

THE CONCILIATION COMMITTEE FOR RENTAL DISPUTES

(“Commission Départementale de Conciliation”)

Objective:

The Conciliation Committee for Rental Disputes (CCRD) aims at encouraging conciliation whenever a dispute opposes a landlord and a tenant. A procedure before the CCRD should avoid resorting to a judicial procedure in the case of a rental conflict. They are composed of an equal number of representatives from landlords' organisations and tenants' associations.

What kind of dispute?

The CCRD are competent to deal with disputes defined by the law n° 89-462 of 6 July 1989 concerning:

- conflicts relative to the inventory of fixtures when moving in or leaving the accommodation.
- the re-evaluation of a rent at the moment of the lease renewal for a rented accommodation, which is not regulated (second rented home, seasonal, business, commercial, rural accommodation or for an on-site accommodation.)
- the service charges
- the collective disputes resulting from the implementation of the national or local collective agreements, from a plan of rental consultation (“Plan de concertation locative”) or from the administration of a block of flats.

This is an exhaustive list. Indeed, all general rental disputes, (apart from those concerning the re-evaluation of a rented accommodation which is not regulated), like indexing problems, paybacks and outstanding payments do not fall within the competence of the CCRD. The Committee does not deal with other common disputes like those concerning the length of time of a contract, notices or the turmoil caused by neighbours. It is important to underline that only disputes relative to **unfurnished** accommodation are within the competence of the CCRD.

The information concerning the composition and the rules of functioning of the Commission (provided for in the decree 2001-653 of 19 July 2001) is largely spread, particularly on the Internet. Furthermore, the “Directions départementales de l'équipement” publish an annual report about the activities of their county commission.

How to refer to a CCRD?

The referral to the CCRD does not cost anything. This referral consists of a recorded letter in French with acknowledgment of receipt addressed to the secretariat offices of the CCRD, which are represented by the “Direction Départementale de l'équipement” (services responsible for public amenities). It is imperative that the file contains the rental agreement as well as an initial letter of complaint addressed to the other party. It is necessary to enclose all documents backing up the demand.

Conciliation procedure:

The CCRD summons both parties by letter to a conciliation session at least 15 days before the session. Like many others mediation-conciliation proceedings, it is usual to appear personally with all the documents justifying the complaint, however it is possible to be represented or assisted by a duly appointed person.

If an agreement is reached, the CCRD draws up a document that resumes the terms of the agreement. This document, which will be signed by the parties, will have the same effect as a contract. In the event of a disagreement between the two parties, the Commission returns a verdict within two months. This verdict can make up a supporting document to be added to a litigious case file. Indeed, if no agreement is found before the Committee, both parties can obviously bring the case to the "Tribunal d'Instance" (more or less the French equivalent of a magistrates' court dealing with civil matters). The CCRD seldom decides totally in one of the two parties' favour.

It is important to underline that the referral does not exclude a litigious possibility of review. Furthermore, the recording of the agreement as well as the decisions made are written and the parties are immediately informed about their content. However, there is no interruption of the appeal time limits.

For further information please contact:

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