Babeș-Bolyai University

Faculty of European Studies

DOCTORAL THESIS

HOUSING FROM PUBLIC TO SOCIAL: EVICTIONS, THE HOUSING FUND AND CLAIMS FOR THE RIGHT TO HOUSING IN CLUJ-NAPOCA

SUMMARY

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Introduction

The thesis aims primarily to capitalize on the experiences of activism and research results on housing that I participated in between 2015-2021. I divided the thesis into three main chapters that follow three dimensions of social housing policy in Cluj, and in some cases of national housing policy: national and local data and procedures on evictions, the logic of housing inflows and outflows from public funds; and the dual work of restriction work and of claiming the right to social housing. Each chapter has a relatively independent structure, with the potential to be a theme of the paper itself. An objective of the paper is to highlight the housing experiences of Roma in Cluj who ended up living in Pata Rât.

Based on these experiences, the order of the chapters also has a chronological logic: evictions were the stage of losing the right to housing, planning new public housing developments was the relatively later time when housing needs could had been taken into account, and the transformation of social housing access is the phase that solidifies the lack of access to social housing and, implicitly, to their representation as belonging to a category of population external to the body urban.

The data underlying the paper are varied: we set out with the intention of exposing and interpreting the experiences of interaction with institutions around the submission of social housing files and demands to change the housing policy in the city with the group Căși Sociale ACUM. So I was primarily looking for an ethnographic description of this journey.

As I began to get acquainted to the activist approach to bureaucratic documents, they became richer sources of information than I expected. In the group's work they became increasingly relevant, because they reconstituted the actions and the administrative logic that could be the basis of some claims, but which were eliminated from the discourse of the municipality during the activist confrontations. The full documentation of the Local Council Decisions provides a wealth of information, in particular the activity reports of the institutions and departments and the reports explaining the motivation for taking a decision. Thanks to the kindness of some heads of services from the mayor's office, we had access to a considerable part of the LCD archive after 1990, but not to its entirety. The process of digitizing the pre-2005 decisions started after my data

collection, but at the date of finalizing the thesis, the full draft decisions between 1990-2009 are still not available on the mayor's office page.

Another type of data is the requests for public information, especially in the chapter on evictions, where in the research I coordinated in the Blocul pentru Locuire group we requested data from all urban mayoralties in the country and from the Ministry of Justice, but also regarding the activity of the Cluj administration, they provided various information.

Press monitoring at both local and national level completed the data on administrative actions on evictions and plans on the construction of public housing. It also provided an image of the representation of housing problems, especially on the subject of evictions.

The interviews took various forms, from informal to formal, from unstructured to structured. In principle, we followed them as a resource in the ethnographic sense, i.e. by integrating the context in which they were produced. Most of them took place during activist actions. But towards the end of the paper we contacted several people to complete or clarify certain types of information on the institutional organization of housing production and distribution in the early 90s, as well as on the involvement of NGOs in social services for evacuees. In other cases, following the interviews, I sketched housing routes and eviction experiences.

Chapter 2 Thirty years of housing evictions in Romania and Cluj-Napoca. Data and practices

The chapter is primarily a reaction to the invisibility of public housing evictions in the last 30 years by treating them as individualizing accounts. A recent body of eviction studies reframes this phenomenon in urban policies, an approach concomitant with the eviction waves occurring after the 2008 crisis.

The chapter starts from the data produced within the national research on evictions for the period 2008-2017, which we coordinated within the Blocul pentru Locuire group. In addition, there are national data on evictions initiated during the pandemic and data concentrated on the city of Cluj: evictions in administrative documents in the early 90s, examples of routes and eviction experiences of people who ended up living in the Pata Rât area; and finally the description and contextualization of some forced evictions that I have witnessed as an activist in recent years in the city. The data primarily concern evictions related to the public housing fund - whether it is state-owned or retrocessed housing. Other evictions concerning privately owned dwellings are not

the subject of this chapter, although by default some data also include them. Their situation is further complicated by the widespread non-registration of leases. This is certainly another issue that needs to be addressed in the future.

What this chapter brings is a more elaborate and clarified perspective on the magnitude of evictions, both in the country and in Cluj. Thus, it contributes to the otherwise poor empirical knowledge, caused by the systematic non-recording of these data. The situation is not specific to Romania, as many authors certify. The problem of lack of knowledge arises due to narrow definitions of the act itself and the lack of regulations in the field. Evictions can take place administratively by public institutions that manage real estate, be they homes or land. Or it can take place through a bailiff, which usually involves going through court, but an eviction order can also be a lease, so court decisions are just one segment. There are situations in which intimidation is used and not legal forms of eviction, but we do not have the tools to understand the magnitude of this practice.

The National Union of Bailiffs is the institution that holds the most accurate set of data, covering the cases in which bailiffs were requested. Upon a request for public information, the Ministry of Justice sent us the data it received from UNEJ, according to the attributions of the union.

From this answer we learn that a number of almost 25 thousand evictions took place through bailiffs, mainly in the period 2001-2018. An extrapolation for the missing data from the area of the Bucharest Court of Appeals raises the number to 36 thousand. And other extrapolations that include other data can bring the number to 100,000 evictions in the last 31 years. The real number of evicted people is incalculable. On the other hand, the urban administrations that responded to our requests for information for the period 2008-2017 list almost 2,000 evictions from public housing, with Galați in first place - 590 evictions. Not all answered clearly, for example Cluj and Bucharest. Another source of quantitative information is the courts' portal. Between March and November 2020, we identified several hundred other evictions initiated by public administrations. All these sources do not indicate a complete numerical picture of the evictions, but provide clues to its severity.

Regarding the city of Cluj, the decisions of the Executive Committee of the People's Council, later the Local Council, from 1990 to 1993, contain approximately 800 decisions of state housing evictions. Reports of the Autonomous Administration for the Administration and Rental

of the Housing Fund indicate that a substantial part of them took place. I then describe the stages of the evictions from the city. In the first part are those targeting apartments, followed by a period in which group evictions are carried out, targeting Roma. Of course, these are just the ones identified, not all of them. Gradually many of the people came to live in the Pata Rât area. After the last mass eviction in 2010 from Coastei Street, the return to targeted evictions on homes follows and they are done separately, even if there are larger areas still targeted, such as Meșterul Manole Street no. 2. So the normalization of forced evictions from homes right in the early 90's is a framework that has not been abandoned, but has crystallized over time.

I then describe some recent evictions that I participated in as an activist and that I broadcasted live on Facebook. They reveal some key aspects: how an eviction is constructed, which institutions are active and in which direction. In the case of an eviction from a retrocessed building, the mayor's office is not present, and the bailiff chooses to act as a mediator between the people and the mayor's office. In two other situations regarding the buildings of the municipality, the evictions are firm acts. In these cases, the social assistance department plays the role of facilitating the eviction, as there is no prevention. It is also worth noting the central role played by women in negotiating evictions, whether it is resistance from residents or activists or employees of the Department of Social and Medical Assistance - which counterbalances the repressive masculinized apparatus of eviction.

Resistance to evictions arises primarily because of the post-eviction housing alternatives: the rent assistance provided by the town hall is difficult to access and is offered on a short-term basis, and night shelters are considered unacceptable.

The firmness and brutality of the eviction also reveal the way in which the possession of public housing is rendered unforgivable: the impossibility of paying housing expenses is irreparable and leads to public humiliation and criminalization of poverty. Of note here is the amount of institutional work required for this form of possession, one of the safest from a legal perspective, to become insecure and undesirable.

What I am arguing is that an eviction should be treated as a process, not an event. The spectrum of eviction is a first phase in a long and tumultuous process, which can culminate in the physical act of forced eviction, but this does not always happen. In addition, evictions are not always a given, even if there is a court decision, with various political and administrative calculations in the middle that are based on the possible postponement and maintenance of tenants

in uncertainty. They are a key that can support the administrative efforts to revalue certain real estate spaces in the city. In this direction, the juridification of housing problems is an effective tool.

Chapter 3. Institutional and physical (de)construction of social housing

While the private housing fund has become the main form of residential real estate development, there has also been a reclassification of the public housing fund: with the introduction of social housing, its production is fraught with financial problems and a tendency to be seen institutionally as a cost which cannot be covered. The chapter presents statistical data, documentation of decisions, interviews and media monitoring to present the transformation of the public housing fund in Cluj since 1990.

It begins with a suggestive vignette on the latest turn of administrative logic towards the valorization of external expertise in shaping the housing strategy and the place given to social housing in the city. It continues with a brief description of the private housing stock and the accumulation of home ownership in the city, after which it returns to an overview of the housing situation in the country. It then presents the institutional tensions triggered by the privatization of public housing in the city in the early 90s, later describing two types of housing projects initiated by the local government: those that have been completed and those that remained at the project stage. The chapter continues with the presentation of the administrative extension to shelters and private organizations as solutions for people in need of social housing and concludes with the description of a new direction to address the need for housing for marginalized people: Pata Cluj 1 project, continued with Pata 2.

If, until recently, the municipality's reactions to the demands for the construction of social housing were to provide dry legal answers, now we have an openness to reanalyze the need for housing. Hiring the World Bank to develop a housing strategy for the city is an opportunity to legitimize real estate development directions for those who cannot afford to buy housing on the market. In fact, the way in which the WB comes to produce knowledge about housing is towards legitimizing the entrepreneurial role of local government, according to published documents. Thus, it is an opportunity to ground the developed model accentuated in the years after the financial crisis: the use of spaces in the city for private residential projects. This trend has led over time to

an accumulation of properties, with over 14,000 homeowners owning 3 or more homes in the city. The situation is not very different from the rest of the country, where privately owned housing is the main form promoted, including through public funds, such as those granted to the National Agency for Housing and the First Home program. In fact, recent legislative initiatives such as First Rent, First Room or Support Housing come to support the development of the private housing market.

The first measures to privatize public funds after 1990 led to institutional tensions. The division of the Cluj Group of Communal and Housing Enterprises, a key institution in the production and administration of housing, was the field on which the local and county council tried to assume their management attribute, when privatization could bring political and electoral benefits.

The adoption of the housing law and the establishment of the National Housing Agency in the second half of the 1990s were the new frameworks in which local governments could initiate public housing projects. On the one hand, the Local Council of Cluj-Napoca has built almost 600 homes in about 20 years, almost half of them being executed through the local budget and in a single project: the whole of Timișului-Blajului neighborhood. Not all the projects carried out went smoothly, and requests for funding from the national budget were repeatedly rejected. On the other hand, large public-private partnership housing projects targeting marginal and hilly areas of the city, usually not the first target of such private endeavors, have failed. Some of them are still legally pursuing the mayor's office today.

Thus, the number of public housing, from NHA to social, the old state fund, necessity and employment attributed housing, today totals just over 1400 units. Along the way, the administrative appetite for investment decreased, after 2015 just a single building with 12 apartments was completed in 2021. The period coincides with the highest economic growth rate of the city in the last 31 years, so it suggests that the administrative strategy was to abandon this domain. The latest housing measures, rent assistance and the acquisition of social housing on the market, aim to classify the private market as the final solution to housing problems.

Instead, a network of housing solution providers has been developed for the most marginalized people, most of them in the private sector. To some extent, public funds directly support this direction by providing funding. Even shelter centers subordinated to DASM, which are otherwise refused by evictees or those on the way to eviction, are based on collaboration with

charities. It should be noted here that the type of control of those who use such services is much higher: from the access schedule in shelters to individualized financial management.

For the inhabitants of Pata Rât, a parallel institutional structure has been created that supports the current administrative policy of not investing in public housing. Pata Cluj is the project initiated in 2014 in collaboration with the mayor's office, through the Cluj Metropolitan Area Intercommunity Development Association, with funding from the Norwegian state. The project, continued with Pata 2, is an attempt to recreate the Pata Rât area as an area distinct from previous administrative interventions - mainly evictions and relocation. It reclassifies the population as subjects of development, which must be rendered legible through detailed studies, thus denying them the quality of subjects of dispossession, who dispose of a history in which they can anchor their claims. In addition, the approach sets housing needs as impossible to solve through local public budgeting.

The administrative steps for the construction of social housing have produced over time an image of the institutional inability to integrate these housing in the urban area. Social housing in newly built blocks of flats, one of the most efficient ways of numerical growth, is portrayed as a problem of concentrating marginalized populations. The direction is to expand the spatial framework dedicated to these projects in the metropolitan area.

Chapter 4. Work of restriction and work of claiming access to social housing

The previous chapter showed how the policy of the public housing fund is directed towards a deliberate institutional inability to increase its numbers. This chapter describes a complementary type of work to restrict access to existing social housing for socially marginalized people. It is mainly based on data from the experience of activism for the right to housing through the lens of public policy anthropology and institutional ethnography. Both the public policies regulating access to social housing and the way people move to Pata Rât reveal that the area is not only a physical space, but a careful institutional construction and one in direct conversation with other urban policies.

Starting with 2015, together with the Căși Sociale ACUM group, we participated in supporting many people, mainly from Pata Rât, in submitting social housing files. This is primarily a form of challenge to the practice of excluding the right to housing claims even on the ground that

produced this exclusion: the bureaucratic one. The social housing file represents the gateway to the bureaucratic realm as an activist action.

The section on changes in the criteria for granting social housing between 1997-2020 presents the main categories of classification of housing applicants. Gradually, through the 17 amendments, the regulation increased from a page and a half to over 12 pages, a resizing that suggests the over-bureaucratization of access, as the social housing fund was declining and while the Housing Law did not undergo major changes. In the category Living conditions, the administrative apparatus tests the housing regime, not the conditions of the applicants housing situation, rewarding those who have spent time in private rent - an option much more difficult to access by people in Pata Rât.

Reducing the number of requests has become an administrative objective. After the introduction of the state of ineligibility in 2010 and the elimination of the possibility to renew the file, the number of applications decreases rapidly, thus contributing to the artificial decrease of the need for social housing in the city. Administrative concern regarding the ability of tenants to pay is clearly expressed in some reports of draft decisions. What is preferred is the tenant who does not bring problems that can be extended in judicial courts. In this sense, a longer period spent in private rent with a registered contract is a validation by the market of a potential tenant.

Restricting the access of marginalized people by resetting the order of priorities is perhaps best clarified by the criterion of education, which brings considerable scores to those with university degrees. This advantage was pursued since the completion in 2008 of the Timișului-Blajului neighborhood, where among those who deserve adequate regulation, according to a report, are the holders of master's degrees. And in the argumentation of the mayor's office in contesting the more recent National Council on Combating Discrimination's decision on the subject, the hypothetical case presented in support of the score for education is that of a young college graduate who has problems accessing housing on the market.

The analysis shows, therefore, the category pursued by the regulation for the granting of social housing, and the variation of the criteria represents a refinement of the testing of urban citizenship in the conditions of naturalized austerity.

In parallel, for the people from Pata Rât there is a new system for evaluating housing applications within the Pata Cluj project. In this case, the rigor is taken further and extended towards the assessment of resilience: the better a family has adapted to a life without access to

public services and poor living conditions, i.e. it has made extra efforts to keep children in school and maintain involvement in the labor market, the more deserving it is to receive social housing. Close to the structure of a reality show, the houses in the project are intended for those who have passed the "Pata Rât test".

The preparation of a file for social housing represents the other part of the coin, it is the work of being governed, of understanding the rules of the competition of files and of succeeding in following the necessary steps for completion. Obtaining documents from other institutions, understanding the physical and electronic course of administrative documents, are steps that expose applicants to bureaucratic mountaineering that ensures demotivation and in some cases partial completion - sufficient steps to reduce the number of eligible applications. A series of works necessary to cross this bureaucratic circuit are invisible. In almost every stage of compiling a file, people in the Pata Rât area face a misalignment with criteria, such as expired temporary ID cards, obtaining a notarial declaration in the case of those who do not know the book or proof of housing history.

Simultaneously with the submission of the files, a complementary work of claiming the right to housing followed, one in which people from the Pata Rât area entered the bureaucratic scenes in which they had no invitation, especially the meeting room of the local council, in search of new methods to obtain the recognition of the right to the city by telling the institutional history of the formation of the area.

Conclusions

In the early 1990s, the public housing fund went into dissolution, production fell sharply and housing became an object of investment. Social housing has emerged as a new category of housing that envisages the new stratification directed by state policies.

The transition from public to social means the introduction of a much more precise fragmentation of the housing system and the creation of new rationalities for governing the population. From a more universalist character of housing, we move to the conceptualization of a category of housing that bandages the harmful effects of the private housing market. In time, a category of population is treated as an anomaly that must be eliminated from the system. In this sense, the production and management of Pata Rât is a reference element in the local policies of belonging to the city by accessing housing.