Gentrification in Europe

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What is gentrification?

• “the process by which higher income households displace lower income residents of a neighborhood, changing the essential character and flavor of that neighborhood” (Kennedy & Leonard 2001)

• “a politically loaded concept that generally has not been useful in resolving growth and community change debates because its meaning is unclear”

• “The literature is too often driven by ideology rather than by a focus on concrete strategies to minimize adverse impacts associated with gentrification”.
Political debate

Two Cheers for Gentrification

J. Peter Byrne

INTRODUCTION

The very word “gentrification” implies distaste.¹ Advocates of the poor and ethnic minorities see affluent whites bidding up rents and property values. But if the word evokes a negative reaction, it also has a positive connotation. ...
Emotional debate

In G-Ho, the pendulum swings again

Workers in February (left) demolished the Metropolitan African Methodist Episcopal Church at 20th and Fitzwater streets. LAURA BLANCHARD / For the Daily News (Workers in February (left) demolished the Metropolitan African Methodist Episcopal Church at 20th and Fitzwater streets.)

By JULIE SHAW, shawl@phillynews.com 215-854-2592
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VALERIE RUSS / DAILY NEWS STAFF The Rev. Clarence Martin talks about losing his church in South Philadelphia, which was torn down and replaced with condos.
Colonized, racialized, stigmatized, gentrified - Downtown Eastside (DTES) residents, both past and present, have continuously resisted human rights violations by rallying for social justice. These histories are not well known, but could be very helpful in reminding those who seek to revitalize the neighbourhood that the DTES is not just a space occupied by buildings, streets, and parks. The DTES is its people, and the people of the DTES do not need to be “revitalized” because they are already “vital.”
Human rights & housing (1/2)

- Article 31 European Social Charter

With a view to ensuring the effective exercise of the right to housing, the Parties undertake:
1. to take measures designed to promote access to housing of an adequate standard.
2. to take measures designed to prevent and reduce homelessness with a view to its gradual elimination.
3. to take measures designed to make the price of housing accessible to those without adequate resources
Human rights & housing (2/2)

- Article 8 European Convention of Human Rights

1. Everyone has **the right to respect for** his private and family life, **his home** and his correspondence.
2. There shall be **no interference by a public authority** with the exercise of this right **except** such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
Why a human right?

• “... the central importance of Article 8 to the individual’s identity, self-determination, physical and moral integrity, maintenance of relationships with others and settled and secure place in the community”
Home

- **Home** is the physically defined place where private life and family life develops.
- It does not matter whether this space is the property of the affected person or even legally inhabited.
- The notion also may also encompass business premises, temporarily inhabited spaces or caravans.
Fair balance test

• “the Court will have to examine whether it answered a “pressing social need” and, in particular, whether it was proportionate to the legitimate aims pursued.”

• “In particular, the Court must examine whether the decision-making process leading to measures of interference was fair and such as to afford due respect to the interests safeguarded to the individual by Article 8.”

(Connors v UK, 2004)
Example of a serious interference

• “there can be no doubt that the deliberate burning of the applicants' homes and their contents constitutes (...) a serious interference with the right to respect for their family lives and homes and with the peaceful enjoyment of their possessions. “

Akdivar and Others v. Turkey (1996)
Right to alternative accommodation

• “if no alternative accommodation is available, the interference is more serious than where such accommodation is available. The more suitable the alternative accommodation is, the less serious is the interference constituted by moving the applicant from his or her existing accommodation”

(Coster v UK, 2001)
“Article 8 does not necessarily go so far as to allow individuals’ preferences as to their place of residence to override the general interest. If the applicants’ problem arises through lack of money, then they are in the same unfortunate position as many others who are not able to afford to continue to reside on sites or in houses attractive to them.”

(Coster v UK, 2001)
Berger-Krall and Others v. Slovenia (2014)

- Housing reform after 1991: denationalised dwellings, applicants lost their specially protected tenancy
- since 1996, “previous owners” could terminate the lease and evict the tenant if they provided him or her with another suitable dwelling;
- since 1995 the structure and ceiling of the non-profit rent had changed in such a manner that it had risen to more than 600% of its initial value and every authority now had the power to arbitrarily raise the ceiling
- the non-profit rent had been rising to levels that many of them could hardly afford, exposing them to the risk of eviction for overdue rent
In this case no violation

- “it was not arbitrary to provide for the possibility of eviction when, as in the case of Mrs Marguč, ownership of another suitable dwelling showed that a given tenant was not in a situation of social or financial distress and that his or her housing needs could be satisfied elsewhere”.
Importance of article 8

London Borough of Hounslow v Powell, [2011] UKSC 8

• “any person at risk of being dispossessed of his home at the suit of a local authority should in principle have the right to question the proportionality of the measure and to have it determined by an independent tribunal in the light of article 8”

• “The question will then be whether making an order for the occupier’s eviction is a proportionate means of achieving a legitimate aim.”
Legal dimension of gentrification

Any safeguards for the tenants?