

**PAH OBRA
SOCIAL
MANUAL**

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**BRA
SOCIAL
SUPERERA**

INTRODUCTION

* For more information on the PAH and its protocols please refer to Ada Colau and Adria Alemany's book "Mortgaged Lives: From the housing bubble to the right to housing".

<http://joaap.org/press/mortgagedlives.html>

** Since 2007 there have been over 600,000 foreclosures resulting in over 200,000 evictions since 2013.

Source: General Council of the Judiciary, March 2016

*** There are 3,44 million vacant properties throughout Spain

Source: Housing Rights Watch, citing the 2011 census. September 2015.

INTRODUCTION

1.1 WHAT DO YOU HAVE IN YOUR HANDS?

What you have here is a protocol for the PAH Obra Social (Social Work) campaign, fundamental information to put into practice. Like all actions of the PAH, which are based on direct experience, they generate knowledge and tools that, later on, can be shared for others to use. (legal documents, forms of direct action, graphic materials for public denouncements, etc.). As with other direct action campaigns by the PAH, this protocol serves in both extending the Obra Social campaign, as well as the PAH's vision (see other PAH protocols: criteria for creating a PAH, eviction protocols, escrache protocols).*

1.2 THE OBRA SOCIAL CAMPAIGN

Origin and justification:

This campaign started on the street, September 2011: we were not able to prevent the third eviction attempt of a family, however after three days, we moved the family back into the same home.

The motives for the campaign are simple: they

evict us from our homes and steal them away from us, yet we still have to continue paying for them and are thus condemned to a life of indebtedness. They throw us out onto the street without offering us any other place to live.

The banks, including the ones who received public bailouts, continue on with this antisocial behavior, while at the same time accumulating massive quantities of vacant properties, thereby violating the social role of housing.**
*** The government supports this tendency: it doesn't try to stop it, nor offer solutions like, for example, affordable social rent, preventing evictions, or "datio pro soluto" – handing the keys back to the bank in return for the cancellation of the mortgage.

The PAH Obra Social is an occupation campaign. It considers the recuperation of housing as a right in response to the widespread housing emergency, which has been artificially and deliberately created by the banks and government.

Faced with a housing crisis, it proposes the recuperation of empty residential properties

* The PAH Obra Social has rehoused over 3500 people since its inception in 2011.

Source: https://twitter.com/ObraSocial_PAH

** There are 47 Obra Social buildings currently in operation throughout Spain: 25 of them located in Catalonia and the other 22 situated in Castilla-La Mancha, Asturias, Andalucia, Extremadura, Zaragoza, Valencia, and the Community of Madrid.

Source: https://twitter.com/ObraSocial_PAH

https://twitter.com/ObraSocial_PAH/status/75078478827724800

owned by banks and offering them to evicted families who had been made homeless and within an affordable (social) rent regime; based 30% of their income (whatever that might be). The Obra Social ties naturally to the PAH's working methods: defending the rights of people that have been taken away from them, using civil disobedience as a means of reclaiming back those rights and force solutions.*

1.3 METHODS

INDIVIDUAL RECUPERATIONS

An eviction highlights the antisocial stance held by financial institutions, who throw people out of their homes, only to leave them vacant afterward. Rehousing these evicted families, who are still responsible for the remaining debt, is, therefore, the only logical solution. When the (financial and government) institutions do not offer us any suitable options, it makes sense then to apply systematic pressure, thereby allowing the reopening of cases where a judgment was entered against the family, to negotiate them anew.

COLLECTIVE RECUPERATIONS

The banks' refusal to assume responsibility for the crisis and a complacent government which

bails out banks without penalty (for example, handing over empty properties to be used for social housing) justifies the recuperation of vacant properties for collective rehousing.

This option is suitable when an individual recuperation is not feasible, or if families—having handed the keys back to the bank in return for the cancellation of the mortgage—suddenly find themselves out on the street and with no resources. Also, it makes visible the amount of vacant properties currently under bank ownership and the need to put forth solutions that guarantee the right to housing.**

INTRODUCTION



**INDIVIDUAL
RECUPERATIONS**

INDIVIDUAL RECUPERATIONS

2.1 PHASE 1: PRELIMINARY

It is imperative that whoever is considering undertaking such an activity, is convinced that, for them, it is the only option. The individual or family needs to be informed about the benefits and possible harm of taking over a vacant property. It is important to get neighbourhood support. Usually, however, the community is already aware that one of their neighbours was evicted. With the PAH's support, it should also be possible to initiate the intervention mediation process.

It is important to know beforehand the scope of the negotiations with the bank; that all possible avenues had been exhausted before the eviction, and that the family is not being offered any alternative housing. It is advisable to be able to show documented proof of the urgency of the situation (prior applications for social housing, or requests to the bank for social rent, etc.). It will be necessary to have all necessary channels and contacts ready and available at short notice (case history, viable negotiators, etc.).

2.2 PHASE 2: DAY OF THE OCCUPATION

Neighbours can help facilitate access to the property. On the day of the eviction, they might leave open the most viable and hard to deactivate point of access (balcony, roof, windows, community patios, etc.).

If you can't count on neighbours' support, you can simply do what locksmiths do, and try to change the lock. For the first few days, it will be important to keep a certain amount of discretion, so as to not attract too much attention that somebody calls the police thinking that a crime is being committed. However, we don't recognize this as a crime. It is about using vacant properties, to carry out their social role, and help find a solution to a situation of such dire need. We therefore consider what we are doing a legitimate act.

It is recommended not to make the family's rehousing public the very same day of the action since this would unnecessarily expose both the family and property. At the same time, one shouldn't let too much time pass, as there is a risk of making the action too invisible. A one-week margin is sufficient.

2.2.1 LEGAL CONSIDERATIONS FOR PHASE 2

Try to not cause too much damage to the entrance. One should change the lock and close the doors as quickly as possible.

Experience from some PAHs indicate that the main risks and pressure occur in phase 3; it is unlikely that the presence of the police or property owner (the bank) will happen on the same day that the individual or family enters the property.

However, there have been other experiences where the opposite occurred. One cannot rule out that the police or (bank) property owner might arrive the same day. They cannot, however, intervene without a court order. Never open the door, and instead redirect them to the courts. (consult document 1)

INDIVIDUAL RECUPERATIONS

2.3 PHASE 3: DAYS FOLLOWING THE OCCUPATION

One of the logistical advantages of this type of rehousing is that—if not too much time has passed since the eviction—the utilities should still be on and in the name of the person re-entering the property.

If this is not the case, it is relatively straightforward to reactivate the utilities using previous invoices or paperwork. Generally, it is reasonable to expect a stable medium-term stay; typically the banks forget about the properties once they take possession of it after the eviction.

2.3.1 NEGOTIATION WITH THE BANK

Publicizing the occupation of the vacant property is important. It will serve in making a strong defense when opening up a negotiation with the bank. There is a developing tendency by some banks to regularize these types of individual occupations, as illegal occupations of vacant properties are spreading silently in many cities, and some banks are now even offering low rents to the new tenants.

It is important to start negotiations immediately to the maximum extent possible, to avoid

prosecution which, if it goes through to a civil suit, will quickly go in the bank's favor. It could be the moment to negotiate for cancellation of the outstanding mortgage debt, and for a social rent on the property. If the case goes through to a criminal suit, it is equally advised to open up a negotiation immediately.

2.3.2 POLITICAL, SOCIAL AND MEDIA DEFENSE OF THE BUILDING

Making the occupation of the property legitimate is critical. Through press, neighbours and neighbourhood associations, try to defend publicly the importance and necessity of the social use of these vacant properties, when its very social role is being so neglected. Make a request for mediation to the local administration and other official entities, to help resolve the family's situation. You can use the example letter included in this manual for soliciting mediation from City Hall and the Bar Association, which must be sent registered (consult document 2).

It is essential to visually identify the occupation of the property from the street, by hanging banners with logos from the PAH Obra Social campaign.

INDIVIDUAL RECUPERATIONS

2.3.3 LEGAL CONSIDERATIONS FOR PHASE 3

Publicize the claim for the action, to make visible the family's current situation and to force a negotiation on the bank. Try to create an opening for a favorable context in a possible judicial process.

In theory, in the situation that the occupation goes through as a civil suit, which is much faster than a criminal one, then this does away with any immediate admission of guilt. However, it is not in your interest to speed up the process.

In the situation where the police present themselves in person through a court order, it is recommended that some of the inhabitants identify themselves. This is to gain access to all available information pertaining to the occupation such as, for example, possible eviction dates. It should be only one person that does this, to reduce the chances of incrimination, and that he or she has no criminal record.

Cases of individual recuperations usually go through civil or criminal proceedings.

The network of individual recuperations that have been driven by local PAHs relies very heavily on support from the social movements, the media (through public denouncement of the social reality of the crisis) and also political support (from institutions, political parties, etc.).



**COLLECTIVE
RECUPERATIONS**

COLLECTIVE RECUPERATIONS

3.1 PHASE 1: PRELIMINARY

3.1.1 WORK GROUP

For reasons of security, preliminary work for the recuperation of the building should be carried out within a small group of people, who are both experienced and trustworthy.

During meetings, certain precautions should be in place, for example, turning off all mobile phones. Do not give out any details of the designated site, nor give out any concrete information during the PAH general assemblies.

The less information shared, the more guaranteed that everything will go as planned on the day of action. Along this line, do not concretize details through email, FaceBook, WhatsApp, etc.

3.1.2 SELECTION OF THE BUILDING

The selection of the building depends on our needs. Do we require many apartments? Is a small building enough? Does it need to be in a particular area?

All of these requirements depend on the “offers” within our municipalities. Typically we look for new buildings that are the property of financial entities and are currently vacant. We

prioritize residential buildings owned by banks and who received government bailouts.

It is important to note the amount of time that has passed since the building was completed. It will be more “legitimate” to occupy a building that has been empty for many years than one recently put up for sale. Nor is there the same neighbourhood support for an occupation a more “trendy” neighbourhood than in the city centre. The best place to find potential buildings for recuperation are on bank real-estate web sites.

Some of them are:

Altamira Santander Real Estate:

Banco Santander

www.altamirasantander.com

Anida inmobiliaria: BBVA

www.bbvavivienda.com

www.anida.es

Bankia hábitat: Bankia

www.bankiahabitat.es

www.resersubastas.com

CXInmobiliaria: Caixa Catalunya

www.cxinmobiliaria.com

www.procam-inmobiliaria.com

Casaktua: Banesto

www.casaktua.com

Servihabitat: la Caixa

www.servihabitat.com

Unnim Casa: Unnim

www.unnimcasa.es

Aliseda gestión inmobiliaria: Banco Popular

www.gesaliseda.es

Solvía gestión inmobiliaria: Banco Sabadell

www.solvía.es

BMN: Caixa Penedés

www.bmnviviendas.com

Aiksa: Kutxa

www.aiksa.com

Kutxabank

www.kutxabankinmobiliaria.es

Caja Sur Inmobiliaria: Caja Sur

www.cajasurinmobiliaria.com

Oportunidades Cam: CAM

www.oportunidadescam.es

Ahorro Casa:

www.ahorrocasa.com

COLLECTIVE RECUPERATIONS

OTHER TOOLS FOR GATHERING INFORMATION

Using Google Maps, we can use Google Streetview to see in what state the building was in when the photo was made (the month and year appear below the picture). Using this technique, we can see how much time has passed since the building went up.

It is important to make sure that nobody is living in the building, which should be done on-site. Here are some suggestions:

- Pass by the building and see if there is “life” in any of the apartments. If you can see anything on one of the balconies, this probably means that somebody lives there.
- See if there are any lights turned on at night.
- Check out to see if anybody is entering or exiting the building.
- If there is any advertising or piled up letters. Usually, somebody will pass by the building to carry out maintenance, but sometimes days can go by with no change.
- If anyone we know lives in the area, we can try to find out from them how long it has been since construction was finished on the building, and if the property owner is showing it to any prospective buyers.

Not all buildings advertised on the bank real estate websites are the property of the bank. Therefore, after a preliminary selection, we have to make a final check on the property registration.

PROPERTY REGISTRATION

You can request information in person about the building’s owner at the Land Registry of the municipality, or on the Internet. (www.registradores.org).

This simple document is a brief summary of all entries related to the property. It summarizes the identity of the holder or holders of the registered rights over the property and the nature and limitations of these rights. The information includes any prohibitions or restrictions affecting the registered rights for the owners.

The document’s value is purely informative. At the Land Registry office, it will cost us around six euros (depending on the municipality), while on the Internet around nine euros.

After verifying the building’s owner, we can now set up an appointment for a viewing of one of the apartments, which should be

done by somebody who looks like they could actually buy one. It shouldn’t be anybody that can be immediately connected to the PAH, so as not to draw any suspicion. During the visit, pay attention to what kinds of doors need to be opened, if they leave the keys inside the apartment, if it easy to open up a window, or to confirm that there is nobody living in the building. This step is only possible if we don’t draw any attention and therefore create suspicion for ourselves.

COLLECTIVE RECUPERATIONS

3.1.3 ENTRY CRITERIA FOR THE FAMILIES

It is imperative that the entry criteria for the families involved have been confirmed and agreed upon before the day of the action. The families must be fully informed of the legal consequences that they could potentially suffer and that they can ensure their continuous presence during the first few days of the occupation.

Additionally, the families will have exhausted all other possible avenues to acquire a rental, such as negotiating with the bank, requesting social services, and/or social housing, etc.

The recuperation process undertaken by the families should be an active and participatory one, they must demonstrate that they are active agents in finding solutions to their current situations, and thus following the philosophy of the PAH– to promote empowerment, mutual support, and self-organization.

How should one consider these apartments?

The apartments belong to the PAH Obra Social, for the simple reason that together

we, as a collective, are responsible for them. Assumedly, the people living in the building will eventually form a real community amongst themselves. They will have to show that they are receivers but also generators of a support network—both give and take—in line with the PAH’s mandate. In a similar manner, people should participate—or one would expect them to do so—in the daily activities of the assemblies and group initiatives.

Basic criteria for access

The primary criteria for families who want to gain access to this building is that they have no other possibility of renting an apartment. Additionally, they will have exhausted all possible avenues for trying to resolve their current situation: reapplying to social services—the files in these offices remain open—and going as many times as possible to the housing authority of their local municipality. They should try to use up any resources at their disposal. In this way, our action becomes more legitimate and gains strength.

3.1.4 ALLIANCES

It is important to count on the support of collectives and social movements in our

municipality. Try to set up preliminary “petit comité” meetings; to explain our intentions but without giving out any details. Through these preliminary meetings, we can count on their presence, logistical support and advice come the day of the action.

COLLECTIVE RECUPERATIONS

* SAREB (Spanish: Sociedad de Gestión de Activos Procedentes de la Reestructuración Bancaria. English: Company for the Management of Assets proceedings from Restructuring of the Banking System) or the “bad bank”, is an asset management company unilaterally created in November 2012 by the Spanish government. Funded by public money, to help clean up the Spanish financial sector, SAREB targeted those who experienced the most problems due to the bursting of the housing bubble and received public bailouts to the amount of billions of euros. SAREB received around 200,000 bad loans to the value of 50,781 million euros, 80% of those of which were financial assets, and 20% were real estate assets.

SAREB is in possession of 100,000 empty residential properties scattered throughout the Spain.

Source: La Sareb es Nuestra (Sareb is ours) <http://www.lasarebesnuestra.com/>

3.1.5 LEGAL CONSIDERATIONS FOR PHASE 1

It is imperative to know the state of the building (how long it has been in disuse and any information gleaned from the property registry). The longer it has remained vacant, the easier it will be to build up a legal defense; even though this is not critical at this particular phase, as this is not what the legitimacy of the action is based on. This information, however, will help us build up an argument about speculative hoarding practices performed by banks and SAREB.*

Self-incrimination: It will have to be decided who is going to be the one who exposes him or herself to accusation or criminal charges. This person must make herself present and help facilitate any potential judicial process, to gain access to any possible useful information, such as, for example, possible eviction dates. It is recommended that only one person does this, that he or she has no criminal record, and is a future occupant of the building.

COLLECTIVE RECUPERATIONS

3.2 PHASE 2: THE DAY OF THE OCCUPATION

3.2.1 TWO WAYS OF ENTERING THE BUILDING AND PUBLICIZING THE ACTION

There are two ways of entering the building: option (a) occupying the building directly after a public demonstration; option (b) doing it more discretely and then making a claim to the action immediately afterwards by pulling together a concentration of people and holding a press conference directly in front of the building. Each option has its advantages and disadvantages; one or the other is recommendable depending on the characteristics of each PAH node.

option (a) Taking into account the social legitimacy of the PAH and the respect raised from their actions, this also translates into “special” treatment by law enforcement officials who will not try to stop the action. This will allow us to overcome the first (most) critical moments with support by the public. The unfortunate part is that whoever opens the door (which should be done as quickly as possible) will have to do so with their faces covered and protected by the demonstrators, using a banner or something

similar placed in front of the action. This part is delicate because in the event of being charged with usurpation (‘seize for use’), it is those at the front line of the action (to make this entry possible) who will be the ones exposing themselves to being charged with a crime. Ideally, it would be better to expose only one person to possible incrimination: somebody who is a member of one of the families entering the building. We will explain this later on in the section on general legal aspects.

option (b) If a small group manages to enter the building before publicizing the action—even if it is only a few minutes—then we can lower their risk of being identified. The unfortunate part of option (b) is if it does not go according to plan. Some neighbour could notice what is going on and decide to call the police. The police might already know about the action because of police infiltration, or surveillance of communication within the group. If this happens, then these people could be arrested because there is no large concentration of people mobilized by the PAH to support the action.

3.2.2 GOOD COMMUNICATION OF THE ACTION, ESSENTIAL

From the moment that we enter the building, the most immediate and pressing task is to communicate the action well to the general public, so that the motives for the action become apparent as well as the identity of the collective who are the protagonists of the action.

(a) Police: We will hang a legal notice at the entrance of the building stating the misuse of “in flagrante delicto” (You can find more information in the legal section of this manual) and the violation of the inviolability of the home by individuals and police. (consult document 1)

(b) Letter to the neighbours: We will print out hundreds of copies of a letter directed at people living in the neighbourhood, which will be dropped in all the mailboxes. Additionally we can talk to people directly. The objective of this undertaking is that people living in the area understand the motives for the action and that the families who are entering the building don’t want to create a disturbance. Try to calm them down and generate sympathy. Give a sense of the building; by providing data on bank bail-outs using public funds, on evictions and that this building was vacant (consult document 4).

COLLECTIVE RECUPERATIONS

3.2.3 LEGAL CONSIDERATIONS FOR PHASE 2

Publicize the action so that it is not filed away as a “robbery”. The police cannot intervene at the moment of entry citing “in flagrante delicto”, and will not be able to do so without a court order.

Do as little damage as possible to the entrance. Change the lock and close the doors as fast as possible.

Place a poster directed at the police at the entrance of the building. (consult document 1)

When the police arrive, only provide the identification of one person that chooses to incriminate his or herself. Do not give out any other first or last names in their presence.

(c) The press and media in general: Before carrying out the action, it is imperative to have already prepared a communication directed towards the press, which will be sent out to all of our media contacts. Have it all ready to go in the “draft” section of an email program, to be able to send it out with only one “click” at the moment of entry. If a camera or journalist arrives before the police do, this is always in our favor.

3.3 PHASE 3: DAYS FOLLOWING THE OCCUPATION

3.3.1 NEGOTIATION WITH THE BANK

Once the building has been occupied, it is essential during the first few days to get in contact with the property owner (the bank), to open up a negotiation so that the families housed in the recuperated building can start to formalize their pending situation through payment of a social rent. During the negotiation, it is vital to take into account that the social rent should never go above 30% of the family’s income. In the case where families have no income then, logically, the social rent will be zero euros monthly.

To demonstrate our willingness to pay, and to

arrive at an agreement with the property owner (the bank), we can open up an account in the same bank and make a monthly deposit of an amount which corresponds to the social rent. (This is a symbolic gesture. Try to make the first deposit in front of the press).

3.3.2 BUREAUCRATIC FORMALIZATION OF THE NEW COMMUNITY

To formalize and regulate the situation of the families rehoused in the building as quickly as possible, it is important that they officially register themselves at their new address.

Disregarding the fact that this is a squat, in general, everybody must register where they officially live. This official procedure ensures medical assistance at the primary health-care centre closest to their place of residence, access to schools for their children—for those who have them—and the creation of a neighbourhood community within the recuperated building. This last step is a symbolic act, however, at the same time, necessary to normalize the situation of the rehoused families. This association can also be used to open up a bank account for rent, and could also be useful for the judicial process. See attached model (consult document 3).

COLLECTIVE RECUPERATIONS

3.3.3 POLITICAL, SOCIAL AND MEDIA DEFENSE OF THE BUILDING

During the first few days and weeks of the occupation, it will be necessary to consolidate political, social and media awareness about the recuperation of the building. To this end, we need to use all weapons of diffusion and media propaganda at our disposal, to defend publicly the importance and necessity of these types of recuperation actions. The consent and support of neighbours, collective and social movements in our city or neighbourhood are crucial, to help support our actions and defend our fight for the right to housing. We put pressure, by whatever means possible, on the local administration so that if they don't recognize these types of actions, then at least are not antagonistic towards them. Mediation should also be requested from the local administration and other official entities to help resolve the situations of the families currently living in the building. To request mediation from City Hall and the Bar Association please consult document 2.

Identifying visually the recuperation of the building is essential. Banners with logos from the PAH Obra Social campaign should be hung up in front of the building and be visible from the street.

3.3.4 UTILITIES

It is essential to provide the apartments within the occupied building with both electricity and water, to make them more livable. As we are dealing with a recuperated building, we cannot just go to the respective utility companies, but instead, will have to “turn on” (pirate) the water and electricity ourselves. What we are doing here is illegal, and will have to be carried out with extreme caution and discretion; by doing it at night, avoiding times when there are many people out on the street, and by making sure that there are no police around.

In the PAH or associated collective(s), there are always people around with the technical knowledge to carry out these actions. If this is not the case, then we can also reach out to trusted friends, who can help us out with this type of job.

Nevertheless, on the Internet, there are many manuals that explain how to do this. Here are the links to some of them:

Manual de Okupación 'Okupa Tu También'
Recursos de información de la Oficina de Vivienda de Madrid

Guía de la Oficina de Okupación de Bilbo

3.3.5 LEGAL CONSIDERATIONS FOR PHASE 3

Make it very clear that the police cannot intervene without a court order. You don't have to open the door to them. Do not engage in any conversation with the police and, instead, redirect them to the courts.

Maintain good relations with the neighbours and inform them of the situation. In a future court case, the neighbours could act as witnesses in our favor. Cases of collective recuperations usually go through criminal proceedings.

It is important to set up a neighbourhood community and open up a bank account to deposit the rent (30% of income). These steps defend the necessity of the occupation, and show in good faith the intention of formalizing use of the building.

Look for social support (from social movements, neighbours), media support (through public denouncement of the social reality of the crisis) and political support (from institutions, political parties, etc.)


VIENDAS
BANDONADAS
RECUPERADAS
VIVIDAS

**STOP
DESAHUCIOS**

**GENERAL
LEGAL
ASPECTS**

GENERAL LEGAL ASPECTS

It is important to know about and take into account certain legal aspects, to prepare for this type of action (for “individual recuperations” as well as “collective recuperations”). In both cases, it is important to follow the precautionary measures explained in each part of the process, which will help us in the defending the action.

One should be aware of the legal consequences and judicial proceedings that might result from these types of operations. Nevertheless, don't forget that the social, economic and political climate that we currently live in will, in some way, support in legitimizing this action; if we know how to look for and access all valuable media and political support.

For this reason, is it important to convey the nature of the occupation based on these terms, to gain traction in any legal process that might occur. A good network of social support (from social movements, institutions that declare themselves in support of the occupation, denouncement by the media, public demonstrations, etc.) has, on many occasions, slowed down the legal process, while at the same time helped us to raise the level of awareness in various social sectors.

4.1 JUDICIAL PROCESS

The legal proceedings instigated by the occupation of the building can go through two different routes: the civil or the criminal. The property owner (the bank) is the one who decides whether to push through one type of lawsuit or the other.

Based on (our) experience, normally cases of individual recuperations can go either of the two ways, while collective recuperations are usually processed as a criminal lawsuit.

The primary differences between the two are the following:

4.1.1 CRIMINAL PROCEEDINGS

Judged for usurpation (‘seize for use’), which carries a penalty of a fine over a period of 3 to 6 months and which, in the case of non-payment, then incarceration takes the place of the fine at the rate of one day for every two that is unpaid. For this reason, it is critical that there is nobody living in the apartment at the time of the court case, or the crime and penalty will be even worse. It will be in the legal defense's favor if the building has been vacant for some time, to avoid an eviction using ‘accelerated possession’. It will make it more difficult for the

property owner (the bank) to argue for such an urgent measure before the trial, to get back a building that hasn't been in use for some time.

What is a penalty-fine? With this type of conviction, a person can be taken away to prison for non-payment of a fine. The penalty-fine is defined by sentences of a certain length and financial sum: the amount of time is a minimum of ten days and a maximum of two years; the sum a minimum of two euros and a maximum of 400 euros a day. The courts will take into account the economic situation of the person convicted (purchasing power, income, personal or other obligations and family responsibilities, etc.). If the convicted person does not fulfill the requirements of the imposed punishment, then he becomes liable for one day of incarceration for each two days of the unpaid fine. There is the possibility to pay the fine by performing community work service.

The crime of usurpation: Article 245.2 of the Criminal Code says: “Whoever occupies, without proper authorization, building, single-unit property or dwelling, against the will of the owner, shall be punishable by a fine of three to six months.”

GENERAL LEGAL ASPECTS

It is in our interest to explain that we don't have any particular desire to stay in the building. We are currently using it for reasons of necessity because there is no alternative lodging. We are dealing with the non-compliance of the obligations by public administrations, and a situation of speculative hoarding practices and anti-social implementation of property rights by the bank (use requests for negotiations with the bank, social housing, etc.). We can claim that residential properties currently not being used should be put back into the hands of the people. By our living in the building, we can show a definite improvement to its previous anti-social, not-lived-in state (use letters from neighbours and social organizations showing their support, etc.).

Therefore, as an argument for the defense, one can refer to the crime of speculative hoarding. Paragraph 1 of Article 281 of the Criminal Code states: "Whoever removes raw materials or products of basic need from the market in order to interrupt supplies to a sector thereof, to force an alteration in prices, or to seriously affect consumers,...". It would, therefore, require a cessation of the crime of hoarding: speculative hoarding to artificially maintain price levels and create a monopoly of access.

It asks that the right to housing takes precedence over anti-social use of the property, purposely left empty for financial gain, and thereby denying a fundamental right to decent housing to a large part of the population. It is something that we denounce as a systematic violation of human rights: one that forces a significant proportion of the population—threatened with social exclusion—to legitimately take back those rights when faced with such a fragile situation and total absence of their right to housing. Those in power, who should be preventing and not supporting such speculative hoarding practices, should be the ones putting such a fundamental need—having a place to live—back into hands of the population.

The process of a criminal suit is easier to defend than a civil one. If the occupation of the building carries the burden of political ramifications, then the crime of usurpation ('seize for use') is put into question.

GENERAL LEGAL ASPECTS

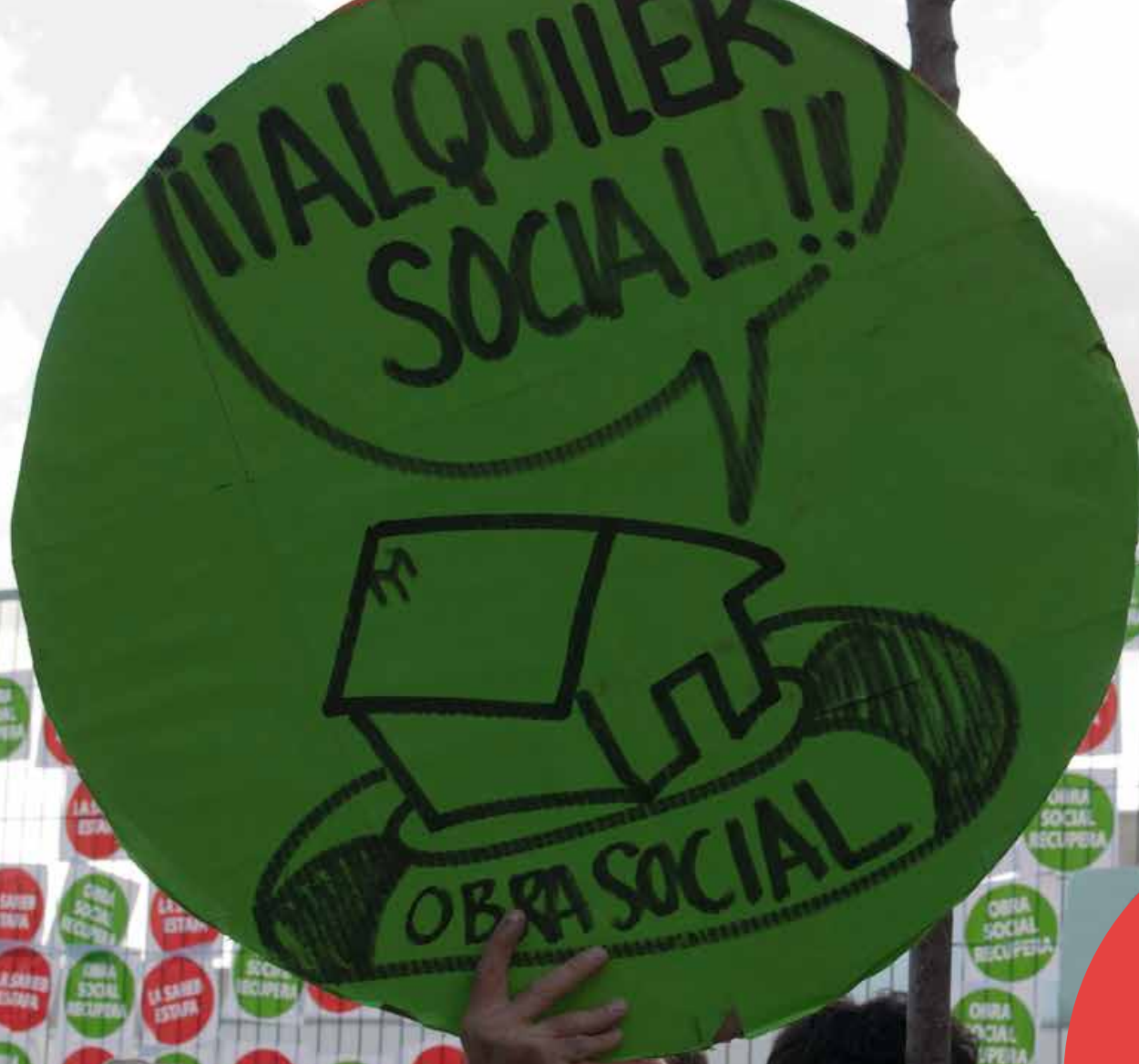
4.1.2 CIVIL PROCEEDINGS

Through this route, the judgment is about who owns the building; that is to say, defending the private property. The defense on our part is more complicated because the law, by technicality, supports the private ownership, without taking into account the political ramifications of the action. In this case, we can appeal to the law that defends housing as a right to all citizens; one that takes precedence over private property rights on the part of the plaintiff, even though it is only at the ethical or social level of justice. The legal basis for this housing right is Article 47 of the Spanish Constitution, which is not a fundamental right, as one would believe. Article 47 embodies a principle that doesn't require fulfillment, whereas the right to property is one enforceable by the courts.

The civil route is a relatively fast process; one might deal with a similar strategy in a "Stop Evictions" case and without serious legal consequences. During the trial, one should state in front of the judge that this is a situation of dire need and that there is no intention of permanently staying in the building. One should also declare that the action is a response to the

absence of alternative lodging for people with little recourse. State clearly the situation about speculative hoarding practices, and show proof of the willingness to negotiate and try to reach an agreement.

In both cases, the civil and the criminal, you can submit appeals and requests from social movements, organizations, and institutions to the judge, to not carry out an eviction using 'accelerated possession'. Social and media pressure will be the most efficient weapons for a successful defense, to ensure that people will be able to stay in the recuperated building. In both the civil and criminal proceedings we can appeal to the court that a forced eviction without any alternative lodging is both degrading and inhumane.



LA SABER ESTABA



USEFUL DOCUMENTS



USEFUL DOCUMENTS

5.1 DOCUMENT 1: INVIOABILITY OF THE HOME

Legal notice of the abusive use of “In flagrante delicto” and the violation of the inviolability of the home by individuals and members of the police.

1. This is—at least provisionally—OUR HOME, and we don’t intend to leave it. We invite anyone (physical, judicial) that questions our right to stay in this building, to go the legal route, leaving it up to the courts to decide, as they deem appropriate.

2. The current legal system defends the INVIOABILITY OF THE HOME, except in three cases: “In flagrante delicto”, court order and with the inhabitant’s consent. (articles 545 y 553 LECr.).

3. According to the Supreme Court, for the case to be considered one of “In flagrante delicto,” it has to be witnessed directly by law enforcement officials while the crime is being committed, and as a matter of clear and immediate urgency according to the following assumptions:

That it is witnessed directly and not based on speculation or information provided by third-person accounts.

The immediacy of the crime. That it is being committed at that very moment.

The presence of the people who are committing the crime and with the instruments to carry it out.

That there is an urgent need to intervene, to prevent the criminals from escaping or that there is some injury being produced against basic legal rights.

4. Until the court decides otherwise, or we find alternative lodging, we will stay here, and therefore entering into our home will be reported as a crime of BREAKING AND ENTERING, punishable under the Article 202 of the Criminal Code, and punishable by imprisonment for a period of six months to two years, if committed by individuals. If perpetrated by an authority or public official, it will be considered

VIOLATION OF DOMESTIC PRIVACY, under the Article 534 of the Criminal Code, punishable by disqualification from service for 2 to 6 years.

Advertencia legal a la policía y a la propiedad

ADVERTENCIA LEGAL sobre el uso abusivo del "delito flagrante" y la vulneración de la inviolabilidad del domicilio por parte de particulares o cuerpos policiales.

1. Este es —al menos provisionalmente— **NUESTRO DOMICILIO**, y no tenemos intención de marchar de aquí. Invitamos a cualquier persona física o jurídica que cuestione nuestro derecho a permanecer en esta casa, a recurrir a la vía judicial para que sean los tribunales quienes resuelvan lo que estimen oportuno.
2. El ordenamiento jurídico vigente defiende la **INVOLABILIDAD DEL DOMICILIO**, excepto en tres casos: delito flagrante, orden judicial, o consentimiento de sus habitantes (artículos 545 y 553 LECr.).
3. Para que se dé el supuesto de que se está cometiendo un delito flagrante, según el Tribunal Supremo, sería necesaria la percepción sensorial directa por parte de los agentes de seguridad de la comisión de un delito y el carácter de evidente urgencia e inmediatez en los supuestos siguientes:
 - Que la percepción sea directa y no basada en deducciones o informaciones de terceras personas.
 - Inmediatez del delito. Que se esté cometiendo en ese mismo momento.
 - La presencia de las personas que están cometiendo el delito en posesión de los instrumentos para cometerlo.
 - Y la existencia de necesidad urgente de intervenir para evitar la fuga de los delincuentes o por la producción de una lesión grave contra los bienes jurídicos.
4. Hasta que un Juzgado disponga lo contrario o encontremos otro alojamiento alternativo, nos quedaremos aquí, y por tanto la entrada a este nuestro domicilio sería **DENUNCIADA**, ya que se incurriría en un presunto delito de **ALLANAMIENTO DE MORADA** tipificado en el artículo 202 del CP y castigado con pena de prisión de seis meses a dos años, en caso de ser cometido por particulares; o de **VIOLACIÓN DE DOMICILIO**, tipificado en el artículo 534 del CP y castigado con pena de inhabilitación de 2 a 6 años, en caso de ser cometido por autoridad o funcionario público.

**INVOLABILITY
OF THE HOME**

5.2 DOCUMENT 2: REQUEST FOR MEDIATION

5. DOCUMENTOS ÚTILES

5.2. DOCUMENTO 2: PETICIÓN MEDIACIÓN

[PETICIÓN DE MEDIACIÓN AL COLEGIO DE ABOGADOS DEL MUNICIPIO]

Nombre Apellido 1 Apellido 2, con DNI XXXXXXXXX, en nombre y representación de la Plataforma d'Afectados por la Hipoteca (PAH) de XXXXXXXXX, con domicilio a efectos de notificación en la calle XXXXXXXX, nº XXXX, en el municipio de XXXXXX, con código postal XXXXXX, teléfono XXXXXXXXXX y correo electrónico XXXXXXXXXXXXX.

EXPONE

Que la problemática asociada a las ejecuciones hipotecarias y los desahucios por motivos económicos están generando una situación de auténtica emergencia habitacional en el municipio, que amenaza la cohesión social de los barrios y que condena al principio de la exclusión social a muchas familias.

Que la PAH, organización de defensa de los afectados por dicha problemática, trabaja con las familias que en ella participan, con los objetivos de acompañarlas en ese proceso y de conseguir soluciones viables para hacer frente a la emergencia habitacional de sus miembros.

Que en el municipio y en todo el territorio trabajamos esta problemática en contacto con las instituciones (Ayuntamiento) y otras entidades de la sociedad civil (movimiento vecinal, entidades sociales etc.).

Que desde el pasado día X del mes X, es público que X familias en situación de desamparo habitacional viven en un edificio de viviendas que estaba vacío y en desuso, propiedad del banco XXXX, en la calle XXX nº XXXXX, en el barrio de XXXX en el municipio de XXXX.

Que es notoria y conocida por la propiedad la voluntad de las familias y de la PAH de dialogar con la propiedad para alcanzar algún tipo de acuerdo sobre la posible permanencia de las familias en las viviendas, por medio de un arrendamiento asumible para ellas, o alguna otra forma de cubrir su necesidad habitacional (cesión de uso, realojo etc.), con la intermediación de este Ayuntamiento o el ente competente. Y que en cualquier caso, no es aceptable que se desaloje a las familias sino existe alternativa habitacional para ellas.

[Explicar los pasos en la negociación que se hayan dado]
[y todo lo que se desee añadir]

Que a día de hoy restamos a la espera de las conversaciones que pueda mantener este Ayuntamiento con el banco XXXX sobre el edificio de viviendas.

Que el Ilustre Colegio de Abogados es una institución de referencia en los aspectos referentes al derecho, y que entre sus objetivos e funciones se contempla la de ejercer funciones de arbitraje en materia de Derecho privado en los asuntos que le sean encomendados.

POR TODO ESO SE SOLICITA:

- Que el Ilustre Colegio de Abogados, en virtud de su conocimiento profesional y carácter neutral, colabore con el Ayuntamiento del municipio en una mediación con la propiedad con el objetivo de resolver la situación actual del edificio de viviendas y en aras de obtener acuerdos que puedan ser satisfactorios para ambas partes.
- Que en el marco de este proceso de negociación active todas las iniciativas necesarias para alcanzar un éxito y su resolución.
- Que sea como fuere sea garante que las familias no queden en situación de desamparo habitacional como producto de esta situación.

Municipio, día de mes de año.

Sr/a XXXXXXXXXXXX, DECANO/A DEL COLEGIO DE ABOGADOS DE XXXXXXXXXXXX

[PETICIÓN DE MEDIACIÓN AL AYUNTAMIENTO DEL MUNICIPIO]

Nombre Apellido 1 Apellido 2, con DNI XXXXXXXXX, en nombre y representación de la Plataforma d'Afectados por la Hipoteca (PAH) de XXXXXXXXX, con domicilio a efectos de notificación en la calle XXXXXXXX, nº XXXX, en el municipio de XXXXXX, con código postal XXXXXX, teléfono XXXXXXXXXX y correo electrónico XXXXXXXXXXXXX.

EXPONE

Que la problemática asociada a las ejecuciones hipotecarias y los desahucios por motivos económicos están generando una situación de auténtica emergencia habitacional en el municipio, que amenaza la cohesión social de los barrios y que condena al principio de la exclusión social a muchas familias.

Que la PAH, organización de defensa de los afectados por dicha problemática, trabaja con las familias que en ella participan, con los objetivos de acompañarlas en ese proceso y de conseguir soluciones viables para hacer frente a la emergencia habitacional de sus miembros.

Que en el municipio y en todo el territorio trabajamos esta problemática en contacto con las instituciones (Ayuntamiento) y otras entidades de la sociedad civil (movimiento vecinal, entidades sociales etc.).

Que desde el pasado día X del mes X, es público que X familias en situación de desamparo habitacional viven en un edificio de viviendas que estaba vacío y en desuso, propiedad del banco XXXX, en la calle XXX nº XXXXX, en el barrio de XXXX en el municipio de XXXX.

Que es notoria y conocida por la propiedad la voluntad de las familias y de la PAH de dialogar con la propiedad para alcanzar algún tipo de acuerdo sobre la posible permanencia de las familias en las viviendas, por medio de un arrendamiento asumible para ellas, o alguna otra forma de cubrir su necesidad habitacional (cesión de uso, realojo etc.), con la intermediación de este Ayuntamiento o el ente competente. Y que en cualquier caso, no es aceptable que se desaloje a las familias sino existe alternativa habitacional para ellas.

[Explicar los pasos en la negociación que se hayan dado]
[y todo lo que se desee añadir]

Que a día de hoy restamos a la espera de las conversaciones que pueda mantener este Ayuntamiento con el banco XXXX sobre el edificio de viviendas.

POR TODO ELLO, SOLICITA:

- Que el Ayuntamiento garantice una negociación con la propiedad con el objetivo de resolver la situación actual del edificio de viviendas y en aras de obtener acuerdos que puedan ser satisfactorios para ambas partes.
- Que en el marco de este proceso de negociación active todas las iniciativas necesarias para alcanzar un éxito y su resolución.
- Que sea como fuere sea garante por parte de esta institución que las familias no queden en situación de desamparo habitacional como producto de esta situación.

Municipio, a día de mes de año.

Sr. XXXXXXXXXXXX, CONCEJAL DE VIVIENDA, AYUNTAMIENTO DE XXXXXXXXXXXX
Sr. XXXXXXXXXXXX, ALCALDE, AYUNTAMIENTO DE XXXXXXXXXXXX

USEFUL DOCUMENTS

5.4 DOCUMENT 4: EXAMPLE LETTER TO THE NEIGHBOURS

TO ALL NEIGHBOURS

We want to inform you that the PAH (Mortgaged Victims' Platform) has liberated a building in your area. We ask for your understanding and patience in these first hectic moments.

For some time now, the PAH has been fighting against the injustices brought on by the (economic and social) crisis; a scam by the very wealthy to rob from the very poor. One of the worst crimes of this scam is to the families who, not being able to pay their mortgages, see themselves being thrown out on the street and indebted for life.

It is the case of the families who are about to enter the building that we have just recuperated. Families who, not having anything, would be tomorrow homeless and sleeping out on the street. That is if it were not for us having just taken back that which should never be taken away; a roof to sleep under.

The building that we have recuperated belongs to XXXXX, a bank who received public bailouts. (add information about the bank in question or about SAREB).

During these first few days, there will be more people on the street than usual, but this is a temporary situation and is only to ensure that the families can get themselves set up, without any problems.

For the PAH, we don't wish to disrupt the everyday coexistence on this street and want to collaborate in whichever way necessary so that things go smoothly. We have also occupied this building in such a public manner to highlight the problem that affects us all and is an essential part of our daily struggle against banks and speculators.

This Monday, the PAH and the families will start to negotiate with the property owner (the bank) to obtain a fair rent for the recuperated housing.

If you know of any cases of families who are experiencing difficulties paying their mortgages, don't hesitate to let them know about the meeting day and time of our local assembly (put the information about the day and time of the local assembly meeting)

Thank you for your understanding.



ACTIONS

OBRA SOCIAL

¡ALIMIENTOS PARA TODOS!
¡SOLIDARIDAD ENTRE TODOS!
¡VIVIR EN UN MUNDO MEJOR!

¡VIVIR EN UN MUNDO MEJOR!

RESLATEM TEREÑES
NO BANCOS

VENDAS SUPERADAS POR LA
OBRA SOCIAL
LOS BARRIOS
MADRID
DEFENDIENDO EL DERECHO A
UNA VIVIENDA

OBRA SOCIAL
LA PAH

OBRA SOCIAL

OBRA

SOC

SI SE
PUETE

HABITATGE
FINANCIER
RESPONSABLES

NI GENTI
SENSE CASA
NI CASES
SENSE GENT

VK
Una casa vacia

STOP
DESNOAMENTS

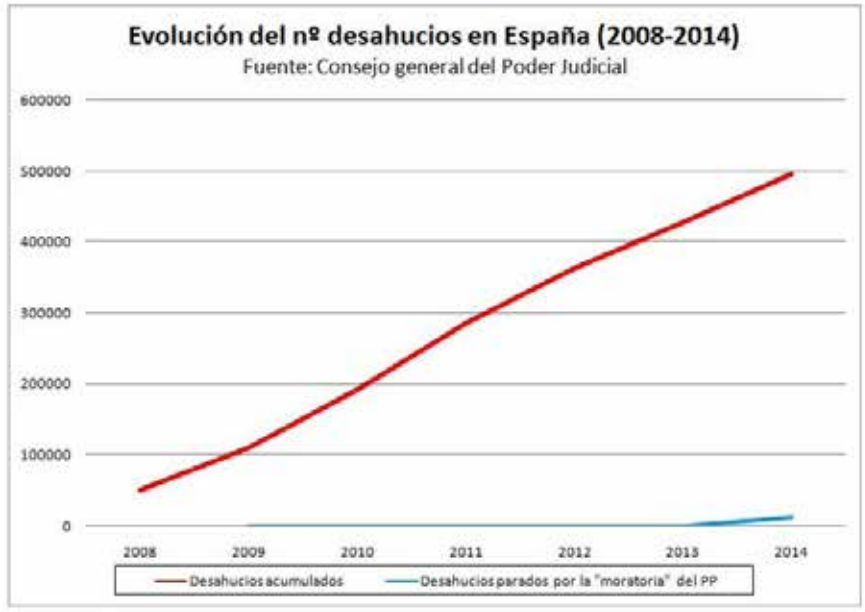
SIGNINAT
OBRA SOCIAL
MOSTOLES

LA PAH
OBRA SOCIAL

STOP



pero no queremos 23 alquileres sociales: la SAREB, cuyo capital mayoritario es público, tiene más de 90.000 viviendas vacías sólo en la Comunidad de Madrid. Queremos 90.000 alquileres sociales, que garantizarían el derecho a una vivienda digna para todos nosotros. Y no sólo de SAREB. Bankia, la entidad que más desahucia tras haber recibido un millonario rescate público sigue manteniendo miles de casas vacías a la vez que niega el alquiler a social a las personas que han entrado en alguna de sus viviendas.



20 febrero 7:30h
C/ Cadete Julio Llompert 7

Quieren desalojar este edificio perteneciente a la S.A.R.E.B. (Banco Malo) prefieren dejar a las familias en la calle y tener el edificio vacío. **NO LO PERMITAS Y ACUDE.**

¡La esperanza es contagiosa!



BLOQUE LA ESPERANZA DEL GANCHO



OBRA SOCIAL LA PAJARERA





**NI GENTE
SIN CASA
NI CASAS
SIN GENTE**

**STOP AL DESALOJO
DEL CADETE**

ETAPA ALOVERA!
MARTES 18 DE MARZO
COLUMNA NOROCCIDENTE
MARCHAS POR LA DIGNIDAD EN ARAGÓN
ETAPA DE APOYO
A LA OBRA SOCIAL
DE LA PAH



**P.A.H
OBRA SOCIAL**



CONCENTRACION
VIERNES 17 A LAS 9:30H EN LOS JUZGADOS DE MORTOLLET



El Ayuntamiento negocia la compra de un bloque ocupado

**ESTE BANCO ¡QUE SE SEPA!
ENGAÑA, ESTAFA
Y ECHA A LA GENTE DE SU CASA**

**DES OBEÏM PER GARANTIR EL DRET A L'HABITATGE!
DEFENSEM EL BLOC SALT**
14 OCTUBRE • JORNADA DE LLUITA CONTRA LA SAREB
13 OCTUBRE A PARTIR DE LES 18:00H • CONCERT SOLIDARI AMB:
FELIU VENTURA // LÁGRIMAS DE SANGRE
AMPARO SÁNCHEZ // GOSSOS
L'esperem el 13 d'octubre per passar el nit al Bloc Salt. C. Sureda Carner 11 de Salt

**P.A.H
OBRA SOCIAL**



**CON LA MANUELA
JUNTAS SE SE PUEDE!**
¡VEN A CELEBRAR!
Sábado 12 Sept 14
Dario Mesquillan



**ESTA ENTIDAD BANCARIA
ENGAÑA, ESTAFA
Y ECHA A LA GENTE
DE SU CASA**



Bloc La Bordeta NO ES TOC



If, after reading this manual,
you have any questions, confusions
or suggestions, or you are thinking
about becoming involved in the work
of the PAH Obra Social,
then contact us!

obrasocialpah@gmail.com
www.afectadosporlahipoteca.com/
obra-social-pah
@ObraSocial_PAH



**OBRA
SOCIAL**