



## Housing Policies in Brussels

<sup>1</sup>Federal tenancy rules are imperative, meaning that a judge can't dismiss them automatically  
Regional policies are ordre public, meaning that a violation can be sanctioned by a judge

Justice of the Peace, Juge de Paix, handles tenancy law  
Handles small claims, family disputes, neighbors, etc

Decisions made by justice of the peace may be appealed by the Court of First Instance (Tribunal de Premiere Instance)

- Lease-signing
  - Lease doesn't have to be formally written unless it's for a period of < 3 years, 9+ years, or for life
- Evictions
  - If you've lived somewhere for over 9 years, you can be evicted, but the lessor must be authorized by the law
  - If the lessor wants to end a contract and evict the lessee before the 9 years point, then there are 3 conditions in which that can happen
  - Law states that the lessor must respect these conditions or pay the lessee 18 months of rent
    - Personal residency by the landlord or by close family
    - Construction/renovation
    - At the end of the three year period without reason, but the landlord should compensate the tenant depending on how long they've lived there
      - 6-9 months of rent if the contract comes at the end of the expiration of the first or second three year period
  - The tenant can terminate a lease at any point without reason as long as they give three months notice and pay for those months of rent
  - Public Centers of Social Assistance is supposed to prevent and manage evictions
  - Landlord can never evict a tenant without giving them notice
    - Late notice by a landlord/tenant will do the opposite of terminating the contract, it will renew it

- Rent
  - Rent can be increased once a year
  - Rent increases with long term contracts
    - Agree on change in rent between 6 and 9th month before the end of the set of three years
    - If not agreed upon, then a judge can decide depending on if the value of the property has increased or decreased
  - A tenant is allowed to withhold rent if the landlord has breached the contract and given notice
  - 2 circumstances that allow a rent increase
    - Index Clause
      - Increase/decrease in depending on inflation/cost of living if the contract is formally written
        - Article 6 of 1991 Statute
    - Triennial Modification
  - Conditions for rent increase
    - Increased rent can't be more than the original rent times the new coefficient of the cost of living/the former cost of living
  - Landlords have a right to increase rent, but there are exceptions to when they can
    - Restoration contract, *contrat de rénovation*
      - When the tenant carries out the repairs a landlord would, which results in the landlord not increasing rent
    - Life long tenancy
- Repairs
  - Tenant responsible for minor repairs, landlord responsible for other repairs and is obligated to complete these
  - Essentially the same as German and Netherlands repairs
- News
  - As of April 2020, the Brussels government gave a one time check of 214.68<sup>2</sup>euros to low income tenants renting from private landlords
  - Moratorium on rent in the start of COVID-19 pandemic<sup>3</sup>
    - Brussels to end 8/31
    - Typically 600 evictions per year in Brussels, representatives of local tenant's union expects 300 in one month alone
  - Flemish Tenants Union
    - Umbrella union for tenants organization in the flanders region

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<https://www.brusselstimes.com/brussels/108008/coronavirus-brussels-provides-compensation-for-low-income-tenants/>

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<https://www.brusselstimes.com/news/eu-affairs/139540/us-elections-when-will-eu-congratulate-the-winner/>

[Flemish Tenants Platform helpful sheet](#)

[Tenancy Law in Belgium](#)

[Really great brochure on tenant's rights in Belgium](#)