



Rent controls in comparative perspective: Reflections on an international symposium

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in conversation with

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Abstract

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In Scotland, the policy landscape around rent controls is rapidly evolving and full of uncertainty. At this critical moment, an international symposium in Edinburgh brought together activists and academics in similar contexts living with or fighting for rent controls from across Europe and North America. This contribution is organised around reflections from the participants on (1) the history of rent controls in their area; (2) the current rent regulations in operation and their effectiveness; (3) the role of tenants' organisations and (4) landlord and other pro-real estate lobbies in shaping the discourse around rent controls; and (5) reflections on what a satisfactory resolution on the rent control issue might look like and how it relates to other dimensions of the housing system. Our collective hope is that these reflections contribute to sharpening and clarifying the re-emergence of demands for rent control in Europe and North America as a powerful tool—if insufficient by itself—for shaping a decommodified housing system.

Keywords

Rent control, housing crisis, activist movements rent control, housing crisis, activist movements

Introduction

In May 2023, 25 housing activists and scholars gathered in a room overlooking Edinburgh Castle to discuss rent control. The speakers at the hybrid symposium, ‘Rent Control: A Tenants’ Perspective’, hailed from England, Germany, Ireland, Serbia, Scotland, Spain, Sweden, and the USA.¹ Many of those present in the room were invited members of Scotland’s tenants’ union Living Rent (LR), a powerful and visible presence in housing policy debates in Scotland, networked with and learning from a wide range of similar organisations across the UK and abroad. Under sustained pressure from LR, the Scottish Government have taken discursively significant but largely ineffectual steps towards reintroducing rent controls. A framework that allows for the *potential* implementation of rent control zones was written into the 2016 Housing (Scotland) Bill and strengthened in the draft version of its 2024 iteration. Scotland stands at an intriguing impasse in terms of rent controls: it has the legislative framework for their existence, but in practice they do not exist. The only rent restriction in place – since a temporary rent freeze ended in March 2024 – is a loose guidance structure that allows tenants to challenge rent increases in excess of 5%. But it is unclear how tenants in precarious situations are expected to engage with this process, whilst the limits available (6% or 12% depending on context) hardly constitute a serious threat to the juggernaut of unaffordability. Rent controls here lie at a critical juncture: isolated from realpolitik across the UK for decades since the Thatcherite ‘liberalisation’ of housing in the 1980s and now on the brink of possible resuscitation (in Scotland, at least).

In this context, the purpose of the symposium was threefold. First, to learn from and generate scholarly and activist contributions that might widen our perception of what rent controls are and how they might be applied. Second, to learn from international rent control debates and struggles in order to consider the practical implications of demands in the Scottish case (hence the relatively circumscribed Anglo-European range of participants). And finally, to provide a space for exchange and co-education between scholars and activists embedded in different regional and national housing contexts.

This short intervention is a summary of the event by its organisers – Hamish Kallin and Neil Gray – incorporating consultation and comments by all contributors. We asked each contributor to respond to five questions in their presentations: (1) what is the history of rent controls in your area; (2) what current rent regulations are in operation and how effective are they; (3) are tenants’ organisations active around the issue and at what scale; (4) have landlord and other pro-real estate lobbies shaped the discourse and what kind of blockages have they placed in the way of effective rent controls; (5) what would be a satisfactory resolution on the rent control issue and how do you see it in relation to other dimensions of the housing

¹ Joe Beswick and Siobhan Donnachie from *London Renters Union*, England; Konstantin Kholodilin from the *German Institute for Economic Research* (DIW), Germany; Tommy Gavin from *Community Action Tenants Union* (CATU), Ireland; Ana Vilenica from the *Beyond Inhabitation Lab*, Italy, speaking to the Serbian and Yugoslavian context; Damian Dempsey from *Living Rent*, Scotland; Jaime Palomera from the *Catalan Tenants Union* and *University of Barcelona*, Spain; Maria Persdotter from *Linköping University*, Jennie Gustafsson from *Malmö University*, and Maria Wallstam from *Uppsala University*, Sweden; Edna Monroy from *Strategic Actions for a Just Economy* in Los Angeles and Oksana Mironova from the *Community Service Society*, New York, USA.

system. We provide here a summary of the responses, before concluding with some of our own reflections. All of us participating in the symposium hope that this discussion contributes to sharpening and clarifying the re-emergence of demands for more effective rent controls as a powerful and necessary tool for shaping a decommodified housing system.

Histories of struggle

Participants' presentations made clear that rent controls were first introduced in several places around the same time: 1915 in Scotland, England and Ireland; 1917 in Sweden; 1919 in (parts of) Germany, and 1920 in New York and Spain. There are common factors here, not least the upheaval of the First World War (WWI) and the acute pressure on rents in a context of deregulated housing development. Equally important was the backdrop of revolutionary ferment and the longer-term militancy of the organised workers' movement, which spilt over into housing struggles and rent strikes. All of these initial rent controls were imagined as temporary measures; yet all were renewed or retained after the Second World War (WWII). There are particularities, of course: in Ireland, for example, Tommy Gavin shows that the demand for urban rent controls built on longer campaigns for land justice in the 19th century. Closely tied to the struggle for national independence against British colonialism, these demands intensified after the Great Hunger/Famine of the 1840s, culminating in the 1881 Land Law which controlled *rural* rents, setting a significant political precedent. Indeed, Guidi (2020) traces the roots of modern rent controls to this point. In the early 1980s, a series of court cases in Ireland found rent controls to be unconstitutional (though a thorough reading of those judgements suggests this was never true) and rent controls in their original form were dissolved. Soon after, in 1989, following The Housing Act 1988, rent controls for new private tenancies were abolished in England and Scotland, part of the opening rounds of 'roll-back' neoliberalism under Margaret Thatcher.

In Spain, as Jaime Palomera recalls, tenants' unions sprung up in Valencia, Bilbao, and Barcelona as early as 1904. Women were at the forefront of these struggles, just as they were in Glasgow in 1915 (Currie, 2018). As testament to the power and threat of these organisations, the Spanish Government introduced rent controls in 1920 which systematically *reduced* (rather than fixed) rents, extended tenancy contracts and limited the grounds for legal evictions. Importantly, tenant struggles continued after the new law was introduced, reflecting an embedded radicalism whose energies could not easily be sapped by reformism. In 1931, the Economic Defence Committee (*Comité de Defensa Económica*) in Barcelona launched a major rent strike (with support from the two of the major unions) that lasted eight months, with around 100,000 households withdrawing rents. Their demands – to cancel rents for those with no income and cut them by 40% for everyone else – were met with a brutal response from the police. The union claimed victory of a sort, for renters had saved substantial sums of money and managed to re-negotiate more favourable rents (Aisà, 2019). The 1920 controls would be loosened under the Franco regime in 1964 (allowing rent increases in line with inflation) before being abolished completely in 1985 through the Boyer Law.

In Serbia, then part of Yugoslavia, Ana Vilenica reminds us of the possibilities that broader revolutionary changes created. Between 1945 and 1953, the existing housing stock was partly nationalised and rents were established at 50% of their 1939 prices. From 1953 to 1974, workers paid 5-8% of their salaries into a Housing Fund and, once housed, paid a tenancy fee that contributed towards maintenance and the building of more houses: ‘rents’ in this context were not so much controlled as *abolished* in favour of general (relatively low) taxation for the provision of public housing. From 1974-1990 this tenancy fee was pegged at 5% of a workers’ income, which also covered the cost of ‘solidarity flats’ for those who needed them. In the German Democratic Republic, rents in older buildings were frozen at 1936 levels until the fall of the Berlin Wall in 1989, whilst rents in newbuild blocks (owned by the state) were held at around 20% of the actual cost (Flockton, 1998). ‘Integration’ into capitalist land markets was a huge shock in both contexts. As Vilenica noted in the workshop, in a post-Cold War world, Eastern European perspectives are often excluded from discussions about rent controls and housing justice, with the socialist experience reduced to ‘totalitarianism’ and all of its variegated and often progressive facets maligned. In Scotland, and other countries, cities, or regions with a strong history of public housing, these experiences should resonate powerfully: by the mid-1970s, over half the housing stock in Scotland was owned by the state, down to 12% today. In England the figure was closer to a third, still very substantial, down to 6% today. When we forget these realities, we tie the spectrum of political possibilities tighter around the morbid corpse of unaffordable private housing development (recast as social ‘provision’) under neoliberal orthodoxy.

Common to all these contexts was the strong impact of organised housing struggle, a reminder that landlord power is never challenged by the benevolence of the state alone. This was not a single moment of pressure, for in all these contexts rent regulation did not remain static. Oksana Mironova describes how pressure from tenants and workers forced New York State to continue controlling rents after WWII whilst other states phased out controls. Decontrol in the 1960s led to a new round of mobilisation that pushed for the passage of the Emergency Tenant Protection Act (EPTA) in 1974, which formed the basis of the modern rent stabilisation system. Four years later, as Edna Monroy shows – tenant organising inspired by the Civil Rights movement managed to get Los Angeles to pass a Rent Stabilisation Ordinance (LAR-SO) that now covers about 80% of the city’s rental housing stock. In both cities, rent controls came under sustained attack as the neoliberal turn gained momentum in the mid-1990s: numerous loopholes were introduced to undermine the rent controls which remained notionally in place. The Housing Justice for All coalition managed to close many of New York’s loopholes in 2019, though 291,000 rent stabilised units had already been lost. The struggle in Los Angeles goes on (for an excellent overview of US-based rent control struggles, see Mironova, 2024).

Varieties of rent controls

Rent controls come in many forms, not least in terms of their strictness, enforcement, and the types of tenancies they apply to. This is often split into three ‘generations’ of rent controls following Richard Arnott’s (1995, 2003) interventions. *First-generation* controls

enforce actual or nominal rent freezes; *second-generation* controls allow rent increases for specific reasons (especially related to inflation) but do not allow decontrol between tenancies; *third-generation* controls only apply within tenancies but are decontrolled between tenancies. We suggested the three-generation rent control model as an (imperfect) heuristic framework and wanted to know how rent control regimes varied across symposium participants' countries.

In England, rent controls no longer exist, whilst in Serbia, they exist only for non-profit rentals and 'protected' tenants. In all other contexts included in the symposium, existing rent controls are 'second' or 'third-generation'. In Ireland, third-generation controls were introduced in 2016 through 'Rent Pressure Zones' (RPZs). These are both place-bound and time-bound. This does not unsettle the faith in market dynamics, for the idea is that supply will eventually catch up and restore market equilibrium, at which point the RPZs will be abolished. Unsurprisingly, this hasn't happened, and RPZs remain in place in Dublin, Cork City, and most of Galway City. Within an RPZ, rent increases were capped at 4% for both new and existing tenancies, and subject to review every 24 months. Since 2021, this framework has been tightened slightly: the cap has been reduced to 2%, linked to an index of consumer prices, and subject to annual reviews. The Scottish Government's attempt to reintroduce rent controls at the same time was closely modelled on the Irish approach, an act of policy transfer that failed – as Damian Dempsey from Living Rent made clear – because there was no framework (or legislative compulsion) for local authorities to collect the data on rents necessary to justify an RPZ. Living Rent have demonstrated the limitations of third-generation RPZs: unable to deal with rent hikes between tenancies; unable to intervene in already too-high rents; no power to remedy the poor quality of the housing stock; and a limited scale of control. In Scotland, there was a temporary moratorium on rent rises and evictions in place from March 2022 for two years, but this was justified as a temporary emergency measure against the so-called 'Cost of Living' crisis, rather than a systematic response to the housing crisis.

In Spain, as in the UK, the abolition of rent controls in the 1980s ushered in an era of extremely low tenant protections alongside an emphasis on homeownership (reaching a highpoint of 70% in the UK by 2003 and nearly 90% in Spain by 2008). This began to change in 2019, under pressure from emerging tenants' unions, with the Spanish Government extending the duration (and hence the security) of tenancies and limiting rent increases within tenancies. In 2020, in an unprecedented move, the Catalan Tenants Union drafted a much stricter system of rent controls with the regional Catalan Government (Gil & Palomera 2024) which made it illegal to increase rents in 140 municipalities (with a combined population of five million) and made it compulsory to reduce rents in new contracts set above an official price index. Crucially, this also applied *between* tenancies, to the entire rented sector, and would be accompanied by a strict system of sanctions and fines if landlords failed to comply. This was in place for only 18 months before being overruled by the Spanish Government (discussed further below). Since 2023, rent controls have been introduced by the national government in a new national Housing Law, which apparently follow the Catalan laws in spirit alone: regional governments can simply choose not to implement controls, which still

allow for rent increases, and grant no powers to sanction. It remains to be seen if these ‘controls’ will have any effect whatsoever.

In Sweden, as Maria Persdotter, Jennie Gustafsson, and Maria Wallstam explained, rents are set through collective negotiations between landlords (both public and private) and representatives of a highly institutionalised national tenants’ movement: the Swedish Union of Tenants (the SUT). ‘Use value’, including the maintenance standard of properties, is factored in. This has left a loophole open whereby landlords can renovate properties in order to raise rents (sometimes by 40-60%) outside of the annual negotiations. This issue has been exacerbated by successive deregulations of the rent system over the past two decades. Some property investors, such as Victoriahem (owned by the German company Vonovia) build their business models on this loophole, renovating units en masse to increase rents as well as property values (Gustafsson, 2021). As Polanska and Richard (2021) note, this is also tied to energy efficiency targets set by the state, which work to legitimise the process of ‘renoviction’ on a mass scale. The past decade has seen concerted efforts from the centre-right parties to marketise rents. In 2021, a proposal was put forward to introduce market rents in new construction, however, it was shut down after a nation-wide campaign. In 2022, the rental market stakeholders formed a new agreement that centralised and formalised the rent-setting process. Shortly thereafter, the costs of energy and heating as well as inflation began to rise dramatically, squeezing the profit margins of many landlords, and leading them to seek unprecedented annual rent increases.

As noted by Konstantin Kholodolin, in (West) Germany, deregulation in the 1960s culminated in the introduction of ‘second-generation’ controls in 1971, which set initial rents at a level typical for comparable dwellings. In the decades since, across the whole of a reunified Germany, the cap on rents has shifted from around 9.1% a year in the early 1980s down to 3.5% in 2021 in areas where the housing market is considered especially tight (areas which account for about 25% of the German population). Since 2015, these latter areas have been controlled under a so-called ‘rental brake’ (*Mietpreisbremse*), initially valid until 2020 but renewed for a further five years. Newbuild housing is exempt.

In Los Angeles, the Rent Stabilisation Ordinance (LAR-SO) caps the amount that landlords can raise rents annually, pegged to the Consumer Price Index. This cap hovered around 3% a year pre-COVID. Between 2020 and 2024 there was a moratorium on rent increases, similar in principle to that introduced in Scotland. Interestingly, this means in both contexts that there was – *temporarily* – something closer to a ‘first-generation’ ‘rent freeze’. In New York, the 2019 Housing Stability and Tenant Protection Act made it more difficult for landlords to remove apartments from rent regulation, closed loopholes that allowed landlords to bypass the mandated annual rent adjustment thresholds, as well as smaller (but significant) gains like limiting deposits and capping fees. Each year, Rent Guidelines Boards meet to determine rent increases permissible in regulated units: in New York City, these meetings are, and long have been, a focal point for organising around housing issues. As Mironova points out, Arnott’s typology implies (through the notion of ‘generations’) that each type of rent control follows in a chronological sequence. In the US, municipalities in Maryland, Minnesota, and Maine have all recently passed laws that include vacancy control,

suggesting a shift *back* from third to second generation controls. This is a crucial point: Arnott's 'generation' model is helpful for disaggregating 'rent controls' into different types, but we must be careful that this framing does not naturalise the evolution of rent controls into progressively weaker regulatory structures.

The role of tenant's movements

As is clear from the emergence of rent controls, organised struggle was essential in every context, pushing the state to intervene (Gray, 2018a; Mironova, 2024). Housing struggle now takes place after decades of neoliberalism, which (to varying degrees in different contexts) has enshrined homeownership and private landlordism as the norm, shifting the balance of power against tenants. The task of maintaining or strengthening regulation where it exists, or pushing for new regulation where it doesn't, falls to tenants themselves. Crucially, tenants' organisations must be vigilant and active in both contexts for robust rent controls to exist and endure (see Gray, 2018b).

In Sweden, the institutionalisation of the corporatist model means that tenants are organised nation-wide by the Swedish Union of Tenants (SUT), but within a structure that is tightly interwoven with state and landlord interests and processes. This limits SUT acting beyond its role as a formal stakeholder (see Listerborn, Molina and Richard, 2020). Tenant groups and associations do sometimes choose to organise independently from the SUT as the rent regulations prove themselves increasingly ineffective, but mostly on scales much smaller than the nation-wide union. In this sense, in Sweden, tenant organising is both absolutely central to the rent control process and, from a more radical perspective, marginalised because of it.

In New York, by contrast, despite the institutionalisation of the rent regulation system, there is nothing like the corporatist system in Sweden: the housing movement remains more autonomous from the state, leaving it freer to mobilise for and against laws and regulations. This provides a vital bulwark against further deregulation: the victory in 2019 was the result of decades of organised struggle. Likewise, in Los Angeles, the independent Strategic Actions for a Just Economy (SAJE) is a crucial protector of tenants' rights. In a particularly interesting time for rent controls in terms of shifting public and, to a lesser extent, policy attitudes about housing, the COVID-19 pandemic necessitated multiple emergency tenant protections, culminating in a moratorium on rent rises which, whilst temporary, was by far the strictest rent control measures that LA had ever seen. This temporary shift was much closer to 'first-generation' rent controls. These challenges have helped to make the tenants' movement stronger: SAJE have actively been pushing the City Council to make the measures permanent (initial rent control measures in so many of the contexts surveyed here were proposed as *temporary* when first introduced). SAJE are currently fighting to establish a renter's Right to Counsel, which would guarantee tenants who must appear in eviction court the right to an attorney. Rights like these, when won, subtly but significantly shift the balance of power between landlords and tenants.

Because in some contexts, legislation tends to happen at the local level, it can be a difficult issue to organise around at a larger scale (there are 88 cities in Los Angeles County, for example, all of which have their own policies) and, once won at the city scale, can be legally challenged at the federal scale. In Germany, federal-level rent controls in Berlin were overturned by national legislation, and clearly issues of scale play out in Ireland and Scotland, where the legislative framework is national but the RPZs are very intentionally localised. SAJE have been actively organising at the LA County level, including through Unincorporated Tenants United (UTU), ‘unincorporated’ meaning tenants who live outside of a municipal authority. These efforts have borne substantial fruit: LA County-wide tenant protections are being phased in, including rent controls, with SAJE and UTU acting as forceful representatives, siphoning tenant experiences up to policy makers. This ambitious, multi-scalar organisational drive has built on past victories, extending tenant protections.

In several contexts, the return of housing movements has been relatively recent, mapping onto the fallout from the Global Financial Crisis in 2008. In Scotland, rent controls are only on the agenda and the statute book because of concerted and longstanding organisation by Living Rent (founded in 2014) on a range of fronts (from direct action against evictions to representation and lobbying work within the Scottish Parliament). In Spain, the shattering of the ‘dream’ of homeownership has exacerbated the political demands of tenants. Pressure is maintained through direct action – partial rent strikes (i.e., refusing to pay increases), demonstrations, protests against rogue landlords, civil disobedience against no-fault evictions – focused in Barcelona but spreading across the country. In both Spain and Scotland, legislative victories have been won through exploiting institutional windows of opportunity that may only have been partially and briefly open (through, in both cases, minority groups within government coalitions). The flexible capacity to exert pressure at these key points is crucial.

In Ireland, Community Action Tenants Union (CATU, founded in 2019) are similarly a creative and politically sharp presence within the housing debate, organising innovative campaigns that seek to build tenant power. CATU were formed *after* the introduction of RPZs and hold no formal position on rent control legislation, though regional branches have begun campaigning on the issue. In all these cases, the relatively recent formation of tenants’ unions has ensured an important degree of independence from traditional national unions and parties. Regarding the potential development of a position on rent controls within CATU, at the workshop Gavin suggested there is scepticism around appealing to the state directly and that it may be more strategic for housing movements to make extra-parliamentary tenant-backed demands rather than specific policy recommendations.

In England, as Joe Beswick and Siobhan Donnachie explained, the resurgence of the housing movement is also recent, with organisations such as ACORN, Greater Manchester Tenants Union, London Renters Union and Generation Rent only emerging from 2017. London Renters Union (LRU) only began to campaign for rent controls as a core demand in 2024. Prior to this, they had focused on building density and power in communities. There are also significant legislative challenges: since 2017 in Scotland, ‘no fault’ evictions have been illegal, whereas they remain possible in England at the time of writing. This added layer

of precarity has made organising difficult, with tenants often on short and highly insecure contracts, such that asserting rights is always risky. One of the most impressive achievements of this new wave of housing activism in England has been securing the promise (from both Conservative and Labour parties) to end ‘no fault’ evictions – which will be a significant ‘first step’ if it comes into force. Moreover, as Beswick and Donnachie made quite clear, connecting the dots between high rents and gentrification is crucial for organisations like LRU to build broad coalitions in a city such as London racked by extortionate rents and a rapid pace of social cleansing.

In Serbia, after three decades of privatisation, the tenancy landscape is highly fragmented, making large-scale organising difficult. Politicisation around housing issues tends to be grounded in the interests of particular groups, such as social tenants mobilising against evictions and unfair debts (Vilenica, 2019) or resistance by debtors struggling with predatory mortgages (Vilenica, Škobić and Pantović, 2023). At the forefront of the anti-eviction struggle is ‘For The Roof Over Our Heads’ (*Za Krov Nad Glavom*), an autonomous coalition of activists founded in Belgrade in 2017 that blocks evictions through direct action and lobbies for further regulation. They operate in a difficult legal situation, increasingly targeted by punitive measures that are made worse by the ‘web of connections’ between bailiffs and the legislative and policing functions of the state (Vilenica, Mentus, Ristić, 2021). As Vilenica argued, since the Russian invasion of Ukraine in 2022, an influx of people fleeing Putin’s regime has raised prices even further, sometimes three times over, and tensions have arisen due to landlords evicting tenants to chase these higher rents. This has led to renewed calls for caps on rent rises, and further security for sitting tenants, led in parliament by the Green-Left Front.

Landlord lobbying

In Scotland, landlord and real estate representative bodies are consistent in their messaging and lobbying against rent controls, often dominating parliamentary consultations as ‘stakeholders’ and repeating mainstream economic myths about rent controls verbatim (see Kallin & Slater, 2018). We wanted to hear about the role of these groups in other contexts, to consider what kind of barriers they’ve created in the way of effective rent controls. As Beswick and Donnachie note, in the UK the landlord lobby has been tightly woven into government over recent years: as of April 2024, 93 Ministers in the UK Parliament were landlords, a confluence of vested interests that has been blamed for the lingering delay over the abolition of ‘no-fault’ evictions in England (38 Degrees, 2024).

In Ireland, as observed by Gavin, many of the recurring attack lines of the landlord representative groups are familiar: small-scale landlords (defined as those with 1-2 rental properties) push a dramatic narrative playing on their own alleged vulnerability: remove or water down regulation, or there will be a ‘mass exodus’ from the sector as landlords are ‘forced to sell’. Larger-scale developer-landlords position themselves as a more rational solution to the housing crisis through volume housebuilding – and, of course, they argue for

lower tax burdens and looser regulation. Recurring narratives frame the source of the housing crisis in excess regulation (quite the discursive coup after decades of deregulation).

This playbook is tiresomely familiar in Scotland and New York, where other external challenges to the housing sector (such as COVID-19) are downplayed in favour of exaggerating the impact of rent controls. Dempsey pointed out that rent controls in Scotland are still positioned within a (neo)liberal centrist paradigm that posits a ‘win-win’ technocratic balance between landlords and tenants, with the Scottish Government stressing how keen they are to hear from *all* stakeholders equally. But the balance of power is heaped heavily against tenants, so that the process, such as it is, merely shepherds developer ideology into policy. Were it not for Living Rent, tenants would have no organised presence in these discussions, remaining vastly outnumbered by the weight of landlord, developer, and building representatives.

Workshop participants from Sweden, Persdotter, Gustafsson and Wallstam, insist that organised landlord power is increasingly brazen: in 2023, *after* that year’s rates were set, a group of private landlords in Malmö asked for a fresh round of negotiations that would allow rents to rise further. This was an unprecedented move, showing how the corporatist system comes under pressure from landlords increasingly unsatisfied with the constraints it places on potential profits. Whether tenant movements are there to counterbalance these demands or not will be crucial. In Spain, large-scale financial landlords (such as Blackstone) organise aggressively to protect their interests through the formation and merger of landlord representative groups, selecting as their main lobbyist the former Mayor of Barcelona (whose close ties to the governing Spanish Socialist Workers’ Party made him an effective source of pressure in terms of watering down national rent regulation). Every step of legislative change has met strong opposition, tied to the influence of the real estate lobby (and rationality) in mainstream media and all the main political parties.

In Germany, according to Kholodilin, the landlord lobby insists that existing legislation is enough (in Berlin especially, moves towards rent freezes and the expropriation of big housing companies has been fiercely – and successfully – contested). The German case is indicative of a significant factor in landlords’ ability to defend their interest: legal challenges. The *mietendeckel* (rent freeze) in Berlin (2020-21) was ultimately overturned because the courts ruled it *unconstitutional*. Essentially, different scales of the state cannot legislate over the same thing. Because the federal (national) government has the ‘rental brake’ in place, alongside housing benefit, the Berlin (city) state cannot legislate rent controls without creating an overlap deemed unconstitutional. Similarly, the Constitutional Court in Spain ruled that only the Spanish Government could regulate the rental market, and Catalonia could not, which ended the 2020 rent control law. In Los Angeles, innovations in housing regulation (such as taxes on real estate sales) are also challenged as ‘unconstitutional.’ In Scotland, landlord interests, led by the Scottish Association of Landlords, Propertymark Limited, and Scottish Land Estates Limited, presented a legal challenge to the Cost of Living (Tenant Protection, Scotland, Act 2022 – see Pinsent Masons, 2023a), which had introduced a temporary rent freeze. In this example, the case was rejected by the Court of Session in Scotland on the basis that the legislation was temporary, exemptions applied, and that the challenge had been raised

improperly (Pinsent Masons, 2023b). Whether another legal challenge is made based on more permanent controls remains to be seen, as does the concrete nature and type of such controls.

Dreams and realities

Finally, we asked each contributor to share how they themselves would like to see the rent control debate developing. Notably, few see rent controls *alone* as a solution to the wider problem of housing inequity, insecurity, and profiteering, but position it as one of many gains that can (and should) be won. For Mironova (New York), rent regulation is important not only because it prevents rent gouging, but also because it gives tenants some level of protection against retaliation from their landlords if they organise. For Monroy (Los Angeles) the ultimate aim is to ensure that a significant portion of new affordable housing is not for profit. This is echoed by Dempsey (Scotland), who argues that any demand for stronger rent controls should be understood as a ‘moment’ in the decommodification of housing more broadly. Likewise, Beswick and Donnachie (England) see rent controls as a ‘transitional demand’ on the road towards a system of democratically controlled public housing for all. Palomera (Spain) concurs, and emphasises that we do not need to reinvent the wheel but pay attention to what has worked in the past in different contexts. Vilenica (Serbia) wants to see activists fight against historical revisionism, preserving continuity with the histories of housing under socialist regimes and, importantly, broadening this discussion to incorporate experiences and perspectives from Africa, Latin America, and Asia. For Persdotter, Gustafsson and Wallstam (Sweden), the corporatist rent negotiation model is ineffective unless backed up by a strong and radical tenants’ movement. Kholodilin (Germany) more critically noted that the historical record does suggest that rent controls *can* dampen the rate of supply, and thus must be accompanied by or superseded by support for housing construction (Kholodilin, 2024). Beswick (London) also raised concerns about potential supply issues hitting low-income people hardest. Given the proud histories of public or not-for-profit housebuilding in Scotland and elsewhere across Europe in the 20th century, it is not inconceivable to see a link between this caution and the more radical demands for the ‘decommodification’ of housing. Contrary to another discursive landlord platitude, nobody views rent controls as a simple standalone panacea (and it is important that no legislative body does either), but as part of a broader shift in the power dynamic between landlords and tenants.

Conclusion

As an overview of international rent controls, our ‘sample size’ was undoubtedly small and partial. The initial impetus for the symposium was the pressing issue of promised new rent control legislation in Scotland (still under review), hence our need for knowledge-sharing with scholars and activists with experience of broadly similar housing systems and property regimes. As such, the perspectives brought together here is by no means exhaustive, but it does, we hope, make clear that dialogue between those fighting to preserve, enhance or win

rights for tenants and achieve good-quality genuinely affordable housing is essential to building on past successes and overcoming future challenges. What is abundantly clear is that rent controls are not a *fait accompli* anywhere – even where they are on the statute books, and even in contexts where they have been fully institutionalised. The threat of loopholes, exemptions, legal challenges, organised landlord pressure, intervention by different scales of the state, and the depoliticisation of tenant representative structures, are all very real. Arnott's (1995) revisionist urge (within the context of mainstream economic positions on rent control) to disaggregate our perception of what rent controls are and to accommodate for variations in the forms of regulation certainly remains relevant, not least because, politically as well as analytically, the contributors to this symposium made it very clear that 'rent controls' come in many forms. Perhaps most importantly, despite the fantastic fears of landlord lobbyists – so frequently regurgitated as fact – neither the private rented sector, nor its profitability, has suffered an existential demise in *any* of these contexts.

Perhaps counter-intuitively then, given we started from the premise of wanting to strengthen the case for rent controls in a context where they don't really exist (Scotland), we conclude by noting that *rent controls are never enough*. They certainly weren't historically – in the UK, rent controls after WWI *forced* a gradually increasing pace of public housebuilding funded and largely controlled by the state (Gray, 2018b), not to mention the broader structures of the welfare state that may not have eradicated the precarity and poverty that makes a housing crisis so brutal for those at the bottom of the class structure, but certainly helped to ameliorate many of its worst aspects. Long-run historical evidence from Europe (1900-2016) shows that rent regulation does not universally affect new supply negatively because rent controls have typically necessitated housing policies fostering the construction of new public/social housing to mitigate capital flight from the private construction industry. The result is that rent control, *especially of the stricter first-generation variety*, played a crucial and observable role (when combined with public housing construction) in reducing inequality in the 20th century—and inversely increasing inequality when repealed or watered down (Kholodilin and Kohl, 2023). The historical and political context is now quite different, but there is even less reason to believe that rent controls will be enough in the future. The activists and scholars included or represented in this overview all know this. Rent controls are essential, but insufficient.

About this Conversation's participants

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