

Residential Management Regulations

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1. Introduction

1.1 Objective

Objective of the residential management structure, laid down in these Residential Management Regulations, is to promote and preserve the quality of the social management within Stadswonen Rotterdam. The form of this social management is aimed at the specific housing form with the many common facilities and offers the individual tenant the possibility of optimising his or her living situation. The residential management structure offers the tenant the possibility of organising him- or herself and being represented in the relationship with Stadswonen Rotterdam and third parties and simultaneously of exercising influence on this representation. It is inevitable that for the realisation of the objective of this residential management structure there must be question of a substantive collection of arrangements, rules, instructions and provisions. It is, however, of utmost importance that all parties concerned can take note of these arrangements, etc. in order to further optimise both their individual position and that of the residents as a whole.

The residential management structure has the objective of guaranteeing the management within the residential complexes and of structuring the relationship between the tenants and Stadswonen Rotterdam.

The residential management structure grants rights and authorities to the individual tenant with regard to his or her specific housing situation and in this context his or her rights and obligations have also been established. It has also been determined in these Residential Management Regulations how the residents can organise themselves and have themselves be represented. The residential management structure is an essential housing element at Stadswonen Rotterdam and is therefore not a non-committal matter. That is why these Residential Management Regulations are part of the tenancy agreement.

These Residential Management Regulations contain the mainlines of the system of social management. The details, which can vary per period and per housing location, have further been elaborated in the Residential Management Manual ('Handleiding Beheer') and in specific working arrangements between the residents' committees and Stadswonen Rotterdam. These Residential

Management Regulations only include matters of which it can within reason be assumed that both parties consider them as essential components of the residential management structure.

The Residential Management Manual ('Handleiding Beheer') and the individual working arrangements are publicly available for inspection at the residential manager or nestor as also at the office of Stadswonen Rotterdam.

1.2 Definitions

In these Residential Management Regulations the following is understood as:

- Stadswonen Rotterdam: part of Woonstad Rotterdam
- Director: company director in his or her capacity of the person who manages the operational organisation.
- Board of Supervisory Directors: the Board of Supervisory Directors of the Woonstad Rotterdam.
- Tenant: the person with whom Stadswonen Rotterdam concluded a tenancy agreement as well as
 - a. the fellow tenant within the meaning of articles 266 and 267 of Book 7 of the Dutch Civil Code;
 - b. the person within the meaning of article 268 paragraph 2 of Book 7 of the Dutch Civil Code;
 - c. the person who with the approval of Stadswonen Rotterdam lets the housing accommodation from a tenant who lets from Stadswonen Rotterdam.
- Resident: each and every person having his or her principal place of residence in a residential accommodation of Stadswonen Rotterdam.
- Participation: all the activities that aim to involve the tenants and residents in the policy and management by Stadswonen Rotterdam with the objective of harmonising the individual living and pleasurable living conditions as much as possible with their needs.
- Residential Management Structure: all the arrangements, rules, instructions and provisions in order to promote and preserve the quality of the residential and social management within Stadswonen Rotterdam.
- Residents' Committee: a representation of tenants and residents accepted by Stadswonen Rotterdam and elected by the tenants and residents that looks after the interests of the tenants and residents in terms of matters

concerning residential managements and living conditions.

- SHS: Foundation Tenants' Interests Stadswonen ('Stichting Huurdersbelang Stadswonen'). A representation of tenants of Stadswonen Rotterdam originating from the residents' committees and representation of the Small Buildings as an advice and lobby body in the area of the general policy and management of Stadswonen Rotterdam.
- Complaints and Disputes Committee: the Complaints and Disputes Committee established by the management board of Stadswonen Rotterdam within the meaning of article 16 of the Dutch Management Decree Public Rental Housing Sector ('Besluit Beheer Sociale Huursector' or 'BBSH').

1.3 Final responsibility

1. The final responsibility for the policy and management by Stadswonen Rotterdam is at all times vested in Stadswonen Rotterdam as it must give account to itself and the government about the implementation of its task in the area of public housing, now and in the future.
2. As a consequence of this responsibility the definitive decision-making power is vested in Stadswonen Rotterdam, with the understanding that Stadswonen Rotterdam pursues to see to it that decisions are as much as possible in line with the standpoints that derive from the participation process.

1.4 Restrictions

The restrictions within which the participation process takes place are formed by:

- a. objectives of Stadswonen Rotterdam;
- b. regulations with which Stadswonen Rotterdam must comply;
- c. applicable agreements or commitments that Stadswonen Rotterdam has concluded or shall conclude.

1.5 Residential management forms

1. The residential management has three formal levels:
 - a. individual tenant;
 - b. residents' committee;
 - c. SHS.

2. Starting point in respect of the residential management is always that, depending on the subject matter that is being discussed, discussions take place with the smallest possible representation of tenants and/or residents in terms of the subject matter.
3. In case of residential management forms other than aforementioned Stadswonen Rotterdam examines per case / situation as to whether this participation form can be met and/or if discussions can take place with the concerned parties. Existing formal levels can, however, never be set aside by other, informal residential management forms.
4. In case of large maintenance and/or renovation projects, which regard the housing accommodations, Stadswonen Rotterdam can establish ad hoc committees with which discussions exclusively take place for the benefit of that project in terms of the preparation and implementation thereof.

1.6 Establishment and change of the Residential Management Regulations

Proposals concerning a change of these Residential Management Regulations can only be stipulated in writing with individual tenants or with the bodies representing the same.

2. Organisation within the residential complex

2.1 General

The rules set forth below for the organisation within the residential complex are applicable to each and every residential complex with more than 29 residents.

2.2 Residents' meeting

2.2.1 Composition of the residents' meeting

1. All residents of a residential complex are authorised to participate in the residents' meeting of the relevant residential complex and are entitled to vote in the same.
2. For the purpose of the previous paragraph in these regulations residents are understood as:
 - natural persons who concluded a tenancy agreement with Stadswonen Rotterdam for a housing unit in the relevant residential complex;
 - partners of tenants of so called cohabitation units who hold their principal

place of residence in the same;

- sub-tenants in conformity with article 6.2.3 of the General Tenancy Terms and Conditions.
3. The members of the residents' committee are not entitled to vote in the residents' meeting.
 4. Excluded from participation in the residents' meetings are tenants of commercial premises, storage areas, societies and the like situated in the residential complex.
 5. Details about the composition of the residents' meeting can further be elaborated in the Residential Management Manual ('Handleiding Beheer') and/or in a separate working arrangement.

2.2.2 Method of the residents' meeting

1. The residents' meeting meets at least once a year or as often as the residents' committee is in writing requested to do so by ten per cent of the residents of the residential complex.
2. The executive board (see article 2.4) convenes the meetings.
3. The residents' meeting is presided by the residential manager. In his or her absence the assistant residential manager or the treasurer shall act as chairman.
4. A member of the residents' meeting keeps minutes of the meeting.
5. The minutes of the residents' meeting are distributed among all housing units within fourteen days after the meeting.
6. Resolutions in the residents' meeting are adopted by a majority of the votes of the persons present and entitled to vote.
7. In the interest of an objective assessment the chairman of the residents' meeting and/or the advisor of the residents' committee can determine that a quorum is established for a vote about specific subject matters. If this quorum is not accomplished, it can be decided to hold a written inquiry and/or referendum.
8. The resolutions of the residents' meeting are binding on all residents.
9. If the votes are equally divided the proposal is dismissed.

2.2.3 Tasks and authorities of the residents' meeting

1. All subject matters that are directly related to the housing and living conditions in and around the residential complex are discussed in the residents' meeting.
2. The residents' meeting appoints, depending on the size of the residential complex, four to ten members for the general board (residents' committee).
3. The residents' meeting discusses the annual report of the residents' committee.
4. The residents' meeting appoints an audit committee consisting of at least two people from its midst for the auditing of the annual report and accounts.
5. The residents' meeting can give solicited and unsolicited advice to the residents' committee.
6. The advisor (see article 2.3.1.10) can present the policy or specific resolutions of the residents' committee to the residents' meeting for assessment.
7. The residents' meeting can invite third parties to attend the meeting; these third parties are not entitled to vote.
8. The residents' meeting can invite the residents' committee to in the interim give account for parts of the policy pursued by the same.

2.3 Residents' committee

2.3.1 Composition of the residents' committee

1. The residents' committee forms the general board of the residents' meeting.
2. The general board consists of four to ten residents from the relevant residential complex, to be appointed by the residents' meeting.
3. The general board elects an executive board from its midst (residential manager + treasurer).
4. The residents' committee personally nominates its new members. An intended appointment is communicated to all residents ad valvas and put on the agenda for the first following residents' meeting.
5. The residents' meeting decides on the appointment of the members of the general management by a majority of votes. On request a sealed-ballot vote can be held.
6. The residents' meeting decides on the dismissal of members of the general board by a majority of votes.
7. All residents who are authorised to participate in the residents' meeting (see article 2.2.1) can offer themselves for election for the residents' committee. Excluded are residents who are employed by Woonstad

Rotterdam, who are part of the Board of Supervisory Directors or who share a household on a long-term basis with a member of staff, a member of the management board or a member of the Board of Supervisory Directors.

8. The sub-tenant (in conformity with article 6.2.3 of the General Tenancy Terms and Conditions) is excluded from the membership of the residents' committee on account of the temporary nature of his or her stay in the residential complex.
9. The residents' committee must form a proper representation of the residents' composition within the residential complex. This implies that the various groups with group related interests must be represented in the residents' committee.
10. The residents' committee can appoint an unpaid advisor.

2.3.2 Method of the residents' committee

1. The residents' committee meets at least eight times a year or as often as desired by a third of the residents' committee.
2. In each and every ordinary meeting the executive board must give account for the policy pursued in the past period and present plans for the coming period.
3. Apart from the ordinary meetings as intended in the previous paragraph, meetings can be convened for the deliberation and discussion of a special subject matter.
4. Minutes are kept of the meetings by a member of the executive board.
5. The minutes must be published on a bulletin board and/or via distribution in the post boxes within a period of fourteen days.
6. The meeting of the residents' committee is presided by the residential manager. In his or her absence the assistant residential manager or the treasurer shall act as the chairman.
7. The executive board convenes the meetings of the residents' committee.
8. The residents' committee can request a representative of Stadswonen Rotterdam to attend the meeting.
9. Resolutions of the residents' committee are adopted by a majority of votes. To validly adopt a resolution at least 50% of the members must be present.
10. If the votes are equally divided a new vote shall take place in a first following meeting that must be convened within at the latest one month.
11. If the votes are again equally divided the proposal must be presented to the residents' meeting for a decision.

2.3.3 Tasks and authorities of the residents' committee

1. The residents' committee is responsible for the exercise of all rights and obligations that are allocated to the same pursuant to the residential management structure and possible working arrangements.
2. The tasks and authorities of the residents' committee shall comprise the following four working areas:
 - nomination of new tenants (see article 5.2);
 - settlement and establishment of the service charges (see article 5.3);
 - consultation hours and the handling and/or settlement of complaints (see article 5.4);
 - the safeguarding and preservation of good living and studying conditions (see article 5.5).
3. For the implementation of its rights and authorities the residents' committee appoints an executive board (see article 2.4).
4. The appointment of the executive board takes place on the nomination of a selection committee appointed by the residents' committee from its midst.
5. The residents' committee supervises the proper performance by executive board of the tasks assigned to the same.
6. The residents' committee is encumbered with the supervision of the Minor Repair Fund and other funds that are administered by the residents' committee.
7. All matters that are related to the housing and living conditions in and around the residential complex are discussed in the residents' committee.
8. The residents' committee supervises compliance with the provisions of the tenancy agreement, the General Tenancy Terms and Conditions and these Residential Management Regulations and possible other regulations and housing rules.
9. The residents' committee monitors the cleaning programme, the general hygiene in and around the residential complex and the performance of hygiene inspections.
10. The residents' committee monitors the performance of the technical maintenance that the tenant must carry out and the general technical maintenance.
11. The residents' committee imposes fines in case of violations of the arrangements set forth in the tenancy agreement, the General Tenancy Terms and Conditions and the Residential Management Regulations.

12. Annually prior to 1 April of any year the residential manager prepares a social report of the activities in the past calendar year for the residents' committee.
13. Annually prior to 1 April of any year the treasurer prepares a financial report in respect of the past calendar year for the residents' committee.
14. The financial report intended in the previous paragraph must, among other things, contain a realistic representation of the financial resources, assets, liabilities and reserves managed by the residents' committee.
15. Both reports that must be prepared by the residents' committee are presented to the residents' meeting for approval prior to 1 April of any year.
16. With approval of both reports of the residents' committee by the residents' meeting the residents' committee is granted discharge for the policy and the financial management pursued in the past calendar year.
17. The annual report and the financial report are annually sent to Stadswonen Rotterdam for information purposes prior to 1 May.
18. A resident can lodge an appeal against a decision of the residents' committee with the Complaints and Disputes Committee of Stadswonen Rotterdam.
19. Before lodging an appeal with the Complaints and Disputes Committee the residents must file a notice of objection with the residents' committee within a period of two weeks. If the residents' committee decides to uphold the previously adopted resolution then the resident can lodge an appeal with the Complaints and Disputes Committee within fourteen days after the ruling.
20. Overstepping of the time limit for appeal renders an appeal inadmissible. Reference is also made to the Regulations of the Complaints and Disputes Committee that is available for inspection at and can be requested from Stadswonen Rotterdam.

2.4 Executive board of the residents' committee

2.4.1 Composition of the executive board

1. The executive board of the residents' committee consists of a residential manager and a treasurer. In case of residential complexes with more than one hundred rental units an assistant residential manager is added to this board. Combination of positions in one natural person is not allowed.
2. Deviation from the provisions set forth in the previous paragraph is only possible after consultation between the residents' committee and Stadswonen Rotterdam.

3. The members of the executive board are elected and appointed by the residents' committee.
4. To this end the residents' committee appoints a selection committee from its midst.
5. The selection committee consists of, possibly, the advisor (see article 2.3.1.10), the residential manager and two members of the residents' committee. The advisor is not entitled to vote, unless the residents' committee decides otherwise.
6. For the convocation of people interested in the position of residential manager an open procedure is followed, among other things by publishing an announcement in one of the periodic magazines of an educational institution.
7. The residential manager and the assistant residential manager must be recruited from the primary target group of Stadswonen Rotterdam.
8. The members of the executive board are appointed by the residents' committee by means of a letter of appointment. This letter comprises a job description and possibly a division of tasks between the various members of the executive board.
9. The members of the executive board can only be dismissed by the body that appointed them, in the case at hand the residents' committee.
10. Dismissal of a member of the executive board shall in any case take place as soon as the member of the executive board no longer resides in the relevant residential complex.
11. The moment of graduation and/or acceptance of a +50% position can also be reason for dismissal, such at the discretion of the residents' committee.
12. If a member of the executive board does, at the discretion of the residents' committee, not perform his duties properly he or she can be suspended by the residents' committee.
13. In an instance where a member of the executive board is suspended this must forthwith be presented to the Complaints and Disputes Committee of Stadswonen Rotterdam.
14. In an instance where a member of the executive board is suspended the relevant member of the executive board can only be dismissed after the Complaints and Disputes Committee has been heard.

15. In case of dismissal of members of the executive board specific time limits and procedures must be observed. These time limits and procedures are further elaborated in the Residential Management Manual ('Handleiding Beheer'). The residents' committee has a copy of the Residential Management Manual, which can at all times be inspected.

2.4.2 Method of the executive board

1. On average the executive board meets once a month.
2. Minutes are kept of the meetings or are summarised by one of the members of the executive board.
3. The reporting of the executive board is publicly available.
4. The reporting of the executive board is sent to at least all the members of the residents' committee.

2.5 Audit committee

1. An audit committee is required for each and every residential complex with more than 29 residents.
2. The audit committee consists of at least two members and at most four members.
3. The members of the audit committee must originate from the residents' meeting.
4. The members of the audit committee cannot also be a member of the residents' committee.
5. If the residents' committee is unsuccessful in the formation of an audit committee, the annual report and accounts must be presented to an external accountant for auditing purposes.
6. The audit committee operates under the authority of the residents' meeting.

2.6 Other committees

1. Apart from the residents' committee other committees can also occur within residential complexes.
2. All other committees operate under the authority and responsibility of the residents' committee.

3. Organisation within a small building

3.1 General

The following rules for the organisation of Small Buildings are applicable to residential complexes of Stadswonen Rotterdam with 29 or less residents.

3.2 Recruitment of the nestor

1. Annually prior to 1 October the residents of a Small Building elect a nestor from their midst. The nestor is elected by a majority of votes.
2. The residents of a Small Building communicate the name of the elected nestor to Stadswonen Rotterdam.

3.3 Tasks and authorities of the nestor

1. The nestor looks after the interests of the residents of his or her building and represents the residents.
2. The nestor organises the tenancy nomination of new tenants in close consultation with Stadswonen Rotterdam. If there is no nestor, the nomination of a prospective tenant can be taken over by the residents' collective or directly by Stadswonen Rotterdam.
3. The nestor sees to it that the fire prevention measures are not used improperly and remain operational in a good state.
4. The nestor monitors proper hygiene in and around his or her building and is for this purpose in contact with Stadswonen Rotterdam.
5. The nestor sees to it that the residents of his or her building do not cause nuisance to the fellow residents and/or the neighbours.
6. The nestor must be present if an inspection of the rooms is carried out by Stadswonen Rotterdam or by its authorised representative in connection with compliance with the provisions of the tenancy agreement and the housing regulations.
7. The nestor is authorised to order repairs to Stadswonen Rotterdam of which the costs shall be borne by the residents.
8. The nestor is authorised to order repairs to Stadswonen Rotterdam of which the costs shall be at the expense of the Minor Repair Fund.

9. Two delegated nestors of the Small Buildings can represent the residents of all the Small Buildings in the foundation meeting of the Foundation Tenants' Interests Stadswonen ('Stichting Huurdersbelang Stadswonen').

4. Organisation within Stadswonen Rotterdam

4.1 General

In order to see to it that the residential management in and around the residential complexes proceeds smoothly, regular contact between the parties is of utmost importance.

4.2 Community teams

1. In order to organise everything properly the residential complexes and the Small Buildings have been divided into so called communities. Each and every community has its own team available at Stadswonen Rotterdam.
2. The community teams have almost weekly contact with the residential manager and nestor about the daily course of affairs, concerning technical and social management of the residential complex.

4.3 The Stadswonen Rotterdam Residents' Committee Meeting

1. The Stadswonen Rotterdam Residents' Committee Meeting is a meeting between the community team of Stadswonen Rotterdam and the residents' committee of a residential complex and, possibly, the policy staff member.
2. Objective of the Stadswonen Rotterdam Residents' Committee Meeting is to signal and solve bottlenecks in the implementation of the administration and/or working arrangements in the relevant community team.
3. The account manager of the community team acts as the chairman.
4. Of each and every meeting a list of action points is prepared.
5. The Stadswonen Rotterdam Residents' Committee Meeting shall take place twice a year, once in the spring and once in the fall.

4.4 The Stadswonen Rotterdam Small Buildings Meeting

1. The Stadswonen Rotterdam Small Buildings Meeting is a meeting between the community team of Stadswonen Rotterdam and the nestors from the relevant community and, possibly, the policy staff member.

2. Objective of the Stadswonen Rotterdam Small Buildings Meeting is to signal and solve bottlenecks in the implementation of the administration and/or working arrangements in the relevant community team.
3. The account manager of the community team acts as the chairman.
4. Of each and every meeting a list of action points is prepared.
5. The Stadswonen Rotterdam Small Buildings Meeting shall take place at least once a year.

5. Practical rules

5.1 General

The practical side of the residential management structure consists of four working areas:

These are discussed in this chapter in succession:

- nomination of new tenants;
- settlement and establishment of the service charges;
- consultation hours and complaint handling;
- safeguarding and preservation of good living and studying conditions.

Finally some general rules are provided.

5.2 Nomination of new tenants

1. The executive board of the residents' committee has the possibility of nominating new tenants on the basis of the internal instructions.
2. The internal instructions have further been elaborated in the Residential Management Manual (and/or in possible working arrangements) of which the residents' committee has received the latest version.
3. The instructions provide time limits within which acts must be carried out.
4. After the time limits intended in the previous paragraph the authority in respect of the relevant housing unit shall automatically and without notice of default revert to Stadswonen Rotterdam.
5. Stadswonen Rotterdam always reserves the right not to conclude a tenancy agreement with a nominated person.
6. Stadswonen Rotterdam reserves the right to in a specific period revoke the authority to nominate new tenants.

5.3 Service charges

1. Stadswonen Rotterdam discusses the service charges over the past calendar year with the residents' committee and settles this with the residents.
2. In consultation with the residents' committee the service charges are established for the coming year.
3. The residents' committee keeps an accurate administration of the various funds for the benefit of the settlement and establishment.
4. The residents' committee keeps an accurate administration of the consumption details and meter positions for the benefit of the settlement and establishment.

5.4 Consultation hours / complaints handling

1. The residents' committee organises a consultation hour at least once a week for the benefit of the tenants and prospective tenants of the residential complex.
2. Departing from the prescribed division of tasks the consultation hours must be held by the residential manager or his or her representative.
3. For the submission of technical complaints the residents must address the residential manager during his or her consultation hours or Stadswonen Rotterdam (via the service desk, on the website or by telephone).

5.5 Safeguarding / preservation of living and studying conditions

1. The residents' committee has the duty to safeguard and preserve order, rest and living and studying conditions.
2. The residents' committee has the duty to carry out a hygiene inspection at least once a year.
3. The residents' committee has the duty to check the cleaning companies designated by Stadswonen Rotterdam.
4. The residents' committee has the duty to monitor the safety in general and the fire safety in particular.
5. To this end it shall see to it that escape routes, stair cases and emergency exits remain free from obstacles.
6. The residents' committee provides for regular representation of the residents' collective, in the person of the residential manager or his or her representative in terms of contact with neighbourhood or district organisations, the local police, etc.
7. The residents' committee is authorised to impose fines up to at most €27.50 (level 2011, indexed according to the Netherlands Statistics ("CBS") consumer price index, all households).
8. The residents' committee establishes an unambiguous fine policy and communicates this to the residents of the residential complex.
9. The fine policy serves to maintain rules of order, rest, living and studying conditions.
10. The fine policy requires the approval of Stadswonen Rotterdam.
11. The residents' committee is authorised to approve or reject requests concerning pets.
12. The residents' committee establishes unambiguous regulations with regard to keeping pets in the residential complex.
13. The regulations concerning pets require the approval of Stadswonen Rotterdam.
14. If the residents' committee does not perform the aforementioned duties in a timely and/or proper fashion they shall without any further notice of default revert to Stadswonen Rotterdam.

5.6 General rules

1. The residents' committee bears the final responsibility for the correct implementation of the residential management structure in and around the residential complex.
2. With regard to all matters that have not been covered in these Residential Management Regulations the executive board must seek the approval and, where applicable, a budget of the residents' committee.
3. A corresponding resolution must be established in the minutes.

