Living and management problems in mixed tenure buildings: an explorative research regarding preference and satisfaction of the stakeholders involved
Preface
Within the framework of the final year and graduation of the Mastertrack Real Estate & Housing at the faculty of Architecture of the Technical University Delft, students choose their final graduation topic which has to be socially relevant and scientifically researchable. The research which will be elaborated in my graduation project will address the problems which arise in corporate mixed-tenure buildings from an organisational point of view. This P2-report describes the main structure, framework and objectives of the research.

I would like to thank the people who have helped me writing this contribution. Therefore I would like to thank in particular the course coordinators drs. Kees van der Flier, prof. dr. ir. Vincent Gruis, Mr. dr. Fred Hobma, but also my fellow students in this graduation lab for their informal support.
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1 Motivation

1.1 Societal relevance
The last two decades, sale of homes from the existing non-profit housing stock has been a wide-spread phenomenon in the Netherlands. The large scale sale of rented homes has created a new group of owner-occupiers, who differ from their traditional counterparts with respect to income (Gruis, Tsenkova, & Nieboer, 2006). Where traditional owner-occupiers needed to have a certain income level in order to be able to afford a dwelling, the new group of owner-occupiers has a much smaller budget. This sale has also increased the share of mixed-tenure buildings. Besides of that, a rise of interest in mixed tenure buildings can be noted (Jubb, 1999). All developments entail issues concerning management and maintenance that hardly played a role in the past, but are much more prominent today. This has already been subject of several studies. However, only little attention has been devoted to the consequences for the management of this housing stock (Gruis, et al., 2006; Koopman, 2012b).

Within the current economic climate, a lot of movement is happening on the housing market. Housing corporations are selling off their portfolio, creating mixed tenure buildings. Within these buildings, owners associations (OA) will have to be formed (Kamer van Koophandel, 2012), and they will need to be managed. Rumors about a new law draft obligating housing associations to put a percentage of their portfolio for sale (Woonbond, 2012) makes this phenomenon even more relevant and existent.

Recently newspapers stated that various conflicts arise in mixed tenure buildings ((Boer, 2011; de Swart, 2012a, 2012b)). This is obviously very unpleasant for the people directly involved, however, even politics are getting involved since the tension in between different ethnic groups has increased due to the conflicts in mixed tenure buildings, making the problems even worse than before.

Taking into account that only little attention has been devoted to this management, the question which are specific problems regarding living pleasure of the various stakeholders in mixed tenure buildings?

1.2 Scientific relevance
As stated before, the mixed tenure complexes have already been subject of several studies. Often, the definition of 'mixed tenure' is applied to buildings with different types of residents with regards to income class, social background, lifestyle, etc. Other studies on mixed tenure buildings regard mostly the social mix on neighbourhood, estate or building scale and in which manner the social climate can be improved. Reports regarding the asset management of mixed tenure buildings can be found as well, which is written mostly from the perspective of the asset manager (Kempton, 2007). Surprisingly, only little attention has been devoted to the actual consequences for the management of mixed tenure buildings from a non-social point of view (Gruis, et al., 2006; Koopman, 2012b). Therefore this contribution, which tries to identify the various problems regarding living preference and satisfaction for the tenant and owner-occupier, and management preference and satisfaction for the owner-landlord and management organisation, in mixed tenure buildings, fills a current existing gap in the literature.

1.3 Target groups
This report is intended to provide understanding for and about the problems regarding living preference and satisfaction, and management preference and satisfaction, of various parties involved in mixed tenure buildings. The outcome is therefore not only interesting for housing associations which will most likely be confronted with the management of these type of complexes due to the current law drafts, but also for property owners and tenants in these complexes, for interest groups of owners and tenants, for OA in these complexes and their managers, as well as policy makers.

I hope that, by providing insight in the problems for the various stakeholders, the problems could be reduced and/or prevented. By doing so, I hope the living and management satisfaction to improve for all parties involved as they will experience less nuisance of these problems.

1.4 Learning goals
With an ever increasing world population and growing cities, people will live closer together. This has the consequence of higher tensions in between people and their interests. Understanding how to manage a group of people which is undisputed confronted with each other is not only a great challenge, but a great privilege as well.

My personal learning objective is therefore a better understanding of 'the system' where-in these mixed tenure complexes manouvre. Comparing the legislation and theory (as it should be) with the reality (as it really is) will
be an interesting experience. I expect, after my graduation, to be able to understand why housing associations manage these mixed tenure buildings the way they do because I'm still not convinced of the 'double role' a housing association plays in these mixed tenure buildings looking after both the interest of the owners association and the interest of the tenants. In fact, it reminds me of many years ago when I played football with my friends. If we had an uneven number of players, we chose one person which played a 'double role'; that person would play in favour of the team which had the ball in its possession. Therefore the 'chameleon' had to switch quickly between the two teams. In showed quickly that this did not really worked out well. The 'problem' with which the chameleon in the football match was faced, was the different interests of the two teams. Their interests were, in fact, exactly opposite. In mixed tenure buildings, the HA appears to fulfill the role of the chameleon.

Now imagine two teams which have the same interest: one team would like to lose while the other team would like to win. In that case, the chameleon would have much less of a problem switching in between the two teams and their interest. Maybe the exact same type of principle applies to the mixed tenure buildings; the tenants, owner-users, owner-landlords and managers try to achieve the same goal and therefore have the same interest.

1.5 Mentors
Mentor 1: Prof. dr. ir. Vincent Gruis v.h.gruis@tudelft.nl
Mentor 2: Mr. dr. Fred Hobma f.a.m.hobma@tudelft.nl
2 Research proposal

2.1 Problem analysis
The last two decades, sale of homes from the existing non-profit housing stock has been a wide-spread phenomenon in the Netherlands. This trend was already known in the Netherlands' profit housing stock where private landlords started selling of their housing portfolio (in contradiction with the 'buy-to-let' trend in the UK (Kempton, 2008)), generating mixed-tenure buildings as a consequence up to the moment all dwellings in a building were sold, transforming the building back to a non-mixed tenure building. However, the large scale sale of non-profit rented homes has created a new group of owner-occupiers, who differ from their traditional counterparts with respect to income. Where traditional owner-occupiers needed to have a certain income level in order to be able to afford a dwelling, the new group of owner-occupiers has a much smaller budget. The reason for this new group to be able to buy a dwelling is the fact that it concerns a (used) non-profit housing stock which is being sold (sometimes by means of a special contract like 'Te Woon' (Koopman, 2012a)) for a relative low price due to the mission and objectives of housing associations, enabling a new group of people to buy instead of rent. This sale has also increased the share of mixed-tenure buildings in the Netherlands. According to van Notten, this percentage lies currently around 30% of the Dutch corporate housing stock (Koopman, 2012b). Both developments entail issues concerning management and maintenance that hardly played a role in the past, but are much more prominent today. Mixed tenure buildings have already been subject of several studies. However, only little attention has been devoted to the consequences for the management of this housing stock (Gruis, et al., 2006), and the current legislation does not seem to take into account the existence of mixed tenure buildings (Koopman, 2012b). This should be interpreted in such a way that the legislation does not seem to foresee the tension in power and responsibilities of the various stakeholders involved and does not accede that mixed tenure buildings require different legislation than non mixed tenure buildings. Just like rental dwellings require different legislation than owner-occupier dwellings.

It might still be unclear on which scale problems occur, however, there is no doubt whether problems occur in mixed tenure buildings. Both social and non-social conflicts of and between owner-occupiers, owner-landlords and tenants in these mixed tenure buildings have been noted in common areas, in a discrepancy between the legal system of property owners and the legal system of tenants and in blurred clarity of tasks and responsibilities of the various actors involved (Boer, 2011; Koopman, 2012c; van de Rotte, 2011). Various indications of problems are:

- Owner-users feel like tenants devaluate the liveability in mixed-tenure complexes
- Owner-users feel like they, by means of the owners associations (OA), have to pay for the benefits of the tenants
- Owner-landlords feel like having contradictory requirements since they represent both the requirements of the tenants as their own requirement as owner
- Tenants feel like second-class citizens
- Tenants have the feeling they have no influence in the decision making process of the OA

Rumors about a new law draft obligating HA to put a percentage of their portfolio for sale (Woonbond, 2012) make these problems even more relevant since an acceptance of the law draft would imply an increase share of mixed tenure complexes.

Housing associations are obliged to improve tenant involvement in the management of mixed tenure buildings (VROM, 2005), owners of an apartment are obliged to form a registered OA and maintain a maintenance budget (Kamer van Koophandel, 2012), and various experiments in creating greater involvement of tenants in mixed-tenure complexes throughout the Netherlands are currently being carried out by different housing associations. All in order to reduce and prevent problems at a later stage. However, only a limited amount of research has been done to understand which and why problems actually occur in these mixed tenure buildings.

2.2 Main research question
The aim of this report is therefore to understand which specific problems occur for the various stakeholders in mixed tenure buildings and what their source is, and subsequently make recommendations to prevent and/or resolve these occurring problems. Since the research is part of the Housing Policy, Management and Sustainable Lab of the Mastertrack Real Estate & Housing of the Faculty of Architecture of the Technical University of Delft, the focus will not lie upon the social conflicts within corporate mixed tenure buildings, but
rather on the non-social conflicts. A non social problem should be interpreted as an objective conflict in interest in between at least two parties where-in at least one party is not satisfied with the result (his interest has not been met), and where-in a solution can be ‘forced’ by using legal remedies. An example of a non social problem would be the conflict where-in a tenant would like his leaking roof to be repaired as soon as possible but does not see his interest being met by the OA as they would like to do the maintenance together with the total renovation of the building in 6 months time. A social problem instead would be the nuisance for various residents, created by another resident who likes to listen to loud music in the middle of the night. It may be clear that it is difficult to draw an exact line in between social and non social problems as they gradually fade into each other. Besides of that, social problems might have non social aspect to it as well. For example: a tenant feels like an inferior resident in relation to owner-occupiers (social problem). This sensation is due to the fact that he has no equal say in the management of the mixed tenure buildings like an owner-occupier (non social problem).

Therefore, the central question that applies to this research is:

Which problems regarding living pleasure and living satisfaction for the tenant and owner-occupier, and management pleasure and management satisfaction for the owner-landlord and management company, occur in corporate mixed tenure buildings? And to which extent do these problems specifically occur in corporate mixed tenure buildings?

As stated before, a problem in this contribution should be interpreted as a non-social problem; a conflict in interest in between at least two parties where-in at least one party is not satisfied with the result; his interest has not been met.

Living preference should be interpreted as the prefered way of living in a dwelling. This will result in identifying ‘product’ (what) and ‘process’ (how) problems of the residents (tenant and owner-occupier) in mixed tenure buildings. Literature study will provide insight in the various aspects of preferred living, in order to cover all relevant aspects.

Living satisfaction should be interpreted as the result, the outcome, of the way of living in a dwelling. Obviously, there is a strong relation with living preference. In fact, living satisfaction provides insight in the weight of the living preferences. E.g. it is imagainable that a large part of the preferences of a tenant are not being met, yet a high level of living satisfaction is maintained as the preferences which are not being met are not of great importance to the tenant.

Management preference should be interpreted as the prefered way of managing living in a dwelling. Similar to living preference, management preference will result in ‘product’ (what) and ‘process’ (how) problems of the professionals (owner-landlord and management company). Literature study will provide insight in the various aspects of preference management, in order to cover all relevant aspects.

Management satisfaction should be interpreted as the result, the outcome, of the way of managing living in a dwelling. Just like with living satisfaction, there is a strong relation with management preference, providing insight in the weight of the management preferences.

A corporate mixed tenure building should be interpreted as a multiple-tenant building where-in multiple forms of tenure apply (renting tenants, owner-occupiers, and owner-landlords) and where-in at least one of the owner-landlords is a housing association. The choice for a multiple tenant building lies in the fact that more problems seem to occur in these buildings in relation to ground based dwellings. It should be noted that in this contribution the definition 'corporate mixed tenure building' from now on will be simplified to ‘mixed tenure building’ or ‘MTB’.

2.3 Sub questions
I expect that one of the key triggers for the problems occuring specifically mixed tenure building problems, can be found in a discirpancy in between the legal system of property owners and the legal system of tenants. Both legal system (for tenants and for owners) on their own seem to be effective, though complications seem to occur when these legal systems have to work parallel to each other in one building. Therefore, one of the sub questions that applies to this research is:
To which extent is there discrepancy in between the legal system of property owners and the legal system of tenants, and to which extent is that a trigger for problems regarding living preference and satisfaction for the tenant and owner-occupier, and management preference and satisfaction for the owner-landlord and management organisation in corporate mixed tenure buildings?

Besides of a possible discrepancy in between the two legal systems, these legal systems might not take mixed tenure buildings into account in their legislation, as stated by van Notten (Koopman, 2012b), with potential problems in the management of mixed tenure buildings as a consequence. Therefore, a second sub question that applies to this research is:

To which extent does the current legislation take into account the existence of mixed tenure buildings, and does this affect the managability of mixed tenure buildings negatively?

An interesting fact is that various housing corporations are currently examining various experiments to enlarge the tenant influence into the decision making of the management of mixed tenure buildings (Koopman, 2012c). Apparently, HA mark the low direct influence of tenants on the decision making regarding the management of mixed tenure buildings as a problem which has to be resolved. This arises a third sub question that applies to this research:

To which extent is the different type of influence of tenants in respect to owner-occupiers in the decision making regarding the management in corporate mixed tenure buildings, a trigger for problems regarding living preference and satisfaction for the tenant and owner-occupier, and management preference and satisfaction for the owner-landlord and management organisation in corporate mixed tenure buildings?

2.4 Conceptual framework
It is important to understand the difference between mixed tenure complexes and ‘normal’ residential complexes. The main difference lies in the amount and configuration of different stakeholders. As can be seen in the table below, mixed tenure complexes involve four key stakeholders, known: owner-landlord, owner-user, tenant, and management of the corporate mixed tenure building.

<table>
<thead>
<tr>
<th>100% Owner-User complex</th>
<th>100% tenant complex</th>
<th>Mixed tenure complex</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner-user</td>
<td>Owner-Landlord</td>
<td>Owner-Landlord</td>
</tr>
<tr>
<td>Management</td>
<td>Tenant</td>
<td>Tenant</td>
</tr>
<tr>
<td></td>
<td>Management</td>
<td>Owner-User</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Management</td>
</tr>
</tbody>
</table>

As shown in the schematic representation of the legal situation in mixed tenure buildings (conceptual model #1), tenants are being influenced by the HA. However, tenants have influence on the HA as well. The HA has subsequently influence on the OA (this is especially the case if the HA has a majority of the properties in its possession). However, the HA is being influenced both by the OA as by the tenants. Finally, the OA is being influenced by the HA and has influence on the HA as well.

The HA therefore plays a key-role in these mixed tenure complexes as it looks after the interest of both the tenants as the OAs, but has influence on both as well. Here, the ‘chameleon’ character of the HA can be noticed.

It might be questioned whether the OA has directly influence on the tenants as well. Since this scheme is a schematic representation of the legal situation, the OA and the tenants have no direct relation to each other.

This model, however, is a very simplified conceptual model of the reality since, for
example, the owner-users in mixed tenure buildings have, besides of the HA, also influence on the OA. Besides of that, the OA is providing input for the management of the complex, which is either outsourced or not. The management subsequently influences HA and owner-users. These aspects are included in the more advanced conceptual model #2a shown below.

It should be noted, however, that the amount of influence of the HA on the OA varies significantly in between various buildings since the HA might have a majority of the properties in a building in its possession. In other words: if the HA has over 50% of the properties in a building in its possession, the HA basically makes all the decisions in the OA. Therefore the influence of the owner-users in those buildings is significantly reduced. This is shown in conceptual model #2b. 

![Conceptual model #2a](image1)

![Conceptual model #2b](image2)
Again, there are more factors to keep in mind. Externalities like the tenants law and property owners law are controlling what is happening in the scheme. These laws impose restrictions and rights and therefore protect the parties involved. The implementation of this can be seen in conceptual model #3a. The situation with a housing corporation owning over 50% of the properties is shown in model #3b.

However, researching the organizational forms of different housing organizations, a variation upon the models as listed above can be noted. The main difference lies in the position of the management organisation as these are in some cases completely outsourced, while in other cases the management is kept in-house. According to Dwyer and Tanner (2002), outsourcing is the process of finding another organization to supply the buying organization with a product or service, usually one that was previously created in-house. Outsourcing is a strategic trend, caused in part by a trend in strategy where companies focus on their core business. In the case of a housing association, this would obviously be the provision of affordable housing to lower income groups.
I expect to be able to identify at least four different conceptual models, each differentiating themselves due to the specific situation they apply to. It is important to identify these different models later on in this research, as it most likely changes the liabilities and information flows in the management of a mixed tenure building. I expect that to be of influence on the problems which will be identified.

2.5 Research design

This section describes the research design. As stated before, the aim of this report is to understand which specific problems regarding living and management preference and satisfaction occur for the various stakeholders specifically in mixed tenure buildings, and subsequently make recommendations to prevent and/or resolve these, for mixed tenure building specific, occurring problems in the future.

2.5.1 Research approach

The research can be split into two sections, known:

1. the problem (80% of the research)
2. the solution (20% of the research)

The focus of this research lies mainly upon the problem aspect. Therefore the research is designed in such a way as well, with a higher focus upon data collection about the problems and a smaller focus upon solutions.

Since the report will describe the problems, the report will be mainly descriptive of nature. In order to get familiarised quickly with the ‘real life’ problems, taking explorative interviews with experts in the field is an important aspect of the research to focus as quick as possible on the right aspects before starting a larger scale interview-based research in order to subtract the most occurring problems and points of views according to various stakeholders.

Parallel, various case studies of mixed tenure building where-in these generally occurring problems have occurred in the past and/or are still present will be executed, by means of in depth interviews with actors directly involved in that specific mixed tenure building (interview with residents, janitor, responsible manager, responsible contact person of the HA, etc.) The choice of the cases to be studied is based upon the information gathered in the explorative interviews.

2.5.2 Data collection

The research will be mainly qualitative with only a small proportion of quantitative research in the form of surveys among the residents of a building for the case studies. The data collection will be done in three ‘phases’, identifying different activities of data collection. In order to achieve the best results, I will read literature on mainly qualitative data collection and partly quantitative data collection on beforehand: (Baarda & de Goede, 2006; Evers, 2006; Groat & Wang, 2002; Patton, 2002; Tesch, 1990; Verschuren & Doorewaard, 2005; Yin, 1994)

**Phase 1**

Phase one consists of a literature study in order to be able to put my contribution in a scientific context and to specify the gaps in literature which the research can fill. Literature is retrieved from Google Scholar, Scopus and the TU Delft Library database. Based upon information gathered in interviews in phase 2, the literature study becomes more aimed and specific. Besides, the literature study will provide the necessary information regarding the preference and satisfaction aspects for to conduct a sound interview.

**Phase 2**

As stated before, in order to get familiarised quickly with the ‘real life’ problems, taking explorative interviews with experts in the field is an important aspect of the research. These experts are known: Woonbond, Woonbron, Havensteder, VvE Belang, and Vereniging Eigen Huiss. Another important expert is Inicio; an advise and management bureau for integral urban development. Inicio is currently examining the results of various new experiments in creating greater influence of tenants in mixed-tenure complexes throughout the Netherlands, which are being carried out at the time of writing by various HA in The Netherlands.

The input for the interviews is retrieved from the literature study done in phase 1. An interview scheme for an explorative interview is shown in appendix 1. This interview scheme has been used for interview #3 with Ron van Notten of Havensteder.
Interview #1
Organisation: Nederlandse Woonbond
Contact: Drs. Jannie Komduur (Senior Beleidsmedewerker Nederlandse Woonbond)
Why: Woonbond is the interest group for tenants and provides valuable input to housing associations. They are familiar with the legislation regarding tenants and look after the interest of these.
When: 8th of March 2012

Interview #2
Organisation: Woonbron
Contact: Peter van Hemmen, manager Stad.
Why: Woonbron is successfully executing their 'Te Woon' concept; a variant of having apartments for sale. They have therefore a vast experience with mixed tenure buildings.
When: 16th of April 2012

Interview #3
Organisation: Havensteder VvE diensten
Contact: Ron Notten, manager VvE services
Why: Havensteder is, just like Woonbron, a housing corporation with a significant amount of mixed tenure buildings. Therefore it has a vast experience in managing these complexes.
When: 6th of June 2012

Interview #4
Organisation: Inicio
Contact: Freek Lieberand
Why: Inicio is responsible for the data-examination of the various new experiments in creating greater involvement of tenants in mixed tenure complexes throughout The Netherlands.
When: End of July 2012

Interview #5
Organisation: Vereniging Eigen Huis (VEH)
Contact: No specific person yet
Why: Vereniging Eigen Huis is looking after the interests of owner-users throughout the Netherlands, including owner-users within mixed tenure buildings.
When: Unknown

Interview #6
Organisation: VvE Belang
Contact: Fred Schuurs, director of VvE Belang
Why: VvE Belang is the counterpart of Woonbond, looking after the interest of owners of apartments and all the legislation involved in owners associations.
When: Unknown

Based upon the information gathered from these explorative interviews, further specific research can be conducted. This implies an extended literature study, but also case studies. At first, I planned doing a quantitative data collection where-in a small questionnaire to many/all housing associations in The Netherlands and interest groups for property owners like VEH would be send. However, similar research by a fellow student has indicated that the rate of responses is expected to be very low, especially since this research is being conducted by myself and not by any ‘big player’ in the field. Besides of that, the risk of retrieving only ‘superficial’ problems or highly specific case-bound problems instead, is high. Therefore, I will continue taking interviews with professionals in the field (though more in-depth and specific than the aforementioned explorative interviews), the literature study of phase 1 will be extended and specified, and case studies will be chosen. Phase 3 will elaborate further on the latter.

Phase 3
The third phase consists of case study data collection. Based upon the data gathered in phase 1 and 2, a case study (or more than one) of a mixed tenure building where-in the occurring problems defined in Phase 2 have
occurred in the past and/or are still present, will be chosen. The exact case study still has to be chosen as this depends largely upon the cooperation of the various stakeholders for that specific case. As for now, there appears to be a difference in the type of problems which occur in between new built mixed tenure buildings and existing buildings which have been either transformed into mixed tenure buildings or have always been mixed tenure buildings (Koopman, 2012b). Therefore, ideally, multiple case studies will be executed on both types of mixed tenure buildings. However, in order to be able to stay within the time limits of my graduation, it is more realistic to focus upon one type. I will therefore focus upon the existing buildings as these occur on a larger scale in The Netherlands and the type of problems found will not be 'time-bound'; it is imaginable most problems of a new build building are due to the fact it is a new building and not due to the fact a mixed tenure building requires a specific type of management. In order to identify problems specific for mixed tenure buildings, a 'contra' case study would have to be executed on a comparable non-mixed tenure building. To provide a sound comparison the comparable building should ideally be constructed in the same year, on a similar location, by a similar developer, has similar users, and so on. The possibility to examine a building which used to be a non-mixed tenure building and which has been transformed into mixed tenure, has been rejected as there is no '0-situation'; the building has not been studied at the time it was still a non-mixed tenure building. Therefore no calibration has been done. A comparison without a calibration is non valid (Binnenkamp, 2010). Currently, the possibility to examine a multiple building project by a PPP including Vestia is being examined. In this project, multiple buildings with different tenure constructions (mixed and non-mixed tenure) have been developed. A similiar case study possibility of Havensteder is being examined as well.

These case studies allow to retrieve in-depth information about the problems which are likely to re-occur in comparable situations. It is most likely that, in order to retrieve information from the users of these buildings, a small survey among the residents will have to be done.

Limitations

It should be noted that the interviews and case study probably relates to a single housing association and therefore it will be hard to generalize the case study to the population of all housing associations. It could be argued that, would a different case study be selected, and housing association, and associated constituent sub-cases (i.e. interview participants), it may raise different issues and themes. Indeed, the participants at another case study may give different answers, if they would be interviewed at a different time or by a different person. These limitations are, however, fully acceptable as the research may not provide a representative image of the problem, neither does it give any hard evidence about the size of the problem. It does provide, however, insight in the nature of the problem. And I believe that despite the limitations listed above, this contribution will raise an interesting hypotheses for future research; which is often the goal of small-scale qualitative projects.
2.5.3 Planning

2.6 Structure of report

Theoretical

- What are mixed tenure buildings according to literature? (Anheier, 2005; Kempton, 2008)
  - Definition
  - Typology
  - Difference to 'normal' residential buildings
- Who are the stakeholders involved in mixed tenure buildings according to literature, and what are stereotypically their points of view? (Ambrosini & Scholes, 1998; Anheier, 2005; Kempton, 2008)
  - Public
  - Private
  - Public/Private
- What are the rules for owners according to literature? (Burgelijk Wetboek, 2005; Koninklijke Notariële Beroeporganisatie, 2006; Wetboek Online, 2011)
  - What does an owner buy?
  - What is the legal system for owners?
  - What is an Owners Associations?
    - History
    - Scope
    - Organizational structure
    - Tasks & Responsibilities
- What are the rules for tenants according to literature? (Burgelijk Wetboek, 2005; Koninklijke Notariële Beroeporganisatie, 2006; Wetboek Online, 2011)
  - What does a tenant rent?
  - What is the legal system for tenants?
Is there a discrepancy in between the legal system for owners and the legal system for tenants according to literature? (Burgelijk Wetboek, 2005; Koninklijke Notariële Beroepsorganisatie, 2006; Wetboek Online, 2011)

- To which extent are mixed tenure buildings being taken into account in current legislation? (Burgelijk Wetboek, 2005; Wetboek Online, 2011)
- To which extend have tenants currently influence in the decision making in mixed tenure buildings according to literature? (Inicio, 2012; Koopman, 2012d; van de Rotte, 2011)

**Empirical**

- **What** are the problems regarding living pleasure, living satisfaction, management pleasure and management satisfaction, that occur to the key stakeholders specifically in mixed tenure buildings?
- **Where** are the problems regarding living pleasure, living satisfaction, management pleasure and management satisfaction, that occur to the key stakeholders specifically in mixed tenure buildings?
- **Who** are involved in the problems regarding living pleasure, living satisfaction, management pleasure and management satisfaction, that occur to the key stakeholders specifically in mixed tenure buildings?
- **When** do problems regarding regarding living pleasure, living satisfaction, management pleasure and management satisfaction, that occur to the key stakeholders specifically in mixed tenure buildings?
- **Why** are there problems regarding living pleasure, living satisfaction, management pleasure and management satisfaction, that occur to the key stakeholders specifically in mixed tenure buildings?
- To which extend do OA’s function in real life like foreseen in legislation?

**Evaluation & Proposal**

- Which recommendations can be made regarding living pleasure and living satisfaction for the tenant and owner-occupier, and management pleasure and management satisfaction for the owner-landlord and management company, of corporate mixed tenure buildings to resolve and/or prevent problems regarding living pleasure in the future to the target group of this contribution?
2.7 Literature


Appendix 1: Interview scheme of an explorative interview

Interview scheme as used during interview #3 - Havensteder

1. What does the management structure look like at Havensteder regarding: Organogram, Responsibilities Information flow?

2. Why does Havensteder have an independent department (Havensteder VvE diensten) to manage the owners associations?

3. Does Havensteder VvE diensten only manage mixed tenure buildings?

4. What kind of problems do you encounter managing mixed tenure buildings?

5. Do these problems have a social or non-social nature?

6. What is the objective of Havensteder VvE diensten? (is it living pleasure?)

7. In which manner does Havensteder VvE diensten try to achieve its objective in mixed tenure buildings?

8. What do the various stakeholders in mixed tenure buildings involved perceive as preferred to obtain living pleasure? Is that different than in non mixed tenure buildings?

9. Are the difficulties in meeting these preferences specific for mixed tenure buildings and if so, why?

10. Is there a discrepancy in between the two legislation forms for tenants and owners?

11. Does this potential discrepancy cause conflicts?

12. If so, where do the conflicts arise? (service costs, powers)

13. To which extend do tenants have influence in the decision making regarding the management of mixed tenure buildings?

14. Why do/don't tenants have influence in the decision making regarding the management of mixed tenure buildings?

15. Is the influence of tenants organised in such a manner to prevent or to resolve problems?

16. Which problems are being prevented or resolved?

17. Are these problems specific for mixed tenure buildings?

18. Who are the various actors in mixed tenure buildings?

19. When do problems arise in mixed tenure buildings?

20. Is there a difference in the moment that problems arise in between new built or existing mixed tenure buildings?

21. Does this differ from non mixed tenure buildings?

22. Does Havensteder feel like a 'chameleon' (2 petten ophebben)?

23. In which manner does Havensteder deal with the double role in mixed tenure buildings?

24. Does Havensteder prefers a 'side' (owner-landlord or owner), and why?

25. How does, according to you, the future look like regarding the management of owners associations in mixed tenure buildings?

26. How would you like the future to look like regarding the management of owners associations in mixed tenure buildings?
Appendix 2: Summary of interview 1 - Nederlandse Woonbond

Summary still has to be completed
Appendix 3: Summary of interview 2 - Woonbron

Interviewer: Christian Koopman
Interviewee: Peter van Hemmen, manager Stad Woonbron
Date: 16th of April 2012.

The interviewee has agreed upon recording the interview. The following is a summary of the interview.

Woonbron chooses for the sale of its dwellings in the form of Societal Attached Ownership (MGE). In this construction, the resident is the owner of the dwelling but the housing association is responsible for the large maintenance. ‘Attached’ refers to the fact that the owner may not sell the dwelling on the free market. He is restricted to sell the property back to the housing association which is obliged to buy the dwelling back within 3 months. Profit or loss following out of this transaction will be shared between the housing association and the seller of the dwelling.

The reason for to choose for MGE is threefold:
1. Firstly, Woonbron ensures a higher living satisfaction as there are multiple options available (renting, buying).
2. Secondly, the management for Woonbron is less intense since the responsibility of small maintenance lies with the owner.
3. Thirdly, Woonbron is able to ‘cash’. However, it may be clear that Woonbron should always have the value of the dwellings which have been sold as MGE liquid as Woonbron is obliged to buy the dwelling back within three months.

By putting dwellings in a existing rental complex for sale, a new target group is being addressed: people with a future in society like f.e. starters. It has shown that these people have a positive influence on the atmosphere in the building.

This does not necessarily apply to new built buildings. This is probably due to the fact that there price range for these dwellings lies in a higher budget and all residents in a new built building are ‘new’. In project Poptahof Purper in Delft this has shown to be the case as well. Here one can see that there is a difference between free market buyers and MGE buyers. Now that the Poptahof Purper project has been delivered for some time, the social problems reduce significantly.

A remarkable fact is that Peter van Hemmen states that Woonbron faces no organizational problems in mixed tenure buildings. The two different legal systems for tenants and owner-occupiers conflict with each other only sporadically. If problems occur, it happens regarding the service costs of the building.

After further questioning, Peter van Hemmen admits that conflicts occur regarding the different tasks and responsibilities of the various parties involved in a mixed tenure building. In a 100% rental building, it is fairly easy to organise the responsabilities. However, this is significantly different in a mixed tenure building. For example: in a 100% rental building, ownerless properties in the lobby are being marked and, if after a certain period of time nobody has claimed that property, it is being removed by the janitor. However, in a mixed tenure building Woonbron cannot simply remove ownerless properties in the lobby. Just like you cannot simply remove ownerless properties from the garden of your neighbour in ground based dwellings.

Woonbron gives tenants the possibility to participate in the ‘liveability commission’ (LC), the ‘technical commission’ (TC) and they are granted with a mandate with which they can vote in the ownership association assemblies. According to Peter van Hemmen, this has not been done to solve a certain problem but in order to stimulate tenant participation. Woonbron is obliged by the ‘Besluit Beheer Sociale Huursector’ (BBSH) to stimulate that participation.

However, Woonbron maintains a majority in the ownership associations merely to be able to control an unforeseen situation and for to have the power to do something about it. Therefore Woonbron has not a majority with the intention to perform a ‘dictatorship’. Woonbron is passive in the owners associations and votes in favour of the majority (excluding Woonbron) during meetings.

The owners association management is being done by Triant; an independent department of Woonbron. This department is continuously being integrated further into Woonbron yet maintaining its independency.
Appendix 4: Summary of interview 3 - Havensteder VvE diensten

The transcript still has to be translated and tidied up.

Interviewer: Christian Koopman
Interviewee: Ron van Notten, manager VvE diensten
Date: 6th of June 2012.

The interviewee has agreed upon recording the interview. The following is a summary of the interview.

First of all, it is important to recognize the difference between Havensteder (the housing association) and Havensteder VvE diensten (Havensteder’s independent Owners Association services). The organizational structure at Havensteder Owners Association services is as follows: Havensteder Owners Association services is an independent department of Havensteder. They deal with the owners associations in the portfolio of Havensteder and interact with the owners (which often are the owner-users) and the Owners Associations consultant which represents Havensteder for that specific building op vergaderingen en neemt ook beslissingen namens havensteder. They do not interact directly with the tenant. Ron van Notten is occupied with the management of OA’s, which implies..... vergaderingen uitschrijven, notulen, contractsvoorstellen. Havensteder has in the past, in the form of Comwonen or PBS, outsourced the OA management. However, in order to keep the communication lines as short as possible and to be able to guarantee the social objective of Havensteder, it has launched a specialised independent department. Van Notten states that OA management is often underestimated. It is an essential part of a housing association, especially with ever increasing amount of mixed tenure buildings.

Er zijn problemen in gemixte complexen juridische discrepantie tussen huurrecht app. recht Ron van Notten heeft 3 petten op: grooteigenaar, huurders vertegenwoordiger en beheerder van vve's. Bij nieuwbouw ben je vaak ook nog eens de ontwikkelaar en vaak ook nog eens de verkoper.

Ron zoekt gulden middenweg tussen consulent en vve.

Discrepantie is er absoluut. Met huurrecht krijgt verhuurder bepaalde eisen opgelegd die in appartementsrecht niet gehoord zijn en in vve land.

VB: de VvE wil het servicepakket wijzigen; 3 keer in de week in plaats van 2 keer in de week het trappenhuis poetsen. De verhuurder wil dit dus doorvoeren in het servicepakket. Daarvoor heeft hij 70% van de stemmen van de huurders nodig. Dat is dus niet 70% van de bewoners, maar van de huurders. In een complex met 50 appartementen welke wordt uitgepand en waar dus nog maar 3 appartementen in de verhuur staan, kan het dus voorkomen dat er 1 huurder tegen is (=33%) waardoor 49 andere appartementen geen nieuw servicepakket kunnen krijgen. Het moge duidelijk zijn dat het huurrecht geen rekening houdt met gemengde complexen. Uiteraard kun je wel weer naar de rechter stappen, maar in principe is het mogelijk dat die rechter zich strikt aan het huurrecht houdt en het verbied.

Een ander voorbeeld is in de zelf aangebrachte voorzieningen (ZAF). Huurders hebben recht om ZAF te doen aan de binnenkant. Dat is beperkt: buiten de woning mag dat alleen met toestemming van de verhuurder. Of je al dan niet toestemming hebt van de VvE dat staat er niet in.

Een minder juridisch probleem is het sociale aspect: huurders worden aangekeken als tweederangsburgers door kopers en huurders voelen zich ook tweederangs burgers omdat ze geen inspraak hebben. Dit kan ook een juridisch tintje hebben: een huurder wil graag een schotel ophangen maar moet hiervoor toestemming hebben. Het bestuur vind dit niet belangrijk en gaat er geen extra vergadering voor in het leven roepen; de huurder kan blijven wachten tot de volgende vergadering. De huurder wordt vervolgens boos op de verhuurder. Die wijst met zijn vinger weer naar de VvE. De huurder zegt: heb ik niets mee te maken, jij komt je plichten niet na. En dan zijn de poppen aan het dansen.

Nog een probleem is vanuit de bevoegdheden: er ligt onbeheerd vuil op de galerij. Wanneer er sprake is van een gemixt gebouw dan is die ruimte van de VvE. Een corporatie kan niet zomaar iets weg gaan halen; dat is de
taak van het VvE (of althans; iemand die ze daarvoor hebben aangewezen). Als je dat doet ben je, naast de aansprakelijkheid, iets aan het doen voor de VvE. Je kan ook niet zomaar iemand zijn huis gaan schilderen.

Participatie staat hoog op de lijst bij Havensteder. PBS had vroeger al een bepaalde vorm van participatie: huurders meer inspraak in de besluitvorming van de VvE. Regel is wel dat de besluitvorming in lijn is met de regelgeving van de Huurders overlegwet en Appartementsrecht. Is heb bijvoorbeeld mogelijk om een representatieve huurder te kiezen (middels minimaal 70% van de stemmen) en die inspraak te geven in de VvE. Dat blijkt volgens de wet niet te kunnen. Sterker nog, van Notten is ervan overtuigd dat de Woonbron manier (mandaat geven aan huurders) niet mogelijk is (omdat huurders die niet komen automatisch meestemmen; dat kan niet).

Havensteder heeft bewonerscommissie in het leven geroepen: gemengde commissie met zowel kopers als huurders, welke een bindend advies geeft aan het bestuur. Het bestuur heeft daarop maar 2 keuzen: of ze volgen het advies of ze doen het niet en voeren het op in de VvE.

Momenteel is het bestuur bevoegd om zelfstandig beslissingen te nemen en ze zijn daarvoor verantwoordelijk. Dus ze zouden een advies van de bewonerscommissie kunnen negeren; waarschijnlijk kan je het bij de rechter wel voor elkaar krijgen om de bewonerscommissie in het gelijk te krijgen.

Bij corporaties is onvoldoende kennis aanwezig m.b.t. VvE's. Corporaties doen vaak dingen zonder toestemming van de VvE of laten de belangen van de huurders liggen.

Wetsvoorstellen op het gebied van huurrecht houden compleet geen rekening met gemixte complexen. Niet de machtsverhouding, niet het appartementsrecht. Alsof de gemixte complexen niet bestaan, terwijl het toch in zo'n 30% van de gevallen een gemixt complex betreft. De huurders bescherming is ook te ver doorgeslagen. De vve kan een huishoudelijk reglement afsluiten maar dat is voor een huurder niet bindend. Als verhuurder kan je dat de huurder ook niet zomaar opdringen. Het enige dat de verhuurder kan doen is het huurcontract vernieuwen met het nieuwe huishoudelijk reglement. Een oplossing hiervoor zou kunnen zijn: zorgen dat 70% van de bewoners het eens moet zijn met een nieuw huishoudelijk reglement in plaats van 70% van de huurders.

Wat je vaak ziet: een corporatie gaat mee met de meerderheid van de minderheid. Dus in een complex van 100 woningen waar 20 woningen zijn verkocht en er zijn er 18 voor, dan gaat een niet opletende vve consulent die niet goed oplet in de vergadering dan heb je een probleem.

Havensteder vve diensten verschilt ten opzichte van Triant (Woonbron) omdat ze geen eigen 'identiteit' hebben. Ron van Notten zou dat wel graag zo hebben want het is voor huurders en eigenaren niet duidelijk met wie ze te maken hebben. Men denkt aan de telefoon te zijn Havensteder de corporatie; dit zorgt ook voor verwarring bij vergaderingen e.d.

Als er een geschil is tussen huurder en een eigenaar Pietje, dan gaat Pietje naar Ron van Notten, en de huurder naar de VvE consulent welke contact opneemt met Ron van Notten. Dit lijkt bureaucratisch maar je kan niet een beheerder, eigenaar, huurdersvertegenwoordiger etc in 1 persoon stoppen. Dan krijg je belangenverstrengeling.

Bij gemengde complexen zit de oplossing in meer participatie bij huurders. Daarmee kan je, lost van overlast zaken, alles tappen. Een burenruzie los je met regelentjes niet op,

In het geval van lekkage bij een huurder waarmee hij naar de verhuurder gaat die het op zijn buurt aan moet krijgen, is een intern beheerder, zoals Triant of Havensteder vve diensten, eerder geneigd om een lekkage o.i.d. naar voren op de agenda te zetten dan een commercieel beheerder; die heeft niets te maken met de huurder.

As het geen gemengd bezit is dan geeft de corporatie meteen opdracht natuurlijk.

Bij nieuwbouw complexen zijn sowieso meer problemen dan bij bestaande complexen. Dit heeft met name betrekking op de oplevering; er zijn altijd problemen bij de oplevering en dit zorgt bij gemengde complexen voor extra problemen. Namelijk:

Gemeenschappelijke delen zijn onderdeel van de VVE.


Bij een volledig koopcomplex zijn dat soort problemen ofwel het probleem van de eigenaar danwel het probleem van de vve (alle gemeenschappelijke delen zijn in eigendom van de vve). Daar heb je als corporatie dus weinig last van. Bij 100% huur zit tenminste de vve er niet ook nog eens tussen kan de corporatie meteen actie ondernemen.

Vaak is bij een gemengd complex de corporatie ook de ontwikkelaar, dus deze krijgt ook claims vanuit de VvE want de lift is bijvoorbeeld kapot en dit is natuurlijk weer de schuld van huurders etc. Kortom, een gemengd nieuwbouw complex geeft heel veel extra problemen.

Doel van Havensteder vve beheer: goed onderhouden complexen en woongenot.

Of de wensen t.o.v. woongenot van de bewoners in gemixte complexen verschilt van huur of koopcomplexen is niet duidelijk. Het zou wellicht kunnen verschillen binnen een gemixt complex omdat, over het algemeen gesproken, huurders korter blijven dan kopers omdat een huurcontract makkelijker is opgezegd. Daardoor hebben huurders wellicht een kortere termijnvisie dan kopers en geven ze tevens makkelijker geld uit omdat ze het niet direct voelen in hun portomonee. Echter, dit is niet in alle complexen; sommige huurders blijven tientallen jaren en willen zich derhalve inzetten voor de leefbaarheid e.d. Kortom, het is niet goed te zeggen. Of een 'te woon' concept hier een antwoord op zou zijn is ook niet duidelijk. Het is in ieder geval niet gunstig voor de corporatie omdat de corporatie niets kan met het geld door de terugkoopgarantie. Zodoende zijn er weer nieuwe constructies bedacht; de corporatie helpt mee met de hypotheekkosten en krijgt deze aan het eind van de rit weer terug bijvoorbeeld.

Utopie:

Geen onderscheid meer tussen huur en appartementsrecht: je bent gewoon bewoner
Geen klassenverschil gevoel meer
Alle bewoners mogen meebeslissen over de dingen die hen aangaan
Den Haag snapt dat er gemengde complexen zijn en maakt het corporatie niet onnodig moeilijk
Gemeente krijgt bevoegdheid om kleine vve's samen te voegen (een vve per gebouw ipv per portiek bijvoorbeeld) zodat de beheerbaarheid beter wordt
Scheefwonen aanpakken; dit hangt samen met de huurdersbescherming (corporatie moet mensen eruit kunnen zetten omdat ze teveel verdienen etc.). Vervolgens gaan de scheefwonen kiezen tussen 900 euro huur of 750 euro hypotheek; dus gaan ze kopen en loopt die markt ook weer los.