

A European Comparison of Tenancy Regulation and
Energy Efficient Refurbishment - 1-

Unlocking the Energy Efficiency Potential in the Rental & Multifamily Sectors –
Workshop Brussels, 20 January 2016

zerp

Zentrum für Europäische Rechtspolitik
Centre for European Law and Politics

A European Comparison of Tenancy Regulation and Energy Efficient Refurbishment

Christoph U. Schmid

Raimund Hofmann

Structure

1. Overview of the research project
2. Main criteria for the comparative analysis
3. Main results of the comparative analysis
4. Résumé and Outlook

Overview of the research project I

- Contracting entities
 - Federal Institute for Research on Building, Urban Affairs and Spatial Development, Germany
 - Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety, Germany
- Selected Countries (14)
 - Austria, Denmark, England, Estonia, Finland, France, Germany, Italy, Latvia, Netherlands, Poland, Scotland, Sweden, Switzerland
- Questionnaire

Overview of the research project II

I. Context

- The current housing situation
- Rentals with a public task – types of rental tenures below market rent
- Housing policies and related policies for energetic renovation and modernisation of the housing stock

II. The legal regulation of energy efficient modernisation and its practical effects on tenancy contracts

- Short introduction to the national tenancy law systems
- The legal regulation of energy efficient modernisation and its enforcement
- The effect of energy efficient modernisation on tenancy contracts
- Subsidisation
- Statistical data

Main criteria for the comparative analysis I

- Basic characteristics of the national housing market
 - Typology of buildings
 - Share of rental dwellings / total housing stock
 - Tendency towards home-ownership
 - Degree of organization of the market actors
 - Volume and orientation of state intervention

Main criteria for the comparative analysis II

- The rental market and its regulation
 - Share of rental dwellings with a public task / total rental housing stock
 - Share of small private landlords as actors in the rental market
 - Relevance of non-profit or limited-profit actors
 - Security of tenure
 - Rent regulation

Main criteria for the comparative analysis III

- Energy efficiency and the regulation of measures for energy efficient refurbishment
 - Energy efficiency status of buildings
 - Regulation, enforcement and allocation of costs for energy efficient refurbishments
 - Mechanisms in the party relationship:
 - Obligation of the tenant to tolerate refurbishment works
 - Right of the landlord to increase the rent: DE, A, FR, PL
 - Demand of state subsidies for energy efficient refurbishments

Main results of the comparative analysis I

- No direct and unqualified obligation exists in EU law for private landlords to carry out comprehensive energy efficiency refurbishments
- Progress in adapting the housing stock for energy efficiency is low in countries with unstable rental terms
- Countries with stable rental terms demonstrate a higher degree of regulation and offer more clarity about the related procedures and allocation of costs, e.g. Denmark, Sweden, Netherlands, Poland, France, Germany, Austria.

Main results of the comparative analysis II

- Clearly regulated procedures for the allocation of costs support the achievement of refurbishment objectives in the housing stock, e.g. in Germany and the Netherlands
- Implementation of energy efficiency measures occurs more slowly when there is a large proportion of the rental housing stock of lower quality predominantly occupied by socially vulnerable tenants, e.g. Poland, Estonia, Latvia

Main results of the comparative analysis III

- Countries with the most efficient regulation and procedures für implementing energy efficiency improvements are those with a socially developed tenancy law, differentiated rental housing markets and a high proportion of non-profit / limited-profit landlords
- More generally: the potential of the „pointillistic“ policy approach of the EU – promoting energy efficiency in rental buildings without addressing basic social provisos of tenancy law such as security of tenure and rent regulation – is limited

A European Comparison of Tenancy Regulation and Energy Efficient Refurbishment - 11-

Unlocking the Energy Efficiency Potential in the Rental & Multifamily Sectors –
Workshop Brussels, 20 January 2016

zerp

Zentrum für Europäische Rechtspolitik
Centre for European Law and Politics

Résumé and Outlook

Thank you very much for your attention!