseerd. Ik concludeer dat een periode van langzame technocratische uitbreidingen tot een omslagpunt leidde. Toen dit eenmaal was bereikt, werden tijdelijke huurcontracten niet langer gezien als oplossingen voor specifieke problemen, maar werden ze als een aantrekkelijk doel op zichzelf beschouwd.

Hoofdstuk 5 gaat aan de slag met een ander belangrijk probleem dat in de onderzoeksagenda werd geïdentificeerd. De vragen zijn vervat in de titel: *Onzeker wonen in Amsterdam: wie huurt er met een tijdelijk huurcontract, en waarom?* Het doel van het hoofdstuk, dat ik samen met Clara Mulder schreef, is om inzicht te krijgen in de kenmerken van mensen die met een tijdelijk contract huren, en ook om te voorzien in een nulmeting teneinde de verschuiving naar meer tijdelijke huurcontracten over de tijd empirisch te kunnen vast te stellen. We gebruiken de WIA dataset (Wonen in Amsterdam), die gebaseerd is op een tweejarige enquête onder een steekproef van Amsterdamse huishoudens, voor multinomiale logistische regressieanalyses. Het blijkt dat de meerderheid van de jongvolwassenen in de leeftijdscategorie 18-23 jaar in Amsterdam een tijdelijk huurcontract heeft. Ook studenten, mensen met een Westerse migratieachtergrond en mensen die moesten verhuizen omdat hun vorige woning te duur was of omdat hun huurcontract werd opgezegd, hebben een grotere kans op een tijdelijk huurcontract.

Precaire huurovereenkomsten kunnen resulteren in gedwongen verhuizen. Maar gedwongen verhuizen overkomt ook huurders met (schijnbaar) zekerder contracten. In Amsterdam, tussen 1997 en 2015, werden veel bewoners van betaalbare huurwoningen uit hun huis gedreven door het beleid van overheidsgestuurde gentrificatie, in goed Nederlands ook wel veryupping genoemd, wat onderdeel was van het landelijke stedelijke vernieuwingsbeleid. In Hoofdstuk 6, genaamd *Gedwongen verhuizen door inspraak*, focus ik op hoe zulke gedwongen verhuizingen werden gelegitimeerd. Ik concludeer, gebaseerd op uitgebreid etnografisch veldwerk, dat burgerparticipatie bestuurders voorziet van een platform om hun standpunt op te leggen, in een context van grote machtsasymmetrieën, terwijl alternatieven worden gemarginaliseerd en tegenstand wordt gedisciplineerd.

In de conclusie; Hoofdstuk 7 *De precarisatie van het huren in Nederland*, keer ik terug naar de onderzoeksvraag; *in hoeverre wordt huren in*



Nederland minder zeker, of, in andere woorden meer precair, en hoe manifesteert deze precarisatie zich? Gebaseerd op de voorgaande hoofdstukken, zal het de lezer niet verbazen dat volgens mij huren in Nederland in belangrijke mate meer precair wordt. De opeenvolgende invoering van telkens nieuwe tijdelijke contractvormen gaan zeer snel (Hoofdstukken 3 en 4), evenals de aanhoudende stijgende huurverhogingen en de stijgingen van de aanvangshuren (Hoofdstuk 1). Regels voor de huurbescherming, huurplafonds en onderhoud zijn in theorie nog steeds sterk, maar in de praktijk komt kennis van de regelgeving vrijwel niet voor en de handhaving is zo zwak dat de regels grotendeels betekenisloos zijn geworden (Hoofdstuk 2). Sinds 2013 is een expliciet ideologisch vertoog aanwezig, waarin tijdelijke huurcontracten nu worden verdedigd als aanjager van structurele hervorming van de huizenmarkt (Hoofdstuk 4). Empirisch bewijs toont aan dat de meerderheid van de jonge volwassenen in Amsterdam een tijdelijk huurcontract heeft, in plaats van een permanent contract of eigenaar van een woning (Hoofdstuk 5).

Ik stel dat dit proces van toenemende precariteit van de Nederlandse huursector, oftewel precarisatie, zich tegelijkertijd manifesteert door drie processen. Het meest concrete en makkelijk te herkennen proces is dat van de *voortdurende wettelijke verruiming van de mogelijkheden van tijdelijke verhuur*. Hoofdstuk 4 legt vast hoe in de afgelopen decennia het veelvuldig gebruik van tijdelijke huurcontracten als een technisch beleidsinstrument voor het oplossen van verschillende problemen op de woningmarkt, leidde tot steeds meer uitzonderingen op de norm van het vaste huurcontract. Dit leidde tot een stroomversnelling, waardoor in 2016 het tijdelijke huurcontract voor twee jaar werd ingevoerd, waar geen beperkende voorwaarden aan verbonden zijn. Dit vormde de eerste generieke afwijking van de norm van het vaste huurcontract in de moderne Nederlandse geschiedenis, en dit was een ontwikkeling die ik zelf niet had voorzien toen ik aan dit onderzoek begon.

Dit proces van de wettelijke verruiming is makkelijker te observeren dan het *tweede proces*, dat van het niet handhaven van regels. Hierbij gaat het erom dat de dagelijkse realiteit van het huren in Nederland niet overeenkomt met hoe beleidsmakers en politici aannemen/stellen dat deze eruit ziet. Alhoewel de Nederlandse huurbescherming in

theorie nog vrij sterk zou moeten zijn, wordt deze op zeer grote schaal niet nageleefd. Veel huurders en verhuurders zijn in het geheel niet op de hoogte van de regels. Tegelijkertijd wordt het idee dat huurders in Nederland uitstekend of misschien zelfs te veel beschermd worden in stand gehouden. Deze paradoxale situatie leidt ertoe dat huurders zelf verantwoordelijk worden gehouden voor het veilig stellen van hun huurrechten, wat in de praktijk zeer moeilijk tot onmogelijk blijkt te zijn. Dit draagt sterk bij aan het onzekerder worden van het huren en bedreigt de bestaanszekerheid.

Het *derde proces* van precarisatie is de *openlijke discursieve verschuiving* van de recente decennia waarbij de publieke opinie zich steeds meer *tegen het huren* keert, oftewel de veranderde morele connotatie van het huren. Na decennia van stimuleren van het eigenwoningbezit, en het benadrukken dat 'woningcorporaties zich weer zouden moeten gaan toeleggen op hun kerntaak', wordt huren in toenemende mate gezien als iets negatiefs. Huren wordt neergezet als iets waar je maar kort mee te maken zou moeten hebben, als een stap in de richting van het kopen van een huis. Alleen mensen die arm zijn, of op een andere manier tot een 'probleemgroep' behoren zouden nog langdurig moeten huren. Een sociale huurwoning verwordt zo tot een soort uitkering. Het ligt voor de hand dat de drie verschillende processen elkaar beïnvloeden en versterken: de wettelijke verruiming leidt tot verandering in de praktische realiteit en het vertoog rondom huren, terwijl dat laatste op zijn beurt weer de wettelijke verruiming kan aanjagen.

Meer onderzoek naar het onzekerder worden van het huren in Nederland is dringend nodig, zowel op wetenschappelijk gebied als op beleidsniveau. Op het moment wordt bijvoorbeeld nergens bijgehouden hoeveel tijdelijke huurcontracten er in Nederland zijn. De verruiming van de mogelijkheden voor tijdelijke verhuur volgen elkaar in zo'n rap tempo op, dat het niet mogelijk is dat de wetswijzigingen gebaseerd zijn op enige grondige evaluatie. De kracht van de Nederlandse huursector was tot voor kort dat deze bijna evenveel bestaanszekerheid bood als de koopmarkt. De afgelopen jaren wordt deze kracht echter snel afgebroken- en het zal niet makkelijk zijn om dit weer terug te draaien wanneer het eenmaal te laat is. Het teruggedraaien van de recente verruiming, zeker de invoering van het generieke tijdelijke huurcon-

tract van twee jaar, zou een stap in de goede richting zijn.

Voor nu is de trieste conclusie van dit proefschrift, dat wat betreft het onzekerder worden van het huren in Nederland, het ergste waarschijnlijk nog moet komen. Ik voorzie dat de stille verschuiving zal doorgaan, waardoor huren een onaantrekkelijk alternatief wordt, maar tegelijkertijd de enige optie voor diegenen die niet de mogelijkheid hebben om te ontsnappen naar de grotere zekerheid van een koopwoning. Ik hoop dat op de een of andere manier, dit proefschrift mensen helpt het belang en de urgentie van bestaanszekerheid in het wonen in te zien, en de impact van onzeker huren op het leven van mensen te begrijpen.

**Colophon****INSECURE TENURE****The Precarisation of Rental Housing in the Netherlands**

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Secure housing is important for people's well-being. Uncertainty about if and when you will need to leave your home has a negative effect on ontological security, the psychological stability that people need to live a meaningful life. This thesis answers the question whether rental housing in the Netherlands, over the last twenty years, has become less secure. Several developments point to Dutch renting becoming precarious to a significant extent. The successive introductions of new temporary contract forms advance very quickly, as do the continuous steep rent increases and the increases of starting rents. Rules on security of tenure, rent ceilings and maintenance are in theory still strong, but in practice knowledge of these regulations is almost non-existent, and enforcement is so weak that the rules have become largely meaningless. Empirical evidence shows that the majority of young adults in Amsterdam has a temporary renting contract, as opposed to having a permanent one, or being an owner occupier. Until recently the strength of the Dutch rental sector was that it offered almost as much security as buying a house. However, this strength is now being rapidly eroded – and it will not be easy to reverse this situation once it is too late.

Carla Huisman finished the Research Master in the Social Sciences at the University of Amsterdam *cum laude*. She obtained an Ubbo Emmius position to conduct her research proposal A Silent Shift, which resulted in this thesis, at the Department of Demography at the Faculty of Spatial Sciences of the University of Groningen. Currently, she works as a postdoctoral researcher at the Department of Management in the Built Environment, at the Faculty of Architecture at the Technical University Delft.