



Housing Policies in the Netherlands

Social Housing

- Housing Act(1902)
 - “Recognizes that affordable housing in the Netherlands is a shared national responsibility”
 - Designed for people who are low income, disable/differently abled, the vulnerable, elderly
 - Can also be given to those who don’t fit in those demographics
- Housing Associations
 - Responsible for neighborhood
 - Prevent crime, graffiti
 - Help maintain parks, facilities, streets, housing
 - Appoint caretakers for the area
 - provide homes for older people and people with a disability.¹
 - 75% of rented housing are owned by housing associations
 - Government sets the rules for the allocation of social housing
- Application²
 - Must register with the housing association and have housing permit
 - If want to live in another reason, you have to give reasons
 - Have to apply for a property
 - Long waiting lists
 - Every aspect considered, if you’re highly vulnerable you would be considered an urgent case
- Housing points system
 - Determines the value of the property in which you’ll be living in, this determines rent
 - Is it self-contained
 - What facilities does it have
 - What is the size
 - High points = high rent
 - Points can be reassessed
 - 146 points or more means your property falls under the private sector³
- Complaints
 - Landlord
 - Housing association complaints committee
 - Then Rent Tribunal if not resolved - huurcommissie
 - *“The Rent Tribunal is an agency that can help to solve disputes to do with housing. It has nothing to do with the court but aims to resolve the dispute. Normal cost: €450 for a company and only €25 for a regular person”⁴*

¹ <https://www.government.nl/topics/housing/housing-associations>

² <https://www.rijksoverheid.nl/onderwerpen/huurverhoging/vraag-en-antwoord/huurliberalisatiegrens>

³ <https://sprmgmt.nl/point-system/#.X6HuC1NKiRs>

⁴ <https://dutchreview.com/expat/housing/renting/private-housing-social-housing-in-the-netherlands/>

- “National, independent and impartial agency which can mediate and adjudicate on disputes between tenants and landlords about rent levels, maintenance and service charges”
 - ADR: Alternative, out of court, Dispute Resolution service
 - Provides information, mediation and arbitrage
- You can apply for rent allowance - *huurtoeslag*
 - If you’re low-middle income, there’s a gov contribution to help with rent
 - Conditions of rent allowance, must be:
 - 18+
 - Renting independent accommodation, with a signed agreement with a landlord
 - Registered to the rented property
 - Living in self-sufficient accommodation
 - A national of the EU/EEA, valid residence/work permit
 - Originally, if you made one euro above the limit, you would lose your housing allowance, but this has changed in 2020
 - Phase out rent subsidy over several months
 - Calculated as a combo between personal contribution and regular rent subsidy
 - If you’re near the income limit, then you’ll be paying a higher personal contribution and will receive lower subsidy
 - Minimizes financial shock when rent allowance is withdrawn⁵

Private Housing - Free sector(vrije sector)

- More flexibility
- Rent controlled situation: when tenants share the kitchen and/or bathroom facilities and they’re renting their room directly from their landlord
- Non rent control situations: if tenants that share a property are renting with all names on one contract
- Rent increases only apply to base rent, not utilities
- Contracts are liberalized
 - More flexibility for landlord and tenant when it comes to rent and what it includes
 - No max rent
 - In 1989, “rent regulations no longer apply for new rentals of dwellings with a rent higher than the so-called liberalization threshold”
 - In 2007, the government decided to implement a maximum rent increase of 1.1%⁶
- Entitled to the fruits
 - “If the lessee is entitled to the fruits(benefits) of the leased property, then this right is regarded as a right to enjoy that property as meant in Article 5:17 of the Civil Code.”
- No points system
- Tenancy period can either be fixed or indefinite
 - Fixed - tenancy agreement has an end date
- Rights of Renters
 - Lease-signing
 - Contracts should clearly differentiate between basic rent(kale huur) and utilities(service kosten)
 - Rent without this distinction is illegal and can be lowered by the Huurcommissie national tenancy tribunal⁷

⁵ <https://dutchreview.com/expat/housing/renting/rent-allowance-the-netherlands-2020/>

⁶ <http://www.iut.nu/wp-content/uploads/2017/03/Balance-Between-Landlord-and-Tenant.pdf>

⁷ <https://www.wooninfo.nl/english/>

- Repairs
 - Lessors are obligated to compensate the damage caused by a damage/defect, if it was pre existing and not made aware to the lessee
 - Lessors should fix repairs unless it's impossible or would be too expensive or it's the lessee's fault
 - Minor repairs should be repaired by the lessee themselves
 - Article 7:217
 - "The lessee must, at his own expense, repair minor defects, unless it has become necessary to make these repairs because the lessor has failed to comply with his duty to remedy defects for which he is responsible"
- Rent Increases
 - Article 7: 251 Rent increase at the most once a year
 - Any statement in the lease which indicates that rent may be increased more than once during a year is null and void
 - **Article 7:252b Decrease of rent related to a decrease in income of the lessee**
 - No maximum rent increase⁸
- Evictions
 - Article 7:216
 - Up until the eviction the lessee is entitled to undo changes they've introduced to the property
 - Lessee can claim a compensation from the lessor if the changes made by the lessee aren't removed after the lease period has ended
 - Article 7:225⁹
 - "Where the lessee unlawfully keeps hold of the leased property after the lease has ended, the lessor may, over the period that he misses the leased property, claim damages equal to the rent, without prejudice to his right to claim a higher compensation if this rent is not sufficient to cover all the damage suffered."
 - Article 7:274 Grounds for termination of the lease of residential spaces
 - If the tenant has behaved badly
 - Is the landlord is in desperate need of the space
 - If the tenant doesn't accept a reasonable offer of a new lease agreement for the same space
 - Is the landlord wants to use the land in a certain way
 - Law overrides contract
 - Refusing to comply with rent increases can result in landlord terminating the lease, but only a judge can determine this if you do not terminate in writing¹⁰
- Housing Disputes
- Tenant Organizing
 - Woonbond
 - Based in Amsterdam
 - Bond Precaire Woonvorm(Bond Precarious Housing) Union¹¹

⁸ <https://www.rijksoverheid.nl/onderwerpen/huurverhoging/vraag-en-antwoord/wat-is-de-maximale-huurverhoging-in-2020>

⁹ <http://www.dutchcivillaw.com/legislation/dcctitle7744.htm>

¹⁰ <https://www.rijksoverheid.nl/onderwerpen/huurverhoging/vraag-en-antwoord/huurverhoging-vrije-sector>

¹¹ <https://bondprecairewoonvormen.nl/achtergrond/>

- A union that aims to assert the rights of residence for people in temporary, insecure, or expensive living situations. Essentially they seek to provide a stable living space to those without/struggling
- Volunteer association
- Assists in conflicts between temporary tenants and landlords
- Provides both legal and moral assistance
- Startblok¹²
 - “Living project for young refugees with a residence permit and dutch youngsters”
 - Amsterdam New West
 - Offers 565 housing units
 - “The goal of Startblok is not only to house youngsters, but mainly to provide a good start in Amsterdam for everybody, whether they are from around or fled their country”
 - 18-28
- Amsterdam University College Rent Strike¹³
 - A student group that aims to mobilize students into a massive rent strike
 - Created in response to lack of effective measures to protect the living conditions of students during the pandemic.
 - Unable to afford rent due to covid closures
 - “What is difficult is convincing people who *can* pay their rent, *not*, to, for the sake of solidarity”
 - Demands
 - Suspend all rent until emergency measures are lifted started April 2020
 - No evictions
 - Allow students to have guests in their rooms
- News
 - According to lobby group Woonbond, “rents in the non rent-controlled sector have risen 44%”¹⁴
 - According to housing rental platform Paraius, “rents being agreed between landlords and tenants for new contracts in the non rent-controlled sector have fallen for the first time in six years... the sharpest drop has been in Eindhoven, where new rents are down just over 7%”¹⁵
 - According to the Dutch association for realtors NVM, “In the third quarter a record number of homes were sold at prices nearly 12 percent higher than the same quarter last year”
 - “Free sector rents decreased by about 0.4 percent in the third quarter - first decrease in six years”

<https://www.iamsterdam.com/en/living/everyday-essentials/housing/rental-property/housing-rights>

¹² <https://startblokriekerhaven.nl/en/>

¹³ <https://www.bakonline.org/prospections/supports-strikes-and-student-revolt-on-housing-struggles-in-the-netherlands/>

¹⁴ <https://www.dutchnews.nl/news/2020/10/shortage-of-social-housing-is-increasing-and-rents-are-rising-fast-woonbond/>

¹⁵ <https://www.dutchnews.nl/news/2020/10/rents-go-down-slightly-in-the-big-cities-first-nationwide-drop-in-six-years/>