

Prevent improper use of properties

Tips for Owners Associations.

Criminals like to use luxurious properties in high-rise buildings. This form of living often offers the anonymity that criminals appreciate (indoor garage, indoor gallery, little social control) for staying out of sight of the authorities. Criminals rent a house through a private person or a company. Often the rent is paid for in cash to the owner of the property, or the rental agency. They usually do not register with the Dutch Population Register (BRP) of the municipality.

Government partners such as the Police, the Municipality of Rotterdam and the Public Prosecution Service try to combat the improper use of properties by criminals and the nuisance and insecurity it causes. However, we cannot do this alone. We need your help!

What can the Owners Association do to combat this improper use of properties?

Inform the apartment owners about the consequences of the improper use of properties and the responsibilities they have when renting out their property.

It is important that all members of the Owners Association are informed of the potential issues with tenants and the risks they run, so that they can take their responsibility as the owner of an apartment. When a tenant engages in criminal activities inside the property, the municipality is entitled to close the property for a certain period of time following a police raid. During this period of time the apartment owner misses out on the rental income. Criminals may also cause damage to the apartment, for instance when a cannabis plantation has been set up inside the property. The repair costs may run up to tens of thousands of Euros and are for the account of the



owner! When a property is withdrawn from the housing stock without a licence from the municipality (in other words: using the apartment for activities other than living in it) the municipality may impose a penalty of 4000 to 18,500 Euros). The owner could also get in trouble with the mortgage lender when a property has been wrongly (sub)let. Obviously the value of the properties of the entire building may drop in value, when the building suffers reputational damage due to criminal activities. The joy of living there deteriorates by criminal activities and feelings of insecurity. Owners of apartments have an interest in a proper use of the apartment right and the prevention from accommodating criminals.

Draw up a user statement.

The model regulations of the Owners Association requires that the user/tenant of an apartment right signs a user statement. Have the statement signed by the users (tenants) of the properties. The owner of the rented property is responsible for this.

The user statement also relates to decisions taken (for instance modification of the Internal Regulations) and provisions (for instance an addition to the Internal Regulations) adopted after the tenant has signed the statement. However, it is the responsibility of the Board to inform the tenant of the modification or addition, the owner has to inform the tenant. If the tenant moves into the apartment without having signed the user statement, only the regulations of the deed of division concerning the use, management and maintenance, are applicable (5:120 paragraph 2 of the Dutch Civil Code). For other regulations as well as the Internal Regulations to apply, the tenant needs to sign the user statement. If the owner does not sort this out or if the tenant refuses to do this, the tenant can be evicted from the apartment by the Board of the Owners Association. The applicable procedures and

regulations can be read on this site:

<https://www.nederlandvve.nl/vve-informatie/ontruiming-bij-overtreding-reglementen/>

Inform apartment owners who rent out their property of 'the guidelines of proper rental practices'

The municipality has drawn up guidelines for owners to comply with when renting out their property. Owners or managers of the apartments are responsible for the final use. When things go wrong and the owner failed to respect the guidelines, he may be held responsible by the municipality. The municipality defined these guidelines in the flyer "Do you want to rent out your property? Be careful, prevent problems!" The guidelines are available and published on the internet:

<https://www.rotterdam.nl/wonen-leven/woning-verhuren>.

The site contains for instance which documents the owner should require from potential tenants and how to ensure effective monitoring of the apartment.

Inform the owners of the risks of rental agencies and rental brokers

When owners outsource the lease and management to third parties, it is wise to instruct the agent to respect the guidelines of proper rental practices. Make sure to use a broker who is a member of a trade association. Look on the internet if the rental broker is known. When a rental broker cannot be found or is hard to find and only comes up on aggregation sites and only has a general e-mail address or a mobile phone number, prudence is required.

Talk to apartment owners who are not present at the general meeting of members

Not all owners are present at all meetings. Usually they are the owners that need more attention. Try to contact them and to make arrangements. This can be done via e-mail but it is best to invite them for a chat. Inform them of the arrangements made during the meetings.

Visit new residents together with the board of the Owners Association

Pay new residents a visit to get to know them and have a chat with them. Ask them how they like living there and if they have any observations to make about the maintenance. Never visit them alone, always bring other members of the board with you. If you feel that something is wrong inform the police or the community police officer.

Make sure there is social control in the apartment building.

This can be done in all sorts of ways. Organise a Christmas drink, launch a WhatsApp group or Facebook page or ask residents to greet one another more often in the common spaces. Make sure for instance that nameplates are in place on the front doors of all

the residents. Criminals have a preference to settle in apartment buildings with as little social control as possible. More social control also helps to recognize more quickly any persons who do not belong in the building. And furthermore it is nice to better get to know your neighbours!

Other measures residents can take:

- Do not open the common entrance door for strangers. Make sure that strangers do not walk inside or outside with you or your guests or when you open the door for your guests. The same thing holds true for the use of the garage door.
- Restrict the number of keys in circulation to the common spaces to a minimum. Only make an extra set of keys for people whom you trust and who need the keys. Always ask the keys back when they are no longer needed (for instance cleaner, broker, etc.);
- Always keep records of who has a key to the garage or any other common spaces and keep track of how often residents request new keys;
- Make clearly visible which parking place belongs to which house number;
- Do not keep the remote control device of the garage door or keys to the building in the car. Make sure you have a proper software system installed for lost remote control devices to be easily activated;
- Report any suspect cars inside the garage to the police;
- If possible place a camera in the common spaces. This may have a deterrent effect.

Report evidence of wrongdoings:

Reports of (possible) wrongdoings can be made to:

- The Police (112 in case of emergency, 0900-8844 in all other cases)
- Report Crime Anonymously (0800-7000)
- Cannabis team Municipality: 06-20133289
- woonoverlast@rotterdam.nl