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– BREAKING WITH NEOLIBERALIZATION BY RESTRICTING THE HOUSING MARKET: Novel Urban Policies and the Case of Hamburg

ANNE VOGELPOHL AND TINO BUCHHOLZ

Abstract

Hamburg currently exemplifies the departure from a straightforward neoliberal urban track. The city's neoliberal path only moved into full swing in the first decade of the 2000s. During this period, urban development was primarily subject to property market mechanisms—with projects being granted to the highest bidder—prompting effects such as rapidly rising rents, deepened social segregation and increased property-led displacement. Since 2009, however, the city's entrepreneurial urban policy encountered comprehensive resistance movements that eventually led to the rediscovery of a political will for a new housing policy and interventionist policy instruments. This article focuses on the turning point of neoliberal policies and examines the wider scope of the contemporary urban agenda in Hamburg. We first conceptualize potential limits of the neoliberal city in general and then discuss three momentous local policy experiments—the International Building Exhibition, promising 'improvement without displacement'; the rediscovery of housing regulations through the 'Social Preservation Statute'; and the 'Alliance for Housing', aiming to tackle the housing shortage. We discuss these approaches as funding, regulation, and actor-based approaches to limiting the neoliberal city.

Introduction

The familiar pattern of urban neoliberalization is increasingly being interrupted. Hamburg's urban policy is in flux—and this change represents a wider trend, in which straightforward entrepreneurial urban policies without a social conscience appear less and less viable (Hayter and Barnes, 2012; Shaw and Hagemans, 2015). Polarization as well as social unrest can no longer be ignored by decision makers, who, in order to maintain their political legitimacy, increasingly seek new solutions. Hamburg has not received much scholarly attention, so it could be assumed that it presents just another case of neoliberal urban development—but Hamburg clearly exemplifies the break with neoliberalization. As the second largest and one of the wealthiest cities of Germany, it is a prosperous, entrepreneurial city and a polarized city, revealing unparalleled German urban movements fighting for the right to the city (Füllner and Templin, 2011; Gebhardt and Holm, 2011: 20; Pohl and Wicher, 2013). Although Novy and Colomb (2013) identified the Hamburg case as particularly noteworthy for urban studies, so far hardly any scholarly articles on the recent urban (re)developments in Hamburg are available in English. Hence, we gather significant information from German urban studies literature, and also draw from our own research on Hamburg's urban policy and movements (Vogelpohl, 2012; Buchholz, 2016). For our purposes, we do not focus on the urban social movements themselves but rather on the effects of political struggles that have led to the rediscovery of a political will for regulating the housing market in German cities.

The need to establish new types of urban policy resulted from a complex interplay of growth policies that also require housing for low- and middle-income households and strong social movements that have successfully challenged the neoliberal urban paradigm and put questions of (in)justice and (in)exclusion on the political agenda. Providing (affordable) housing, accelerating construction activities and avoiding property-led displacements are not only key topics of today's public debate in Hamburg;

these issues were also decisive for the local elections in 2011 when the Social Democratic Party (SPD) regained control of Hamburg's government by focusing on the housing debate. During his first term in office, the new Mayor Olaf Scholz set up a range of new urban and housing policies and in 2015 Scholz was reelected. He now leads an SPD and Green Party coalition, which continues to pursue novel approaches to urban policy.

This article examines recent urban policy experiments in Hamburg to draw more general implications for wider urban policy debates. We ask under which circumstances are new and more social urban policies pursued by political officials? In what ways are they novel and how do they represent feasible instruments for overcoming the neoliberal direction of urban practice? Finally, what are their limits? To approach this set of questions, we conceptualize ways of understanding the neoliberal city and its limits. We then introduce the general framework of Hamburg's urban development and focus on three pivotal efforts within Hamburg's recent urban policy which aim to ease the pressures on the contested and competitive housing market. First, we look at the International Building Exhibition (IBA), a specially funded program designed to help redevelop the long-marginalized Elbe islands and working-class neighborhood Wilhelmsburg without leading to population displacement. We then consider the rediscovery of existing regulation, in particular the 'Social Preservation Statute' (*Soziale Erhaltungssatzung*, SPS), which aims to curb gentrification by prohibiting physical upgrades and use changes of residential houses. Third, we analyze the local 'Alliance for Housing in Hamburg' (*Bündnis für das Wohnen in Hamburg*), a cooperation of political and economic actors seeking to improve the general housing situation and to strengthen social housing all over the city. In the concluding section, we deepen the links between the case of Hamburg and the general debate on neoliberal cities, namely the need for progressive housing policies.

The limits of urban neoliberalization in European cities: unsettling concepts

Crucial problems of neoliberal cities are intensified socio-spatial polarization and income-based segregation, the production of new types of poverty, and population displacement (Moulaert *et al.*, 2003; Lerner and Craig, 2005; Mayer, 2007; Butterwegge, 2011). Within the vast body of literature that analyzes and critiques these trends, we draw upon analyses that engage with the limits of neoliberalization and contextualize these within the European city debate to address the scope of recent urban policy experiments in Hamburg, regarding both the city itself and general urban policy trends.

The neoliberal urban policy model aims above all at one goal: international competitiveness achieved through economic efficiency. Never implementable in its pure form, the model is composed of a transfer of public services to the private sector, a focus on activities that attract an international elite instead of supporting local populations, and a general logic of enhancing economic growth which supposedly benefits all, among other features (*cf.* overviews in Brenner and Theodore, 2002; Harvey, 2004; Leitner *et al.*, 2007a; Künkel and Mayer, 2012). Furthermore, with an atomized, egocentric concept of the self, the neoliberal model fails to recognize personal needs and the intersubjectivity of social self-formation (Honneth, 1995; 2014). Eschewing ideas of collectivity and solidarity that go beyond the traditional family (*ibid.*) and propertied citizenship (Roy, 2003), such a narrow, neoliberal concept of the self raises fundamental questions about wider social relations. The neoliberal model purports an alleged 'trickling down' of the market's benefits from social elites to everyone, while simultaneously conceptualizing the welfare state's redistribution practices as problematic and, in its stead, predicating the capacity to participate in economic, social and political life on a belief system based on 'self-responsibility', 'self-improvement' and individual commitments (Ptak, 2008: 61ff). The neoliberal policy model thus embraces inequality through positing a hegemonic achievement principle in which hard work leads to social mobility, which works for capital but less so for labor (Piketty, 2014).

In recent years, however, several developments provoked a search for the limits to an ever deepening neoliberalization of social relations. First, the ongoing global financial crisis continues to fuel the hopes of neoliberalization's critics that systemic change towards a post-neoliberal era is possible (Bakker, 2013; Peck *et al.*, 2009; Sheppard and Leitner, 2010). Their basic argument is that the crisis revealed not only neoliberalization's deep social inequalities, but also the impasses of its globalized, privatized and financialized trade and production system, which could eventually pose an insurmountable challenge to the continuation of neoliberal policies. This perspective differs from analyses on the inevitable incompleteness of neoliberalizing space (Brenner *et al.*, 2010; Hayter and Barnes, 2012) by focusing on new developments that are potentially incompatible with a neoliberal logic. Even though the question of what an alternative could look like is still open, as 'the crisis managers of today conspicuously lack any kind of destination imaginary or narrative' (Peck *et al.*, 2009: 102), the pivotal role of reregulation and therefore a new type of Keynesianism currently mark the limits of neoliberalization (Sheppard and Leitner, 2010). Despite employing the term 'post-neoliberalism', the authors of these works are reluctant to declare the neoliberal era as belonging to the past. The usual conclusion is more ambivalent. For example, Bakker (2013: 257) claims that what can be observed is perhaps 'a refinement, rather than a retrenchment, of the neoliberal project'. We address this type of limitation through the example of the SPS as a regulation-based approach below.

Second, one set of analyses interprets ambivalences and oppositions within the process of neoliberalization not as an incomplete neoliberalization but in terms of the internal contradictions and paradoxes of capitalism (Hartmann and Honneth, 2006). These approaches trace the outcome of contradictory political developments back to one and the same logic. They address the relationship of social ideals and social reality in light of the need for legitimation. Rather than deepening oppositions, this interrelationship can also be read as an ambivalent coalition that simultaneously produces both uneven participation and resistance against it (Larner and Craig, 2005; Leitner *et al.*, 2007b). One example is the coevolution of elitist local partnerships and an increasing professionalization of community activists. Urban diversity policies represent another example that simultaneously addresses subcultural initiatives on the one hand, and international tourists or potential new residents on the other. Thus, the very same policies both contribute to gentrifying neighborhoods and to securing alternative spaces for those who may be displaced (Kemper and Vogelpohl, 2013). By examining roots and logics of contradictory processes, conceptualizing ambivalences as paradoxes also allows neoliberalization's limits to become visible. When the roots and logics of seemingly contradictory processes coincide, a neoliberal situation is more obvious. When they do not coincide, neoliberalization's limits take shape. Such a perspective thus helps 'develop an understanding of when neoliberalism, or its contestants, has been transformed to the point where it is no longer recognizable as such' (Leitner *et al.*, 2007b: 10). Below, we take the Alliance for Housing as an example of the paradoxical character of urban neoliberalization and discuss it as an actor-based approach to its limits.

Social movements represent a third type of limit to urban neoliberalization, particularly the cooperative right to the city networks (Kemp *et al.*, 2015). Regardless of how long some initiatives have existed and however common the cooption of resistance may be (Boltanski and Chiapello, 2006; Mayer, 2009), the emergence of new, strongly interconnected initiatives under the roof of the right to the city label has successfully challenged entrepreneurial growth policies. At least this holds true for the right to the city network in Hamburg, launched in 2009. Following the squatting of the *Gängeviertel*, a very old housing ensemble slated for demolition to make space for an office park in the inner city, a comprehensive urban movement developed in Hamburg. The subsequent bankruptcy of the site's investor is directly linked to the global financial crisis, which

marks a turning point for neoliberal, free market proponents in theory and local practice. Along with the change in local government and a growing general discontent with deepening urban polarizations, the right to the city network engendered a strong coalition of oppositional initiatives all over the city (Buchholz, 2016). Their collaborative actions explicitly aimed at overcoming the atomized idea of the self and attracted strong attention in the media. Subsequently, issues of segregation, housing and participation became urgent political topics. Following Harvey's idea of a 'co-revolutionary theory' (2010: 10), such concerted movements are actually revolutionary in character if they integrate several different dimensions of society (like technology, everyday life, social relations, relations to nature, etc.). At the very least, the right to the city networks deeply delegitimized the neoliberal conception of urban development policies, an aspect we explore further below, with the IBA as a special funding approach to limiting urban neoliberalization.

Yet, 'European cities' were supposedly never restructured in a decidedly neoliberal way. This at least is the core narrative of the European city model that frames the European city as productively combining the idea of individual autonomy, collective responsibility and local democracy (Häußermann, 2009; Novy and Mayer, 2009; Siebel, 2000). One key feature of this model, as debated in German urban studies, is the strong role of social policy, subsidized by national governments (Siebel, 2000: 74). This urban social policy's pivotal purpose is to integrate disadvantaged people not only into the labor market, but also into the education system, into the housing system, as well as into urban political life (Häußermann, 2009). In the model and also in practice, interscalar cooperations result in less dependence on public-private partnerships, for instance, and thus there is less pressure to follow a profit motive in urban development projects. Private forces in public services and in political decisions in European cities do not play as strong a role, above all, as American cities (Häußermann *et al.*, 2008: 355ff).

Since the mid-1980s, however, entrepreneurial ideas have become increasingly popular in European cities too. In Hamburg, such a neoliberal turn was first outlined in 1983 in a speech by the former Mayor Klaus von Dohnanyi (1983), entitled 'Enterprise Hamburg' (*Unternehmen Hamburg*). Although the neoliberal turn captured the *Zeitgeist*, it remained rather theoretical at that time. It only fully unfolded under the new Christian Democratic Union (CDU) Senate with its Germany-wide recognized strategy 'Metropolis Hamburg—growing city' in 2002 (FHH, 2002). This urban development strategy claimed to be the first deliberately growth-oriented urban policy in Germany that aimed to attract both wealthy new residents and international investments. Social policy has subsequently been increasingly subordinated to economic growth goals (Schubert, 2008; Vogelpohl, 2016). Consequently, the former social balancing urban policy, focused mainly on stabilizing deprived neighborhoods (Güntner and Walther, 2013), was gradually cut back. The local production of new inequalities took place in the context of wider forces aiming at neoliberalizing cities in Europe, namely the European Union urban policy since 2000 ('Lisbon strategy'), that has driven deep and extensive changes by prioritizing competitiveness over social cohesion as the pivotal purpose of urban policy (Frank, 2008). Shifts away from social goals toward attracting international mega events, prestigious waterfront redevelopments, creative city policies, among others, as well as a social urban policy reformulated in terms of atomistic self-responsibility are well documented (e.g. Venturi, 2004; Uitermark, 2009; Künkel, 2012; Peyroux *et al.*, 2012).

Hamburg: novel urban policies to restrict the housing market

Located in the north of Germany, Hamburg, with its 1.8 million inhabitants, is the second largest German city (4.3 million inhabitants in the metropolitan region). It has seven administrative boroughs and 104 districts. Benefiting from German unification and the expansion of the European Union in the 1990s, Hamburg was able to secure its regional, national and international position, and it was even able to compensate for

prior population losses to the suburbs. Within the framework of the Federal German Republic, Hamburg is one of three federal city states and thus has the same political and juridical rights as other federal states. This means the state's policies are always urban policies and vice versa. Recently, changes in local governments and the strong local right to the city network produced striking urban policy shifts. Even though we do not observe a total rejection of a neoliberal agenda in these policies, we understand the recent rediscovery of housing and planning regulations as a response to conventional entrepreneurial growth policies that contributed to aggravating social tensions.

In Hamburg, 76% of the apartments are rented (destatis, 2014: 16) and rents are rising, with a particularly steep increase since 2009.¹ Thus, the question of the cost of housing is at the heart of the city's urban political conflicts. Hamburg's housing market is exceptionally tight. Along with Berlin, rents for new tenancies in the city have risen the most (20% alone between 2009 and 2012). After Munich, Hamburg, together with Frankfurt/Main, has the dubious honor of having the highest rent levels (80% of the rents are 8 euros per m² or higher). Hamburg is also one of five cities in Germany with the greatest discrepancy in inner-city and suburban rents (Göddecke-Stellmann and Schürt, 2014). As mentioned above, the pivotal role of rental affordability ultimately became clear when the SPD Mayor Scholz won the 2011 elections in Hamburg by centering his campaign on the housing and rent issue. Throughout the second half of the twentieth century, with the exception of a short period at the end of the 1950s, the SPD governed the city continuously (Dangschat and Ossenbrügge, 1990), but lost its majority in 2002. The CDU era from 2002 to 2011 was the period during which neoliberalization fully unfolded. The CDU-led government that followed eventually put forth a clear neoliberal urban policy with the above-mentioned 'growing city' strategy (FHH, 2002). This strategy advanced Hamburg's engagement in terms of global urban competition, its search for selective growth and in-migration of highly skilled workers, and the capitalization on property for neoliberal urban (re)developments. Practical instruments were the introduction of the highest-bidder principle in property deals (which aggravated profit maximizing in the housing market), the reduction in 2003 of the lock-in period of rent-controlled social housing from 30 to 15 years, the privatization of social infrastructure (such as communally owned hospitals in 2004), and the establishment of Hamburg Marketing in 2003 as a branding agency for the city.

Though various initiatives criticized these changes, urban movements gained particular strength in 2009 when the right to the city network was founded (Füllner and Templin, 2011; Novy and Colomb, 2013). The network explicitly targeted Hamburg's branding by publishing an internationally debated manifesto that claimed that the city is not a brand (in German *Marke*): 'Not in Our Name, Marke Hamburg' (NION, 2010). Property-led gentrification became one of the city's most debated problems at that time. Hence, the local SPD saw a chance to regain the majority by responding to the protests and by sharpening the party's urban planning and housing policy profile. Since 2011, these policy fields have played a decisive role in city politics and public debate. Given this background, in the following section, we examine the rediscovery of three interventions, which, although not entirely new, can be attributed to political will, and which we understand as reactions to neoliberalization's problematic effects.

- Example 1: the International Building Exhibition—a special funding approach to 'improvement without displacement'

The redevelopment of the centrally located Elbe islands—and Wilhelmsburg in particular—is one of the largest urban investment projects in Hamburg today. Wilhelmsburg perfectly symbolizes the city's urban growth ambitions and inherent

1 <http://www.mieterverein-hamburg.de/statistiken-wohnen-hamburg.html> (accessed 2 July 2015).

tensions with gentrification. The Elbe islands are part of the city's only area with unemployment figures in double digits. While the average overall unemployment rate in Hamburg is 5.7%, in Wilhelmsburg it is 10.8%, and 23% received social transfers in 2014. Wilhelmsburg has long been considered one of the city's most deprived areas. With more than 50,000 inhabitants living in an area of 35 km², the district was characterized by its industrial past, its poorly maintained housing stock and its working-class population. Almost 60% of residents are considered to have a 'migrant background', of whom 32% did not hold a German passport in 2013 (all data from Statistikamt Nord, 2015).

From this background of sharp contrasts between the Elbe islands and the well-off inner city, especially HafenCity, Hamburg's high-end waterfront redevelopment project just on the other side of the river Elbe, the urban development idea of a 'Leap over the River Elbe' (*Sprung über die Elbe*) was born. Aiming to stimulate investments and accelerate property-led redevelopment, the city of Hamburg planned a range of prestigious projects to invigorate the 'Leap over the River Elbe', all targeting urban renewal on the Elbe islands. Projects included the cultural capital of Europe 2010, the Olympic Games 2012, the International Garden Show 2013, and most influentially, an international building exhibition (*Internationale Bauausstellung, IBA*), 2006–13. Although only the latter two were realized, the contemporary Senate recently strongly pushed another bid for the 2024 Olympic Games, promising to reuse the site on the Elbe islands for housing after the Games. A referendum in November 2015, however, disrupted these plans as a majority of Hamburg's electorates voted against the bid.

In Germany, IBAs and urban planning policy shifts are tightly coupled. Since 1901, IBAs have served as a visionary instrument for urban planning, with the goal generally being to find innovative planning-related answers to pressing sociospatial problems. The IBA Hamburg, initiated by the city's chief planning director and spanning the years from 2006 to 2013, sought to develop new concepts for socially inclusive, mixed-used and low-energy urban space. Financed by a special investment program set up in 2004 called *Hamburg 2010*, the IBA was provided with 120 million euros of public funding. This budget was supplemented by nearly 1 billion euros of private money invested in property-led urban regeneration and directed toward housing and office construction. Our IBA research is based on participant observation of public IBA events, interviews with local activists and IBA project managers, and analyses of official IBA documents.

The IBA's professed goal to create socially inclusive yet still mixed neighborhoods intended to attract the middle classes to working-class Wilhelmsburg. The goal was materialized in several building projects such as the 'Global Neighbourhood' (*Weltquartier*), an ensemble of buildings from the 1930s that were modernized and partially rebuilt, and so-called 'smart material houses', built from innovative materials offered at a range of price levels. Quickly, ideas like 'social mix' or smart modernization were exposed as euphemistic, and the IBA sustained critiques from a number of fronts. Shortly after the installation of the IBA in 2006, the local movement AKU (*Arbeitskreis Umstrukturierung Wilhelmsburg*) was formed to critically engage with the 'Leap over the River Elbe' urban development plans. It focused on property-led displacement and also touched on other topics such as environmental issues, thus questioning the IBA's very own goals. AKU published their critiques in a book tellingly entitled 'Enterprise Wilhelmsburg' (AKU Wilhelmsburg, 2013). The critiques encompassed the selective focus on the white middle class and on students, the prestigious projects, the contradictory environmentalist ambitions (for example, felling 5,000 trees for energy efficient architecture), the lack of public participation, the instrumentalization of artists, and the enabling of gentrification in the long run (AKU Wilhelmsburg, 2013).

With such wide-ranging expertise and a strong commitment, AKU, a founding member of the right to the city network, was able to direct public attention to the entrepreneurial developments on the Elbe islands. The IBA, pressured to respond, reacted both discursively and practically. Discursively, they acknowledged exceptional rising rents of more than 40% in other parts of town, but rejected direct displacement and gentrification in Wilhelmsburg as a ‘political buzzword’. ‘Gentrification in Wilhelmsburg ... is currently more of a perceived and, to some extent, media-induced problem than an actual one’ (IBA Hamburg, 2013: 7f). Due to critical attention, the entire IBA process became increasingly committed to two mottos, ‘improvement without displacement’ and ‘living means staying’. Here, the IBA assures, ‘the IBA Hamburg aims to demonstrate where and how cities can grow in the future without displacing the existing population ... The IBA is against new social ghettos—whether they be public housing or luxury enclaves’ (*ibid.*: 10).

Practically, three types of strategies were pursued to satisfy the claim that the housing and living situation in Wilhelmsburg would be improved without displacing the resident population. First, some of the new and modernized buildings were constructed with pricey materials so that the construction costs could remain relatively low. Second, when tenants had to temporarily relocate during the modernization period, as was the case in the ‘Global Neighbourhood’, they were all given the right to return at a guaranteed rent. Third, and in contrast to contemporary social housing practices in Hamburg and Germany, the IBA made efforts to extend the lock-in period of rent-controlled social housing from 15 to 30 years. Social housing in Germany, called ‘publicly subsidized housing’ (*geförderter Wohnraum*), consists of subsidized rented housing in privately owned properties for which the municipality pays the gap between a guaranteed rent paid by the tenants and a market rent for a predefined period (i.e. lock-in period), which used to cover 30 years or more (Droste and Knorr-Siedow, 2007). The reduction to 15 years is a fairly recent deal of the neoliberal era (i.e. decreased rent control in 2003). Yet, the IBA negotiated with Hamburg’s public housing corporation SAGA GWG, the largest public housing provider in Germany, and insisted on a 30-year lock-in period for subsidized housing in the ‘Global Neighbourhood’ (IBA Hamburg, 2013: 6). For the SPD government, the IBA was a great success. When the IBA ended in October 2013, Mayor Olaf Scholz waxed enthusiastic about IBA’s achievements regarding the future of housing.

The struggle over interpreting the changes in Wilhelmsburg gained momentum, however, when US-based sociologist Saskia Sassen intervened as a member of the IBA Advisory Panel. Sassen also justified local renewal efforts as a necessary investment in a deprived neighborhood and highlighted even more expensive redevelopments in central Hamburg and the unparalleled ‘brutality of gentrification in New York’.² The AKU activists, in contrast, emphasized the visible responses of the property market to the IBA, including an 18% rent increase when apartments were newly available on the market. They accused Sassen of lacking substantial information in her evaluation of the inherent tendencies toward gentrification in the IBA projects. Furthermore, the AKU argued that it is not helpful to invoke the ‘lesser evil’ principle by pointing to worse conditions elsewhere.³

The Wilhelmsburg and IBA case firmly documents how social movements can significantly influence urban development plans. AKU’s sustained critical attention—contextualized by other local voices and the city-wide right to the city network—prompted IBA officials to incessantly reevaluate and improve the IBA’s standards for social inclusion. In fact, the IBA’s motto ‘improvement without displacement’ was

2 <http://www.taz.de/Stadtentwicklung-in-Hamburg/!5066581/> (accessed 13 July 2015).

3 <http://akuwilhelmsburg.blogspot.eu/2013-09-antwort-und-einladung-an-saskia-sassen/> (accessed 10 December 2013).

only adopted in 2010 and so should be seen as a response to pressure from urban social movements. By regularly commenting on current processes, recalculating official numbers and developing alternative ideas, such movements obviously have the potential to trigger material changes and diversify the power landscape. Both the significant social housing concessions and the self-critical IBA publications prove this power in the case of Wilhelmsburg.

Considering the potential limits to urban neoliberalization, however, the IBA did not bring about a change in kind but in degree. Reintroducing a minimum of respect for vulnerable residents, IBA prevented direct displacement, but still enabled long-run property-led displacement. Additionally, the IBA remains a prestigious instrument that relies on experts and therefore lacks substantial public participation. The special funding approach to setting limits to neoliberalization thus retained the general logic of ‘urban development through major events’ and the focus on attracting new urban elites and international capital. Not least, the city’s attempted Olympic bid, with the Elbe islands as a key site for development, shows that this logic is, by and large, unbroken. Seen in this light, the IBA’s achievement was a signal for housing as a social good in a global urban context where the value of housing is primarily considered as an investment. Guaranteeing the right to stay or extended periods of low rent, the IBA also provided concrete ideas for housing as a social good. But these efforts were significantly motivated by powerful social movements fighting for a collective right to the city.

- Example 2: the Social Preservation Statute (SPS)—a regulation-based approach to rent control

Regarding regulations and neoliberal efforts of deregulation and privatization, the German rental market has proven difficult for property owners (for example, legal tenants’ protection, rent control, security of tenure). The German building law’s stipulation on modernization, however, offers landlords one way to raise rents by allowing the costs of a building’s modernization to be divided among the tenants (rents can be increased by 11% of the cost of modernization per year). This is in contrast to keeping existing facilities in good condition, which does not allow for a rent increase. So, through pursuing a strategy of physical upgrading and modernization, landlords can raise rents permanently and faster than would normally be allowed. In gentrifying neighborhoods, in particular, the installation of an elevator or the provision of bicycle parking spaces are common ways of increasing an apartment’s value (Häußermann *et al.*, 2002). Rent increases may cause individual tenants problems, and may also transform a general neighborhood’s character, resulting in what is known as gentrification.

In Hamburg, the local government has recently tried to face the dilemma of modernization efforts and rising rents on the neighborhood scale. In 2009, when Hamburg’s right to the city movement grew in strength, local politicians (namely the Green Party, also the party of Hamburg’s Senator for Urban Development and Environment at that time) began searching for regulatory instruments that could curb gentrification. The key interventionist instrument they came up with was the SPS (*Soziale Erhaltungssatzung*), which impedes changes in land use and physical modernization within specified (urban) areas. Although part of the Federal Building Law since the mid-1970s, it was rarely applied. It was only in the wake of the increasingly vocal debates on gentrification and rising rents that also affected the middle classes that the statute was rediscovered (Vogelpohl, 2017). We analyzed the SPS policy papers and interviewed the officers who were responsible for implementing the SPS in the two boroughs of Mitte and Altona, where the most relevant areas are located (see Figure 1).

Since 2010, the statute has been promoted, and since 2012, it has been enacted in seven areas in Hamburg, while several others are currently being considered. The statute was invoked earlier in only one area, Southern Neustadt, in 1995. All eight areas

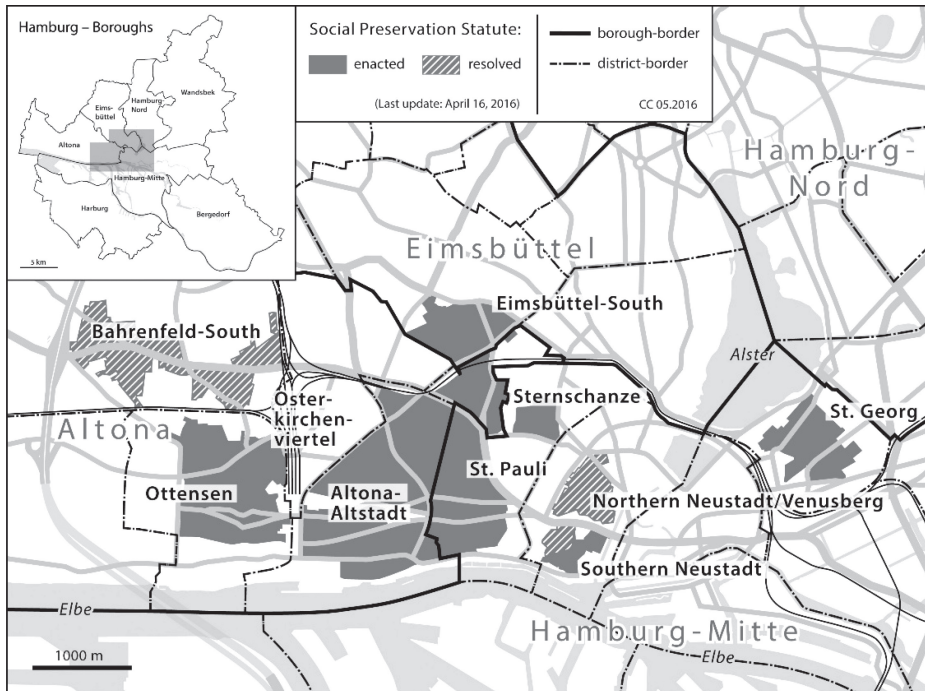


FIGURE 1 Map of the social preservation statute areas (map drawn by Claus Carstens)

are located on the fringe of the inner city, are smaller than administrative neighborhoods, and comprise around 15–30 city blocks. Between 4,000 and 30,000 people are permanent residents of these areas.⁴

The pivotal purpose of the SPS, according to the wording of the law, is to preserve the composition of residents for urban planning reasons. In other words, the aim of maintaining a specific residential structure must be justified by the residents' specific demands on the built environment. Thus, the instrument does not explicitly redress problems of gentrification or rising rents. Instead, other issues like deindustrialization, suburbanization or demographic change may also transform the built environment in a problematic way for the current residents and their needs for shops, schools, homes for old people, among other things (Portz and Runkel, 1998: 328). In each case, a detailed examination of the local residential structure, the displacement probability, and the character and status of the built environment is carried out before the statute can be enacted. If the need for preservation is proven, several restrictions regarding changing the physical shape and functional uses of buildings become effective. When applied to curtail gentrification, the statute is usually combined with a 'conversion bylaw' (*Umwandlungsverordnung*), which prohibits the conversion of rental buildings into condominiums.

To regulate rapid rent increases and property-led displacement, the statute prohibits three types of building modification. First, it may prohibit the demolition and modification of residential buildings as well as the conversion from residential use to commercial use. To reduce gentrification, the statute specifically prohibits physical modernizations that could justify higher rents; for example, the construction of balconies or their enlargement, the installation of an elevator, the installation of a second bathroom. Second, the conversion bylaw, in Hamburg automatically enacted with the

4 These data are drawn from the areas' examination reports issued for the statute's enactment.

SPS, radically curtails the possibility of turning rental apartment buildings wholly or partially into condominiums. As low-income households are highly unlikely to be able to buy houses, this bylaw aims to stabilize the amount of local rental buildings. Third, the municipality is authorized to examine all real estate purchase contracts to prevent potential speculation. If a speculative purpose is suspected, the municipality has the right of preemption (*Vorkaufsrecht*), allowing the city to buy the real estate and thus contribute to the preservation of the local residential structure; in other words, to maintain the area's social mix.

The contribution of this restrictive instrument to diminishing rent increases is not immediately perceivable because, rather than reversing previous development decisions, it obstructs further changes. The officer in Hamburg Mitte, however, states that many luxury modernizations (for example, balcony enlargements or elevators) are successfully prohibited, taking the case of the neighborhood St Georg as an example. The St Georg officer also emphasized that the conversion bylaw is a very powerful instrument. Considering the oldest case, the Southern Neustadt, it is obvious that all conversions of rental buildings into condominiums were prevented. Besides the direct interventions that the SPS and the bylaw permit, the public debate on the statute also produced general uncertainty on its possible effects. The debate itself made investments in the respective areas seem complicated and less profitable, according to Altona's officer, who therefore speaks of the statute as a successful 'bluff'.

With regard to the statute's impact on rent control on the neighborhood scale, a major problem is that it only prohibits modernizations beyond current standards. Even though this is a common strategy for rent increases, the statute does not influence usual rent increases which are allowed even without modernization and that refer simply to the local reference rent (*Mietspiegel*).⁵ The SPS can only affect the local reference rent in an indirect and rather subtle way in the long run. Derived from rent changes during the previous four years, several cases of impeded modernizations can eventually curb the possible maximum rent and thus reduce the rate of rent increases. In effect, the statute neither stabilizes nor reduces the prevailing rent level.

Operating at the neighborhood level, the SPS serves to mediate between the daily lives of urban citizens and wider socio-economic conditions. For individual tenants, expensive modernizations of their rented apartment can be prevented. But as an urban planning regulation measure, the permissibility of specific modernizations does not take individual equipment demands or financial limits into consideration, but rather the generalized needs and capabilities of the local population. With regard to interregional and international financial and real estate markets, however, the SPS marks the political will to regulate rapidly rising rents and to reject excessively high-profit expectations. If the SPS thus succeeds in influencing the housing market's interscalar relations, it represents an effective reregulation of the built environment and contributes to a more socially just urban policy—as long as the statute is enacted before extensive and unnecessary physical modernizations and conversions have taken place.

Applying existing regulatory instruments represents a break from the neoliberal urban development premise on two levels. First, claims that 'there is no alternative' to free market distribution and allegedly unavoidable necessities are proved wrong. Second, it is obviously possible to restrain the liberalized market in more ways than are sometimes asserted. Above all, the SPS demonstrates the efficacy of political will. The need for politicians to realize their housing policy campaign promises resulted in,

5 In Germany, landlords are permitted to raise rents successively within existing tenancies up to the local reference rent. This reference rent is specified in a rent index, which the cities' administrations usually issue every other year. Previously, landlords were allowed to demand any rent for new tenancies. In June 2015, however, a new statute on capping rental fees the *Mietpreisbremse* (literally rent-price brake) came into effect that potentially limits the maximum of a new rent hike to 10% more than the local reference rent.

among other things, a search for possible housing regulation possibilities that already existed. Thus this regulation-based approach offers an alternative to free and property-led market developments.

Rediscovering existing regulations amidst neoliberal crises does indeed diversify the available means within the neoliberal framework. Yet, this general framework for urban processes remains the same. When it comes to concrete cases, the SPS only shapes very detailed local changes—however influential they may prove to be. Even if regulating the housing market is a significant move in itself, questions about the bigger picture—the framework itself—may be sidelined. In order for (re)regulation to fundamentally redirect urban processes towards a post-neoliberal era, considering new types of regulations that are able to change the very framework by hitting the core of neoliberalization, such as property rights, maximum rents, legal bases of speculation, among others, would also be indispensable.

– Example 3: an alliance for housing in Hamburg—an actor-based approach to affordable housing

As indicated above, when the SPD regained the absolute majority in 2011, they had to prove their will to keep their campaign promises and to improve the housing situation for low- and middle-income households. Since 2009, Hamburg's population has grown by 0.8% every year, which is equivalent to about 7,800 new households. During the same period, the average rent increased by 3% per annum, albeit with strong variations.⁶ One of the new government's first political acts was thus the establishment of an 'Alliance for Housing in Hamburg',⁷ whose primary aim was to create affordable housing for low- and middle-income households. The pivotal instrument for achieving this goal—and this is both exceptional and innovative in German cities—was the extensive and accelerated construction of new housing. The target was a minimum of 6,000 new apartments every year. Our analysis of this new actor draws on key policy papers and local media reporting.

The Alliance is a cooperation between local government, private housing and property owners' associations, and the semi-privatized social housing company SAGA GWG. In addition, two local tenants unions were invited to support the Alliance and advise it from the tenants' point of view. The main goal of 6,000 new apartments each year was supplemented by a social element: a significant share should be affordable. To reach this goal, a so-called mix-of-thirds intended to ensure three types of housing: apartments rented at market prices; publicly subsidized rental units; and owner-occupied apartments, each representing one-third of each new property.⁸ Whereas the share of social housing in new properties should thus increase, the type of social housing is limited to the subsidized privately owned properties. This poses recurrent problems because, due to limited lock-in periods, the social housing status regularly expires; for example, almost 30% of the approximately 95,000 existing units with social housing status expire in 2017 (FHH, 2013: 8; IFB Hamburg, 2015: 28).

Since 2011, the number of building permissions issued effectively increased by 18% per annum to around 11,000 permissions in 2014. Actual construction activity increased even more: 70% between 2012 and 2013. A total of 6,400 apartments were built in the city of Hamburg in 2013 and nearly 7,000 in 2014.⁹ These trends can indeed be considered a direct result of the cooperative work of the Alliance for Housing and

6 Data collected from <http://www.statistik-nord.de/daten/bevoelkerung-und-gebiet/bevoelkerungsstand-und-entwicklung/dokumentenansicht/165/produkte-1/>, <http://www.mieterverein-hamburg.de/statistiken-wohnen-hamburg.html> and http://www.statistik-portal.de/Statistik-Portal/de_jb01_jahrtab4.asp (all accessed 16 July 2015).

7 <http://www.hamburg.de/contentblob/3459978/data/buendnis-fuer-das-wohnen.pdf> (accessed 2 July 2015).

8 Alongside this socio-economic aspect, the Alliance agreed on promoting climate protection and energy efficiency, protecting clinker facades, and providing special support for people with special needs for housing.

9 Data collected from http://www.statistik-nord.de/fileadmin/Dokumente/Statistische_Berichte/arbeit_und_soziales/F_II_1_2_4_j_H/F_II_1%2C2%2C4_j13_HH.pdf and <http://www.hamburg.de/bsw/wohnungsbau/nof/4438272/2015-01-06-bsu-wohnungsbau2014/> (both accessed 20 July 2015).

the respective political will. Hamburg's administration accelerated the approval process of building applications and the infrastructural land development for new construction sites. The associations of housing and real estate companies on their part encouraged members' construction activities.

Besides the significantly intensified building activity, another remarkable change was the mode of selecting the real estate developer. As one third of the apartments should be 'subsidized housing', Hamburg's politicians retreated from the highest-bidder principle that aims to achieve the highest possible land price and land transfer tax. The new land policy principle is called 'concept bidding'.¹⁰ Although the standard requirement is a minimum of one third of subsidized housing, developers may increase this proportion by enhancing designs for open spaces on site, or by providing housing opportunities for people with special needs to improve the attractiveness of their concept.

Members of the Alliance for Housing have already celebrated their cooperation's efforts as a great success. Construction of new homes exceeded the initial plans of 6,000 apartments per year and is considered key to curbing rent increases in general.¹¹ In addition, the subsidized housing focus is represented as a renewal of social urban policy. The new standard is even labeled as 'Hamburg mix-of-thirds'.

The success story around the mix-of-thirds, however, is contested in local public debate. First, the mix is not mandatory but is instead a pledge by Hamburg's government, to be secured through voluntary agreements between the government and real estate stakeholders. As a consequence, there are cases where developers have not complied with the goal. A prominent and highly debated case is the *Bergspitze Altona*, a centrally located property in the western inner city where a new building with 65 apartments was constructed. None of the apartments are reserved for subsidized housing. When local activists accused the borough's administration of having deliberately 'forgotten' the mix-of-thirds, the administration justified the exception through claiming urgency to realize the *Bergspitze* project.¹² Second, the mix's voluntary status occasionally leads to ambivalent situations in which the basis of allocating the thirds is indefinite. Another controversial case is the *Wulffsche Siedlung* in Langenhorn on the northern outskirts of Hamburg. The residential estate consisted of 546 apartments that were demolished due to decay. The new estate consists of 700 apartments; however, only 90 (13%) of these are subsidized. Nevertheless, the local borough administration promotes the project as a great success with 58% subsidized housing, perceiving 546 of the new apartments not as new, but as compensational, and thus not as pertinent for determining the quota of subsidized housing.¹³ These examples of the circumvention of the mix-of-thirds show how political-economic coalitions still struggle with their role as social housing supplier.

Furthermore, the Alliance for Housing itself is currently destabilized due to opposing attitudes towards implementing a cap on rent increases (*Mietpreisbremse*). Whereas rent prices and rent increases were previously only regulated within existing rental contracts in Germany, the cap on rent increases also allows for controlling rents of new rental contracts in tight housing markets. Ironically, this instrument, approved in June 2015, was largely inspired by Hamburg's contested housing market, and was negotiated on the federal level by Hamburg's Mayor Scholz. Such regulations are then implemented on the federal state level. Because of the SPD's new focus on rent and housing policies, Hamburg's SPD quickly promised to implement the rent cap across

10 <http://www.hamburg.de/bsw/wohnungsbau/nofl/4438272/2015-01-06-bsu-wohnungsbau2014/> (accessed 20 July 2015).

11 <http://www.abendblatt.de/hamburg/article205195651/Mietpreisbremse-sorgt-fuer-Streit-in-Hamburg.html> (accessed 6 March 2015).

12 http://www.annaelbe.net/ort_bilder_bergspitze.php and <http://www.hinzundkuntz.de/buros-statt-sozialwohnen-in-ottensen/> (accessed 15 July 2015).

13 <http://www.hinzundkuntz.de/sozialwohnungen-wulffsche-siedlung/> (accessed 2 July 2015).

the whole city, citing the tight housing market throughout Hamburg. The property owners' association, in turn, announced it would leave the Alliance if the government comprehensively implemented the rent cap, instead of limiting it to areas with especially high rent levels. The property owners' argument is that high rents can only be alleviated through constructing many new apartments.¹⁴ Remarkably, the conflict has temporarily been resolved through a compromise of applying the rent cap everywhere while at the same time the city promised not to enact further SPS—a clear indication of the effect of SPS on curbing rising rents and thus expected profits.¹⁵

The attempts to build more apartments and the goal of strengthening subsidized housing are important contributions to ameliorating the local housing problem. Yet, given the actual need for subsidized housing, these steps are hardly a solution to the housing crisis. The income level of 40% of Hamburg's inhabitants is so low that they qualify for subsidized housing. This 40% does not include the middle class that is also being increasingly squeezed by high rents. In light of 95,000 existing (IFB Hamburg, 2015: 28) and 218,000 needed social housing units in Hamburg (Pestel Institut, 2012: 11), this Alliance deal was overdue and can only signify a start. At the same time, support for alternative models like publically owned social housing or non-profit models such as the German tenement syndicate *Mietshäuser Syndikat* is not even a part of the debate (Horlitz, 2012).

By considering social housing as an investment and aiming to reconcile a notion of 'housing for all' (political claim) with that of 'housing as commodity' (pre-condition for private involvement), the Alliance for Housing objectives thus should be understood as contradictory. The contradiction begs the question: is this a paradoxical moment within a neoliberal urban policy or is it something else? In other words: are the contradictory interests part of the same process—or not? At first glance, the Alliance represents a compromise between different groups pursuing different goals based on different logics: on the one hand, the government wants to make good on its promised housing focus with a strong social element; on the other hand, the property owners and potential investors of new housing projects unequivocally seek profit. From this point of view, the Alliance represents a mitigation of neoliberalization: it sets standards for the private housing market and makes the private stakeholders partly responsible for relaxing the housing situation in Hamburg, even though it could potentially lead to falling profits.

Taking into account the ongoing global financial and economic crisis, however, missing investment opportunities are brought to light. The crisis can be conceived as one and the same logic that demands social housing shares while allowing profit-oriented investments in housing. As the German housing market still appears relatively profitable, with lower but stable returns (Heeg, 2013), private investors are dependent on investment opportunities—such as those the Alliance for Housing provides. Given the rarity of profit opportunities, political actors who promise a socially inclusive, or even a just city, could demand more fundamental changes for socially progressive housing provisions. The Alliance thus represents only a softly mitigated paradox of urban neoliberalization.

Conclusion: Hamburg's novel urban and housing policies as experiments with breaking neoliberalization

Hamburg's novel urban and housing policies are experiments to reduce property-led displacement, to reregulate the market and to strengthen rent-controlled social housing. These experiments are important steps toward the direction of a city for

14 <https://www.ndr.de/nachrichten/hamburg/Kommt-die-Mietpreisbremse-steigen-wir-aus,mietpreisbremse124.html> (accessed 15 July 2015).

15 <http://www.hamburg.de/contentblob/6065550/7c86b90f0712faf4a5e82d9ed6cc9c61/data/bsw-vereinbarung-buendnis-fuer-wohnen.pdf> (accessed 25 May 2016)

all. The term ‘experiment’, understood both as a trial and as a sporadic project without necessarily being deliberately linked through a cohesive urban strategy, appropriately accounts for the preliminary character of the examined urban and housing policies. In their current form, the experiments do not go far enough to overcome urban neoliberalization. A deep reconfiguration of local urban policies would require various changes on multiple scales. Yet we think that the experiments discussed above provide insight into potential breaks with neoliberal principles on the urban scale.

To summarize, the IBA’s attempt to upgrade a deprived district without displacement with a special funding approach has led to material and regulative mechanisms to fulfill the objective and may mark a turning point for more progressive future planning. Such an outcome, however, can hardly be understood without the sustained pressure and public attention from right to the city network and AKU activists. The objective of curbing gentrification in inner-city neighborhoods is currently effected through a regulation-based approach to prevent material upgrading and speculation, an example that documents already existing regulation possibilities which only require a purposeful social urban policy agenda. Finally, the provision of adequate housing for the lower and middle classes is pushed through an actor-based approach that aims to construct new apartments with a higher affordable housing share than usual, but that does not exhaust all possibilities to bring about an effective turn towards a genuine social housing policy. Furthermore, growth policies as such remain unquestioned.

Reflecting on the policy experiments across all three examples, we want to provide an outlook on alternative future urban policies after the neoliberal era. The outlook integrates theoretical implications and practical developments. First, we have argued that Hamburg’s urban development is not simply another case of just another neoliberal development of a European city. Hamburg’s recent urban movements and urban policy experiments provide evidence for another path. However, we assume that there are many further global examples of the reworking of urban neoliberalization over the last decades. That is why we suggest that future (comparative) studies on breaks with neoliberal principles are as necessary as finding the appropriate vocabulary to theorize these trends at this time. Our notion of novel policies as ‘experiments with limits to neoliberalization’ is deliberately preliminary at this stage.

Second, the Hamburg case shows that the right to the city is claimed in various forms and that urban policies need to be subject to democratic procedures. So we would argue for examining cities with close attention to civil, political and social rights (Pierce *et al.*, 2016). The primacy of property rights as a civil right is contested (not only in Hamburg). Our analysis revealed the pivotal role of democratic procedures within this contestation, demonstrating the need for close attention to political rights in the negotiation of civil and social rights, like access to housing.

Third, application of the present regulations proves to limit a profit-seeking (housing) market. But neoliberal policies have produced a new dimension of urban polarization and injustice that also requires new types of regulation. Theoretical conceptions of new regulations should consider the interplay of single urban actions and situations with structural conditions at this turning point in the neoliberal era. Practically, local movements and politicians could use such regulations for demanding a much more decisive policy, that is, for a significant share of non-profit projects. Securing concessions to social housing (like mandatory shares of social housing that are not tied to any kind of subsidy) seems particularly feasible in our current times of investment-seeking capital.

Searching for the breaks with urban neoliberalization, in the German context, the latest policy experiments in Hamburg may count as an unparalleled case in point. However, all of them play out ambivalently on the local level. Most of the interventions we have discussed are temporary and remain contested. We suggest that future studies of similar experiments also consider the complex and often ambivalent conditions

of special funding, of regulation, and of actor-based approaches toward alternative housing to better understand urban policy at this turning point in the neoliberal era.

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