

SOCIAL HOUSING MANAGEMENT MODELS IN SPAIN*

Núria Lambea Llop**

Abstract

Spain is one of the European countries with the lowest social rented stock, merely 2% compared to the EU-15 average of 11.7%. Current Spanish housing policies aim to increase this percentage but it is essential that this is accompanied by an efficient social housing management system.

The main aim of this paper is to introduce the Spanish models of social housing management and to point out two main features: the variety of providers (public and private) and the fact that social rented housing is mostly provided by public entities (either regional or local). Apart from the structural description this paper also highlights, as well as existing good practice, the weak points of this management system, which could be improved through public-private partnership schemes for managing social housing.

Keywords: Social housing; management; housing providers; *viviendas de protección oficial* (VPOs); housing policy; housing association; public-private partnership scheme.

MODELS DE GESTIÓ DE L'HABITATGE SOCIAL A ESPANYA**Resum**

Espanya és un dels països europeus amb menys estoc de lloguer social, només un 2%, en comparació amb la mitjana de la UE-15, que és de l'11,7%. Les polítiques d'habitatge actuals a Espanya aspiren a augmentar aquest percentatge, però és essencial que s'acompanyin d'un model de gestió del lloguer social que sigui eficient. L'objectiu principal de l'article és el de presentar els models espanyols de gestió de l'habitatge social i assenyalar-ne dos dels trets principals: la diversitat de proveïdors (públics i privats) i el fet que l'habitatge social de lloguer és proveït majoritàriament per entitats públiques autonòmiques o locals. A part de la descripció estructural, l'article remarca tant les bones pràctiques que existeixen com els punts dèbils del sistema de gestió, que podria millorar-se mitjançant programes de col·laboració publicoprivada per a la gestió de l'habitatge social.

Paraules clau: habitatge social; gestió; proveïdors d'habitatge; habitatge de protecció oficial (HPO); política d'habitatge; housing association; programa de col·laboració publicoprivada.

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1 Introduction

The current situation in Spain, with an unemployment rate of 24.5% (youth unemployment is 53.2%)¹, 20.4% of the population at risk of poverty² and an eviction rate (owner-occupied and tenancies) of 80,000 families per year, shows the important role that social housing should play today. But this situation has highlighted the lack of social (rented) housing in Spain, where it represents a mere 2% of the total housing stock (the EU-15 average is 11.7%).

Government measures aimed at increasing the social housing stock³ clash with the fact that some public entities are getting rid of some of their social housing. This demonstrates an inefficient social housing management system. Social housing stock management is difficult and costly, due to the risks of accumulated defaults⁴, the geographical dispersion of this housing, empty houses resulting from poor service connections and low demand in the area⁵, maintenance costs, and so on.

The aim of this article is twofold. First, it points out the main problems of the Spanish social housing management system in general. Second, it explains the different models (in practice) of social housing management in Spain, presenting the main characteristics, practices and problems of each type. It is very difficult to find a holistic study of the existing social housing management models because, firstly, housing is an autonomous community competence and, secondly, there is a broad variety of potential and existing management models. Moreover, there is a lack of verifiable statistical data in this field. Therefore, this study is a deductive study, undertaken on a case-by-case basis⁶.

2 Current housing policies and lack of an efficient social housing management system

It is well-known that social rented housing in Spain is very scarce (approximately 2%)⁷. This can be explained mainly by the trend in Spanish housing policies in recent decades of encouraging and promoting access to home ownership⁸ (easy access to financing, tax deductions, the possibility of market revaluation, etc.)⁹. This same trend exists in the promotion of publicly protected housing (*viviendas de protección oficial*, VPOs hereafter) and this trend to build VPOs for sale has, in turn, made it impossible to create a significant and permanent pool of public rented housing. This has led to a historical lack of housing for those people with special difficulties in getting access to housing¹⁰. Moreover, the social housing sector used to be an

1 Data from the National Institute of Statistics (INE), 2014. The youth unemployment rate takes into account people aged 16 to 24 (both years included).

2 INE, Living Conditions Survey, final results, 2013. *Press releases*, 27.05.2014.

3 Explained briefly in the next chapter.

4 BERMÚDEZ, Tere; TRILLA, Carme. “Un parque de viviendas de alquiler social. Una asignatura pendiente en Cataluña” *Debats Catalunya Social. Propostes des del Tercer Sector*, No. 39 (2014). p. 7.

5 Surveillance expenditure on new and vacant housing is very high. Madrid and Catalonia, for example, have outsourced this service because of the high cost involved. See “Madrid y Cataluña fichan vigilantes para ahuyentar a los okupas en VPO”, *Cinco Días*, 2011, available [here](#) and “Cataluña blinda sus VPO vacías”, *El Mundo*, 2013, available [here](#) (last access 11.06.2015).

6 Sample of some social housing providers/managers in Catalonia including both public and private (private non-profit and private for-profit entities). Although it is mainly undertaken at a Catalan level, it has also been sent to some public entities identified as having good management practices in the rest of Spain.

7 PITTINI, Alice; LAINO, Elsa. *Housing Europe Review 2012. The nuts and bolts of European social housing systems*. Brussels: CECODHAS Housing Europe’s Observatory, 2011, p. 24.

8 TELLO I ROBIRA, Rosa. “Políticas públicas de vivienda en Barcelona y Ciudad de México” in PÉREZ-RINCÓN, Socorro; TELLO I ROBIRA, Rosa (eds.). *¿Derecho a la vivienda? Miradas críticas a las políticas de vivienda*. Barcelona: Edicions Bellaterra, 2012, p. 207-224. p. 208.

9 NASARRE AZNAR, Sergio; OLINDA GARCÍA, Maria; XERRI, Kurt. “¿Puede ser el alquiler una alternativa real al dominio como forma de acceso a la vivienda? Una comparativa legal Portugal-España-Malta”. *Teoría y Derecho*, No. 16 (2014), p. 188-215. p. 194.

10 PAREJA EASTAWAY, Montserrat; SÁNCHEZ MARTÍNEZ, M^a Teresa. “Vivienda y cambio social en España” in PÉREZ-RINCÓN, Socorro; TELLO I ROBIRA, Rosa (eds.). *¿Derecho a la vivienda? Miradas críticas a las políticas de vivienda*. Barcelona: Edicions Bellaterra, 2012, p. 113-139. p. 129.

unattractive sector for developers,¹¹ who opted for the profits they could make in the private sector, given the level of prosperity and the property boom (1995-2007)¹².

In response to this shortage of social housing for rent, the current State Housing Plan 2013-2016¹³ has taken a radical shift concerning central housing policies¹⁴. It focuses on two main pillars: 1) promotion of rental housing (rental subsidies and promotion of public rental housing stock) and 2) restoration, regeneration and urban renovation. However, one should bear in mind that Spain is a decentralised state, where autonomous communities have exclusive competence in some fields, and housing is one of them¹⁵. Therefore, objectives and measures of the housing policies can vary amongst the autonomous communities¹⁶, although the general financial and fiscal legal framework set by the State shall be respected¹⁷. Concerning this last issue, a recent judgement by the Spanish Constitutional Court of 14 May 2015¹⁸ ruled that regional housing policies should not collide with some structural mortgage market rules and interests already regulated at a State level¹⁹.

At a State level, apart from the broad interventions set out in the State Housing Plan, measures have mainly focused on preventing evictions²⁰. Act 1/2013²¹ has, on the one hand, introduced a two-year moratorium of evictions for the most vulnerable households (extended in 2015 for two more years, until May 2017)²²; and on the other hand, by Royal Decree-Law 27/2012²³ a Social Housing Fund was established to allocate people that have been evicted due to mortgage enforcements. However, social housing available for rent within this

11 There is of a price ceiling on the purchase or lease of publicly protected housing (VPO) and also the need to adapt this type of housing to the requirements established by housing policies. PAREJA EASTAWAY, Montserrat; SÁNCHEZ MARTÍNEZ, M^a Teresa. “El mercado de vivienda en España: la necesidad de nuevas propuestas” in NASARRE AZNAR, Sergio (ed.). *El acceso a la vivienda en un contexto de crisis*. Madrid: Edisofer, 2011, p. 31-51, p. 44 and 49.

12 579,665 housing units on the private market were finished in 2007, which contrasts sharply with 62,607 publicly protected housing units. This difference was vastly reduced in 2013, not because of an increase in protected housing (17,059) but because of the collapse in private housing (43,230). Data from the Ministry of Development, Spanish Government. Available [here](#) (last access 02.06.2015).

13 Housing Plans are the mechanism used to establish housing policies: the actions and people entitled to get subsidies. The current one at a State level is “Real Decreto 233/2013, de 5 de abril, por el que se regula el Plan Estatal de fomento del alquiler de viviendas, la rehabilitación edificatoria, y la regeneración y renovación urbanas, 2013-2016”. *Boletín Oficial del Estado* (10 April 2013), p. 26623-26684.

14 Supporting this idea, for example, SIBINA TOMÁS, Domènec. “Polítiques públiques i accés a l’habitatge. Construint polítiques públiques d’habitatge en temps de crisi” in TORNOS MAS, Joaquín and BARRAL VIÑALS, Immaculada. *Vivienda y crisis: ensayando soluciones. Jornadas*, Universitat de Barcelona-Registadors de Catalunya, 2015, p. 21-43. And also GUILLÉN NAVARRO, Nicolás Alejandro. “El Plan de Vivienda 2013-2016: el renacer de la vivienda de alquilar en España”. *Ciudad y Territorio: Estudios Territoriales*, vol. XLVI, No. 182, 2014, p. 591-606. p. 591 and 592.

15 Art. 148.1.3 Spanish Constitution.

16 LEAL, Jesús. “Social housing and policy in Spain” in HOUARD, Noémie (ed.). *Social Housing across Europe*. Paris: La documentation Française, 2011, p. 71-84. p. 75.

17 Art. 149.1.1, 149.1.11 and 149.1.13 Spanish Constitution.

18 The ruling rejects a measure passed by the Andalusian Government concerning temporary expropriation of vacant dwellings from banks to avoid the eviction of inhabitants in social emergency situations (“Pleno. Sentencia 93/2015, de 14 de mayo de 2015. Recurso de inconstitucionalidad 4286-2013”. *Boletín Oficial del Estado* (19 June 2015), p. 51425-51464).

19 The Constitutional Court makes a broad interpretation of art. 149.1.13 Spanish Constitution, concerning centralised powers on basis and general coordination of the financial activity, leading to a restrictive effect of the regional powers. See AMENÓS ÁLAMO, J. “Primeres reflexió sobre la sentència del TC relativa a la legislació andalusa ‘antidesnonaments’: reforçament del paper de la Llei – en contra del Decret llei- i blindatge de la competència estatal en el camp de la reorganització bancària i dels drets i deures de deutors i creditors hipotecaris” *Blog Revista Catalana de dret públic*, June 2015. Available [here](#) (last access 04.02.2016).

20 See TORNOS MAS when he says that the problem of access to housing has been ousted by the problem of not losing the home. TORNOS MAS, Joaquín. “El acceso a la vivienda, la nueva función social del derecho de propiedad y el recurso a medidas de naturaleza expropiataria, sancionadora e impositiva” in TORNOS MAS, Joaquín and BARRAL VIÑALS, Immaculada. *Vivienda y crisis... op. cit.*, p. 47-65. p. 51.

21 “Ley 1/2013, de 14 de mayo, de medidas para reforzar la protección a los deudores hipotecarios, reestructuración de deuda y alquiler social”. *Boletín Oficial del Estado* (15 May 2013), p. 36373-36398.

22 Amended by art. 3 of “Ley 25/2015, de 28 de julio, de mecanismo de segunda oportunidad, reducción de la carga financiera y otras medidas de orden social”. *Boletín Oficial del Estado* (30 July 2015), p. 64479-64543.

23 “Real Decreto-ley 27/2012, de 15 de noviembre, de medidas urgentes para reforzar la protección a los deudores hipotecarios” *Boletín Oficial del Estado* (16 November 2012), p. 79877-79880.

fund did not reach 6,000 (5,891) units at the time of its creation and after two and a half years only 30% of properties were used²⁴. In September 2015, 3,974 properties were incorporated into the fund²⁵. The main reasons for this limited success are that the requirements for becoming an applicant are too strict and too tight²⁶, that some of the housing is in very poor condition and that, in some cases, accepting this housing would mean moving out from the normal family and work environment²⁷.

As mentioned above, autonomous communities can implement their own housing policies. For example, the Catalan Government has introduced some measures that are mainly aimed at overcoming both the problem of access to social housing and the need for the reduction of the number of vacant dwellings²⁸. On the one hand, the Government converted vacant public housing for sale into public housing for rent²⁹. On the other hand, rights of first refusal and pre-emptive rights have been introduced (Decree-Law 1/2015)³⁰ should a financial institution want to sell a property that has been foreclosed (after April 2008) and which is located in areas with a high housing demand, the public authority will then have the option to purchase that property and use it as rented social housing. The same Decree-Law has created a Registry of vacant dwellings, which reinforces the implementation of a new tax on vacant dwellings, basically aimed at financial institutions³¹. Act 24/2015³² compels financial institutions and any other holder of multiple properties (+1,250 m² in total) to offer three-year social leases to households at risk of residential exclusion. This offer should be done before the institution starts any eviction process against them. In addition, two different types of temporary housing expropriation are established in Decree-Law 1/2015 and in Act 24/2015. In the first case, a temporary expropriation, between 4 and 10 years, is established to restore the habitability conditions of foreclosed properties, if they are vacant due to their state of disrepair. In the second case, another temporal expropriation of three years is established for vacant dwellings owned by financial institutions and other holders of multiple properties in areas where there are households at risk of exclusion.

The Catalan Housing Plan³³ also includes other measures to offer empty housing in hands of private landlords at an affordable price. There is a Social Rental Mediation Stock Programme (*Bolsa de mediación de alquiler social*) and a Housing Transfer Programme (*Programa de cesión*). The public authority takes charge of managing private properties in both cases, but while in the latter the public authority is the lessor (i.e. private landlords transfer the management of the properties to the authority), in the former the public authority only

24 “El fracaso del Fondo Social de Viviendas”, *El Mundo*, 2015, available [here](#) (last access 09.02.2016).

25 “Guía práctica del Fondo Social de Viviendas”. Ministerio de Economía y Competitividad. Gobierno de España. Available [here](#) (last access 09.02.2016).

26 In May 2014, access requirements for this type of housing were softened, and the criteria for potential applicants was broadened to include more groups of the population: families with young children, retired people supporting their children, and other social vulnerable people with a report from social services.

27 SUNDERLAND, Judith. *Sueños rotos. El impacto de la crisis española de la vivienda en grupos vulnerables*. United States of America: Human Rights Watch, 2014. p. 56, following the opinion of Trilla and the Plataforma de Afectados por la Hipoteca (PAH) amongst others.

28 The Director of the Catalan Housing Agency (Agència de l’Habitatge de Catalunya) has stated that the solution to the lack of social housing is not building new social housing but using the vacant existing ones in the hands of financial entities. SUNDERLAND, Judith. *Sueños rotos...op. cit.* p. 55.

29 In Catalonia, vacant dwellings from the Catalan Housing Agency decreased from 3,264 to 1,614 in one year and a half. GENERALITAT DE CATALUNYA, Departament de Territori i Sostenibilitat, Secretaria d’Habitatge i Millora Urbana. *Informe continu sobre el sector de l’habitatge a Catalunya*, March 2013. p. 1.

30 Approved recently by the Catalan Government by the “Decreto-ley 1/2015, de 24 de marzo, de medidas extraordinarias y urgentes para la movilización de las viviendas provenientes de procesos de ejecución hipotecaria”. *Boletín Oficial del Estado* (1 June 2015), p. 46459-46466; only until 2021.

31 “Ley 14/2015, de 21 de julio, del impuesto sobre las viviendas vacías, y de modificación de normas tributarias y de la Ley 3/2012” *Boletín Oficial del Estado* (15 August 2015), p. 74437-74445. It taxes housing (maximum 120m²) from legal entities (public administrations and third sector entities are excluded) which are habitually and unjustifiably empty for at least two years, and that are in a place where housing demand is high. Discounts are applied if the entity allocates part of its housing pool to affordable rented housing.

32 “Ley 24/2015, de 29 de julio, de medidas urgentes para afrontar la emergencia en el ámbito de la vivienda y la pobreza energética” *Boletín Oficial del Estado* (9 September 2015), p. 79287-79296.

33 “Decret 75/2014, de 27 de maig, del Pla per al dret a l’habitatge”. *Diari Oficial de la Generalitat de Catalunya* (29 May 2014).

acts as an intermediary between the landlord and the tenant. There are additional programmes in Catalonia focused on people at risk of social exclusion: Inclusion Housing³⁴ and the Social Emergency Committee (*Mesa de Emergència Social*)³⁵. Another programme is the “*avalloguer*”³⁶, which promotes affordability by providing a guarantee for landlords in the event of the tenant defaulting. The Catalan Government also concluded transfer agreements with some financial entities, accounting for 900 flats up until June 2015³⁷. Finally, the Catalan Housing Plan promotes the development of subsidized housing (VPO as described below) of all types of tenures (among others, full ownership, rental, intermediate tenures –temporary and shared ownership– which were introduced into the Catalan Civil Code via Act 19/2015³⁸).

Despite these measures revealing the need to increase the current social housing stock, there is quite a number of vacant VPOs. A study by the Spanish Ombudswoman in 2013 counted 13,504 vacant VPOs in the whole of Spain. But these numbers are relative and not at all accurate, since there is no central government control at regional level, where vacant housing is spread between autonomous community governments, municipalities and private developers³⁹ (the study does not take into account housing managed by municipalities or local public companies), nor is there a unitary definition of ‘vacant VPO’⁴⁰. Thus, the main reasons for social housing vacancies are: the impossibility of applicants getting funding to buy a VPO; the bad location of the houses; the poor state of the housing stock, which has not been renovated; the fact that the price of social housing is sometimes equal to or above private market prices; the absence of any verification as to whether the housing is occupied or not, and the long procedures for allocating new tenants⁴¹.

There have also been some sales of public housing by local authorities to private investment funds, for example, in Madrid (4,860 units in all)⁴² and Barcelona (298 units)⁴³, while the Catalan Government intended to sell 14,000 public dwellings to a foreign investment fund in 2013⁴⁴.

These aspects (vacant VPOs and the sale of public housing) are evidence of the existence of an inefficient social housing management system, but an efficient system is indispensable when the current housing policies aim to increase the social rented housing stock. The 2013-2016 State Housing Plan emphasises the need for public-private collaboration on housing policy management (Articles 4 and 7 of the Plan).

Another aspect that hinders the possibility of having an efficient management system is the difficulty of knowing, for certain, what the real stock of social housing in Spain is. Each autonomous community has its own definition and its own programmes; there is a big variety of social housing providers at the different levels (autonomous community, regional, local) which complicates the task of quantifying the social housing

34 Arts. 23 to 25 Catalan Housing Plan 2013-2016.

35 Arts. 73 to 75 Catalan Housing Plan 2013-2016.

36 Arts. 66 to 71 Catalan Housing Plan 2013-2016.

37 “El conseller Santi Vila signa un acord amb la Sareb que amplia fins a 900 la cessió de pisos per a lloguer social” Available [here](#) (last access 07.02.2016).

38 “Ley 19/2015, de 29 de julio, de incorporación de la propiedad temporal y la propiedad compartida al libro quinto del Código civil de Cataluña”. *Boletín Oficial del Estado* (8 September 2015), p. 79039-79048. See more details in GARCIA TERUEL, Rosa Maria; LAMBEA LLOP, Núria; MOLINA ROIG, Elga. “The new intermediate tenures in Catalonia to facilitate Access to housing”. *Revue de droit bancaire et financier*, No 2 (2015), p. 116-120.

39 PELLICER, LI. “Más de 13.500 pisos sociales vacíos en un país con 330.000 demandantes” *ElPaís.com*, 2015. Available [here](#) (last access 04.06.2015).

40 DEFENSOR DEL PUEBLO. *Estudio sobre viviendas protegidas vacías*. Madrid, March 2013. p. 29.

41 DEFENSOR DEL PUEBLO. *Estudio sobre...op.cit.* p. 30.

42 3,000 flats in the Madrid Housing Institute Youth Plan sold to the investment fund Goldman Sachs-Azora [“Madrid vende 3.000 pisos a Goldman Sachs y Azora por 201 millones”. *El economista.es*, 2013. Available [here](#) (last access 04.06.2015)] and 1,860 flats of the Municipal Land and Housing Company in Madrid to Blackstone investment fund [“Madrid vende 1.860 viviendas a Blackstone por 128,5 millones: sale una media de 69.000 euros por piso”. *El economista.es*, 2013. Available [here](#) (last access 04.06.2015)].

43 Regesa (a public entity responsible to Barcelonès County Council) sold 298 flats located in various Barcelona neighbourhoods to the real estate investment company Colon Viviendas (Blackstone group). “Una empresa privada adquiere 298 pisos protegidos de Barcelona”. *La Vanguardia*, 2013. Available [here](#) (last access 04.06.2015).

44 SALVADOR, R. “El Govern prepara la privatització de los 14.000 pisos públicos de Incasòl”. *La Vanguardia.com*, 2013. Available [here](#) (last access 04.06.2015).

they manage as a whole; not all social housing consists of VPOs⁴⁵; 2% is quite an ambiguous number⁴⁶, and so on. The same applies when calculating the number of people in housing need. It is true that there are registries of VPO applicants in each autonomous community, but it is no less true that there are some people who do not meet the requirements for being registered there, people who are not registered but might live in overcrowded or uninhabitable dwellings, people who might be at risk of eviction, and so on. Therefore, it is important to point out the lack of verifiable statistical data regarding the real supply and the real demand for social housing, which complicates the creation of new housing policies.

3 Social housing providers. General approach

3.1 Concept of social housing

In order to determine the potential entities for managing social housing, it is vital to establish what is regarded as social housing in Spain, as there is no unitary concept at a European level⁴⁷. In a decision addressed to the Dutch Government⁴⁸ in December 2009⁴⁹, the European Commission stated that social housing should be aimed at a ‘clearly defined target group of disadvantaged citizens or socially less advantaged groups’. In general, social housing is defined as housing offered at below-market prices that does not follow market criteria in terms of allocation, as it is allocated according to housing need (with allocation criteria established at a public level and not by the market)⁵⁰.

Generally, when talking about social housing in Spain, it mainly refers to publicly protected housing⁵¹ (*viviendas de protección oficial*, VPOs)⁵². But if we take into account the description above, there are other types of social housing in Spain, apart from VPOs. For example, in Catalonia, there has been, as mentioned above, different programmes for supplying housing at affordable prices and allocated by means of criteria established by the public authority. For example a Social Rental Mediation Stock Programme (*Bolsa de mediación de alquiler social*), a Housing Transfer Programme (*Programa de cesión*), the Inclusion Housing and the Social Emergency Committee (*Mesa de Emergencia Social*).

As regards the potential providers of each type of social housing mentioned above, VPOs may be offered by public and private (non-profit and for-profit) entities⁵³. Housing coming from the Mediation Programme, the

45 See next chapter.

46 This figure is reflected in PITTINI, Alice; LAINO, Elsa. *Housing Europe...op. cit.* p. 24 and also in BERMÚDEZ, Tere; TRILLA, Carme. “Un parque...op. cit. p. 6. And it is the same in TRILLA, Carme. ‘La política d’habitatge en una perspectiva europea comparada’. *Col·lecció Estudis Socials. Fundació LaCaixa*, No. 9 (2002). p. 58. But this figure also appears in DOL, Kees; HAFFNER, Marietta. *Housing Statistics in the European Union*. The Hague: OTB Research Institute for the Built Environment, 2010. p. 67, with regard to rented social housing in Spain in the 1990s. In this same study, there are no figures for the rented social housing in the following years (the last one is 2008), which highlights the lack of statistical data on the Spanish social housing sector.

47 It varies, depending on housing policies, the tenures considered and subsidies in each country. SCANLON, Kathleen; WHITEHEAD, Christine; FERNÁNDEZ ARRIGOITIA, Melissa (eds.). *Social Housing in Europe*. Oxford: Wiley Blackwell, 2014. p. 3.

48 This definition is therefore set in a specific context and has the specific objective of reducing the scope of applicants entitled to social housing in the Netherlands.

49 European Commission Decision No 642/2009. Brussels. 15.12.2009. C(2009)9963 final.

50 This requirement of allocation on the basis of need as a prerequisite of social housing is highlighted in HAFFNER, Marietta et al. “Bridging the gap between social and market rented housing in six European countries?”. *Housing and Urban Policy Studies*, No 33 (2009). p. 4-5 and BOELHOUWER, Peter. *Maturation of the Dutch Social Housing Model and Perspectives for the Future*. Delft: OTB Research for the Built Environment, 2014. p. 2.

51 See PITTINI, Alice; LAINO, Elsa. *Housing Europe...op.cit.* p. 75. And also LEAL, Jesús. “Social housing and policy in Spain” in HOUARD, Noémie (ed.). *Social Housing across Europe*. Paris: La documentation Française, 2011, p. 71-84. p. 74.

52 Each autonomous community is entitled to define and classify a dwelling as a VPO. But the common characteristics of VPOs are: 1) they are classified as VPOs by means of an administrative procedure; 2) they have a period of protection (the minimum number of years varies, depending on the land they are located on and whether they have received brick-and-mortar subsidies or not) during which the sale price or rent is capped and there are limits on who can access them (maximum income); 3) they have to meet certain quality and design standards (limits on the surface area, among others); 4) they must be used as the main residence and 5) there are public subsidies for the construction as well as for the rent and/or purchase.

53 The 2013-2016 Catalan Housing Plan provides public aids for all kinds of developers (Art. 42 Catalan Housing Plan), while the State Housing Plan for the same period only establishes subsidies for public authorities, public entities, foundations and associations

Transfer Programme and the Social Emergency Committee is exclusively offered and managed by the public authority, whereas Inclusion Housing is offered and managed by non-profit entities.

Social housing providers/managers are explained in more depth below, so the main purpose of this chapter is to show the diversity of social housing types and requirements, and to see how this diversity hinders social housing management. Moreover, the fact that VPO requirements (stipulated years of protection, maximum rent or sale price, etc.) might change, depending on the housing plan (four-year plans) in force at the start of the “protection” period, renders their management more difficult⁵⁴.

3.2 Diversity of social housing providers

In Spain, social housing stock is mainly managed by regional or local public bodies or companies⁵⁵. Since 1980, most regional and local governments have created their own housing companies or agencies⁵⁶. In addition to public managers⁵⁷, there are also private entities managing social housing, both for-profit and non-profit ones. Among the former, there are asset-holding companies whose main objective is the development and/or tenancy-ownership of housing (they normally adopt the form of a capital-based company) and real estate investment funds. In 2009 limited listed investment companies in the real estate market (known as SOCIMIs)⁵⁸ were created to boost the rental market in Spain. These are similar to real estate investment trusts (REITs)⁵⁹, allowed to trade on an official stock market and pay no corporation tax⁶⁰. They are pointed out here because the central government wants to strengthen their role in the social sector, as shown by their inclusion in the 2013-2016 State Housing Plan as potential collaborating entities in terms of public subsidy management⁶¹. However, there are currently seven SOCIMIs listed on the stock market⁶², and none of them plays any role in the social housing sector. Among the non-profit entities that also manage a small portion of the social housing stock there are foundations, housing cooperatives, associations, religious organisations and confederations.

To sum up, there is a broad range of management entities in the social housing sector: public, mixed, private for-profit and private non-profit. Their legal character and size varies, and providing social housing may be their main objective, or they may also offer it as an accessory service to others they offer to a specific population group. Furthermore, these entities may be landlords or tenants of the dwellings that they manage. While some of them manage a considerable number of dwellings, others are not housing management experts as they were only set up to meet the very specific needs of a particular sector of the population. The latter have neither a sufficient volume of housing stock, nor the necessary personnel, nor the know-how to be able to increase their social housing supply and meet the current demand. An example of this is the Mambré Foundation⁶³, set up in 2007 by four entities when they discovered they lacked resources for social housing

designated as being in the public interest, non-governmental organisations and other non-profit private entities.

54 SIBINA TOMÁS, Domènec. “Polítiques públiques...*op.cit.* p. 32.

55 MOLINA ROIG, Elga. *National Report for Spain* in the ZERP Tenancy Law Project, 2014.

56 PAREJA EASTAWAY, Montserrat; SÁNCHEZ MARTÍNEZ, M^a Teresa. “La política de vivienda en España: Lecciones aprendidas y retos de futuro”. *Revista Galega de Economía*. Vol. 21, No. 2 (2012), p. 1-31. p. 20.

57 See ‘3.3. Predominance of public providers’.

58 Created by “Ley 11/2009, de 26 de octubre, por la que se regulan las Sociedades Anónimas Cotizadas de Inversión en el Mercado Inmobiliario”. *Boletín Oficial del Estado* (27 October 2009), p. 89693-89723.

59 For a detailed study of this institution, see NASARRE AZNAR, Sergio; RIVAS NIETO, Estela. “Las nuevas sociedades anónimas cotizadas en el mercado inmobiliario (SOCIMI): ¿Solución para el alquiler de vivienda en España?”. *CEFLegal: Revista práctica de derecho. Comentarios y casos prácticos*, No. 105 (2009), p. 15-80.

60 Measure implemented with the amendment to Act 11/2009, as a result of the failure of this initial regulation, following which not a single entity adopting the SOCIMI regime. The amendment was therefore introduced by “Ley 16/2012, de 27 de diciembre, por la que se adoptan diversas medidas tributarias dirigidas a la consolidación de las finanzas públicas y al impulso de la actividad económica”. *Boletín Oficial del Estado* (28 December 2012), p. 88097-88155.

61 Art. 7.2.e) 2013-2016 State Housing Plan.

62 Lar, Axia, Merlin and Hispania in the Continuous Stock Market, and Entrecampos, Mercal and Promorent in the MAB, the Alternative Stock Market.

63 Official website: <http://www.fundaciomambre.org> (last access 20.05.2015).

maintenance. Another example is the Håbitat3 Foundation⁶⁴, a private non-profit entity recently founded in order to obtain and manage social housing, and offer it to other non-profit entities to meet their demand.

It is therefore clear that Spanish social housing management is dispersed and unstructured. In addition, there is no registry of social housing providers/managers at a State level. This means that each management entity is governed by its own regulations (depending on its legal character) and that there is a lack of information concerning the real number of existing management entities, their housing stock, the type of social housing they offer and their area of operation. This dispersed and unstructured system also entails a lack of coordination between social housing managers, which in turn can give rise to a duplication of services⁶⁵ designed to achieve the same result, or a lack of such services in some areas, which clearly undermines efficiency in this field.

3.3 Preponderance of public providers

As mentioned above, most social housing managers are public entities. However, these vary enormously in terms of housing stock, personnel, management structure, supervision and tenant rotation⁶⁶. By way of example, in Catalonia there is mainly the Catalan Housing Agency (at an autonomous community level), as well as municipal companies and local housing offices at municipal and county-council level (*consell comarcal*)⁶⁷. There are also mixed (public-private) companies.

The fact that most of social housing providers are public means that investment in this type of housing depends on the public budget at any given time. So, in periods of economic crisis, investment in social housing is considerably reduced (in contrast to the increased need for this type of housing). On top of that, there is currently the other well-known issue of evictions. In such cases, public entities and bodies come under social and media pressure, which sometimes hinders or even stops them from going ahead with the eviction procedures. Interestingly, nearly 40% of public entities wait for 8 to 12 monthly defaults before initiating the eviction process⁶⁸, which, ultimately, is economically unsustainable. This practice could also turn out to be a violation of the principle of equality: tenants that do not pay or do not comply with the other requirements (housing maintenance or social harmony in the neighbourhood) are allowed to stay in the house or flat, while potential social tenants that could meet these requirements remain on the waiting lists⁶⁹.

Furthermore, public authorities have many other interests, apart from social housing, so their economic and personnel resources are not specifically allocated to the social housing sector, which means that economic resources initially allocated for housing could, in the end, be invested in other public services.

There are two more aspects that render public housing management more complex. The first is the variety of competent public managers within the same municipality. The second is the fact that one public entity can manage social housing coming from different programmes: own housing or housing transferred from the public body at an autonomous community level or from banks, housing from the Mediation Programme, housing from the Emergency Committee, and so on. Each one might have its own requirements, allocation procedures and other special features. This complexity requires considerable know-how on the part of the managing entities.

64 Official website: <http://habitat3.cat> (last access 20.05.2015).

65 One of the aims of “Ley 27/2013, de 27 de diciembre, de racionalización y sostenibilidad de la Administración Local”. *Boletín Oficial del Estado* (30 December 2013), p. 106430-106473, is precisely to avoid the duplication and overlapping of competences between authorities. It is expressly mentioned in the Explanatory Memorandum of this Act, third and fourth paragraphs.

66 ALBERDI, Baralides. “Social Housing in Spain” in SCANLON, Kathleen; WHITEHEAD, Christine; FERNÁNDEZ ARRIGOITIA, Melissa (eds.) *Social Housing in Europe*. Oxford: Wiley Blackwell, 2014, p. 223-237. p. 228.

67 County councils are responsible for the pooled management of the smallest municipalities by means of agreements with the autonomous communities and city councils.

68 Following the study undertaken by the Spanish Association of Public Housing and Land Developers (AVS) in SANZ CINTORA, Angel (coord.). *Diagnóstico 2012. La gestión de la vivienda pública de alquiler*. Asociación Española de Promotores Públicos de Vivienda y Suelo, 2013. p.113.

69 SANZ CINTORA, Angel (coord.). *Diagnóstico 2012...op. cit.* p. 111.

4 Social housing management schemes

4.1 Identified models

Now the general framework has been established, this chapter lists the existing social housing management models and analyses them in more detail: main characteristics, strong points and weak points.

It is possible to distinguish at least seven social housing management models:

1. Public entity at an autonomous community level
2. Public companies at a local level
3. Local housing offices
4. Mixed companies
5. Private for-profit entities
6. Private non-profit entities
7. Private non-profit management foundations

At a public level, there are three types of model. The first refers to the entity responsible to the autonomous community government, which is in charge of developing housing policies. Management of autonomous community government housing (performed at an autonomous community level) is just one of its aims. Such is the case with the Catalan Housing Agency in Catalonia, mentioned above. The second and third types are at a local level. On the one hand, there are municipal companies and, on the other, in those municipalities where there is no specialised housing company, there are local housing offices, a role normally played by housing companies where they do exist. In Catalonia there are also the county council offices (covering the small municipalities).

Mixed companies are between the public and private level, as they are composed of private-for-profit entities and public companies. At a private level, there is an initial division between for-profit (corporations, limited liability companies) and non-profit entities (associations, foundations and cooperatives, which we also include here). And, finally, (in this last group) there are foundations set up especially because of the need for a better understanding of the field of social housing management.

With regard to the size of these entities (in terms of housing stock and also personnel), public companies and private for-profit entities are much bigger than the rest. They also own the housing stock they manage (own- development and acquisitions), while private non- profit entities (both 6 and 7) usually do not. Their housing comes from either private or public rentals or private transfers. Local housing offices manage housing through different housing programmes, which means that most of the housing they manage comes from private landlords or is transferred from the public entity at an autonomous community level. Although this is a general approach, there are also differences between each model, as well as a broad variety within each model.

4.2 Main characteristics

- Activities and services

Apart from providing social housing (with the added difficulty that there are different social housing programmes, each with different requirements), providers can offer other activities, which vary depending on the provider. Normally, private for-profit entities also rent and/or sell private housing, offices, garages or parking spaces, and/or commercial premises. Public companies also rent commercial premises, garages, offices and/or storage spaces, while local housing offices, apart from the social housing programmes, provide

the typical services of housing offices, such as general housing information or advice on housing subsidies, which they also handle. For their part, non-profit entities only provide services that complement social housing.

The combination of social and private tenures within one project (which creates a social mix and prevents ghettoisation) does not generally exist in Spain. The existence of different tenures or a social-private housing market combination in Spain either comes about because the provider has some social flats in a private condominium or because the same provider has converted social purchase tenure into social rented (or rent to purchase) because a property remained unsold. On the other hand, some public companies combine different types of social tenants in the same project or neighbourhood, either to diversify or improve the atmosphere of a neighbourhood, or to provide support or assistance services for the same tenants⁷⁰.

With regard to activities other than housing, some public companies have a social or social-community area formed by social workers, which allows some supplementary housing services⁷¹ to be provided, such as a community mediation or conflict resolution service, social support, social monitoring, etc. Non-profit entities do not normally have a specialised social area (due to their reduced size). They may offer supplementary services or not, depending on the type of tenants they have (for example, a jobseekers' service or other services related to the specific sector they help) but what they all have is a close relationship with the tenant, which enables them to adapt to each tenant's needs. For-profit entities do not generally offer these kinds of social services. What is true is that in this field, most entities coordinate with the social services at a certain point, but at very different levels.

Social housing providers/managers are not specifically involved in neighbourhood improvement (beyond housing construction and management, and other services they may offer tenants). Only public companies play a role in this field, as they work together with the municipal authorities to perform urban interventions and neighbourhood renovation.

- *Relationship with tenants*

In general terms (there could be some exceptions) and apart from the services mentioned above, tenants have no representation in these entities, public or private. Normally, the only rights they have are to information and advice. Some public companies (mainly those with a social department) do hold regular meetings with tenants' representatives or residents' associations and this contact also exists in the case of some private entities (for-profit and non-profit) but only when these tenant/resident organisations are already in existence.

Where tenants are involved in the entity's policies, it keeps the management up to date with all the tenants' worries and complaints, whilst allowing them to participate collectively in the proper running of the neighbourhood and their home. In Spain, one of the main causes for problems in housing maintenance is its misuse⁷².

- *Financing*

Public company funding sources are basically the profits from their activities and the public budget, while local offices depend entirely on the public budget. In the private sector, for-profit entities finance themselves by means of their activities in the private housing market and also through other private sources such as the

⁷⁰ Two examples are the public companies in Alicante and Bilbao. In the case of Alicante, the "Plaza de América" project (available [here](#), last access 08.06.2015) includes young and elderly people in the same building. Young people pay a very low rent and, in exchange, they provide various services for the older people (the building has communal spaces that allow for this). In the case of Bilbao, it is more about neighbourhood regeneration: the "Programa Viviendas Municipales de Bilbao para jóvenes solidarios" (available [here](#), last access 08.06.2015) offers cheap rents to university students and, in exchange, they have to collaborate in and help organise events in the neighbourhood.

⁷¹ These services are essential in social housing. The second reason for non-payment of rent by social tenants (in public housing) in Spain is mismanagement of their economic resources (the first reason is a lack of economic resources). SANZ CINTORA, Angel (coord.). *Diagnóstico 2012...op. cit.* p. 100. Another benefit of these services is a possible improvement in the tenants' situation, so they can gain access to the private market and free up social housing (very necessary in Spain, due to the scarcity, 2%, of this stock).

⁷² SANZ CINTORA, Angel (coord.). *Diagnóstico 2012...op. cit.* p. 134 and 139. In all, 88% of the entities surveyed in the study (all public providers) attributed misuse of housing as the cause of their housing stock maintenance problems after 1985.

finance and mortgage market (apart from their share capital). Conversely, the funding sources for non-profit entities, apart from the profits from their activities, are public subsidies (they might also receive some private donations).

In general terms, there is no coordination between tenant subsidies and payment of the rent. As a general rule, the housing subsidy is paid to the tenant. There are also some private non-profit entities that have asked to be recognised as a collaborating entity in collecting tenant housing subsidies directly. This is expressly regulated in the current State Housing Plan⁷³, where the potential collaborating entities are listed (basically, public entities and companies, private non-profit entities and SOCIMIs).

Both public companies and local housing offices are very familiar with the subsidies tenants can get, either because they manage them themselves or because they know what kind of subsidies there are and where people need to go to get them. (Coordination with social services has been improving recently.)

- Main problems regarding social housing management

When talking about the main management problems, all public entities stress the main one is the lack of control over payment and non-payment. Public entities take a while to react in case of defaults⁷⁴, and this leads to high default rates. In the case of local housing offices, the problem of non-payment of rent is linked to a lack of information and communication within the programmes managed by the autonomous community's public entity and where the non-payment service is outsourced. Both public entities and housing offices identify vandalism and housing misuse as other problems they have to deal with.

Yet another problem is the lack of specialisation in housing management in the case of some entities, both public (when there is not a specialised housing company) and private (non-profit) ones. The origin of the seventh model we have mentioned (the creation of foundations specialising in housing management) lies precisely in this lack of housing management skills on the part of private non-profit entities aiming to satisfy needs of a particular sector of the population (elderly people, immigrants, disabled people, etc.), one of which is housing.

Taking all this into account, it seems that many of these deficiencies could be partially overcome by involving public-private partnerships in managing social housing. A private, non-profit and quite successful scheme for managing social housing exists in the United Kingdom and the Netherlands. The housing association model is a hybrid model that satisfies three main interests: the private market (entity management based on market criteria to make it efficient and economically viable; private funding sources), the tenants and the community (combination of housing and other services for the tenants and the community; active involvement of tenants in the entity's management policies) and the public authority (collaboration with the authority on neighbourhood improvement and urban renewal policies; public control of housing association performance)⁷⁵.

5 Conclusion

1. – The historical trend in building social housing for sale prevented the authorities from thinking more seriously about the social housing management system. Only now, after the adoption of new housing policies aimed at increasing the amount of social rented housing following the 2007 crisis, has the inefficient nature of the Spanish social housing management system been revealed. Two arguments that support the idea of inefficiency are the sale of public housing to private investors and the current existence of vacant social housing despite the evident social need.

73 Arts. 7.2 and 11.6 of the 2013-2016 State Housing Plan.

74 38.5% of public providers wait between 8 and 12 months to start the eviction procedure. SANZ CINTORA, Angel (coord.). *Diagnóstico 2012...op.cit.* p.108-109.

75 For the hybridity concept, see MULLINS, David; CZISCHKE, Darinka; VAN BORTEL, Gerard. "Exploring the Meaning of Hybridity and Social Enterprise in Housing Organisations". *Housing Studies*. Vol. 27, No 4 (2012), p. 405-417 and SACRANIE, Halima. "Hybridity Enacted in a Large English Housing Association: A Tale of Strategy, Culture and Community Investment" *Housing Studies*. Vol. 27, No 4 (2012), p. 533-552.

2. – There is a broad variety of providers/managers in the Spanish social housing sector: public, mixed, private for-profit and private non-profit. Their legal character and size (housing stock and personnel) vary enormously. Providing social housing may be their main objective or just a supplementary service that might be to help and support certain population groups (these latter entities sometimes lack housing management skills). In short, the Spanish social housing management scheme is unstructured and dispersed. There is no registry of providers at a State level, which means that there is a lack of information on how many social providers there are in total as well as a lack of unified regulations for all social housing providers.
3. – Different social housing management models can be identified in Spain: public entities at an autonomous community level, local public companies, local housing offices, mixed companies, private for-profit entities, private non-profit entities and private non-profit management foundations. Moreover, although each model has its general patterns, there is some variation in aspects of management within the same model. This is mainly due to the great variety in their size, the municipality or region they operate in, the kind of social tenants they target, and so on.
4. – While recent State housing policies support the idea of a public-private collaboration (2013-2016 State Housing Plan), private collaboration in the social housing sector should be fostered. This would bring more specialisation and efficiency to housing management, a reduction in public expenditure in this field, and more regard for tenant and community interests.
5. – Although most of the Spanish social housing management models are similar in some respects to the English and Dutch housing associations, none of them manage to fulfil the three interests like housing associations do. For example, public companies fulfil the public authority interest and some aspects of the community interest but not the private market interest. Private for-profit entities do fulfil the private market interest but, generally, not the community interest. For their part, private non-profit entities seek the interest of community but they are not suited to the interests of the private rented market.

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