

CRIMINAL OFFENCES: POSSIBLE SANCTIONS

You committed criminal offences. The housing inspector will therefore send the technical report and the remediation order to the public prosecutor. This will start criminal proceedings. This may result in fines, imprisonment and/or rent forfeiture.

Criminal or administrative prosecution

The Public Prosecutor's Office may prosecute your case and take it to criminal court. This may result in a conviction: a fine and/or imprisonment, possibly combined with a special forfeiture (such as rent forfeiture). The court may also order you to repair the dwelling within a certain period of time. The court will usually attach a fine to this.

If the public prosecutor does not prosecute you, they will forward the file to the prosecuting authority at the Flemish level. You may then be subject to civil prosecution, which could lead to an administrative fine and/or an administrative forfeiture of rent.



Civil court

The housing inspector can take the remediation order to civil court if you are not facing criminal charges. The civil court may then order you to carry out the remediation order.

This step usually follows after your case was settled via civil prosecution and you fail to pursue the remediation order despite the possible sanction.

Unfit and uninhabitable

The mayor may also declare your dwelling unfit and uninhabitable. If so, your dwelling will be added to the Flemish inventory for unfit and uninhabitable housing. This may lead to annual additional taxes.

This is separate from criminal proceedings: exemptions and suspensions in these proceedings therefore do not carry over into criminal proceedings.

WOULD YOU LIKE MORE INFORMATION?

Would you like more information about your remediation order? Or, would you like to apply for the inspection after execution of the remediation order? Please contact the provincial departments of the Flemish Housing Inspectorate.

Flemish Housing Inspectorate Antwerp

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E-mail: wooninspectie.antwerpen@vlaanderen.be

Flemish Housing Inspectorate Limburg

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Flemish Housing Inspectorate East-Flanders

Koningin Maria Hendrikaplein 70 bus 92,

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Flemish Housing Inspectorate Flemish Brabant

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Flemish Housing Inspectorate West-Flanders

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E-mail: wooninspectie.westvlaanderen@vlaanderen.be

More information on minimum housing quality standards?

Visit www.vlaanderen.be/woningkwaliteitsnormen or call 1700, the Flemish government's toll-free number.

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Vlaanderen
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WHAT SHOULD YOU DO IN
THE EVENT OF A REMEDIATION
ORDER?

WONEN IN
VLAANDEREN

[WWW.VLAANDEREN.BE/
WONEN-IN-VLAANDEREN](http://WWW.VLAANDEREN.BE/WONEN-IN-VLAANDEREN)



THE REASON FOR THIS REMEDIATION ORDER

Every dwelling in Flanders is required to meet a minimum quality standard. Consequently, every dwelling is required to meet minimum housing quality standards. It is an **offence** to let, rent or provide a dwelling that does not meet these standards. This also applies to an immovable or movable dwelling not primarily intended for residential use. The Flemish Housing Inspectorate inspected your dwelling for these mandatory minimum quality standards. Because your dwelling is non-compliant, the housing inspector has made a remediation order.

Inspection by the Flemish Housing Inspectorate

The inspection was carried out by a residential inspector and housing inspector from the Flemish government (the Flemish Housing Inspectorate of the Housing Agency - Flanders). The housing inspector drew up a technical report of your dwelling. Based on this technical report, the housing inspector decided to issue an official report and remediation order. The housing inspector also always includes this prepared remediation order in the register of remediation orders.

The dwelling is non-compliant

Your dwelling does not meet minimum housing quality standards and has defects that make it non-compliant. If the dwelling in question is an immovable or movable dwelling that is not primarily intended for residential use, defects have been identified that pose a health or safety risk to the occupants and/or basic utilities such as electricity, plumbing, a cooking facility and a heating option are absent or inadequate.

Repair of defects required

You now received a letter with the remediation order. With this, the housing inspector demands the repair of the defects. You must ensure that your dwelling once again meets minimum housing quality standards. Failure to do so runs the risk of conviction by a judge. However, if the housing inspector requests the rezoning or demolition of the dwelling, it is not enough to repair the defects.

The Flemish government laid down the minimum quality standards. These fundamental quality, safety and health standards are defined in article 3.1 of the Flemish Housing Codex of 2021 and were further elaborated in the implementing order and accompanying technical reports. A dwelling with Category II or III defects is a non-compliant dwelling. You can read more about the housing quality standards at www.vlaanderen.be/woningkwaliteitsnormen.

WHAT SHOULD YOU DO NOW?

Interview

The housing inspector may invite you for an interview. The rights you have in that case will be explained at the invitation. Your presence at the interview is important so that your perspective on the facts can be included in the file.

Remediation: renovation of the dwelling

You must repair all defects in the dwelling so that the dwelling meets minimum housing quality standards. You may be able to apply for premiums for renovation work. Visit www.premiezoeker.be or get information from your local municipality's housing department.

Please note: you may only renovate a licensed (multi-family) dwelling. You can find out whether your dwelling has a permit in the remediation order or check with your local council's spatial planning department.

Notify Flemish Housing Inspectorate for a new inspection

Has your dwelling been renovated and have you repaired all the defects? Then please inform your province's housing inspector. You can do this by letter or e-mail. You will find contact details on the back of this leaflet. Indicate how many and which properties (single-family houses/studios/apartments/rooms) you want to have inspected. The housing inspector will make an appointment and visit for another inspection of the dwelling.

Note: Do not inform the housing inspector until all defects have been repaired. Only this first inspection is free.



Payment in advance for additional inspections

If the housing inspector nonetheless identifies defects, then you should fix them first and then request another inspection by your province's housing inspector. An additional inspection is subject to a fee. This fee is paid in advance per dwelling.

The 2023 fee is:

- EUR 82.14 per independent dwelling (single family dwelling, studio or flat)
- EUR 115 per single room dwelling, plus 16.43 euro from the second room, up to a maximum of 1,642.81 euro

You will need to transfer the appropriate amount to the account of the Housing Inspection Fund (IBAN BE73-3751-1110-1960 - BIC BBRUBEBB) quoting the file number. The housing inspector will provide you with the correct calculation after your remediation report. No inspection will take place without payment in advance. You will not be notified of this.

YOU REMAIN RESPONSIBLE EVEN AFTER THE DWELLING IS SOLD

After a remediation order, you can still sell the dwelling, for example to someone who will renovate or demolish it. However, you are obliged to inform the prospective buyer of the dwelling about this remediation order.

You will also continue to be liable to the housing inspector for the remediation requirement. You will therefore remain obliged to repair all defects, even if you are no longer the owner. In the purchase agreement, it is best to make arrangements with the new owner about the execution of works and the deadline for them. However, even with these agreements, you remain ultimately responsible for remediation within the timeframe to which you were sentenced by the court.