

Homes at stake in the War on Drugs

Michelle Bruijn, LLM

University of Groningen, Faculty of Law, Department of Legal Methods
Research Centre for Public Order, Anti-Social Behavior and Security

l.m.bruijn@rug.nl

Introduction

1. Use of eviction
2. Protection against drug-related evictions
3. Explanation

Overview

- I. Drug-related crime in the Netherlands
- II. Evictions by local authorities
- III. Evictions by private landlords
- IV. Explanation



I. Drug-related crime in the Netherlands

- 1976: distinction between soft drugs (cannabis) and hard drugs
- Tolerance policy: cannabis sale and possession
- Government: fight cannabis cultivation → involve all public and private stakeholders
 - Housing associations
 - Cannabis covenants

I. Drug-related crime in the Netherlands

Housing market

7,686,178 housing units

45% rental houses

Housing associations own 70% of the rental houses
(30% total housing stock)



I. Drug-related crime in the Netherlands

- Government: cannabis covenants (housing associations)
 - Eviction
- Legislature: entitled local authorities to close homes
 - Eviction



II. Evictions by local authorities

- Violation of the law
- Drug-related activities: selling, delivering or providing drugs, or possessing drugs for one of these purposes



- 2016: 74% closed 1277 buildings

II. Evictions by local authorities

1. Possessing?

- “Commercial purposes”:
 >0,5 grams hard drugs, 5
 grams soft drugs, 5 plants
 (personal use)
- Cultivation



2. Warning/immediate closure?

- Closure = last resort
- Exemption: extreme situations
 - Hard drugs
 - >30 grams soft drugs

3. Circumstances of a case?

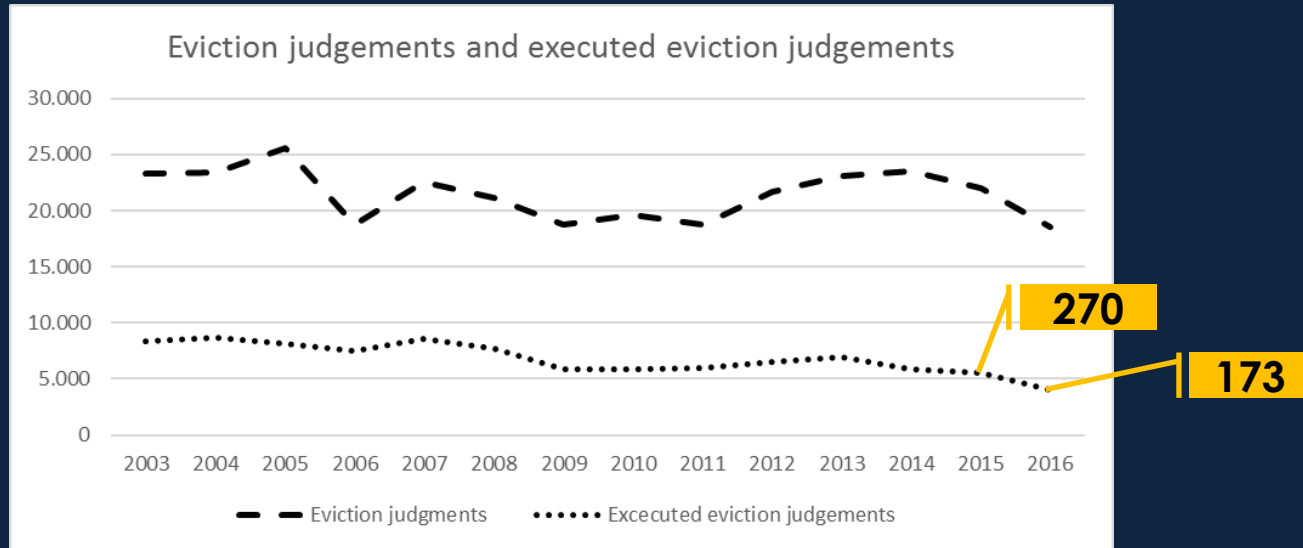
- 2016: all circumstances
 of a case should be
 reviewed

II. Evictions by local authorities

- The right to respect one's home → circumstances of the case
- 2016 – Council of State: consider all circumstances
- Proportionality defense?



III. Evictions by landlords



III. Evictions by landlords

1. The amount of drugs?

- Disparity among courts



2. Proportionality defense?

- 75% of all cases
- Breach of the lease does not automatically justify eviction



IV. Explanation

Third-party policing

– Legal lever

1. Eviction out of own initiative
 - Local authorities
2. Coerced to use eviction
 - Landlords

Food for thought

