

QUALITY POLICY AND QUALITY MEASUREMENT METHODS FOR SOCIAL HOUSING IN THE NETHERLANDS AND ENGLAND

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ABSTRACT

There are differences in quality between the social housing stock in the Netherlands and England. The most important explanation is that quality and quality backlog is defined in different ways (Vijverberg and Jones, 2005). We continue our search for explanations by studying legislation on quality on different governmental levels and the way quality is measured in both countries.

After considering the quality regulations laid down by central government for the social housing stock in both countries, we go on to study the specific supplementary requirements local authorities are empowered to set and the agreements and performance contracts concluded between the authorities and the social sector. This article also deals with the content of and methods used for quality measurement in both countries. There are differences in measurements and frames of reference in both countries. The article concludes with conclusions and recommendations. The Netherlands can learn from England on certain points, and vice versa.

KEYWORDS: social housing, building regulations, quality policy, backlog

INTRODUCTION

The Netherlands and England both have large stocks of social housing. The quality backlog in England (especially the housing stock of local authority – LA's) is higher than that in the Netherlands. In an attempt to explain these differences, we have examined the age and other characteristics of the housing stock concerned, possible differences in maintenance expenditure and real-property investment, differences in the size of the organizations concerned, the way the social rental sector is organized and the way quality and quality backlog is defined.

One explanation of the greater quality backlog is the age of the stock. Houses in the English social rental sector are appreciably older than the Dutch stock. The other main features (typology, number of rooms, m² useable floor area) do not show major differences. Also maintenance expenditure and investment levels per home are more or less equal (except for differences between the expenditure of local authorities and housing associations in England). The most important explanation seem to be the way quality and quality backlog is defined. The Netherlands measures the structural quality and the total repair costs to bring the quality up to date. In England measurement is not limited to structural quality but also covers housing quality (e.g. functional and energy aspects) in a broader sense. A big difference with the Netherlands is that England only involves the costs of dwellings that do not meet the Decent Home Standard. The total repair costs for the housing stock will be much higher in England. The Netherlands takes all repair costs into account. Even dwellings that do not need any repair are included in the calculation of the average repair costs (Vijverberg and Jones, 2005).

We continue our search for explanations by studying legislation on quality and the way quality is measured in the Netherlands and England. The central question posed here is:

‘What demands do Dutch and English legislation make on the quality of the social housing stock, and how is this quality measured?’

We will start with further analysis of the quality regulations in both countries. ‘What requirements do the regulations set, and what is the minimum quality level to be met by housing?’

Apart from regulations concerning the housing stock as a whole, there are also regulations specifically focused on the quality of rental housing on the basis of the system of agreements between landlords and tenants. It may be asked in this connection ‘What (extra) demands on the social housing stock in both countries arise from the Rent Control Act and similar legislation?’

In addition, agreements have been reached at sectoral level and with individual associations about the (development of the) quality of the social housing stock. This is done in national covenants with the sector and by means of performance agreements with individual associations. The research question here is ‘What (extra) demands on the social housing stock arise from national covenants and performance agreements with the sector as a whole and with individual corporations?’

Other topics we will deal with in this paper are quality definitions, content and methodology of the Qualitative Housing Survey (KWR) in the Netherlands and the English Housing Condition Survey (EHCS) and Decent Home Standard (DHS) and the repair costs for bringing social rental housing stocks up to these standards. .

Finally, we will consider what we can learn from the practice followed in the two countries, and what are, in our opinion, the strengths and weaknesses of the quality policies they follow.

QUALITY REGULATIONS EXISTING HOUSING STOCK

Both countries set minimum requirements on existing housing stock as well as requirements on newly built housing. These requirements are laid down in the Building Order in the Netherlands and in the Building Regulations in England.

The Building Order in the Netherlands contains the minimum requirements to be met by newly built housing and by existing housing. These are performance requirements in the fields of safety, health, utility and energy efficiency. Requirements for a fifth field, the environment, have not yet been formulated. The individual topics in the English building regulations are by and large the same as in the Netherlands. Points of similarity between the two countries are that the regulations apply uniformly through the country, and that they are cast in the form of performance requirements (Sheridan, Visscher & Meijer, 2003).

In both countries, the requirements on major modifications of existing buildings are identical with those for new buildings. In England, these major modifications are taken to include conversions of (part of) the house and replacement of electrical and gas boilers and window and door frames. The English requirements are more stringent than the Dutch ones, though it is uncertain how compliance with them can be monitored in practice. This problem is solved to a certain extent by the requirement that the owner must be able to supply evidence of satisfactory installation when selling or mortgaging the house.

The Dutch Housing Act allows local authorities to set supplementary requirements in local building regulations. Most local authorities follow the model building regulations formulated by the Dutch Local Authorities Association. These include requirements on the availability of drinking water and energy, (fire) safety and the hygienic use of dwellings and other buildings. It is further the intention to include all requirements on the use of housing in a Housing Usage Order that will apply uniformly to the whole country. The housing usage requirements from the building regulations of the various local authorities will then cease to apply.

English local authorities are not empowered to enact local building regulations in which they can set extra requirements. There are however national regulations such as the Housing Fitness Standard (HFS) and the Environmental Protection Act, which contain requirements comparable with those in the Dutch local building regulations. The last-mentioned Act protects occupants of buildings mainly against noise and other forms of nuisance originating

outside the building. The HFS is directly linked with requirements in nine different fields to be met by the dwelling.

The HFS will be replaced by the Housing Health and Safety Ratings System (HHSRS) in April 2006. The HHSRS estimates the potential health and safety risks posed by the building for actual and possible occupants. It is thus concerned not only with the features of the building but also with the characteristics of the occupants. The HHSRS takes into account hazards due to defects in housing and compares the extent of the hazard with actual accident or illness data (ODPM, 2005). The hazards (29 in total) that can be assessed are those associated with or arising from physiological requirements (damp, cold, radiation etc), psychological requirements (crowding and space, noise etc), protection against infection (domestic hygiene, food safety, water supply etc) and protection against accidents (falls associated with baths or stairs, fire, electrical hazards etc).

A score is assigned to each hazard (i.e. not to the dwelling or other building as a whole). Along with this new risk assessment system, the Act also introduces a number of new enforcement options that Environmental Health Officers can use when dealing with poor housing conditions, such as new improvement notices, prohibition orders and even emergency prohibition powers to intervene in situations where there is an imminent risk to residents' health and safety.

Figure 1 Government regulations covering the housing stock as a whole

	England	The Netherlands
Major modification and/or conversion of existing housing	Same requirements as on new housing, on basis of Building Regulations	Same requirements as on new housing, on basis of the Building Order
Supervision	Local authority on basis of Building Regulations	Local authority on basis of local building regulations
Legal instrument	System of permits and enforcement notices	Issue of permits/court action in case of non-compliance/enforcement notice
Existing housing stock	Minimum technical quality of buildings and services + nuisance	Minimum technical quality of buildings and services + nuisance
Supervision	Local authority on basis of Building Regulations, Housing Act (HFS/HHSRS) and Environmental Protection Act	Local authority on basis of local building regulations and Building Order
Instrument	Enforcement notice in case of actual or imminent danger or nuisance: Housing must comply with HFS, and starting in April 2006 with HHSRS	Enforcement notice in case of actual or imminent danger or nuisance: Housing must comply with structural requirements and basic functional quality requirements

Both in England and the Netherlands, local authorities are responsible for the implementation (via the granting of permits) and enforcement of the regulations. Dutch local authorities derive their power to act from the building regulations and the Building Order. English local authorities must intervene if the Building Regulations are not complied with, or if hazardous situations arise or threaten to arise (as judged on the basis of the Fitness Standard, or the HHSRS in the near future). In the Netherlands, local authorities usually intervene in response to complaints from tenants. A similar passive enforcement policy seems to apply in England too. The websites of most local authorities contain a request to visitors to report any buildings that appear to be dangerous to the building control authority. Most local authorities state that

they respond to all reports of dangerous buildings within a limited timeframe (e.g. 24 hours). By way of sanction, the owner can be obliged to carry out the necessary maintenance work. Dutch local authorities can impose a penalty (a sum of money that must be paid on a daily basis until the necessary work has been completed), or the local authority can carry out the necessary work itself and recoup the costs from the owner. English local authorities have by and large the same responsibilities and powers as their Dutch counterparts.

In principle, the HHSRS lays an obligation on housing associations, local authorities and other landlords to assess the quality of their housing stock. The Housing Corporation provides guidance for individual housing associations in this field.

SUPPLEMENTARY QUALITY REGULATIONS FOR LANDLORDS

Apart from regulations applying to the housing stock as a whole, there are more specific instruments governing the quality of rental housing on the basis of the system of agreements between tenant and landlord. The question addressed in this section is 'What (extra) requirements are set on the social rental housing stock in the two countries on the basis of the housing and rent-control legislation?'

In England, the obligations on the landlord and tenant as regards the maintenance of the property are laid down in the Landlord and Tenant Act 1985. Section 11 of this Act stipulates that the landlord is obliged to maintain the property in good condition, even if this is not stated explicitly in the rental agreement. In the Netherlands, the responsibilities of tenant and landlord as regards maintenance are laid down in the Civil Code.

Closer analysis of the tenant's obligations as regards maintenance shows that in both countries the tenant is mainly held to be responsible for small and day-to-day maintenance. This is interpreted more widely in the Netherlands than in England. For example, in the Netherlands the tenant is responsible for clearing blockages of washbasins, toilets and flues while in England the landlord must perform such tasks.

Both in the Netherlands and in England, housing associations (and private landlords) can be forced to carry out certain maintenance and improvement work; but in both countries, the landlord can only be held to be in default if he has been notified of the problem and given a reasonable time to deal with it.

In England, the tenant can make use of the landlord's internal complaints procedure (if it exists) or the Right to Repair scheme to get such work done. Local authorities and housing associations have complaints and arbitration procedures aimed at dealing with problems of this type as flexibly and effectively as possible. Within the framework of the Right to Repair scheme, tenants of council accommodation have the right to compensation if the landlord fails twice to deal with the defect complained of within a predetermined time. A list of 20 qualifying repairs that fall under this scheme has been drawn up. If tenants are still dissatisfied, they can take their complaints to the independent Ombudsman, and in the last resort they can take legal action.

More or less the same remedies are open to tenants in the Netherlands. Section 257 of the Civil Code stipulates that temporary rent reductions may be used to compensate for defects in rental housing. The details of this form of compensation are laid down in the Rental Accommodation Order. The extent of the rent reduction depends on the severity of the defect. Defects must be reported to the Rent Review Board), which can order the rent to be reduced until the landlord has repaired the defects.

Both in the Netherlands and in England, the tenant is empowered to have a defect repaired and to submit the bill for the work done to the landlord – as long as the latter was first given the opportunity to repair the defect in question himself within a reasonable period.

Council and housing association tenants in England can only use their rent money for repairs if they adhere to a specific procedure.

AGREEMENTS WITH INSTITUTIONAL LANDLORDS ON QUALITY POLICY

Apart from regulations covering the entire housing stock or applying specifically to rental housing, agreements on the quality of social housing and the improvement of such quality are also reached at sectoral level and with individual housing associations. This is done via national covenants with the sector in question, or performance agreements with individual corporations.

A number of national agreements have been reached in the Netherlands of recent years between Aedes (the umbrella organization for Dutch housing associations), the ministry of Housing, Physical Planning and Environment and various other parties. These include the National Housing Agreement 2001-2005, reached in 2001 and the Sustainable Building and Management Agreement from 2002. Such agreements specify targets in such fields as the construction of new housing stock, improvements, energy efficiency and reductions in CO₂ emission levels. Since these agreements are not reached with the individual housing associations or local authorities but with the umbrella organizations (which often have the legal form of an association), the extent to which their provisions are legally enforceable is limited.

These agreements in the Netherlands may be regarded as extensions of the Social Rental Housing Management Order (*Besluit Beheer Sociale Huurwoningen*, abbreviated BBSH), which was promulgated in 1998. The BBSH specifies six fields of responsibility on the basis of which housing associations are assessed. One of these fields is the structural and housing quality of the properties in question; the others are the quality of life in urban neighbourhoods, rental housing, housing and care, financial continuity and the involvement of occupants in decision-making and management. The BBSH urges local authorities and housing associations to reach agreements with one another, but since there is no legal compulsion to do so many of the parties involved fail to reach agreement in the above-mentioned fields. This situation is going to change. An entirely new version of the BBSH will come into force on 1 January 2007, and will lay down contractual obligations between local authorities and housing associations. The new set-up is described in a publication by Aedes and VROM (2005).

Attempts have been made in England to lay down central targets for housing quality for a number of years now. The government produced the Housing Green Paper 'Quality and choice: a decent home for all' in 2000. This discussion document formed the basis for the policy document 'The way forward for housing'. From that time, housing policy focused on the social rental sector and in particular on the existing stock. The target was to bring this existing stock up to a minimum quality level (as laid down in the Decent Home standard) within ten years (ODPM, 2004). The initial aim was that the number of households living in social rental accommodation that did not meet the basic quality requirements would be reduced by a third between 2001 and 2004. The target was raised in 2002, by stating that all social rental housing should meet the basic quality requirements by 2010 and that 70% of properties in the private rental sector that were occupied by disadvantaged households should come up to the same standard. Whether a property came up to the required quality level or not would be determined with reference to four main criteria: fitness, disrepair, modern facilities & services and thermal comfort England (for further details see: Vijverberg and Jones, 2005). Part of the Decent Home Standard has a statutory basis. The terms of the housing fitness standard, are as mentioned earlier laid down in the Housing Act. This fitness standard

represents the first of the four main criteria of the DHS. All four of these criteria are further derived from data obtained through the English Home Condition Survey (EHCS). The disrepair criterion is also based on the standard lives of various parts of the building that are used in the planning of renovation activities. These standard lives were developed for the calculation and allocation of the Major Repair Allowance, which determines the funds made available to local authorities by central government to finance the renovation of council accommodation. While all four DHS criteria are firmly anchored in government policy, as mentioned above only the fitness criterion is formally laid down in the Housing Act.

In England, as in the Netherlands, housing associations and local authorities are responsible for bringing the quality of the rental housing stock under their management up to the desired level, and keeping it at this level. Local authorities are obliged to indicate in their Housing Revenue Account (HRA) how they intend to achieve their objectives in this field (Housing Corporation, 2004a and Housing Corporation 2004b). If their plans are not financially viable, central government will offer alternative solutions (Vijverberg and Jones, 2005). Housing associations have to lay down their plans for dealing with properties that fail to meet DHS requirements in their asset management strategy. They are obliged to submit information on their plans, the approach to be taken and the results achieved annually to the Housing Corporation (a national body with regulatory powers in this field).

In the Netherlands, compliance with performance agreements is monitored internally by the supervisory boards of the housing associations concerned, and externally by the local authorities. In addition, financial and economic matters are monitored by a number of independent bodies. These bodies will also monitor (and provide arbitration services in connection with) the signing of performance contracts between local authorities and housing association. The new BBSH will embody more possibilities for sanctions in cases of non-compliance with performance agreements. These sanctions, which will mainly be implemented by central government, vary from the imposition of fines, the discharge of members of the supervisory boards and placing housing associations in receivership to the ultimate penalty of rescinding housing associations' license to operate.

No information is currently available on the sanctions that might be applied if local authorities or housing associations fail to meet DHS standards by the end of 2010 in England.

QUALITY MEASUREMENT AND REPAIR COSTS HOUSING STOCK

The physical quality of the Dutch housing stock and living environment is measured periodically in the KWR. The last comprehensive investigation was carried out in 2000 (VROM, 2003). The KWR focuses on the structural state of the building, the functional quality, energy-saving measures, security facilities and the spatial quality of the living environment. The format of the inspections changed in 2005. The nationwide surveys have been combined in one research structure (WoON) which contains several modules: housing market surveys, housing and care, consumer behaviour and affordability of housing, perception of dwelling environment by occupant, surveys of dwelling environment, housing repair and maintenance, and housing inspection. The modules are executed in various cycles. The 'housing repair and maintenance' module surveys occupants to inventory the extent to which repair and maintenance jobs are being carried out. This survey will be held for the first time in 2007 and will be repeated every three years. The 'housing inspection' module (performed by professional inspectors) to determine the technical condition of dwellings will be carried out every nine years, starting in 2009.

In England, housing market surveys and studies of the physical quality of housing are performed separately. The Survey of English Housing (SEH) involves periodic investigation

of household characteristics, occupation and income, housing types, characteristics of housing and of the dwelling environment etc. The physical quality of the UK housing stock is determined in the English Housing Condition Survey (EHCS) which, like the KWR, is held periodically. Since 2002, the EHCS has been performed annually, instead of once every five years as in the past (ODPM, 2003). The opposite trend may be observed in the Netherlands, where the frequency of the KWR building inspections has been reduced from five to nine years.

The KWR is based on technical inspection of all groups of building components in each dwelling. The structural, equipment and finishing defects in each group are noted and the work required to repair these defects is indicated. The total repair costs per dwelling are then corrected for the size of the dwelling by expressing them as a percentage of the cost of rebuilding the dwelling. Four classes of housing quality are distinguished, depending on the level of these relative repair costs: (Excellent - less than 1%, Good - 1-10%, Moderate - 10-20% and Poor - >20%).

Table 1 Average costs for bringing social rental housing stock up to standards (in €)

Average costs (exchange rate £1 = € 1.47)	England RSL home Housing assoc home	England LA home	The Netherlands
Costs to make decent	1,473	2,396	not measured
Repair costs:			
Urgent*	878	1,414	
Basic*	<u>318</u>	<u>523</u>	
Urgent + basic:	1,196	1,937	1,488
Comprehensive*	<u>889</u>	<u>1,567</u>	
Total	2,085	3,504	

**Urgent*: all interior and exterior work needed urgently to protect the health/safety and comfort of the occupants.

**Basic*: all repair work that in the opinion of the building inspector will be required during the coming five years.

**Comprehensive*: all replacement and other work required during the coming ten years.

The EHCS looks at housing condition quality from two points of view, decency and repair costs. The quality aspect is covered by checking each dwelling in detail for compliance with the four criteria of the DHS: fitness, disrepair, modern facilities and services, and thermal comfort (Vijverberg and Jones, 2005). It is expected that as a result of replacement of the housing fitness standard by the HHSRS, the number of dwellings in the social rental sector that fail to comply with DHS requirements will rise from 20,000 to 40,000 (Select Committee, 2004 and ODPM, 2004). The disrepair criterion considers 15 different constructional elements (constructional, shell and internal) and is based on assessment of their age and condition. The modern facilities and services criterion considers six facilities (e.g. kitchen, bathroom and acoustic insulation), which are assessed primarily with respect to age, area covered, etc. The thermal comfort criterion concerns efficient heating and effective insulation. It may be concluded that the DHS covers a wider range of aspects of housing quality and quality backlog than the comparable Dutch standards: in addition to structural quality, it also considers functional quality and energy efficiency. On the other hand, its requirements in all these fields are low. Furthermore, many of the requirements are not clearly

defined but are specified with the aid of rather vague terms like 'serious', 'effective', 'adequate' or 'suitable'. In addition, the quality backlog measured for the four criteria is not the total backlog but only the backlog at the moment when certain tolerance limits are exceeded. There also appears to be a certain amount of overlap between the criteria.

The second aspect covered by the EHCS, that of repair costs, is more comparable with the focus of the KWR. The EHCS inspectors identify the repairs that need to be carried out to bring homes up to a decent standard, making a distinction in this context between urgent repairs and repairs that will be needed within five or ten years. The constructional elements and installations considered here are by and large the same as in the Netherlands.

The amount required to make an average RSL home 'decent' is € 1,473. Comprehensive repair of the property (including work expected to be necessary during the coming ten years) would require € 2,085. Council houses are in worse condition, with average costs of € 2,396 to make decent and € 3,504 for complete repair. The average repair costs of Dutch social housing stock are € 1,448 per home (VROM, 2003).

DISCUSSION AND CONCLUSIONS

Both in England and in the Netherlands, requirements are set on the minimum quality of the housing stock. The topics covered are by and large the same in both countries. Other points of resemblance are that the relevant regulations are uniform throughout the whole country in question and are formulated as performance requirements.

Many more activities require permits in England than in the Netherlands. A building permit has to be obtained even for relatively simple activities like rewiring. In our opinion, this is not a good idea. It is probably impossible to enforce such regulations in practice.

Dutch local authorities are empowered to add supplementary requirements to those laid down in the Building Order. Local authorities often base these supplementary requirements on the Model Building Regulations. The advantage of this approach is that the requirements can be tailored to meet local conditions. A disadvantage is that the requirements set by different local authorities may place different burdens on landlords and tenants.

At national level, England already has the Environmental Protection Act and with effect from April 2006 it will have the Housing Health and Safety Ratings System (HHSRS). The latter would appear to be quite a complicated system, with all the risk assessment procedures it entails. It remains to be seen how well it will work in practice. Our provisional opinion, however, is that it is a good system. It's big advantage is that measures aimed at combating a wide range of housing-related hazards (including those in the environmental field) are now combined in a single statutory instrument. The precise cause of the hazard (which may vary from overdue maintenance to design faults) does not matter. A similar system applying uniformly throughout the whole country to combat risks that are considered to be unacceptable in the existing housing stock in the Netherlands could play a useful role.

The maintenance obligations of landlord and tenant in both countries have a statutory basis. Minor and day-to-day maintenance is considered to be the task of the tenant in both countries. In the Netherlands, however, more work is placed in this category than in England. Another difference is that Dutch legislation lays down the activities involved in the maintenance obligations in detail, while English legislation only describes them in general terms. As a result, the obligations on landlord and tenant may be laid down differently in different rental agreements, which can lead to legal inequality. In our opinion, the Dutch set-up is better on this point as it offers the tenant more protection.

In both countries, the authorities have supplemented legislation by concluding agreements with the social rental sector as a whole and with individual housing associations. The

disadvantage of national agreements is that there are only limited legal means of enforcing them in practice. England continues to exert strong central control in this field through the performance agreements of the Decent Home Standard (DHS). The umbrella organization of housing associations in England is supervised by a central government body, the Housing Corporation, which will monitor compliance with agreements strictly. The situation for council houses is more or less the same, except that the monitoring of activities appears to be less efficient. Council housing is known to have the lowest quality. There are also a number of escape clauses that can be used to ensure that property falls outside the provisions of the DHS (e.g. the stated intention to renovate the property in question).

The Netherlands has moved away from ambitious national agreements, partly because of the difficulties of ensuring compliance and partly because the quality of the housing stock has improved greatly of recent decades thanks to massive government support. Much more attention is being focused here on agreements at local level between local authorities and housing associations. The existing statutory instrument used for this purpose, the BBSH, has been completely updated, with the inclusion e.g. of performance agreements, contractual obligations and sanctions for non-compliance. It would be a good idea if a similar system were also introduced in England.

Systems for measuring the quality of the social housing stock have been set up both in the Netherlands and in England (the KWR and EHCS respectively). In both countries, housing quality measurement forms part of a much wider network for the collection of information about housing, its occupants and the dwelling environment. In England, the structural quality of housing is measured on a continuous basis. The frequency of such measurements in the Netherlands has recently been reduced from five to nine years. In our opinion, this frequency is too low. While it is true that Dutch housing quality has increased markedly in recent decades, it was not so long ago that the maintenance backlog in large parts of the Dutch housing stock had to be dealt with (with enormous financial support from the government). It would be highly undesirable for this process to be repeated in the future.

In the Netherlands, the KWR measures the backlog in the structural quality of housing. Apart from the backlog in the structural quality, compliance with the requirements of the DHS (functional quality, energy etc.) is also monitored in England. On the other hand, the requirements in all fields concerned are low. Furthermore, the quality backlog measured is not the total backlog but only that at the moment when certain tolerance limits are exceeded. It may also be noted that a fair amount of overlap exists between the various aspects covered. A further check on consistency would seem to be desirable here.

The average costs to make an English RSL property and a LA property decent amount to € 1,473 and € 2,396 respectively. The average total comprehensive repair costs amount to € 2,085 for RSL and € 3,504 for LA property. The structural repair costs for an average rental dwelling in the Dutch social rental sector are € 1,448.

We will continue the comparison by studying the way housing associations in England and the Netherlands define the concept of quality for their housing stock in practice. Which tools do housing associations have at their disposal to measure quality and communicate the results to the management and supervision bodies (internal policy) and externally (national, regional and local government). We will inform you about the results of our future research.

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