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Affordable Housing Policy in Federations

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Introduction

Housing affordability is a major social and political challenge. Low-income households, in particular, often struggle to find affordable and adequate dwellings (OECD 2020, 3–4). In European and Western countries, there is a growing focus on the significant gap between rising rents and stagnant household incomes. In countries of the Global South, housing precariousness is exacerbated by uneven urbanization, limited public resources, and greater socio-spatial disparities (Wetzstein 2017; Rolnik and Roy 2020).

Data on rental prices in 77 large German cities show that in 2018, more than half of the tenants (4.4 million households) lived in apartments that were either too small relative to the household size or too expensive relative to their incomes (Holm et al. 2021, 9). Brazil's housing deficit is estimated at nearly 6 million new dwellings that would need to be constructed to accommodate families currently living in single rooms or accommodation with severe infrastructural precariousness, as well as to provide adequate housing for households that spend most of their monthly budget on rent (FJP 2021). Additionally, one-third of Brazilian dwellings require public support, including the provision of infrastructure services and regulatory measures to address issues such as sanitary problems, construction faults, or land title irregularities.

Housing shortage and affordability crises in many countries have led to increased calls for governments to step in and develop effective public policies that ensure housing affordability for all. Affordable housing policy is a pillar of the modern welfare state and part of the fight against poverty and social inequality, and is of utmost importance in contexts of environmental and health emergencies, such as the COVID-19 pandemic (Parsell and Pawson 2023; Shubhankar et al. 2023).

In federal states, affordable housing policy perfectly illustrates the common trade-off between responsive local service provision and national unity and equity (Schnabel and Dardanelli 2023; Henderson et al. 2013). Constituent units can tailor policies to local and regional conditions, including different housing markets and spatial planning. While there is literature on the development of the welfare state in federal systems, affordable housing has not received much attention from federalism scholars – despite its global importance. Studies on welfare policies in federal or decentralized countries leave the topic in the shade or rank it among second-order social initiatives (see, for example, Obinger, Leibfried, and Castles 2005).

This Occasional Paper is a first attempt to compare affordable housing policy in federal states. It maps the division of powers of the different orders of government regarding the main instruments of affordable housing policy in six federations: Argentina, Australia, Austria, Brazil, Canada, and Germany. Our focus is on the relative importance of the federal government and the constituent units (provinces in Argentina and Canada, *Länder* in Austria and Germany, and states in Australia and Brazil).[1] As our study will show, the role of the federal government and the constituent units varies not only across countries but also across the main instruments of affordable housing policy: social housing and housing allowances.

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[1] This study includes the role of local governments in the case of Brazil. Local governments also play an important role in the delivery of affordable housing policy, especially social housing, in other federations. However, they are typically under the jurisdiction of the constituent units. In Brazil, they are a fully recognized order of government with constitutional autonomy and the authority to enter agreements with the federal government, what has been particularly relevant when it comes to affordable housing policy.

Our paper maps affordable housing policy in different contexts. The countries we examine represent different federal models and vary in their overall degrees of de/centralization (see Table 1). Some are administrative federations in which a functional division of powers prevails. Others are dual federations with a mostly dualist division of powers whereby legislative and administrative powers overlap (Mueller and Fenna 2022). The six federations also have different welfare regimes. Despite these differences, social housing and housing allowances (or their equivalents) exist in all six federations, though their design and significance and the respective roles of orders of government vary.

Country	Federal model	De/centralized	Welfare regime[2]
Argentina	Administrative	Centralized	Conservative
Australia	Dualist	Centralized	Liberal
Austria	Administrative	Very centralized	Conservative
Brazil	Administrative	Centralized	Conservative
Canada	Dualist	Decentralized	Liberal
Germany	Administrative	Centralized	Conservative

Table 1: Overview of federations

Analyzing affordable housing policy in federal states

The division of powers, either as formally allocated in the constitution or as a *de facto* arrangement, defines the roles of orders of government. We distinguish legislative and administrative powers, following existing work (Braun 2000; Dardanelli et al. 2019). The former refers to the primary power to regulate the policy, i.e., the power to decide. The latter concern policy implementation, i.e., the power to act. Legislative powers refer to the authority to enact primary legislation while administrative powers mean the authority to adopt secondary legislation, such as regulations and decrees, and to administer public services. If the federal government possesses primary legislative powers, there may be a functional division of powers, meaning the constituent units implement and administer federal housing legislation. Their discretion typically depends on constitutional principles and the precision of federal legislation. A functional division of powers typically predominates in administrative federations. Legislative powers can also be shared, in which case both orders of government can design and deliver social housing policy and/or housing allowances. Their respective roles, then, are determined by the extent to which each of them exercises its powers. Legislative and/or administrative powers for different instruments of affordable housing policy can be assigned to different orders of government.

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[2] Due to the absence of a consensual terminology to classify contemporary welfare regimes (Garland 2016), we applied the basic typology proposed by Esping-Andersen (1990) in his 18-country study focused on advanced economies of the 1980s. Argentina and Brazil are closer to the conservative regime with regard to reliance on state provision and emphasis on family aid.

Legislative powers	Decision on policy design such as the eligibility for social housing or the housing allowance; rules for payment levels of the housing allowance; definition of housing providers (whether they can/must be public, for-profit, or non-profit) and funding mechanisms
Administrative powers	Responsibility for policy implementation/delivery which includes the processing of applications for the housing allowance and subsidies to housing providers or ownership and management of social housing units
Conditional grants	Federal authority to assign resources to affordable housing policies, if constituent units are responsible for the final expenditure

Table 2: Dimensions of interest

We also investigate a particular form of allocation of financial resources related to affordable housing policies. Resources available to a given order of government enable or constrain its capacity to exercise its potential authority. When constituent units have (exclusive or shared) legislative powers, the federal government can shape policy design and delivery through financial levers such as grants, even if it does not have legislative powers or decides not to exercise them (Watts 1999; Schnabel and Dardanelli 2023). These grants require the constituent units to comply with policy conditions set by the federal government in exchange for federal funding. They are important financial incentives, which often are offers that cannot be refused considering that constituent units are typically constrained in their ability to generate revenue (Oates 1972; Boadway and Shah 2009, 93–118). Conditional grants thus allow the federal government to play a role in social housing policy or the housing allowance even if it cannot directly create and deliver these welfare services itself. While not formally creating a functional division of powers, the dynamics can be similar, with the federal government's influence mainly concerning policy design and the constituent units primarily assuming responsibility for policy implementation and administration.

Affordable housing policy

There is no single meaning or definition of affordable housing and affordable housing policy can comprise of a variety of instruments (Braga and Palvarini 2013, 8; UNECE 2015, 6–14; OECD 2020, 4–5). Affordable housing policy refers to a range of supply-side and demand-side measures (OECD 2020, 4). While some of those benefit society at large, the most widely used instruments to assist those most in need are social housing and housing allowances. In Austria, Australia, Canada, and Germany, *social housing* (also known as public or government housing) refers to 'residential rental accommodation provided at sub-market prices that is targeted and allocated according to specific rules, such as identified need or waiting' (OECD 2020, 4). It is primarily provided in the form of government-owned dwellings or public subsidies to promote the construction and maintenance of social housing units by for-profit or non-profit providers. In Argentina and Brazil, new dwellings sold with subsidies to low-income people have characterized the core of social housing policy.

Housing allowances (also known as housing benefits, rent assistance, or housing vouchers) support low-income households in meeting housing costs in the form of a cash transfer. They are a more flexible instrument than social housing given that the construction of social housing units takes time and cannot be adjusted quickly to the needs on the housing market.

Affordable housing policy in Argentina

Affordable housing provision is enshrined in the Argentine Constitution as a social right. Argentina's social housing policy is formally related to the National Housing Fund (*'Fondo Nacional de Vivienda',* FONAVI). FONAVI fully or partially finances the purchase and/or construction of land, housing, urbanization works, infrastructure, services, and community facilities. FONAVI funds are statutory, conditional grants for social housing. However, effective compliance mechanisms for housing provision to the intended beneficiaries have for the most part been absent, as the actual distribution of its funds has been politically biased (Gordin 2006). In general terms, affordable housing policy epitomizes Argentina's transition from a limited conservative-corporatist to a liberal welfare regime: during the Peronist regime in the 1940s and 1950s, welfare benefits were expanded through populist and paternalistic policies. In the 1990s, Argentina moved towards social entitlements that responded to economic efficiency and market discipline criteria.

In Argentina, a housing allowance scheme based on cash transfers to households for rental payments has never been adopted. However, several functional equivalents can be cited. The National Mortgage Bank (*'Banco Hipotecario Nacional'*), which is the main state agency that has complemented FONAVI's building programs, provides social mortgage loans to unionized workers. Unlike traditional mortgage loans whose premia results exclusively from the personal credit record of the applicant, these loans take social need into consideration to a larger extent than prospective default risks. Furthermore, lopsided legislation on rent freezes adopted by the Peronist government in 1943 and maintained in different versions by subsequent governments of other ideological orientations, has been another indirect housing allowance. This legislation allowed rents to increase by no more than 27 percent during the 1946-1955 period, compared with a general increase in the cost of living of close to 700 percent (Aboy 2007). More recently, the government of the Autonomous City of Buenos Aires (a constituent unit since the 1994 Constitutional Reform) adopted a housing benefit consisting of subsidized credit for easing relocation and deposit payments. Exceptionally, subsidies for those unable to pay their rent were temporarily allocated through the Rental Card (*'Tarjeta Alquilar'*) during the COVID-19 crisis under a Need and Urgency Executive Decree.

Affordable housing policy in Australia

Affordable housing policy in Australia consists of both social housing and housing allowances. Social housing refers to the provision of rental accommodations at below-market rents to eligible, low-income households in need of housing. Most of the social dwellings are directly owned and managed by the state governments ('public housing'). Social housing is also provided by not-for-profit organizations, community groups, or housing associations ('community housing') that must be authorized by the states in accordance with their regulatory framework. Providers of community housing typically receive public funding and often manage government-owned dwellings. Moreover, there is 'Indigenous-specific housing', specifically designed to address Indigenous Australians' housing needs (Pawson, Miligan, Yates, 2020, pp. 87-88, 117-118).

In 1987, the federal government ('the Commonwealth') significantly expanded the *Commonwealth Rent Assistance* which it had introduced in 1958. Commonwealth Rent Assistance consists of a non-taxable, untied cash payment to recipients of social security or other income-support benefits from the federal government in private and community housing (Suttor 2011, 276–77). In June 2022, around 1.3 million

individuals and households received Commonwealth Rent Assistance. The states provide *Private Rent Assistance* to low-income households which experience difficulties in renting private accommodation. While there are differences between the states, both in terms of specific design and general availability of Private Rent Assistance, the benefit is typically provided as a one-off payment, for example via a rental grant. It is a rather small program: in 2021-22, approximately 57,000 households received it.[3]

Affordable housing policy in Austria

In Austria, the main instrument of social housing policy are subsidies in the form of long-term low-interest loans to social housing providers, which can be limited-profit associations or public authorities at the municipal level (Reinprecht 2014, 65; Marquardt and Glaser 2020, 6). There is no specific social housing program. The subsidies are part of general housing support ('*Wohnbauförderung*') to which social housing providers, mostly limited-profit associations, have privileged access. Eligibility for social housing is determined by income. There are additional social criteria to prioritize allocation (Braga and Palvarini 2013, 13, 51). Rent levels are cost-based, and hence are set at the level that meets the costs of constructing or purchasing a housing unit (OECD 2020, 12). Social housing providers operate under the regulatory framework set by the *Limited-Profit Housing Act* of 1979 ('*Wohngemeinnützungkeitsgesetz*'), a federal law. With the *Housing Subsidy Contribution Act* of 1952 ('*Wohnbauförderungsbeitragsgesetz*'), a surtax on personal income ('*Wohnbauförderungsbeitrag*') of one percent was introduced to fund social housing policy (Matznetter 2002, 273). Until 2008, a fixed percentage of the income tax, introduced in 1952, was also earmarked for the promotion of social housing construction and renovation. Austria has one of the largest social housing sectors in the OECD: social dwellings represent more than 20 percent of the total housing stock (OECD 2020, 3).

The main housing allowances (called '*Wohnbeihilfen*') consist of cash payments to low-income households. Eligibility and the amount of money received mainly depend on the size of the dwelling and rental costs, household income, and the number of household members. The design of those criteria differs significantly between the *Länder*. Moreover, some *Länder* set additional criteria such as the length of legal residence in Austria, citizenship, or language skills of immigrants from outside the European Economic Area. There also exist several smaller housing allowances targeted at specific groups, including one at the federal level ('*Mietzinsbeihilfe des Finanzamtes*').

Affordable housing policy in Brazil

The Constitution defines social housing as a fundamental social right to be guaranteed by the state (Brazil, 1988, Article 6). The promotion of social housing in Brazil is primarily driven by the public sector, with private and social entities contributing secondarily as partners. The main program is called "My House, My Life" (*'Minha Casa Minha Vida', MCMV,*), and was launched in 2009, following the path opened by large scale developments of new housing units dominant in the 1970s and 1980s (D'Ottaviano and Bossuyt 2024). The federal government provides subsidized loans to private and social organizations responsible for building units. States and municipalities are invited to act as counterparts, contributing with funds or land. Low-income families are also eligible for subsidized loans to buy new houses in the market. Since its inception, the program has undergone various phases and

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[3] https://www.aihw.gov.au/reports/housing-assistance/housing-assistance-in-australia/contents/financial-assistance [accessed: 24.04.2024]

fostered the construction of more than 5.8 million housing units, 34 percent of which were for the lowest income families.[4]

Another feature of social housing policy in Brazil is "Slum Upgrading", which targets existing precarious dwellings. It is implemented through territorial projects that include infrastructure upgrades, construction of social amenities, environmental recovery, and the securing of legal land tenure. Since 2007, it has represented a secondary line of federal funding, coordinating with other subnational authorities responsible for complementary measures (Denaldi and Cardoso 2021).

Housing allowances (often referred to as '*Bolsa Aluguel*', or Rental Assistance) exist as more targeted initiatives, usually implemented by some of the larger municipalities. In general, they provide immediate assistance by partially subsidizing the rental cost of a basic dwelling for families facing vulnerabilities such as natural disasters in high-risk areas, and displacement due to expropriation. The amount provided frequently falls short of covering rental costs, leading to a continuous cycle of evictions and occupations (Rolnik and Roy 2020).

Affordable housing policy in Canada

In Canada, social housing is provided by non-profit or corporative housing providers which receive government grants or loans, and also via provincially-owned or municipally-owned social housing stock. All provinces own social housing units. The size of the social housing sector is rather small (about 5% of the overall housing sector), which reflects Canada's liberal welfare regime (OECD 2020, 7).

Canada has two different types of housing allowances: rent supplements and housing benefits (also called rental assistance or shelter allowance). Rent supplements are non-portable project-based funding envelopes based on fixed-term contracts between government(s) and landlords. They were used most prominently between 1974 and 1994, though most provinces (e.g., British Columbia, New Brunswick) have introduced new rent supplements under the *Affordable Housing Framework* of 2001. Four provinces (British Columbia, Manitoba, New Brunswick, Québec) created housing benefits in the 1970s, which were smaller programs mainly for seniors (though Manitoba eventually included families). Until the introduction of the *Canada Housing Benefit* in 2020, only those four provinces had housing benefits of significance. *Canada Housing Benefit* programs differ across the provinces. The *Canada-New Brunswick Housing Benefit*, for instance, is a short-term assistance for rents to allow families and individuals to increase their income to cover other living costs. The *Canada-BC Housing Benefit Program* assists low-income individuals who do not qualify for other rental assistance programs to pay their rent on the private market.

Affordable housing policy in Germany

The main instruments of affordable housing policy in Germany are social housing and the housing allowance ('*Wohngeld*'). The key feature of German social housing policy is a specific form of public-private partnership. Social housing providers – which can be municipal housing companies and cooperatives as well as private and commercial investors – receive a public subsidy in exchange for offering dwellings to eligible households for a fixed period (usually between 20 to 40 years). During this

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[4] https://www.gov.br/cgu/pt-br/assuntos/noticias/2021/04/cgu-divulga-prestacao-de-contas-do-presidente-da-republica-de-2020/relatorio-de-avaliacao-pmcmv.pdf [accessed: 25.04.2024]

period, social dwellings are offered at a reduced rent, with the gap between the reduced rent rate and the cost-based rent being covered by public subsidies. After the conclusion of the fixed period, the housing units enter the regular housing market. In 2001, social housing in Germany shifted focus to particularly vulnerable groups. This shift marks a transition in housing policy from a universal social approach to targeted assistance for marginalized groups (Marquardt and Glaser 2020, 3–5). Between 2011 to 2022, the social housing stock decreased from roughly 1.5 million to 1.1 million units because the number of newly built units could not keep pace with the number entering the regular housing market.[5] As a consequence, Germany has a comparatively low share of social dwellings in the total housing stock (below five percent, see OECD 2020, 7).

The housing allowance consists of cash payments. Eligibility and amount of the housing allowance received mainly depend on the size of the dwelling and rental costs, household income, and the number of household members. Since its introduction in 1965, both the eligibility criteria and the amount of the housing allowance have been regularly adjusted, most recently in 2023 when the amount and the scope of beneficiaries were expanded. Eligibility for social housing and the housing allowance can overlap, which means that some households qualify for both forms of support.

Division of powers over social housing

Argentina

Social housing policy in Argentina is a federal jurisdiction (Art. 14 bis). While legislative powers for housing policy were held by the federal government, administrative powers began to be exercised by the provinces once FONAVI was created in 1972. Regulations and criteria for selection of beneficiaries were determined by the National Secretariat of Housing and Urban Planning ('*Secretaría de Vivienda y Urbanismo de la Nación*'), and the implementation was delegated to the provincial administrations.

Following the decentralization of FONAVI in the wake of neoliberal reforms, the Federal Housing System ('*Sistema Federal de Vivienda*') was created (Law 24.464 of 1995), putting FONAVI under the jurisdiction of the provinces. Provincial housing entities ('*Institutos Provinciales de Vivienda*') received full responsibility for the administration of the resources (Zanetta 2007), including programming, execution, control, awarding and recovery of the investments made. In addition, a newly created National Housing Council ('*Consejo Nacional de la Vivienda*') was charged with the coordination of normative, planning and evaluation functions. Since the decentralization of FONAVI in the early 1990s and the creation of provincial housing agencies, the fault lines between legislative and administrative powers have been fuzzy. Weak vertical accountability enabled provincial entities to manage their share of the funds at their full discretion while largely subverting the original intent of federal legislation (Zanetta 2007). Although intergovernmental responsibilities in affordable housing policy are defined by federal legislation, political pacts between the national and provincial executives commonly override formal arrangements.

When the success of the economic stabilization begotten by market reforms in the 1990s began to fade, Argentina's 2001 sovereign default crisis intensified fiscal and policy centralization. After his election in 2003, President Nestor Kirchner recentralized housing policy as part of his attempt to find a way out

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[5] BT-Drucksache 18/11403, 20/1824, 19/12234, 19/21928, 20/2692, 20/7889

of recession and curb unemployment and poverty. In 2004, he launched the Federal Plan of Housing Construction ('*Plan Federal de Construcción de Viviendas*') a federal government-planned, Keynesian-intensive housing program, commonly touted as Federal Programs (*'Programas Federales'*). The election of Mauricio Macri in 2015 reverted such national countercyclical housing policy by introducing market incentives, though without substantially bolstering provincial prerogatives as occurred in the 1990s during the neoliberal government of President Carlos Memen.

Australia

In Australia, the state governments design and operate social housing programs, which are co-funded by the federal government. Therefore, the state governments play a significant role in providing social housing. They develop policies that, for example, set eligibility and allocation criteria (Powell et al. 2019, 11–12). They also create the regulatory framework for community housing providers[6] and are responsible for supplying and managing public housing units.[7]

Conditional grants, provided under intergovernmental agreements, allow the federal government to shape policy that is legislated and administered by the states. The first Commonwealth State Housing Agreement (CSHA) between the federal government and the states was signed in 1945. Agreements were renegotiated every five or so years (Suttor 2011, 264), updating or setting new policy goals or changing eligibility. For instance, the CSHAs of 1966 and 1973 changed the target groups of social housing to low-income households instead of the working class (Yates 2013, 114). In the context of a major reform of federal financial relations in 2009, the federal government and the states adopted a new intergovernmental agreement, the National Affordable Housing Agreement (NAHA) that ran until 2018 and was then replaced by the National Housing and Homelessness Agreement (NHHA). Apart from changes to policy conditions, there have been no changes to these arrangements or the division of powers.

Austria

Initially, the federal government in Austria had legislative and administrative powers over social housing. In 1968, the *Länder* started to play a more important role when they gained administrative authority, which was subsequently expanded via amendments of federal social housing legislation. Constitutional amendment in 1988 transferred legislative powers from the federal government to the *Länder*. Since 1988, the *Länder* have been responsible for legislation and implementation concerning social housing policy. The federal government stopped being a social housing provider in 2001, when it decided to privatize the four housing companies it owned (Reinprecht 2014, 64–66).

Austria is a very centralized federation with an administrative division of powers in some policy areas. Social housing has become one of the few areas of exclusive *Länder* jurisdiction. What is more, until 2008, the federal government provided conditional grants to co-fund social housing policy in the *Länder*, but conditionality was gradually relaxed and eventually eliminated, reducing the federal government's influence on social housing policy. In 2017, it transferred authority over a housing subsidy surtax to the *Länder*.

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[6] For an overview, see https://nrsch.gov.au/publications-and-resources/legislation.html [accessed: 11.04.2024].
[7] https://www.ahuri.edu.au/analysis/brief/what-difference-between-social-housing-and-affordable-housing-and-why-do-they-matter [accessed: 11.04.2024].

Social housing policy in Austria is generally seen as being very successful, and Vienna is often considered an example of best practice (Marquardt and Glaser 2020; Reinprecht 2014), demonstrating that decentralized design and provision of social housing can be effective.

Brazil

Brazil has undergone distinct phases of centralization, decentralization, and re-centralization in its social housing policy. During the democratic regime from 1946 to 1964, the establishment of the Popular Housing Foundation marked the beginning of large-scale housing programs. These programs were imbued with a somewhat populist approach, aiming to meet broad popular demand but yielding a modest output of new dwellings. Legislative and administrative powers were primarily concentrated at the federal level.

With the military dictatorship assuming power in 1964, housing became a more relevant policy, with legislative powers and funds controlled by the central government and a growing role of the constituent units in implementation. Under the lead of the National Housing Bank ('*Banco Nacional de Habitação'*, BNH), the production of new dwellings significantly increased. Towards the end of the regime, subnational public housing companies ('*Companhias de Habitação'*, COHABs) were established, with federal funds and matching contributions from states and municipalities.

The 1988 Constitution defines shared responsibilities for housing policies under federal coordination (Articles 23 and 30). Hence, legislative powers are predominantly concentrated on the center. The states play a secondary role, and the territorial management is a local responsibility, as municipalities are solely accountable for organizing land use and occupancy. Subnational responsibilities in administering housing programs were further enhanced when federal coordination was relaxed between 1995 and 2002 as part of a shift to market-oriented approaches and neoliberal housing schemes (Arretche 2002).

The early 21st century saw renewed federal initiatives aimed at addressing housing deficits. The program "My House, My Life", initiated in 2009, became a centerpiece of Brazil's housing policy, building more than five million dwellings by 2018 (Castelo, 2019). It relies on legislative powers predominantly assigned to the federal government and shared administrative powers, with municipalities assuming a more active role than the states.

Canada

The Canadian constitution does not mention housing. Housing relates to several items under provincial jurisdiction such as property rights, civil rights, infrastructure, and local government, but its broad spending power also allows the federal government to create, deliver, and fund social housing policy programs (Pomeroy 2023). Like in Australia, social housing thus is effectively a shared power. In Canada's dual federalism, legislative and administrative powers overlap, hence both orders of government can design and deliver social housing programs. Changes in the relative importance of the federal government and the provinces and territories with regard to social housing policy and delivery were, therefore, mainly driven by the extent to which the federal government exercised its spending power, and by the willingness of the provinces to create their own social housing programs.

Until the 1980s, social housing policy was dominated by the federal government. With the passage of the *National Housing Act* (NHA) in 1938, the federal government created a small social housing program. In 1949, amendments of the NHA created federal-provincial programs for the construction of jointly

owned and provincially managed social dwellings (Pomeroy 2023, 286), which was funded through conditional grants. By accepting these conditional grants, the provinces gained a role in the provision of social housing.

Over time, the provinces assumed an even greater role. In the 1960s, many provinces developed their own initiatives in addition to the federal-provincial program, with British Columbia, Ontario, and Québec being particularly active (Carroll and Jones 2000, 279; Fallis 1990, 897). Moreover, under the 1964 amendments of the NHA, the provinces gained ownership over new social dwellings; only pre-1964 stock continued to be jointly owned by the federal government and the provinces. The federal government created several short lived federally-managed social housing programs in the 1970s and 1980s, but subsequently made an offer to the provinces to deliver some of those programs under a new conditional grant program, which most provinces accepted (Pomeroy 2023, 288). In this period, both orders of government were rather active in the design and delivery of social housing programs.

In the mid-1980s and 1990s the provinces gained substantial influence over social housing due to disengagement of the federal government. Having lost interest in social housing, the federal government eventually terminated all of its social housing programs (Carroll and Jones 2000, 280). It did not fully withdraw from social housing policy, however, and continued to provide conditional grants to the provinces (Pomeroy 2023, 289–90). In the 1990s, the federal government transferred its share of ownership of co-owned social housing stock to the provinces and decided to end all new funding (Phillips 2020; Carroll and Jones 2000). With affordable housing declining in importance generally in the 1990s, the provinces initially mainly continued to operate the same programs they had received from the federal government (Carroll and Jones 2000, 281–82). The late 1990s did see some new provincial initiatives, however, such as the establishment of *AccèsLogis* in Québec in 1997.

The early 2000s saw a return of (modest) federal government funding initiatives, and affordable housing regained importance. Between 2001 and 2019 the federal government provided conditional grants to the provinces under the *Affordable Housing Initiative*, which in 2011 was rebranded as *Investments in Affordable Housing*. Subsequent amendments and renegotiations led to the inclusion of one-off payments and programs previously administered by the federal government as well as relaxation of conditionality. 2017 marked a significant return of the federal government in social housing policy when it adopted the *National Housing Strategy*, under which it created several federally-managed programs while also introducing new conditional grant programs such as the *Canada Community Housing Initiative* (Pomeroy 2023, 285). Provincial programs continued to exist, especially in British Columbia and Québec, which remained particularly active in social housing policy.

Germany

In Germany, any policy is a federal government jurisdiction if it is either included in the list of exclusive powers of the federal government (Article 73 Basic Law) or is a concurrent power (Article 74 Basic Law) and the federal government adopted legislation under concurrent jurisdiction. It is a jurisdiction of the *Länder* if it is not an exclusive power of the federal government or is a concurrent power but the federal government does not adopt legislation. Given the functional division of powers in Germany's administrative federalism, the *Länder* are responsible for the implementation and administration of federal policy (unless the Basic Law explicitly assigns administrative powers to the federal government). Because the *Länder* have residual powers, they also have authority over any instrument of affordable housing policy that is neither in the list of exclusive federal government or concurrent powers. The

federal spending power is restricted to areas of legislative jurisdiction of the *Länder* that are specified in the constitution and the constitution even bans federal spending on specific areas of *Länder* jurisdiction.

In 1950 and 1956, the First Housing Construction Act ('*Erstes Wohnungsbaugesetz*') and the Second Housing Construction Act ('*Zweites Wohnungsbaugesetz*') initiated a large-scale, publicly-financed social housing construction program. Thus, legislative powers were centralized: both acts were federal laws adopted under concurrent jurisdiction. The *Länder* were responsible for implementation and administration. Their scope was quite narrow, however, given that the federal government additionally provided grants with strict conditionality. This undermined administrative decentralization.

Following reunification, domestic migration to the Western *Länder* led to a sharp increase in demand on the housing market in some regions. At the same time, vacant dwellings in the Eastern *Länder* had to be demolished to stabilize rents (Egner 2019, 97). Motivated by increasingly strong differences in regional housing developments (Kiehle 2021, 1034), the Housing Promotion Act ('*Wohnraumförderungsgesetz*') in 2001 marked the beginning of the federal government's withdrawal from social housing policy. In this Act, the federal government set a framework for social housing policy, while the *Länder* operated the programs and determined administrative procedures. Under certain conditions, they could adopt their own legislation to deviate from the federal framework. The Housing Promotion Act thus increased administrative decentralization and included some legislative decentralization. The federal government continued to provide financial assistance to the *Länder*, but with much looser conditionality.

In 2006, the German federal system was comprehensively reformed (Behnke and Kropp 2016). As part of the revision of Article 74 of the Basic Law, social housing was removed from the list of concurrent powers, transferring legislative authority to the *Länder* (legislative decentralization). The reform introduced a ban on conditional grants for social housing. To compensate the *Länder* for this loss of federal co-funding, the federal government continued to provide temporary financial support with loose conditionality (Article 143c Basic Law; *Entflechtungsgesetz*). In 2013, the law regulating federal compensation funds was amended (Art. 4 *Aufbauhilfegesetz*). Federal funding for social housing became almost entirely unconditional for the period from 2014 to 2019. The *Länder* were thus entirely free in exercising their legislative powers.

At a 'housing summit' of the federal government, the *Länder*, and stakeholders in September 2018, the federal government agreed to provide further financial assistance as follow-up funding of the expiring grant arrangements. This required constitutional amendment to re-authorize conditional grants for social housing (new Article 104d Basic Law). Those grants had the same degree of conditionality as the funds provided between 2006 and 2013, the requirement being that they be used to fund social housing. The reform enabled the federal government to co-fund social housing policy, though the *Länder* retained exclusive legislative authority and maintained discretion in its exercise.

Social housing policy in Germany thus turned from a centralized policy sector into a very decentralized one, with the *Länder* receiving the full range of legislative and administrative powers – although they still rely on federal grants, currently with low conditionality.

Division of powers over housing allowances

While the relative importance of the two orders of government in social housing has changed significantly over time in several federations, there was less change concerning housing allowances. The comparison of Austria and Germany as well as Australia and Canada reveals, however, quite different approaches even in countries with similar types of federalism. As noted above, housing allowances in the form of cash transfers do not exist in Argentina. In Brazil, they are residual and temporary measures, and are provided by some municipalities and primarily locally funded. The coordination designed at the federal level assigned the regulation and implementation of this instrument to local governments, despite the formally shared powers to intervene in this domain. The federal government and the states could provide or fund housing allowances but have not done so. ;

Austria and Germany

In Germany, the federal government has always had legislative powers over the housing allowance. It is a concurrent power (article 74 Basic Law). The federal government introduced the housing allowance in two federal laws in 1963 and 1965, which were consent laws and thus subject to approval by the *Bundesrat*, Germany's second chamber in which the *Länder* governments are represented. [8] The constitution assigns implementation to the *Länder*.[9] The housing allowance is co-financed by the federal government and the *Länder* (Cischinsky and Krapp 2020, 102). There have been no changes to this division of powers.

Compared to their German counterparts, the Austrian *Länder* play a much larger role. Initially, the federal government had legislative and administrative powers over the housing allowance. It created a housing allowance in 1968. In 1972, federal legislation assigned administrative powers to the *Länder*. In 1988, with the transfer of legislative power over social housing, the *Länder* also gained legislative authority over the housing allowance. The *Länder* thus have the authority to design and operate their own housing allowances (Amann 1999, 41; 2019, 3). In contrast to social housing, the federal government does not provide conditional grants to co-fund the main housing allowance programs in the *Länder*. Its role is limited to sharing in the costs of a few very targeted housing allowances (e.g., an allowance for people with disabilities) and to administering one such allowance which itself is based on its authority over the income tax.

Australia and Canada

In Australia and Canada, the two dual federations in the group, the housing allowance (like social housing) is effectively a shared responsibility and both orders of government can provide and administer a housing allowance. However, the relative importance of the federal government and the constituent units is different in both countries. In Australia, the federal government assumed the role of a provider of a housing allowance, while in Canada housing allowances are typically designed and delivered by the provinces and territories. The Canadian federal government's role is largely limited to sharing in the costs and encouraging provincial initiatives through conditional grants, which allows it to indirectly shape those programs.

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[8] *Gesetz über Wohnbeihilfen* of 1963; *Gesetz zur Änderung des Gesetzes über Wohnbeihilfen* of 1965.
[9] The *Länder* usually assign the administrative responsibility to the municipalities which, for instance, process the applications (Cischinsky and Krapp 2020, 102).

The Australian federal government, via its constitutionally enshrined spending power, created the Commonwealth Rent Assistance as a federal housing allowance in 1958 and significantly expanded it in 1987. It also administers this rent assistance. A much smaller program, the Private Rent Assistance, is issued by the states which decide upon specific design of the instrument (Australian Institute of Health and Welfare 2023).

In Canada, housing allowances were introduced in the 1970s through a combination of a conditional grant program and, in four provinces, provincial programs. From 1974 and until the 1990s, the federal government provided conditional grants to the provinces for rent supplements. Rent supplements lost importance after 1994, however, when many contracts expired. British Columbia, Manitoba, New Brunswick, and Québec developed housing benefits in the 1970s. In the 2000s, some provinces and territories developed new rent supplements. In 2020, the federal government created the *Canada Housing Benefit*, a conditional grant program that resulted in the introduction of housing benefits in all provinces (Pomeroy 2023, 298). Those without a housing benefit program designed new initiatives, while the four provinces with existing programs merged the *Canada Housing Benefit* into those programs or created an additional program. Under the *National Housing Strategy* of 2017, the federal government created a small rent supplement, the *Federal Community Housing Initiative*, and, in 2022, it introduced (and administered) a one-off top-up of the *Canada Housing Benefit* during the Covid-19 pandemic.

Patterns and lessons

Affordable housing policies show distinct dynamics in each national context and are unlikely to be subject to a lasting ideal balance between diversity and unity. The balance between the authority assigned to the federal government and constituent units has changed substantively across time within the observed countries.

Nevertheless, our investigation into affordable housing policy in six federations reveals several similarities. A dualist division of powers predominates in social housing in Australia, Austria, Canada, and Germany. Argentina and Brazil are similar in that social housing has features of a functional division of powers where the federal government is responsible for regulation via legislation and the constituent units assume responsibility over implementation and administration. They are countries with the most recent general welfare policies, including affordable housing policy. The strong role of the federal government in affordable housing policy in those countries suggests that the participation of the federal government might be particularly useful to promote action in a new and evolving policy domain.

Dualist arrangements also predominate in housing allowance policies, with marked exceptions. Australia, Austria, and Canada show a rather independent approach among tiers of government, with each order typically assuming responsibility over legislation and implementation. Argentina has no housing allowance. Brazil has de facto a dualist division of powers, with municipalities regulating and administering limited isolated initiatives. In Germany, powers are divided along functional lines. The federal government adopted legislation to create a housing allowance and the *Länder* deliver it.

Country	Division of powers		De/centralization	
	Social housing	**Housing allowance**	**Social housing**	**Housing allowance**
Argentina	Mainly functional	n/a	*Legislation*: centralized *Administration:* decentralized	n/a
Australia	Dualist	Dualist	*Legislation*: shared; mostly decentralized *Administration*: shared; mostly decentralized	*Legislation*: shared; mostly centralized *Administration*: shared; mostly centralized
Austria	Dualist	Dualist	*Legislation*: decentralized *Administration*: decentralized	*Legislation*: decentralized *Administration*: decentralized
Brazil	Mainly functional	De facto dualist	*Legislation:* shared *Administration:* shared; mostly centralized	*Legislation*: decentralized *Administration*: decentralized
Canada	Dualist	Dualist	*Legislation*: shared; mostly decentralized *Administration*: shared; mostly decentralized	*Legislation*: shared; mostly decentralized *Administration*: shared; mostly decentralized
Germany	Dualist	Functional	*Legislation*: decentralized *Administration*: decentralized	*Legislation*: centralized *Administration*: decentralized
Summary	*Mainly dualist, some functional*	*Mix of dualist and functional*	*Mix of centralized and decentralized legislation Mostly decentralized administration*	*Mix of centralized and decentralized legislation Mostly decentralized administration*

Table 3: Division of powers in affordable housing policy

As our comparison shows, constituent units tend to have a high degree of autonomy in social housing policy design and delivery – typically within the broad framework of housing policy set at the federal level (see also Dougherty and Phillips 2019). Regarding the distribution of administrative powers, decentralization is most common in social housing and housing allowances alike. In the case of social housing, this is the case of Argentina, Australia, Austria, Canada, and Germany. Brazil is an exception, due to the federal government's dominance of the implementation of this policy. Regarding the housing allowance, decentralization prevails in all the observed federations, except Australia.

More heterogeneity marks legislative powers. In social housing, decentralization predominates in Argentina, Austria, and Germany. Brazil, Australia, and Canada have shared power on the matter, but the central government exercises this power in Brazil while the states and provinces exercise it in Australia and Canada. Regarding legislative power over housing allowances, decentralization characterizes Austria, Brazil, and Canada. In Australia and Germany, the power to regulate the policy is concentrated in the federal government.

Further research is needed to make sense of these patterns, although comparison is complicated by confusing terminology and unclear definitions. Indeed, there is no international consensus on the definition of social housing.

The comparison of affordable housing policy in the six federations nevertheless allows for the identification of several lessons which may be of interest to researchers and policy makers.

In several countries (Argentina, Australia, Austria, Canada, Germany), conditional grants are or were used to support the delivery of social housing or housing allowances by the constituent units. Conditional grants increase the financial resources available to constituent units to provide policy and establish national (minimum) policy standards. However, the use of conditional grants can undermine the autonomy of the constituent units (Schnabel and Dardanelli 2023). Moreover, any increase in financial capacity may only be a short-term gain, namely when funding programs are limited in time (which is often the case in Australia and Canada, for instance). More reliable and sustainable funding arrangements, with constituent unit input on their design, are thus advisable. Conditional grants should also be designed in such a way that they avoid disproportionate administrative burden or clash with policy priorities and preferences in the constituent units. The Brazilian case highlights the importance of such cooperation between the federal government and the constituent units. Combining initiatives tailored at the subnational level and the superior financial capacity of the central government led to the best outcomes within the country. Nevertheless, this scheme has not led to the desirable equity regarding the territorial distribution of resources.

While in most federations each policy instrument is delivered by one order of government only, the Canadian case draws attention to the risk of duplication of programs and administrative structures when powers are shared. Concentration of policy delivery of social housing and housing allowances at one order of government fosters transparency and facilitates access.

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