

# Homelessness prevention in the context of evictions in Romania

Adrian-Nicolae Dan<sup>a\*</sup>

<sup>a</sup> University of Bucharest, Bucharest, Romania

---

## Abstract

This paper provides a comprehensive description of the phenomenon of homelessness prevention in the context of evictions in Romania. The article defines and details the type of immovable property in Romania, the type of dwelling, residence, the level of loans and mortgages, and the conditions of eviction. Later, a presentation of the legislation in our country in the field of housing is made, by reviewing the normative acts that regulate this sector. Furthermore, it is detailed the extent of "soft law" measures in relation to evictions in Romania. In the last part of the material are analysed the risk factors and eviction leading to homelessness.

**Keywords:** *housing eviction; homelessness; social housing; poverty; social exclusion.*

---

## 1. Housing stock and housing eviction

Romania's housing sector is characterized by a massive fraction of private ownership (98%) but also by housing shortage affecting mostly the poor population and young people/ families. Up to 2008 Romania recorded very high prices for both old and new built dwellings, high prices of urban private rent. After 2008 even the prices for houses decreased by half, the access to housing for the vast majority of population is still problematic, due to decrease in incomes and consequently difficult access to buy or contract a mortgage loan, or lack of social housing. At the end of 2017 the housing tenure structure in Romania was:

- Social housing/ public property: 1.2%
- Owner occupation: 98.8%, from which:
  - o Market rental housing (official / registered data): 0.4%
  - o Unofficial private rental: 7%

In urban area, 98.2% are owner-occupation, while in rural area 99.5%. The social housing stock is insignificant as comparative with huge social segments in need for support / housing, as we will analyse further on.

There are no official aggregated data about overall number of eviction cases across Romania, mainly because of lack of interest of local authorities and weak capacity of local institutional systems to collect such data. As a consequence, paradoxically the main source of information in this area is mass-media which emphasize various case of (mass) eviction, which almost exclusively are happening in (big) cities but not in rural area. Most eviction cases are due to accumulated debts associated with public utilities – it is the case of families (home owners mostly, but also social rental and very seldom

---

\*Adrian-Nicole Dan. Tel.: 004 0731–700–460. E-mail address:  
[adrian.dan@sas.unibuc.ro](mailto:adrian.dan@sas.unibuc.ro).

private rental) living in block of flats / multistory building. There are also cases of eviction of families which abusively occupied plots of public/ private land, building shacks, as well as dilapidated buildings in big cities.

Two main factors are responsible for evictions: a) poverty and consequently the lack of capacity of affected people to pay for rent/ utilities/ maintain a dwelling and b) deficit of social housing. Urban local authorities have an insignificant stock of social housing, which did not increase in the last 20 years but decreased. Due to the fact that private rental is mostly hidden (even regulated) there are no solid information about eviction in this sector, but it seems that the evicted tenants are sometimes victims of one-sided decision of owners to quit the mutual contract of tenancy. In addition the high cost of public utilities is worsening the situation of some groups. Among the groups with significant housing problems (including evictions) is Roma population.

Access to housing being a fundamental human right, that means every form of denial of this right (not only the non-inclusion of certain provisions and fundamental rights in specific legislation but especially non-intervention by non-developing social programs and measures to eradicate/ diminish homelessness and improve the living conditions of those living in poor conditions) serious harm them, leading to marginalization and social exclusion, the drastic reduction of the capacity of the individuals to be inserted into normal social circuit on their own.

## **2. Housing as a fundamental right**

Even if within Romanian Constitution (2003) the housing as a fundamental right it is not explicit stipulated, there are some Laws and international conventions that Romania signed guaranteeing housing protection & rights. In a FRA/ RAXEN report done in 2009 by Delia Nita (Nita 2009), the protection of the right to adequate housing is described as follows: “*According to the Romanian Constitution, treaties ratified by Parliament become part of the national legislation without the need for further legislation and, when they concern human rights, they take precedence over national legislation unless the national legislation is more favorable. [...] Romania has signed and ratified the European Social Charter but does not recognize the collective complaints procedure. In addition, Romania has not ratified Article 31 of the ESC concerning the right to housing.*” (Nita 2009, p. 6)

Romanian Constitution stipulates only generally the “right to private property” (Romanian Constitution, art. 44) which is “*equally guaranteed and protected by the law, regardless of titular*” but not specifically the right to housing. Also within article 47 regarding the “standard of living” it is stipulated that “*it is compulsory for the State to undertake measures of economic development and social protection, to ensure the citizens' a decent standard of living*” nominating explicitly that the citizens have the right to pension, paid maternity leave, medical assistance within public units, unemployment allowance and social assistance but not nominating housing.

In Romanian law, the right to housing is described and provided by “Housing Law” 114/1996 with subsequent amendments. This act regulates the social, economic, technical and legal aspects of building and usage of dwellings. Also the “Law on preventing and combating social exclusion” 116/2002 stipulates some measures related to housing.

“*Housing Law*” 114/1996 has as base principle stipulating that the “free and unrestricted access to housing is a right of every citizen” [...] as well as “making housing is a major objective of national interest in the long term, of central and local

government." The law is defining adequate dwelling and minimal requirements, social dwelling and categories entitled to obtain one. Social housing either comes from the building of new houses, or from the retrofitting of old houses. Beneficiaries of social housing with a view to renting can be families or persons with a monthly net medium income per person, in the last 12 months, under the medium net income from salary for the whole economy. The rent will not be higher than 10 per cent of the monthly net income (art. 44). The beneficiaries are selected by local authorities according to annually established criteria, and in the order of priority established by the law (Nita 2009: pp. 7-9). The New Civil Code (2014) abrogated the whole section about "Housing rent" (art. 21-33). In art. 25 of the 114 Law it was stipulated that in a renting relationship, the tenant can be evacuated only on the basis of a final court decision. The New Civil Code undertone by 1831 article that if the law does not provide otherwise, the tenant eviction is based a final court decision.

The "Law on preventing and combating social exclusion" 116/2002 has an explicit principle stipulating that the social nature of Romanian State enforces to set up specific measures to avoid degradation of living standard and safeguarding the dignity of all citizens. Also the Law stipulates very clear that its purpose is to ensure an effective access, particularly for young people, to elementary and fundamental rights, such as the right to a job, housing, care, education, and to set up measures to prevent and combat social exclusion and mobilizing institutions with attributions in the field. Articles 13, 14 and 15 are regulating specially the right to housing. The most important law article (31) stipulates that the Government is authorized to establish measures necessary to prevent eviction from housing to disadvantaged people who have debts to the associations of tenants / owners. These measures include revision or improvement of procedure for the sale of housing stock, in order to eliminate the possibility of purchasing homes at a much lower price than that charged on the open market situation caused by financial problems faced by the seller (Law no. 116/2002).

Also the 116 law set up measures in order to prevent eviction by supporting payment of debts (for public utilities & rent) of lodger. Thus, depending on income levels established, Local Councils have the obligation to ensure to marginalized individuals and families access to housing and public services of strict necessity such as water, electricity, gas, heating, etc. In order to harness those interventions the local council may conclude agreements with services providers that agrees to pay part of the debts that have individuals and families.

To our knowledge, protection against forced evictions is not very explicit stipulated in other Romanian legislative acts or for the stipulation of alternative accommodation (even the state authorities doing the eviction consider restoring the legality of a situation).

The new Civil Code regulate the relations between owners and tenants, stipulating a fast and simple special procedure for evacuation of occupants. In that it seeks to eliminate obstacles that might delay the resolution of the dispute as quickly as possible. The special procedure for evacuation/ eviction applies to lodgers of buildings occupied without any right by former tenants or others. The procedure can be used not only by the owner / lessor of leased building but a sub-locator (original tenant) or a transferee and even a person acquiring the building after, widening the range of persons eligible to a quick solution in the case which the abusive lodger refuse to evict the building. Moreover, this procedure can be used by the owner directly against a sub-locator and even if it does not have any direct contractual relations.

The article 807 (debtor evacuation) of the Civil Code stipulates that if the borrower/ debtor occupies the property itself whose revenues are tracked at the request of the creditor, the enforcement court may, according to circumstances, to order the evacuation, in whole or in part, of the property either immediately or within a certain period in order to ensure a better use of its. The whole Title III of the Civil Code it is dedicated to "*Direct forced execution*", which under art. 887 stipulates that if the debtor's obligation under the Enforcement consists in allowing the possession of a commodity, to hand a commodity or the use thereof, or the discharge of a debtor from a dwelling or from another precincts for the fulfillment of creditors' rights and debtor does not voluntarily execute its obligation within the period specified in the notice, the lender will require enforcement, which may, in relation to the circumstances of the case and the nature of the obligation runs to notify the court of execution, in order to apply a penalty. Unfortunately the law, through article 888, leaves enough room for forced evictions, due to the situation when at the request of the lender, if warranted an urgent need or it is a threatening from debtor to evade prosecution, the court may order, by signing a declaration of enforcement that the enforcement should be made immediately and without notice.

Article 895 of the law set up the prosecution terms, specifying who is protected and who is not. No discharge of buildings for housing purposes may be made during December 1<sup>st</sup> - March 1<sup>st</sup> of the following year unless the creditor proves that under the provisions of housing legislation, he and his family do not have available adequate housing or that the debtor and his family have another suitable housing that might move soon. These provisions do not apply in case of evacuation of persons abusively occupying a dwelling without a legal title, and even those who have been evicted for threatening relations of coexistence or disturbs seriously the public harmony. The debtor it is obliged to leave the house in maximum 8 days (art. 896) since he/ she was informed, otherwise will be evicted by force. The Title XI of the Civil Code regulates "*Eviction from buildings abusively occupied*" (art. 1033-1048). The owner of the building which wants to be repossessed will inform the tenant by a written letter and through a legal representative, with minimum 30 days before deadline, that he/ she should leave the building.

The enforcement of evacuation/ execution (article 1044) cannot be suspended. However, in the case of eviction for nonpayment of rent will be possible to suspend enforcement of the judgment under appeal enforcement or appeal exercised by the defendant only if the defendant pays in cash to the creditor, the rent or lease that was required, the amount determined to ensure rent or lease rates due to the request for suspension, and the corresponding rent or lease rates that would become due during the trial process.

There is also a specific stipulation (art. 1048) envisaging the resolution of conflict situations between individuals (owners) living in multistory buildings and owners association.

The mass evictions are phenomena spread quasi-totally in urban area, envisaging mostly Roma citizens which illegally occupied (mostly) private building retroceded to the former owners after 1990. It was, for example, the "Vulturilor Street" eviction case in Bucharest:

*"Over 100 people living in a yard of houses on 50 Vulturilor Street, Bucharest, Romania, were forcefully evicted on Monday, September 15.*

[...]The land corresponding to Vulturilor 50, with an approximate surface of 2300 square meters, was returned in July 2002 to former (before socialist nationalisation in 50's) owners, on the basis of restitution law 10/2001. In 2002, the owners concluded lease contracts with all former state tenants living in the houses, in accordance with the provisions of Government Emergency Decision 40/1999 concerning the protection of tenants. The new lease contracts were concluded for a period of 5 years. In 2007, the owners sold the land and the litigation rights to the consultancy firm SC New Bridge Partners SRL, managed by a Norwegian citizen. In 2008, the firm brought eviction suits against the tenants. It won in 2009 with the court ordering the eviction of the tenants. The decision was not contested by the latter owing to their lack of any kind of legal expertise and the insufficient funds for hiring a lawyer.

*Most of the tenants have been living in the Vulturilor yard for 20 years, having been assigned there in the beginning of the 1990s by the state companies for which they worked. Since the 2009 expiry of the new contracts concluded with the owners and up to now, the tenants have been living in those homes without legal documents. Not having the possibility of renting or buying apartments on the market, the majority continued to live in the houses from which they had been told they were going to be evicted." ( Reclaiming Spaces 2004)*

### **3. Owner-occupied principal primary residences**

In Romania 98.8% of the overall housing stock is private owned. There are some debatable (official) figures (citing EUROSTAT data) regarding the ratio of owner-occupation within the private owned housing stock, respectively the private rented sector, but some other non-official estimations range this around 90%. According to 2011 EUROSTAT data the distribution is: owners - 96.6% of the population of which 0.6% with mortgage; tenants - 1.0% private rented at market value and 2.4% without rent (welfare, etc.) or rent below market value (see also Office for National Statistics 2009, table 2: p. 6).

According with the data of Ministry of Public Finance, about 15%-20% of private owned homes in the big cities are private for rent / rented (even official figure is 0.4%), but only 4% of owners pay their owed taxes (Nasul 2013). According to the Ministry of Public Finance, only 1% of owners declare incomes from rentals, situation which generates a huge tax evasion.

About 44.4% of Romanian population is formed of young people under 35 years old. Most of them are living with their parents because of housing shortage (especially in urban area).

Also according with 2010 Eurostat data, 41.4% of Romanian population is at risk of poverty and social exclusion, while 31% are affected by severe poverty defined as an aggregation of at least four factors, among them *i*) cannot pay on time rent, mortgage or utility bills, *ii*) cannot afford to heat their home adequately, *iii*) cannot handle unexpected basic expenses – situations which leads to a severe risk of housing exclusion and eviction. By 2015 this percent decrease to 37.3%, but Romania is still the second country in UE (after Bulgaria with 41.3%) while the average EU-28 was 23.7%.

Regarding the ratio of owner-occupier with mortgage there are no precise information / figures, but additional data shows that in 2011 12% of population had loans for assets and commodities, while in 2014 this ratio decrease to 9%. Corroborating this information with the fact that in 2012 within total household loans,

loans for consumption was around 37 billion ROL (~ 840 million Euro) and the housing loans totaled 35 billion lei (România Liberă 2012), we can conclude that the ratio of housing loans is around 45-50% of total populations' loans.

Also additional information shows that “*the proportion of outstanding mortgage loans (out of total outstanding loans, excluding outstanding loans to the central government) increased in 2011, to about 15%. The amount of outstanding mortgage loans increased by a robust 13.1 % in 2011, to reach RON 32,832 billion (i.e. 7.6 EUR billion), while it was 29 billion (i.e. 6.8 billion) in 2010. However, this volume represented only 5.5% of GDP by end-2011.*” (Dina 2013) According with the same source, the Residential Mortgage Loans as % GDP was 5.5% in 2011:

Table no. 1. The situation in Romania and EU27 (2010/2011)

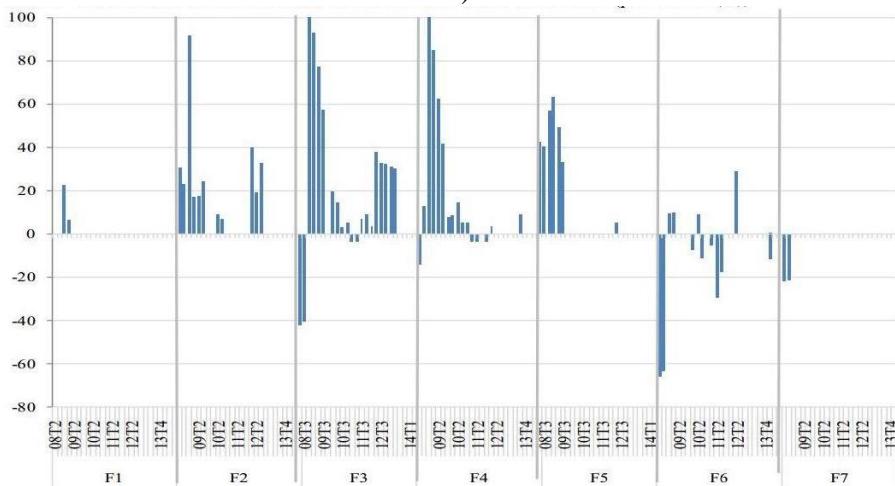
	EU27, 2011	Romania, 2011	Romania, 2010
GDP growth (%)	1.5	2.5	-1.6
Unemployment rate (%)	9.7	7.0	7.3
Inflation	3.1	5.8	6.1
% owner occupied	68.9	97.5	97.7
Residential Mortgage Loans as % GDP	51.7	5.5	5.4
Residential Mortgage Loans per capita, EUR thousands	13.01	0.35	0.32
Total value of Residential Loans, EUR million	6.534.919	7.600	6.800
Annual % house price growth	-1.1	n/a	n/a
Typical mortgage rate (euro area), %	3.49	5.61	5.23
Outstanding covered bonds as% outstanding Residential Lending	24.6	n/a	n/a

In Romania the ratio of very long leases (7 to100+ years) it is not precisely known, but many of commercial banks from Romania are granting loans for at least 10+ years. An analysis of National Bank of Romania underlined that the housing loans doubled in the total loans granted by the banking system – from 2.93% in 2002 to 5.10% in 2013 (Imopedia Ro 2003).

A synthetic study done monthly by National Bank of Romania since 2008 shows the evolution (2008 – May 2014) of housing loans granted to population (National Bank of Romania 2014). The last report released for May 2014, shows that the standard for granting housing loans became sharper between Trimester 3 / 2008 (08T3) and first trimester of 2014 (14T1) because of various factors (see the following

diagram) among them one very significant is “F5 - Change in share of nonperforming housing loans in the bank's portfolio” (National Bank of Romania 2014, chart 8: p. 10):

Figure no. 1. Factors that contributed to changes in lending standards 2008-2014 (net %)



F1 - The current situation or expected of your bank's capital

F2 - Monetary policy decisions and prudential of the central bank

F3 - Expectations regarding general economic situation

F4 - Expectations of the real estate market (changing likelihood of a fast and sharp increase / decrease of housing prices)

F5 - Change in share of nonperforming housing loans in the bank's portfolio

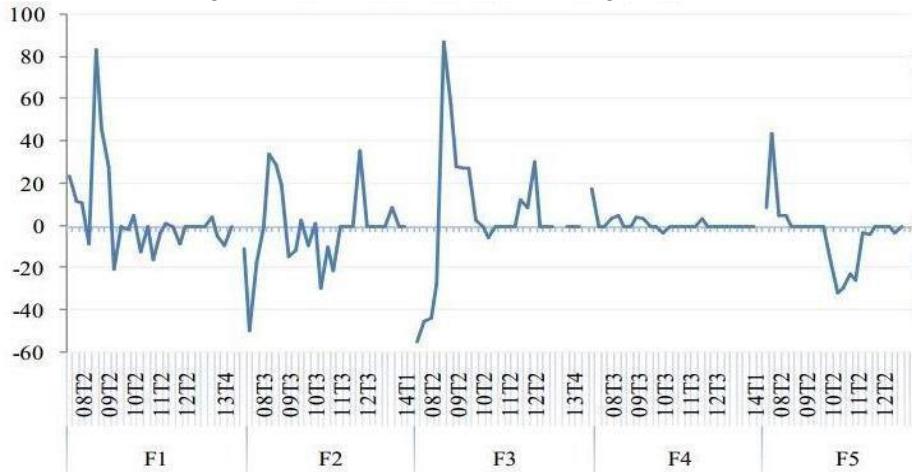
F6 - Changing competition in the banking sector

F7 - Changing competition in the non-banking sector

Note: positive net percentage values indicate a tightening of credit standards.

From the same NBR analysis, we'll see in the next chart that one of the main factors in tightening the credit standards was the increase of “F3 - The maximum ratio of debt service in monthly income” which correlates with increasing in poverty and increase in lack of populations' capacity to pay the monthly loan debt and consecutively in increasing of risk of eviction (National Bank of Romania 2014, chart 9: p. 10):

Figure no. 2: Terms of estate lending 2008-2014 (net %)

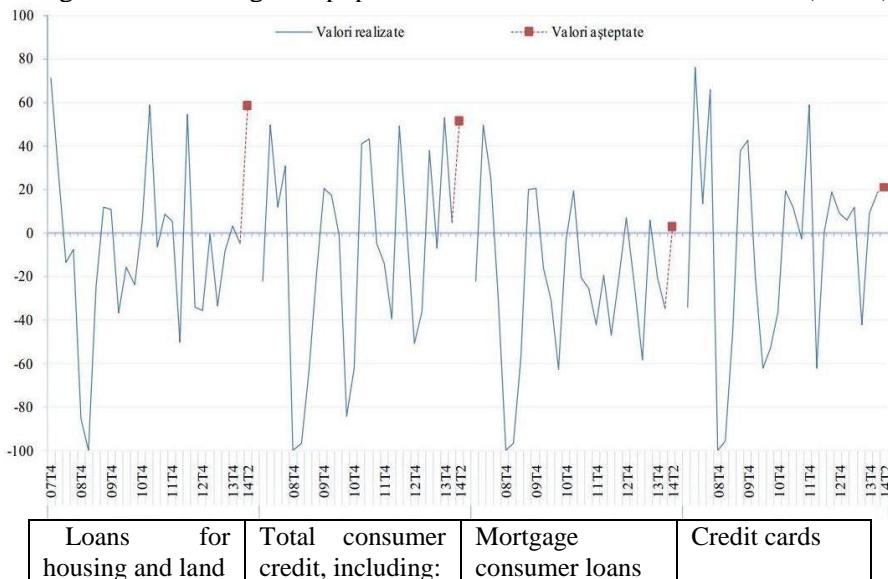


- F1 – The spread of the average interest rate of loans to ROBOR 1M
- F2 - Maximum loan share of real estate collateral value (Loan To Value - LTV)
- F3 - The maximum ratio of debt service in monthly income
- F4 - Maximum maturity
- F5 - Lending costs, other than interest (charges, etc.).

Note: positive net percentage values indicate a tightening of credit standards.

Also in the last 6 years (2008-2014) it was recorded a significant fluctuation/decrease in housing-related loans request by Romanian population. Increasing risk of loans payment incapacity and eviction, as well as the prudent policy of commercial banks in granting (mortgage) loans leaded to the situation presented in the next chart (National Bank of Romania 2014, chart 14: p. 12):

Figure nr. 3. Changes in population demand for loans 2007-2014 (net %)



Note: positive net percentage values indicate a tightening of credit standards.

A survey released by NBR among selected decision-makers in 10 commercial banks, focused on the first 3 months of 2014 (National Bank of Romania 2014), showed that the banks are rather skeptical regarding a potential increase in housing loans demand. If most of them (95.7%) consider that there will be any future changes in lending standards and terms of the credit agreement for the purchase of housing and land of your bank in the next three months, not the same situation is for another significant questions: "*Except for the usual seasonal variations, how the demand has change for loans to purchase homes and land in the last three months (based on the number of requests)?*" 36.1% consider that it was moderate smaller.

The increase in lack of populations' capacity to pay the monthly (housing but also for other commodities) loan debt is due to economic recession and significantly decrease in wages & overall income and impoverishment.

According with Governmental sources cited by mass-media (Capital 2013), at the end of 2012, over 100,000 people were in eviction risk after contracting loans and failure to pay the monthly rates. Situation refers to both mortgages and debts contracted in other types of loans. Another category of citizens is threatened by eviction from their homes because of unpaid utility charges. Thus, more than (another) 100,000 homes across the country can be enforced by insolvency firms or debt recovery firms for debts over 10,000 ROL accumulated for non-payment of utility charges. Due to this situation, the ratio of overall loans (both for commodities and housing) granted by banks to population in the first semester of 2012 decreased by 0.6% (following the descendent trend recorded in previous 3 years) as comparative with the same period of 2011, but increasing the ratio of loans granted to business companies by 0.8%. Overall, for the first half year 2012, the loans granted by banks to population had a share of 46.4% in overall loans (România Liberă 2012).

In order to cover & diminish the risk of non-payment for contracted (mortgage) loans and eviction, the Government initiated recently a program (launched on 1<sup>st</sup> July 2014) to support around 0.9 million Romanians (~ 4.5% of population) during 2 years: a citizen with a bank loan, having a monthly income below 1,610 ROL (average net wage) and debts no older than 90 days, will only pay half the rate for two years, and after these two years, the difference of interest that the bank requires the borrower, it will be paid by the State from income tax, but no more than 500 ROL / month. For many analysts this is just a postponement but not an efficient measure for indebted population.

Anyway there are no obligations on bank/ lenders as well as courts to inform state agencies (central / local social offices) of the threat of eviction and there is no obligation of the latter to react. Practically the Government it was/ is informed by the National Bank of Romania which is collecting data from Commercial Banks who are lending mortgages and report data about non-performing (mortgage) credits.

An ample article published in mass-media (Viața Liberă 2013) about 5 effective eviction examples (in Galati City) due to non-payment for utilities shows that in most of the cases the abusive evictions are done with the complicity (or in happy cases non-intervention) of State institutions. But Galati City Hall is also the protagonist of a quite different measure of protection of indebted homeowners that accumulated arrears in payment of utilities (heating) against forced execution and eviction.in 14<sup>th</sup> Feb. 2013 the City Hall issued a decision to cut (and cover) the penalties of indebted homeowners for

heating consumption, with the condition that the accumulated arrears (minus penalties) to be paid until 31<sup>st</sup> of July 2013 (Viața Liberă 2013).

In the case of an evicted debtor for mortgage/ utilities arrears there is no legal entitlement stipulated in order to retain a specific share from the value of sold property. In the case of arrears to utilities, usually the owners association prosecutes the debtor, and following the court decision of forced execution/ eviction of debtor the property is sold, most of the time at less than half of its real market value usually with the complicity of a bailiff. The owners association recovers the indebted money while the debtor receives the difference between the selling prices of property and overdue paid to association. The left over amount of money, in most of the cases it is not enough to buy another (smaller, even shabby) house ... and the road to homelessness it is wide open!

In the case of imminent eviction there are some (private) possibilities for arrangements for borrowers. Most of them consist on rescheduling the arrears at a higher cost or the bank pays a firm specialized in recovery of debts which contact the debtor and try to agree upon a new payment schedule. Excepting the law stipulation that during the winter season it is not allowed to do forced evictions it seems that there is no other legal / public support in order to avoid / find a convenient solution for exposed debtor. There is no established minimum income (by law) which the evicted debtor is entitled to retain, not confiscated by the lender. The evicted debtor receives only the difference between the selling price of the sold house and accumulated debt. In many cases the evicted household it is not in poverty (members of family have income from employment and/ or social benefits) but has a bad behaviour / lack of responsibility to pay for their housing consumption (public utilities). In most of the cases the amount of money that remains to the evicted family it is not enough to buy a smaller property, even a studio (in big cities), the only feasible solution being to try to rent a modest house from the private market. In quasi-totality of the cases, at least in the big cities, the evicted household it is not still indebted after the sale of the property

All the potential actors involved in a process of forced eviction (local authorities/ lenders /courts/ bailiffs), not matter what type of tenancy is – owner occupation, private rented or social housing - are obliged to inform the debtor about any legal measures against him, but in most of the cases the (legal) term is too short and their financial/ social situation it is too worse in order to find a solution to prevent eviction. In small towns where the community is small and the cases of evictions are known, social offices are informed (but not formally) about such situations but usually they do not intervene due to lack of social housing or other solutions or apathy. There is no legal obligation to react and if any it is very difficult (impossible) to constraint them.

#### **4. Private rented principal primary residences**

According with Eurostat data the market rental housing is of insignificant volume with only 1% of the stock.

According with the data of Ministry of Public Finance, about 15%-20% of homes (mostly apartments in multistory buildings) in the big cities are rented, but only 4% of owners pay their owed taxes (Nasul 2013) (see the extended information at p. 10 in this report). Most of the owners and tenants rather prefer to have mutual verbal/ non-written agreements about the renting conditions (which mostly refers to monthly payment of rent, utilities, cleaning and maintaining the dwelling and assets in good order – for the tenant, and overall maintenance of the property an annual property tax payment as the duty of the owner). These mutual agreements are made in order to avoid tax payment by

the owner but in this case both of them (tenant and owner) are exposed to various risk, including forced/ unexpected eviction for tenant. That does not mean that owners do not prefer at all to sign an official contract with the tenants and record it to the taxation office but in this case they will increase the monthly rent proportionally with the amount of money that they should pay to the tax system. If the tenant agrees to support the taxation, then they could sign a formal agreement, but in over 90% of the private rental cases the tenants rather prefer insecurity of tenancy to a higher monthly rent.

In a recent study done by the World Bank (Mathema and Dan, 2014), it was underlined that in urban Romania the private rental market it is significantly hidden:

*“The massive privatization of social housing resulted in an excessively high ownership rate on one hand, and to a degeneration of the rental market on the other. Official figures on housing indicate that 98 percent of the housing is privately owned. This, however, does not translate into 98 percent owner-occupied housing. Unofficial figures suggest that the rental market could be as large as 15-20 percent of the total housing stock in large cities like Bucharest. This might be attributed, at least in part, to the pro-tenant rental regulations and tax liability associated with rental units<sup>1</sup>, which has had two unintended effects: (i) ‘informalizing’ the rental market, denying both the tenant and the landlord any legal protection associated with an official contract; (ii) limiting the supply of rental housing, thereby making it much more expensive, and practically out of the reach of the lower income groups. Furthermore, starting January 1, 2014, the New Fiscal Code makes it obligatory for owners to pay 16 percent tax on rent plus contribution to State Health Insurance System (in 2013 this contribution was 5.5 percent); this new tax could further exacerbate the ‘informality’ in the rental market.” (p. 250)*

In Romania there is no difference between “private rented without rental assistance” and “private rented with assistance”. The only difference is made by real estate agencies which could assist the potential tenant to rent a private residence, usually for a commission representing 50% (but could rise up to 100%) from the monthly renting amount agreed with the owner. In fact the assistance done by the real estate agency is mostly limited in finding the residence and fixing a meeting to evaluate the housing conditions, as well as basically juridical and financial assistance. There is any specific law regulating the real estate agencies activities situation which leaves a lot of space for unfair activities and practices. Due to many complaints against real estate

1 (i) Rent can be set no higher than 25 percent of the tenant’s household income, or 25 percent of National Average Gross Household Income, whichever is lower For individual tenants of restituted buildings and housing for those provided in Article 26 para (1) Government Emergency Ordinance no. 40/1999 whose net monthly income per family member is between average net monthly income in the economy and its double, the maximum rent may not exceed 25% of net monthly income the family. The provisions of Article 31 para. (2) and Article 33 of Government Emergency Ordinance no. 40/1999 apply accordingly. (Law 10/ 2001, Article 15, al. 3);

(ii) Eviction or contract termination due to disputes resulting from disagreements on rent is not permitted;

(iii) Rental income is subject to tax, and rental contracts subject to taxation: The owner is obliged to pay 16% on three-fourths of the value of contract each trimester (every 4 months). For example if you rent a flat for 1000 lei / month, then you have to pay taxes of 16% from 750 lei, which means 120 lei each month or 360 lei every 3 months.

agencies negative practices, some fair agencies made a coalition creating the “Professional Association of Real Estate Agents” with the main purpose to professionalize those specific services (APAIR 2018).

There are no official (and un-official/ estimated) data about legal/ illegal evictions from private rented housing sector which is less known, due to the fact that private rental sector is an uncharted sector of the housing market (see above ambiguous figures about share of rental market in Romania). This conclusion rose up also within discussions with representatives of Ministries and real estate agencies. The most significant measure to protect the tenants for forced eviction (as well as owners from abusive occupancy) is to set up in specific legislation an incentive and/or constraints / sanctions in order to legalize most of the private rental contracts. Without a legal renting contract the tenants are exposed to the risk of being abusively evicted by the owners.

The most significant deficiencies are related to inconsistency / ambiguity and discretionary protection for owners against tenants of some legislative acts. Even the New Civil Code (updated in 2014) attempted to unify most of the normative acts (related to housing) there are still many exemptions, as signalized by a Court in 2012<sup>2</sup>. Also there are no obligations on landlords/ owners/ to inform social offices of the threat of eviction, but only the tenant.

Another major problem is related to protection against eviction of Roma citizens, but also all the very poor. As Mathema & Dan (2014: p. 231) underlined:

*“Inability to pay rent is another problem attributed to low income levels of the Roma, and is predominant mainly in urban areas. Some 54 percent of urban Roma report to have difficulty paying rent, versus 39 percent of rural Roma, and a higher share of urban Roma face the risk of eviction (Regional Roma Survey, 2011). In this, they are not alone: other poor non-Roma in comparable income brackets also face similar challenges with respect to housing and infrastructure, and the vast majority of the Romanian population, including lower-middle income households, cannot afford market-based housing in urban areas.”*

The legal procedures and processes leading to evictions from private rented housing and the mandatory and discretionary grounds for eviction are the same as in the owner-occupied sector. In the case of official recorded tenancy contracts it is easier to follow the legal procedure (described previously in the owner-occupation sector analysis). In the case of mutual arrangements the same legislation applies but the procedure it is much more discretionary and biased most of the times in disadvantage of tenants. Even in this potential risk situation of non-formal and unprotected mutual agreements the stability, affordability and flexibility of rental housing sectors it is not adversely affected. Its development is only limited by the availability of private housing stock for renting (in big cities it is a shortage) and by the income availability of potential tenants.

---

2. In a case covering evacuation, being in the state court, the court of appeal made known to Constitutional Court the unconstitutionality of art. 14 of Government Emergency Ordinance no. 40/1999 on the protection of tenants and fixing the rent for the space for housing, art. 23 of the Housing Law no. 114/1996, and of art. 480, 1429 and 1436 of the Civil Code. <http://tribunaeconomica.ro/blog/?p=423>.

In case of non-formal renting, of course that there is no minimum income which the evicted debtor is entitled to retain. A different situation could apply in conditions of existence of a recorded legal renting contract, when – for example – the tenants paid the rent in advance, for 6 months let's say, and after 2-3 months he wants / it is forced by various circumstances to leave the house; he/ she it is obliged to announce the owner with 30 days prior of living (if not written otherwise in the contract) and get back the remaining amount of money.

According with the law Government Emergency Ordinance 40 / 1999, art. 14/5, re-issued within the New Civil Code, art 1809, 1816, 1824), in the case that the contract it is not renewed, the tenants it is obliged to leave the property within 60 days since the contract was cancelled. Some more ambiguity it is introduced by art. 1429 from Civil Code which stipulates that a tenancy set up for a certain period of time will be closed naturally as the renting term goes by, without the requirement of a prior information of the tenant. Even the owner is constrained by the law (OUG 40/ 1999, art. 14/2) to refuse renewing the renting contract only for very specific reasons<sup>3</sup>, in practice the situation is slightly different.

As good practices in this area, should be mentioned the better harmonisation of legislation<sup>4</sup> in this field (but still insufficient), as well as creation of a “Professional Association of Real Estate Agents”.

## **5. Social/ public rented principal primary residences**

The social/ public rented housing sector in Romania decrease dramatically as a share within total housing stock in the last 25 years. If in the 1990 the state owned housing share was 33% (Dan, 2006; Dan, 2009), in 2013 this sector drop to 1.4% (122,538 units / 2011; Mathema & Dan, 2014, p. 230) and at the end of 2017 there were only 109,648 units (1.22%). This huge decrease was due to privatization of public housing stock, process started 1990 (Law/ Decree 61/ 1990) and theoretically still open.

The tenants were eligible to buy apartments built with State funds by paying an advance of 10% of the apartment; the rest had to be paid within a maximum period of 25 years based on contracting a loan. Housing price was determined based on the degree of usage, considered by period of construction, so that resulted three categories: built before January 1<sup>st</sup>, 1977, made between January 1<sup>st</sup> 1977 and January 1<sup>st</sup> 1989, and those built after January 1<sup>st</sup> 1989. Population could borrow money with an interest rate of 4% per year. Young couples (under 35 years) were given the opportunity to buy these homes in more advantageous conditions by granting loans with an interest rate of just 2% per annum and the maturity period of 30 years. (Dan, 2006)

In 1990 there were approx. 2.54 million state-owned housing units, their number dropped in 2002 to approx. 214 thousands. In 1990 was privatized about 37% of social housing stock in the next year around 28.8% which means that in only 2 years the social

- 
3. a) Housing is required to meet the owner housing needs, husband, parent or child of any of them, only if they are Romanian citizens residing in Romania;
  - b) the house is to be sold in terms of ordinance 40/1999;
  - c) the tenant has not paid rent for at least 3 consecutive months in the execution of the lease. For the reasons a) and b) the owner is obligated to notify the tenant's refusal to renew the lease with at least one year before its expiry, while in the case c) notification is made at least 60 days before the contract expires.

4. The New Civil Code of 2009, heavily updated in 2011 and then updated in 2012 and 2014, which abrogated many previous inconsistent laws.

housing stock decreased by 2/3. By 2000 rhythm of privatisation decreased to 2.1% from the initial 1990 stock. (Dan, 2006)

In the same time the new built social housing units (public funds) decrease dramatically – from 88.1% in 1990 to 4.4% (1158 units) in 2000 and to 2.98% (1198 units) in 2013. (Dan, 2006, 2009; Mathema & Dan, 2014).

There are some differences between the private rented and the social/ public rented sector in terms of evictions procedures, but a bit in more informal terms than formal ones. The Local Authority (City Hall) is responsible for selection and distribution of social housing. Formally the families in need of housing are filling in a request to the City Hall, detailing about their social & economic difficulties and are placed on a waiting list. The City Hall public servants meets periodically if there are available housing units and decide which family(es) will be granted a subsidized home. The strongest (informal) criteria in granting a home are: recommendation of a good behaviour including the capacity and willingness of family to pay for public utilities and for rent (which is very small – between 10 and 20 Euro / month)<sup>5</sup>. The families which are not “behaving well” are under pressure (City Hall and neighbours as well) and after a while (6-12 months) they are (legally) evicted. In many cases these types of families are beneficiary of a Minimum Income Guarantee granted through City Hall. Non-payment for rent and public utilities consumption could lead into cutting the social aid to zero or the City Hall can retain the monthly debts from MIG. Most of the tenants have a very low flexibility on moving (including job market) and stability. In case of eviction the City Hall has only announce the family about the risk to be evicted, then if the situation did not improve about imminent eviction and to fill in a file in which they will explain the reason of eviction (in most of the case bad behaviour and non-payment) and the house is available for another family in need. In most of the cases the pressure of City Hall (especially in small & medium size towns) is so powerful that the evicted family is leaving voluntarily. There are also cases when such a household oppose to leave and then is evicted by force (police / bailiff).

Taking into account all the explanations provided above, we can identify two major deficiencies: a) lack of a sufficient housing stock at local level in order to solve majority / all the emergency cases; consecutively to lack of housing stock is lack of willingness (in many cases) of Local Authorities to allocate resources (land, money etc.) to build up new social housing/ refurbish old dwellings and convert them in social housing etc.; b) the extreme discretions in granting social housing to families in need, based rather on informal criteria than the formal ones.

## **6. Unauthorised occupancy**

Unauthorized occupancy by a) squatting, self-build without (planning) permission and b) unauthorised encampments it is perhaps the most extensive phenomena among all types of evictions in Romania.

Even if there are no official/ centralised data about this type of evictions, due to its high emotional impact on mass-media and potential to attract readers & viewers is the best documented across internet. Most of the population do not empathise with the families which abusively occupied land and buildings, supporting the Local Councils

---

5. As it resulted from the fieldwork interviews (2013, 2014) with various stakeholders from Bucharest, Braila, Buzau, Ploiesti, Oltenita etc.

action against the ones who are in the situation of unauthorized occupancy and in this way granting legitimacy to these actions.

Forced eviction against people who abusively occupied (urban) public land by improvising shacks is done by local authorities very simply by demolishing the shacks but not providing any housing alternatives. For example, in Bucharest the local authorities demolished in 2007, in full winter, around 40 shacks built at Vacaresti Lake, Bucharest periphery. Prior to this action the people living in those cottages were warned to leave that area. Most of them were Bucharest residents, but became homeless due to restitution of nationalized housing or were ousted by their families. All those people are spread out for a couple of days but after that they come back, built again another shacks and the process is circular.

April 14<sup>th</sup> 2011, Bucharest, Pache Protopoescu Boulevard: 82 persons (among them 38 children) were evicted from two dilapidated buildings they abusively occupied. The City Hall issued a press-communicate arguing the eviction action: “*Too many times local residents reported scandals, robberies and drunkenness, especially as they are indulge in theft and threatening local residents who were terrified and frightened for their lives. The illegalities committed were fraudulent branching to electric networks through crafted installations, with a high danger of fire for neighbors*”. The two buildings were closed and the evicted people who had identity papers attesting their domicile in Bucharest were directed to City Hall Shelter (which was already overwhelmed).

August 19<sup>th</sup> 2011, Bucharest, Sector 2: 100 adults evacuated (because of bad behavior) from an entire block of flats abusively occupied. It seems that none of the adults were Bucharest residents and as a consequence they were expedited to the home origins and the block was demolished.

Currently (September 2014) 100 people from Vulturilor Street in Bucharest are evicted due to unauthorized occupancy (see 2.2, p. 8).

As we can see, the problem of unauthorized occupancy (buildings) it is a significant one. Perhaps in a much more difficult situation are the people living in urban informal settlements (“slums”). As Mathema & Dan (2014: p. 240) underlined that:

*“Most slums in Romania have little or no infrastructure – at most a shared tap and 1-2 pit latrines for the entire community. In others, the infrastructure may be developed along a main street but is not available in the rest of the area. Many are located in hazardous areas, for example, on or near landfills, in flood prone areas, and so on. [...] Most residents of these areas do not possess identity papers or own any property. [...] Post-1989 many of these households either lost their homes (evicted former- tenants) or gave up their dwellings (because they could not afford the rent). These families, being poorer and larger in size, likely did not get past the long waitlist for social housing, and housed themselves in makeshift shelter in these precarious locations.”* (pp. 240-241)

Evictions against people living in blocks of flats who accumulated debts (non-payment for public utilities & services) should follow a legal/ court route similar to cases described in previous chapters. Usually the accumulated debt is over one year of non-payment and / or when it exceeds 1.000 Euro.

Evictions against people living in camps / shacks are not following a legal procedure most of the times. In fact there is no legal procedure, but the local authorities

are warning them to leave the place in a couple of days and after that they demolish the improvised shack and spread around the households. It was often the case of “Vacaresti Lake” in Bucharest (described above).

As a good practice we can mention the proposed solution for “Vulturilor Street” case referred above. The City Hall granted to the evicted families 900 RON / month (200 Euro) for the next 6 month to all the evicted families in order to cover a private renting. The families have the obligation to find the house and sign an official contract with the owner for the next 6 months at least. If the monthly rent is bigger than the amount granted by the local authorities, the families could complete it up to the amount fixed in the contract. It’s worth to mention that most of the evicted families refused the aid of Bucharest City Hall.

Another good practice is the Goranu / Ramnicu Valcea (Valcea County) situation. In 1997 more than 100 Roma households occupied the public land situated between the Olt River and the National Road and in about 1 month they built solid houses. The local authorities were incapable to react in time (to block the building process or to demolish as most of the Romanian citizens from the neighborhood asked for) and after intensive debates (which took some years) they made the decision to appropriate the land to these families and solve the issue of unauthorized occupancy. This example was not followed by many municipalities, even if it is a strong lobby in this sense, and still the problem of land ownership is a hot issue on local agenda.

## **7. The extent of “soft law” measures in relation to evictions**

There are cases in which City Hall could postpone eviction of a family by covering its arrears (rent & utility bill) or by re-scheduling the payment of debts. These type of solution are rather an exception but not something regular and mostly depends by how sensitive are the City Hall servants (in most cases the Mayor) to the drama of that particular family.

In Navodari Town (Constanta County), the Local Council decided in 2012 granted an exemption from payment of debts for 3,000 families who failed to pay their bills to “Ecoterm” (company who provided centralized heating to most flats in the multi-storey buildings) which Outstanding invoices were paid by the claims debt. "In the city Năvodari former Ecoterm entered into liquidation / bankruptcy and debtors to Ecoterm likely to lose their homes. At that moment there were already 10 families who were left homeless because their property was auctioned (Replica 2012).

In Bucharest – the city with most significant problems related to eviction – an NGO created “The evicted people Guide” (FCDL 2014) in which the people evicted are guided step by step in solving this issue by appealing City Hall.

There are no centralized data about eviction processes started and actual evictions executed. If all these data exist then are split at the micro-level of City Halls’ (for social housing and Governmental program “First Home”), Trial Courts and Owners associations and Banks (private rental with mortgage).

Unfortunately there are no information about how extended is the eviction phenomena in Romania, and as a consequence there are no split data on eviction by geographical regions. What certainly is know is that the eviction recorded in urban area (big cities especially) is quasi-dominant as comparative with rural area<sup>6</sup>.

---

6. Rural population in Romania is 46%, but according with the new EU typology only 11% are living in urbanized areas.

Due to the fact that the *risk of eviction* is higher in the less regulated housing sector of “collective habitation”<sup>7</sup>, it is not possible to make any estimation of people in risk to be evicted in the future.

The National Institute for Statistics did not release up to now any specific information about the number of homeless people (estimated to around 14,000 – Dan, 2004; 2006; 2007; 2009) recorded in 2011 Census. In these conditions we cannot estimate how many persons are at risk of eviction (deducting the homeless people) from the official data.

There is no detailed information about characteristics of the households that were involved in the process of eviction. However, from several discussions with various stakeholders and from mass-media information, usually the evicted persons are poor families, with jobless adults, or families with many children in which the adults are not working or having the minimum wage, beneficiary of social aid; also sometimes the profile of evicted is of drug / alcohol addicted or mentally ill people. This phenomenon especially takes place in the urban area, in big cities, the evicted being mostly homeowners living in blocks of flats.

From various interviews with key stakeholders and from various studies (Stanculescu & Berevoescu, 2004; Constantinescu & Dan, 2005) result that the majority of tenants living in social housing are poor people, most of them (single) elderly and families with 3 or more children, being theoretically the most exposed category to eviction. But again there are no correlated data (income, jobs, social aid, members etc.) about this category in order to estimate what is the share of population at risk which reside in 122,538 social housing units.

Even the overall potential risk across Romania, in theory, could affect only less than 1% individuals from whole population it seems that there are some regions/ counties recording a higher risk. These regions (West; Bucharest-Ilfov, North-West and North-Est – between 1 and 2 per cent of region’s population) have a higher population at potential risk due to the fact that includes the biggest cities in Romania (Timisoara; Bucharest; Cluj-Napoca; Iasi) that represents counties with a higher stock of collective units / social housing as comparative with other counties.

---

7 Within 2011 Census there is a specific category of buildings / housing population labeled as “People living in collective / multi-family buildings”. This category of buildings is defined as “Buildings for collective living that include housing – residential buildings of dormitory type (students campus, residential centers for elderly, convents, etc.), hotel type (tourist lodges, hospitals, etc.), or a camp (displaced camps, refugee centers, holiday camps etc.) where there is at least one home. In this category were included buildings with collective living spaces that were under construction, in which some houses were occupied by the population. The living collectively space was understood as one or more distinct buildings at the same address, intended to be occupied, for periods different times by relatively large groups of people, generally unrelated to one another by the family, which were combined, generally, purposes and common interests and shared some areas could use and facilities (bathrooms, kitchens, dining rooms, etc.).” [Methodological Note of 2011 Census

[http://www.mures.insse.ro/phpfiles/RPL2011-Nota\\_metodologica.pdf](http://www.mures.insse.ro/phpfiles/RPL2011-Nota_metodologica.pdf) ]. Paradoxically, in the synthetic “County Statistic Reports” issued by each of 41 counties, to this category was added indistinctly the homeless population.

## 8. Risk factors and eviction leading to homelessness

In Romania, the main risk factors leading to eviction are:

- Poverty, due to:
  - o Lack of income / working poor/ jobless/ unemployment
  - o Defective lifestyle of some individuals
  - o Drug / alcohol addiction; mentally ill people
  - o Single parenting and families with more than 3 children
- Lack of public protection through specific programs & services; lack of a national housing strategy including protection of people in risk of homelessness and former tenants of communist nationalized houses.
- Lack of community cohesion in big urban areas.

There are no specific evidences / data on importance of all these risk factor, maybe an exception could be the “poverty” as a risk factor. There are no specific scientific studies in this area, neither centralized (national/ county level) nor split data (local level). Seldom are such ‘spectacular’ information penetrating mass-media as sensational events.

Poverty, individual irresponsibility and lack of social protection are the main and dominant factors. Also some psychophysical and psychosocial vulnerabilities are risk factors but the magnitude of them remain unknown.

Another category at risk is the one of persons who has (mortgage) loans and accumulated arrears over 30 days. In Oct. 2013 Romanian Association of Banks communicated that 715.705 persons have arrears (Ziare.com 2013). Only in Bucharest there were in the Courts 68.000 files for individual bankruptcy.

As it was identified by a 2007 study (Dan, Serban and Grigoraș 2007) the main reasons / risk factors of eviction identified were related also to individual irresponsibility and lack of social protection:

Table no. 3. Reasons of Eviction

	Frequency	%
Young adults (18 years) leaving public residential care centers	49	27.1
Divorce / separation/ family rows	46	25.4
Sold the house and spent the money	38	21.0
Dwelling retrocession to the former owner	10	5.5
Losing the property by delusion	10	5.5
Abandoned by parents in childhood	9	5.0
Tenant evicted	8	4.4
Evacuated by the spouse family after the spouse died	6	3.3
Bank debts	5	2.8

Lack of identity documents is not a reason for eviction but an obstacle in solving rapidly the situation of evicted/ homeless people. The same 2007 data shows that 16% of interviewed homeless do not have birth certificate, while 21% does not have any ID.

Single parent families are at a higher risk of poverty and thus in some cases to eviction. A 2010 study (Inequality Watch 2012) shows that “*The households most affected by poverty in Europe are those of single-parent families. 36.9 % of these households were affected by poverty in 2010.*” In Romania the poverty rate<sup>8</sup> among the

8. 60% of median income.

single parent with two children families was in 2010 of 31.9%, while the families with two adults and three or more dependent children<sup>9</sup> record a 60.4% poverty rate.

A major category of persons/ families in risk of housing evacuation after 1990 were the former tenants of nationalized housing (process started at the end of 1940's). The retrocession process which began in 1990's of properties to the former owners, as well as the massive privatisation of housing stock left uncovered this category by any public solution to solve favourable both the owners request of retrocession as well as the tenants need for a home. The communist regime had a dual policy of allocation as social housing (mainly by renting) to state employees the new built flats in multi-storey buildings as well as the nationalized houses, as part of social protection program. While the flats built with public funds could be bought at very affordable price after 1990 by the former state tenants free of burden, the former state tenants that paid (in some cases for 20-30 years) a social rent for living in a nationalized housing were uncertain if they are entitled to buy. Up to this moment there are a lot of unclear cases, the situation being far for clarification, according with FCDL (FCDL 2014), which assert that only in Bucharest "*there are thousands of persons at risk to be throwing in the street by the inheritors or new owners*". This ambiguity in state policy and lack of tenant's protection lead in many cases to eviction processes ending in homelessness. Some municipalities tried to solve part of these cases, but usually very late and very partially. A positive case is of Arad City – the City Hall built in 2010 seven blocks of flats and solved all the 128 cases of families evicted from nationalized houses.

## **9. Evictions and homelessness**

Unfortunately there are no (solid) evidences regarding these questions. The few studies about (general) housing situation did not include this topic.

There are no recent data (official/ research/ un-official) about the number of families evicted. The eviction phenomena is resumed to urban area simply because the social housing stock consist almost exclusively in apartments in blocks of flats built in urban area. Research data collected in 2004 by RIQL (Dan 2005) in 227 Cities<sup>10</sup> revealed with a significant accuracy that the number of evicted families (social housing) was increasing between 2001-2003:

Table no. 4. The number of evicted families (2001 - 2004)

	2001	2002	2003	Jan.-March 2004
due to non-payment of utilities bill	149	357	470	54
due to retrocession of nationalized housing	340	546	602	273

About 100 more families were evicted in this interval for other reasons, which means that around 2900 families were evicted in this interval, but most of them found a solution for accommodation. According with City Hall's representatives only 342 families become homeless from those 2900 evicted.

The same research data showed that the overall social housing stock (100% occupied) of all those 227 cities consists in only 8655 units while they recorded an

---

9. The percent of this families revealed by 2011 census was 14.8% within overall families.

10. From a total of 285 Cities, but not including Bucharest and some other significant big cities where we expected that eviction phenomena had a significant number of cases.

overall number of 120.701 request for social housing (1990 – March 2004) from which 18.137 were solved and the left ones are still active.

Another research done in 2007 (Dan, Serban and Grigoraş 2007) among 214 homeless people<sup>11</sup> temporary living in shelters across Romania, underlined that most of them (188 out of 203 – 92.6%) became homeless after 1990. It seems that the phenomena increased more significantly since 2002.

Within the sample 135 people (2/3) became homeless in the interval 2002-2007 it is obviously higher than in the previous years/ period. Anyway, the overall optimism of the interviewed homeless was uniform and very high regarding “a better life in the next year”, 42.5% considering that they will live better or much better, even if in present 34.3% declared as being totally unsatisfied with the current situation and another 30.5% ‘not very satisfied’. But ... this hope was not necessarily related to finding a solution out of shelter, most of the homeless being sure that they will not find a home in the next year (64%), 28% being rather positive and only 8% being sure that they will solve this issue finding a home to live in. The picture on their hopelessness it is completed by the 56.5% of them which believe that they will never solve their housing problem, while 10% are sure they will succeed.

## **10. Conclusions**

In Romania access to housing is perceived as being a fundamental human right at political discursive level but not in practice. That means every form of denial of this right seriously harm the people at risk of/ confronting homelessness, leading to marginalization and social exclusion, the drastic reduction of the capacity of the individuals to be inserted into normal social circuit on their own.

Two main factors are responsible for evictions: a) poverty and consequently the lack of capacity of affected people to pay for rent/ utilities/ maintain a dwelling and b) deficit of social housing. Urban local authorities have an insignificant stock of social housing, which did not increase in the last 20 years but decreased. In addition the high cost of public utilities is worsening the situation of some groups. Among the groups with significant housing problems (including evictions) is Roma population.

There are no official data about housing shortage, homeless population or people at risk of eviction. The studies on this topics done in the last 15-20 years are few and do not cover enough the area. There is an urge for undertaking new extended research in this area in Romania in the very near future.

The very scarce data about eviction cases make difficult even a general overview. More than the existing data are old, fragmented and not enough detailed in order to make a careful a diagnosis and an analysis on risk factors.

There are few attempts to solve the issue of forced eviction. Most of the ‘best practice’ developed by local authorities envisaged Roma population relocation from some abusively occupied buildings and their replacement in new gated neighbourhoods positioned in the city’s outskirts. It is the famous case of many Roma families living in Cluj-Napoca which were relocated to some new ‘housing units’ near to the infamous neighbourhood “Pata Rat” (the city garbage dump). (City News 2014).

In rural area for example, in 2005 Romanian Government invested 1 million Euro to re-build the Rotunda village, destroyed by floods in the same year, building 205 new

---

11. The sample it is not considered necessarily as being representative, even the authors made a sampling among shelters and then among homeless people leaving in selected shelters.

houses. The building process was finalized in 2006 but the villagers did not want to move to the new village because ... it was built up on a hill and they do not want "to live perched on a hill". This was a 'best practice' project which did not take into account the relevance for its inhabitants and the feasibility. More than that:

*"The village never had access to drinking water, and the new built dwellings - most of them - were left unfinished. In addition, Roma families destroyed the new dwellings, stealing the glazed windows, doors and plumbing. Roma have not spent too much time perched on the hilltop. Since 2007, they migrated to neighbouring community where they settled. The materials stolen from hilltop houses and flats were used to build new houses in the host community." (Ziare.com 2011)*

Regarding the people with disabilities evicted/ in risk of eviction there are no specific evidences.

In most of the eviction cases in the last years, the reason for eviction is that the owner accumulated debts in payment for utilities. It is mostly the case of individuals / families living in urban area in block of flats. In such cases the owners association is trying to recover the prejudice by selling the property (empowered by a Court decision). In this phase of the process intervene 'a high level mafia' which by interposed persons buy at a low price the flat / property and the resell it. If the selling price is higher than the prejudice then the former owner receive the difference. The victim is forced to leave the property in maximum 30 days with all assets / possession – most of the time direct in the street under the sky. In most of the cases the problem of possessions/ assets of evicted person family are worsening the situation. Even they can find temporarily solutions for accommodation, it is almost impossible to secure their properties, so they have to choose to leave them in the street (most of the time) uncared for a while, taking the risk to loose (part of) them. In such situations the evicted decide most often not to abandon their properties and to secure themselves in a shelter or to be accommodated (temporarily) by relatives / friends, but to live in the street to guard their possessions. There are few cities offering a limited storage space for evictee's belongings. In Bucharest there is such a storage space offered by the City Hall, but this opportunity it is less known among evictees and even that most of them do not want to store them in this space. Recently it was the case of mass eviction process happened in Bucharest (Sept.-Oct. 2014) in Vulturilor Street (see details about the case within section 2.2 and 2.6) when all the possessions of 100 evicted people were loaded in trucks and deposited in such a space, without acceptance of evictees.

Prior to 2007 data research shows that the main reasons for eviction were state incapacity to take care of young adults (18 years) leaving public residential care centres, incapacity of people at risk to find a solution after divorce / separation/ family rows and irresponsible behaviour of victims which sold the house and spent the money.

It is an urge to develop a housing strategy for the long term in Romania, which should include data collection related to various aspects on housing, eviction, homelessness, then to develop adequate policies, programs and services.

### Acknowledgment:

This article is based on the data gathered and analyzed by the author within the “Pilot project - Promoting protection of the right to housing – Homelessness prevention in the context of evictions”, realized in 2014-2015 for FEANTSA by the Human European Consultancy, Utrecht, The Netherlands, coordinated by Padraig Kenna, Lars Benjaminsen, Volker Busch-Geertsema and Sergio Nasarre-Aznar. The final (synthesis) report can be downloaded from:

<https://aran.library.nuigalway.ie/handle/10379/5847>

### References

- Asociatia Profesională a Agentilor Imobiliari din Romania (APAIR) (2018) *Misiune*, [online] Available: <http://www.apair.ro/despre-noi/misiune> [accessed 11 March 2018].
- Constantinescu, M., and Dan, M. (2005) ”Locuintele sociale în România – o analiză de ansamblu”, *Quality of Life Review*, no. 1-2, pp. 87-100.
- Capital (2013) *S-ar putea amâna, timp de doi ani, executarea silită a datornicilor la creditele ipotecare* [online] Available: <http://www.capital.ro/176630.html> [accessed 14 March 2018].
- City News (2014) *Primarul Clujului a prezentat un film cu relocarea romilor de pe strada Coastei*, [online] Available: <http://citynews.ro/eveniment/video-primarul-clujului-prezentat-un-film-cu-relocarea-romilor-de-pe-strada-coastei> [accessed 21 May 2018].
- Dan, A. and Dan, M. (2004) ”Persoanele fără adăpost din România – o estimare a numărului acestora” (Homeless people in Romania – a preliminary estimation), *Revista Calitatea Vieții*, no. 3-4, [online] Available: <http://www.revistacalitateavietii.ro/2005/CV-1-2-05/6.pdf> [accessed 20 February 2017].
- Dan, A. (2006) *Housing Policy: Romania toward ... where? A comparative analysis of Romania in CEE and EU context*, Bucharest: University of Bucharest Printing House.
- Dan, A., Șerban M. and Grigoras V. (2007) “Riscul de pierdere a locuinței: factori generatori și politici de combatere ai fenomenului homelessness” (The risk of losing home: causes and policies for combating homelessness”), unpublished data; Research grant no. 1940 / 2006 by CNCSIS –CEEX.
- Dan, A. (2009) ”Housing and Related Services”, In Marian Preda (ed.), *Risks and Social Inequities in Romania. The Report of Presidential Commission for Social and Demographic Risks Analysis*, Iași: Polirom Printing House.
- Dan, A. (2009) ”The Homeless People”, in Marian Preda (ed.), *Risks and Social Inequities in Romania. The Report of Presidential Commission for Social and Demographic Risks Analysis*, Iași: Polirom Printing House.
- Dina, Ș. (2013) *Romania-EU27 country reports*, [online] Available: <http://www.ecbc.eu/uploads/attachements/99/65/Romania.pdf> [accessed 25 March 2018].
- Frontul Comun pentru Dreptul la Locuire (FCDL) (2014) *Ghidul evacuatului*, [online] Available: <http://fcdl.ro/ghidul-evacuatului/> [accessed 26 April 2018].
- Frontul Comun pentru Dreptul la Locuire (FCDL) (2014) *Calvarul oamenilor alungați din casele naționalizate este departe de a fi soluționat*, [online] Available:

<http://www.puterea.ro/social/calvarul-oamenilor-alungati-din-casele-nationalizate-este-departe-de-a-fi-solutionat-90012.html> [accessed 26 April 2018].

Hotnews (2013) *Romania has the most landlords in Europe*, [online] Available: <http://www.hotnews.ro/stiri-esential-15390657-romania-are-cei-mai-multi-proprietari-din-europa-99-6-din-populatie-date-eurostat-2011.htm> [accessed 09 March 2018].

Imopedia RO (2003) *The housing loans doubled, while export loans decreased by half*, [online] Available: <http://media.imopedia.ro/stiri-imobiliare/creditele-imobiliare-s-au-dublat-cele-pentru-export-au-scazut-cu-50-la-suta-3702-print.html> [accessed 10 March 2018].

Inequality Watch (2012) *Poverty in Europe: the Current Situation*, [online] Available: <http://www.inequalitywatch.eu/spip.php?article99> [accessed 09 February 2018].

LegeAZ (2018) Evacuation: correlation between property right/domicile right / and right to family life form perspective of art. 8 CEDO, [online] Available: <http://jurisprudentacedo.com/Evacuare-Corelatia-intre-dreptul-de-proprietate-dreptul-la-domiciliu-si-dreptul-la-viata-de-familie-din-perspectiva-art.8-din-CEDO.html> [accessed 25 April 2018].

Law no. 116/2002 on preventing and combating social exclusion, [online] Available:

[http://www.dreptonline.ro/legislatie/legea\\_prevenirii\\_marginalizarii\\_sociale.php](http://www.dreptonline.ro/legislatie/legea_prevenirii_marginalizarii_sociale.php) [accessed 12 February 2018].

Mathema, A., Dan, A. and Botonogu, F. (2014) "Housing", in Anan, K. and Karacsony, S. (eds.) *Diagnostics and Policy Advice for Supporting Roma Inclusion in Romania*, a report Prepared by the Human Development and Sustainable Development Teams Europe and Central Asia, The World Bank Group, Bucharest. [online] Available:

<http://www.worldbank.org/content/dam/Worldbank/document/eca/romania/OutputEN.pdf> [accessed 04 April 2018].

Mediafax (2013) *Cati salariati exista in Romania si cat castiga ei*, [online] Available: <http://www.ziare.com/locuri-de-munca/piata-muncii/cati-salariali-exista-in-romania-si-cat-castiga-ei-1273985> [accessed 17 February 2018].

National Institute for Statistics, Romania, *2011 Population and Housing Census*, Table 1, [online] Available: <http://www.recensamantromania.ro/wp-content/uploads/2012/08/TS1.pdf> [accessed 27 May 2018].

Naşul TV (2013) *The houses rented on the black market: a gainful affair and tax evasion*, [online] Available: <http://www.nasul.tv/2013/08/06/locuintele-inchiriate-la-negru-afacere-profitabila-si-evaziune-fiscală/> [accessed 20 May 2018].

National Bank of Romania (2008), *Survey on loans of non-financial companies and population*, [online] Available:

<http://www.bnro.ro/PublicationDocuments.aspx?icid=11104>, [accessed 14 May 2018].

National Bank of Romania (2014) *Survey on loans with Banks decision-makers*, [online] Available: [http://www.bnro.ro/files/d/Pubs\\_en/BLS/Anexe/BLS\\_201405ax.xls](http://www.bnro.ro/files/d/Pubs_en/BLS/Anexe/BLS_201405ax.xls), [accessed 26 March 2018].

Nita, D.L. (2009) Romania - RAXEN National Focal Point. Thematic Study: Housing Conditions of Roma and Travellers. [online] Available:

[http://fra.europa.eu/sites/default/files/fra\\_uploads/591-RAXEN-Roma%20Housing-Romania\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/591-RAXEN-Roma%20Housing-Romania_en.pdf). [accessed 06 May 2018].

Office for National Statistics. UK (2009) *Housing - Social Trends 41*, [online]

Available: <http://www.ons.gov.uk/ons/rel/social-trends-rd/social-trends/social-trends-41/housing-chapter.pdf> [accessed 01 March 2018].

Precupetu I. and Precupetu, M. (2014) *Growing inequalities and their impacts in Romania*, [online] Available:

<http://gini-research.org/system/uploads/441/original/Romania.pdf?1370077330> [accessed 10 February 2018].

Randall, C. (2011) "Housing", *Social Trends*, no. 41, [online] Available: <http://www.ons.gov.uk/ons/rel/social-trends-rd/social-trends/social-trends-41/housing-chapter.pdf> [accessed 10 February 2018].

Reclaiming Spaces (2014) *NO to Forced Evictions! Solidarity with the Resistance Camp of Vulturilor str, Bucharest*, [online] Available: <http://www.reclaimingspaces.org/2014/09/no-to-forced-evictions-solidarity-with-the-resistance-camp-of-vulturilor-str-bucharest/> [accessed 30 March 2018].

Replica (2012) *Primăria Năvodari preia datoriile la întreținere pentru 3.000 de familii / Năvodari City Hall take maintenance debts to 3,000 families*, [online] Available: <http://www.replicaonline.ro/primaria-navodari-preia-datoriile-la-intretinere-pentru-3-000-de-familii-60515/>, [accessed 28 March 2018].

Romani Cris. European Roma Rights Centre (2013) *Evacuarea forțată a romilor din Eforie Sud*, [online] Available: <http://www.romanicriss.org/PDF/letter%20of%20concern%20evacuare%20Eforie.pdf>, [accessed 29 March 2018].

România Liberă (2012) *Romanians does not pay anymore their loans* , [online] Available: <http://www.romanalibera.ro/economie/finante-banci/romanii-nu-mai-platesc-ratele-la-banca-275276> [accessed 10 May 2018].

România Liberă (2013) *Eforie: the scandal of Roma evicted continue*, [online] Available: <http://www.romanalibera.ro/actualitate/proiecte-locale/eforie--scandalul-romilor-evacuati-continua-315194> [accessed 04 May 2018].

Romanian Constitution of 2003, [online] Available: [http://www.dgipi.ro/administrare/uploads/documente/26\\_2010101916105208649950\\_0\\_5.pdf](http://www.dgipi.ro/administrare/uploads/documente/26_2010101916105208649950_0_5.pdf) [accessed 07 May 2018].

Stănculescu M. and Berevoescu, I. (coord.) (2004) *Sarac lipit, caut alta viata!*, Bucharest: Nemira Printing House.

Tribuna economică (2012) *Protectia legală a chiriasilor – drepturi ocrotide de lege*, [online] Available: <http://tribunaeconomică.ro/blog/?p=423> [accessed 13 April 2018].

Viața Liberă (2013) *The countdown for maintenance bad debtors is ongoing*, [online] Available: <http://www.viata-libera.ro/eveniment/49267-galasi-viata-libera-cotidian-datorii-intretinere-executare-silita-apartamente> [accessed 15 April 2018].

World Bank (2007) *Romania: Poverty Assessment Report*, [online] Available: [http://siteresources.worldbank.org/INTROMANIA/Resources/RO\\_Pov\\_AAA\\_Phase\\_1\\_November\\_2007.pdf](http://siteresources.worldbank.org/INTROMANIA/Resources/RO_Pov_AAA_Phase_1_November_2007.pdf) [accessed 18 April 2018].

Ziare.com (2011) *Waste of 1 million from the Government: Rotunda, the expired village*, [online] Available: <http://www.ziare.com/bacau/stiri-actualitate/risipa-de-1-milion-de-euro-de-la-guvern-rotunda-satul-cu-termen-de-valabilitate-expirat-2246053> [accessed 26 April 2018].

Ziare.com (2013) *Romanii au 7,5 milioane de credite - cati nu mai pot plati si cati falimenteaza* <http://www.ziare.com/bani/banci/romanii-au-7-5-milioane-de-credite-cati-nu-mai-pot-plati-si-cati-falimenteaza-1265382> [accessed 16 March 2018].