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## **EUROPEAN SOCIAL CHARTER**

Addendum to the 8<sup>th</sup> National Report on the  
implementation of the European Social  
Charter

submitted by

**THE GOVERNMENT OF THE NETHERLANDS**

Additional information on Articles 31§1 and 31§3

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**CYCLE 2015**



## **European Committee of Social Rights**

***Answers to the questions about the Dutch report on the European Social Charter with respect to the thematic group "Children, families, migrants".***

### **Article 31§1 – Adequate housing**

**In order to assess the effectiveness of the right to adequate housing, the Committee wishes to be informed about affordable and impartial judicial or other remedies (administrative review, etc) available to occupiers and tenants.**

Answer:

In the Netherlands both homeowners and tenants have the option to approach the civil courts. In case of disputes over the amount of rent and / or service charges tenants can recourse to the Rent Commission. Starting a procedure at the Rent Commission is relatively easy and there are few costs associated with starting a procedure. Furthermore, the Rent Commission is independent. The members are appointed by the government.

It is also possible for tenants to approach the National Ombudsman and the Municipal Ombudsman in case of disputes. Moreover, all housing corporations have a complaints commission.

### **Article 31§ - Affordable housing**

**With respect to waiting periods for the allocation of housing, the Committee wishes to be informed about judicial or other remedies (administrative review, etc.) that must be available when waiting periods are excessive (see International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007, § 131).**

Answer:

In housing market regions where there's scarcity of affordable housing, municipalities can draw up a housing regulation which makes it possible to arrange housing quickly for groups which need housing urgently. Through this regulation groups without a home are helped quickly. For other home seekers the classic waiting list no longer exists. The waiting time for a home is highly dependent on the demands of the home seeker and the effort he/she is willing to make to find another house. Nearly all housing allocation systems used in the Netherlands assume that the home seeker him/herself responds to available houses. The less a house is wanted, the higher the chances at a house are.

Because of this system, the question of the Committee is not directly answerable: how long someone is on the waiting list, is partly a choice. Specific legal procedures for home seekers who think that they have to wait too long for a house do not exist in the Netherlands.

In the case of an application for an urgency status the applicant can object against the rejection of the application at the municipality, which has taken the decision about the application. After the municipality has taken a decision about the objection, the applicant can appeal at the courts. These are simple procedures, which an applicant him/herself can perform.