



## Directions

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Noise nuisances etc. related to evening and night works at metro construction sites in Copenhagen

- Compensation, rehousing and voluntary purchase

13<sup>th</sup> February 2018



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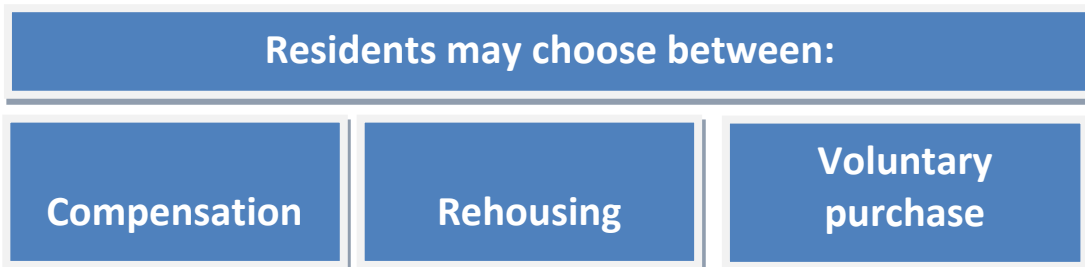


## 1 Introduction

The Danish Parliament has passed an amendment to the Cityring Law, Act no. 552 of 6th June 2007 "Loven om en Cityring" (as amended), which entails that Metroselskabet must offer compensation etc. to residents near metro construction sites who are affected by evening and night work generating a certain noise level. The amendment took effect on 1 July 2014.

Based on the amendment, the Danish Ministry of Transport issued an executive order including regulations on residents' right to compensation, rehousing and voluntary purchase of homes ("Nabopakkebekendtgørelsen") and an executive order containing regulations on permitted noise levels ("Byggepladsbekendtgørelsen"). "Nabopakkebekendtgørelsen" was most recently amended in May 2015, whereas the "Byggepladsbekendtgørelsen" was most recently amended in January 2018.

These directions state the regulations on compensation, rehousing and voluntary purchase.



## 2 Questions

If you have any questions, please contact:

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2300 København S  
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### **3 Compensation**

#### **3.1 Who is entitled to compensation?**

A resident is entitled to compensation when one of the following conditions is met:

- The household resides by a site where evening works are being carried out, i.e. is affected by works with a permitted noise level of over 60 dB(A) from 18:00 to 22:00 on weekdays and from 16:00 to 22:00 on weekends and holidays.
- The household resides by a site where night works are being carried out, i.e. is affected by works with a permitted noise level of over 55 dB(A) from 22:00 to 07:00 on weekdays and from 22:00 to 09:00 on weekends and holidays.

The resident is only entitled to compensation if the household resident is 18 or over and for the period when the home is listed as the resident's officially registered address at the National Register of Persons. A household means all residents of the home regardless of their relations. It is not important whether the resident is a tenant, owner or member of a cooperative housing association.

A resident receives compensation for the months that they were a member of the household. A distinction is made between half and whole months.

#### **3.2 How to receive compensation?**

Residents entitled to compensation will receive an offer of compensation from Metroselskabet.

If the resident wishes to accept the offer of compensation, please sign and return the offer to Metroselskabet within eight weeks after receipt. If the resident wishes to accept the offer after this deadline, the resident must notify Metroselskabet, which will forward a new offer.

For the household to receive compensation, the offer must be signed by all of the household residents age 18 or over who are officially registered at the address.

#### **3.3 How is the compensation paid out?**

##### **3.3.1 Division**

Normally, compensation is paid out monthly, divided equally, to the residents who have signed and returned the offer of compensation. Payments will be made to the resident's NemKonto "Easy Account"

If the residents do not wish compensation to be divided equally, this may be stated in appendix 1 ("Bilag 1") of the offer. If the residents wish payments to be made to a different account, they must contact Metroselskabet.

##### **3.3.2 Payment**

The first payment will be made as soon as possible after Metroselskabet has received the signed offer of compensation. However, payment cannot be made until the first month when the resident is affected by a noise level triggering the right to compensation.



Subsequent payments will be made on the 15<sup>th</sup> in the month that the compensation covers, or on the first banking day if the 15<sup>th</sup> is a weekend or holiday.

If Metroselskabet does not receive the signed offer of compensation until after the start and, possibly, the end of the construction phase which triggers compensation, compensation will be paid in arrears. Interests will not be added to the compensation. No interest will be accrued.

### **3.3.3 Special prepayment for establishment of noise-mitigating measures**

If the household wishes to establish measures to mitigate noise or other nuisance generated by the metro site, against documentation, prepay several months of compensation, to be determined by agreement.

### **3.3.4 Moving out and in**

If the National Register of Persons states that a resident has moved out of the home, payment of compensation to this resident will stop. If any residents remain at the address, the share of the compensation which was previously paid to the previous resident will be divided between the remaining residents according to their distribution. The time depends on the date of the resident moving in or out as stated in the National Register of Persons.

If the National Register of Persons states that a resident has turned 18, or that a new resident has moved in, payment of compensation to the other residents who have signed the offer of compensation will be put on hold. Metroselskabet will forward a new offer which all residents are to sign and return, after which payment of compensation will resume.

If an entirely new household moves into the home, the new household will receive an offer of compensation.

If the resident moves in on the 15<sup>th</sup> or later in a month or moves out before the 15<sup>th</sup> in a month, the resident will receive half compensation.

## **3.4 What does the compensation cover?**

The compensation covers nuisances related to any noisy works that Metroselskabet's contractor may carry out on evenings and nights. Furthermore, the compensation covers other nuisances related to the construction of Cityringen, including nuisances related to heavy traffic and other traffic, noise, air, light, vibrations, mud splashes, lack of ventilation etc.

The level of compensation has been calculated to include nuisances related to construction noise including tonal noise and impulsive noise.

## **3.5 How is the compensation calculated?**

The compensation is calculated per residential home and is not based on the number of persons residing in the home.

The compensation is calculated based on the number of rooms registered for residential use, based on the period that the resident has been registered as residing at the home, as well as the noise level that is permitted at the home's windows during evening or night works, as stated on noise diffusion



maps. If changes are made to the noise diffusion maps that cause changes to the compensation, the residents will be notified.

### **3.5.1 Number of rooms**

The number of rooms in the home is based on information registered in BBR (the building and dwelling register). Only rooms registered for residential use are included in the number of rooms. If the resident believes BBR to hold incorrect information on the number of rooms, the home owner/administrator may contact the relevant municipality to correct the information. Once the information has been changed in BBR, you are to state "Værelsesantal er ændret i BBR" (Number of rooms changed in BBR) in the offer on compensation. When returning the signed offer to Metroselskabet, the resident is to include a copy of the BBR statement. Metroselskabet will then start payment of compensation according to the new information on number of rooms.

In case of major discrepancy between the number of rooms and the home's area, which may be the case if the home has few inside partition walls, doors or rooms (a New Yorker flat), or if most homes on the same stairway are of the same size, but differ in terms of number of rooms, Metroselskabet may upgrade the number of rooms to increase the resident's compensation. For this to happen, the resident has to contact Metroselskabet, which may then inspect the home and assess whether the resident's compensation should be based on a higher number of rooms.

### **3.5.2 Noise level**

The work carried out at metro construction sites is divided into *construction phases*, and the permitted noise level usually differs from phase to phase. For each metro site and each construction phase, a *noise diffusion map* has been prepared. The noise diffusion maps are available at Metroselskabet's website [www.m.dk](http://www.m.dk) or can be forwarded by Metroselskabet on request. Residents will be notified of any changes made to noise diffusion maps.

Compensation is calculated per month. If a month includes a shift of construction phase, or if two construction phases overlap, compensation is calculated based on whichever noise diffusion map triggers the highest compensation for the resident.

If the windows in a home are affected by several permitted noise levels during any one construction phase, the resident is entitled to compensation corresponding to the highest noise level.

If, during any one construction phase, both evening and night work is permitted, you will find a noise diffusion map showing permitted noise in the evening and a noise diffusion map showing permitted noise at night. Compensation is based on the noise diffusion map that triggers the highest compensation for the resident. Compensation for evening work and compensation for night work in any one construction phase are not added up.

If the contractor, during a short period of time, carries out construction work at a lower noise level than what was presumed when preparing the noise diffusion maps, the resident's right to compensation remains unaltered.

However, the contractor is permitted to carry out particular types of work for shorter periods, which exceed the noise levels specified at the diffusion maps, without affecting the level of compensation. These particular types of work are stated in appendix 3 of order about pollution and nuisances generated from the construction of the metro cityring ("Byggepladsbekendtgørelsen"). An example of such work is major concrete pouring works, e.g. the pouring of the station box base slab, which



requires one to two days of continual work. Another example is the cleaning of concrete surfaces before the concrete has cured. Cleaning may take up to 12 hours.

**3.6 Compensation per month per home for triggered by noise caused by evening work**

Compensation category	55<dB≤60 0%	60 <dB≤ 65 20%	65 <dB≤ 70 35%	70 <dB≤ 75 50%	75 <dB 100%
<b>Number of rooms</b>					
<b>1</b>	DKK 0	DKK 1,000	DKK 1,750	DKK 2,500	DKK 5,000
<b>2</b>	DKK 0	DKK 1,500	DKK 2,625	DKK 3,750	DKK 7,500
<b>3</b>	DKK 0	DKK 2,000	DKK 3,500	DKK 5,000	DKK 10,000
<b>4</b>	DKK 0	DKK 3,000	DKK 5,250	DKK 7,500	DKK 15,000
<b>Over 4</b>	DKK 0	DKK 4,000	DKK 7,000	DKK 10,000	DKK 20,000

**3.7 Compensation per month per home triggered by noise caused by night work**

Compensation category	55<dB≤60 35%	60 <dB≤ 65 50%	65 <dB≤ 70 100%	70 <dB≤ 75 100%	75 <dB 100%
<b>Number of rooms</b>					
<b>1</b>	DKK 1,750	DKK 2,500	DKK 5,000	DKK 5,000	DKK 5,000
<b>2</b>	DKK 2,625	DKK 3,750	DKK 7,500	DKK 7,500	DKK 7,500
<b>3</b>	DKK 3,500	DKK 5,000	DKK 10,000	DKK 10,000	DKK 10,000
<b>4</b>	DKK 5,250	DKK 7,500	DKK 15,000	DKK 15,000	DKK 15,000
<b>Over 4</b>	DKK 7,000	DKK 10,000	DKK 20,000	DKK 20,000	DKK 20,000

**3.8 Shielded homes**

If a home is shielded from the metro construction site by homes in front of it which are entitled to compensation according to the map diffusion map, the resident of the shielded home is entitled to half compensation. This presumes that all of the following conditions are met:

- The shielded home shares a wall with one or several of the homes in front of it.
- The shielded home and the homes in front of it share main stairs.
- The address of the shielded home includes the designation “mf.” or a door number.
- All homes in front of the shielded home are entitled to compensation.

The half compensation is calculated based on the home(s) in front of the shielded home which is entitled to the highest compensation.





### **3.9 Changes in construction phases**

The “expected duration of the construction phases” stated in the offer of compensation is based on the duration stated in the supplementary EIA. It is uncertain whether the construction phases will be of the stated duration, and it is currently not possible to further specify the duration of the phases.

Metroselskabet will also inform the resident of shifts in construction phases, if these impact the size of compensation.

Once the last construction phase triggering compensation is completed, and the monthly payment of compensation thus ceases, Metroselskabet will also notify the resident.

Metroselskabet will also notify the resident if a construction phase is extended or shortened considerably, and if such extension or shortening impacts the payment of compensation.

### **3.10 Tax exemption and public benefits**

The compensation and any amounts paid out in relation to rehousing are not to be included in the resident's statement of taxable income.

The compensation and any amounts paid out in relation to rehousing are not included when assessing whether the resident is entitled to public benefits.

### **3.11 Rejection of the offer of compensation**

If the resident does not accept the submitted offer, the case may be heard by the expropriation committee, if the resident so wishes.

In that case, the resident should not sign the offer. Metroselskabet will bring the case before the committee once the resident has stated that he/she wants the expropriation committee to hear the case. The resident will receive compensation pursuant to the offer received until the expropriation committee rules on the case.

If the expropriation committee finds that the resident is entitled to a higher compensation than what is stated in the offer, Metroselskabet will subsequently pay out the difference to the resident in arrears.

## **4 Rehousing**

### **4.1 Who is entitled to rehousing?**

A resident is entitled to rehousing when one of the following conditions is met:

- The resident is entitled to maximum compensation (100%) in three consecutive months, cf. tables on page 7.
- The household home is affected by evening work with a noise level over 60 dB(A) or by night work with a noise level over 55 dB(A), and one or more of the residents are especially sensitive to noise and vibrations etc., entailing that the resident can document health conditions or



special family-related conditions, e.g. by means of a statement from a medical specialist, child expert or the like.

- The façade of the household home provides damping that is significantly poorer than 25 dB(A) and the household is able to present full documentation that, for technical or conservation issues, it is not possible to take noise-reducing measures to insulate the façade.

Rehousing presumes that the resident resides in the home affected by the noise.

#### **4.2 How soon is rehousing possible?**

The resident can be rehoused no sooner than three months prior to the commencement of the first construction phase that entitles the resident to rehousing.

The resident may request rehousing no later than three months before the end of the last construction phase that entitles the resident to rehousing.

The resident will receive compensation until rehousing commences if the resident has signed and returned the agreement on compensation.

#### **4.3 Rehousing schemes**

There are two rehousing schemes:

- **Compensation scheme:** The resident enters into a 'standard' agreement on compensation, which may be used fully or partially for rehousing.
- **Rent scheme:** The resident does not enter into a 'standard' agreement on compensation, but has rent expenses refunded through the rehousing scheme.

#### **4.4 Elements common to the two rehousing schemes**

The following describes elements that apply to both rehousing schemes.

If you want to be rehoused, you are to find a new home yourself and sign a lease with the letter. If you are unable to find a suitable replacement or rehousing home, you may contact Metroselskabet, which will pass on the case to the municipality, which will assign a municipal home to your household that, to the extent possible, is comparable to your current home as regards size, location and price.

The residents cannot move back to their home or give notice to quit the new home until the expiration of the rehousing agreement, unless this is agreed with Metroselskabet.

Rehousing covers all residents in the household, and every household is only entitled to one new home. If one or more residents wish to move out of the new home prior to the end of the rehousing period (e.g. in case of a divorce), this is of no concern to Metroselskabet.

In case of either rehousing scheme, Metroselskabet pays for the following expenses, when documented:

- Deposit and prepaid rent for the new home. The deposit is to be returned in full to Metroselskabet when the resident gives notice to quit the new home.



- The resident's fair moving expenses related to moving in and out, albeit a maximum of DKK 10,000 exclusive of VAT per change of address, in total a maximum of DKK 20,000 exclusive of VAT per household.

The first DKK 10,000 is paid out along with the reimbursement of the deposit. The remaining DKK 10,000 covering expenses for moving out of the new home will be paid out/offset once the deposit is paid back to Metroselskabet. If there is any difference between the amount paid out to cover moving expenses and the actual, documented expenses, Metroselskabet is entitled to demand that the difference be paid back.

- Expenses related to renovation if the new home is to be renovated when the resident vacates it.

When moving into/out of the new home, the resident is to notify Metroselskabet of the time of inspection so that Metroselskabet can send a representative. The resident is also to submit to Metroselskabet copies of any reports prepared in connection with moving in/out. If the new home is to be renovated, Metroselskabet will pay for any fair expenses related to such works. Consequently, in an agreed manner, the resident is to give Metroselskabet access to the new home when it is cleared and ready for such works prior to the end of the lease. These works are to be carried out by builders to be specified by Metroselskabet. The resident will pay for any expenses for damage caused by the irresponsible conduct of the resident or others who are granted access to the new home by the resident.

- Expenses covering necessary adaptations in the new home for persons with special needs. The resident is to discuss such expenses with Metroselskabet before the resident pays these. Metroselskabet will not pay for any expenses for remedying ordinary deficiencies in the home.

#### **4.5 Matters related to the vacated home**

The resident pays for all utility expenses related to the vacated home, including costs of water, heat and electricity.

During the rehousing period, the resident has access to the vacated home, but the home cannot be rented out or used for residential or commercial activities by the resident or others. If Metroselskabet finds that the vacated home is used contrary to the above, Metroselskabet is entitled to terminate the rehousing scheme and demand payments to be paid back.

If the resident moves out of an owners' association or cooperative housing association, it may be necessary to deviate from articles of association or the like regarding residence requirements. It is the resident's responsibility to obtain acceptance of such deviation during the rehousing period.

#### **4.6 Elements special to the compensation scheme**

The compensation scheme entails that the resident enters into a 'standard' agreement on compensation that may be used fully or partially for rehousing. This means that the resident receives maximum compensation (100 %) while the resident is rehoused. When the resident moves back, the resident will again receive the compensation triggered by the permitted noise level at the home.

If you want to be rehoused, you are to find a new home yourself.

The size of rent costs related to the new home is of no concern to Metroselskabet.



Once the resident has found replacement housing, the resident may contact Metroselskabet. Metroselskabet will then forward an offer of further compensation relating to rehousing, which will, e.g., contain stipulations regarding reimbursement of various moving expenses by Metroselskabet.

#### **4.7 Elements special to the rent scheme**

The rent scheme entails that the resident does not enter into a 'standard' agreement on compensation, but the resident's expenses for rent in the new home are reimbursed.

If you want to be rehoused, you have to find a new home yourself which is suitable for the household according to the rent scheme. The new home is to be approved by Metroselskabet before any agreement can be made regarding rehousing under the rent scheme. The monthly expenses related to the new home are, to the extent possible, to equal the maximum compensation (100%) amount.

If the resident does not agree with Metroselskabet on an appropriate new home, or if Metroselskabet is unable to meet the resident's request for rehousing based on the resident's special sensitivity towards noise and vibrations, Metroselskabet will bring the case before the expropriation committee, which will make a decision on the matter.

The resident will not receive compensation while the resident is rehoused, nor will the resident receive the difference between the maximum compensation (100%) and the rent of the new home. Once the rehousing agreement ends and the resident moves back in, the resident will receive compensation anew if the permitted noise level at the home triggers the right to compensation.

#### **4.8 Duration of rehousing period**

The resident can be rehoused no sooner than three months before the first construction phase that entitles the resident to rehousing and until the end of the last construction phase that entitles the resident to rehousing.

If the resident is entitled to rehousing during several inconsecutive construction phases and if the resident has chosen to be rehoused under the compensation scheme, the resident may request that Metroselskabet raise the monthly compensation to the maximum compensation (100%), allowing the resident to remain in the new home in one single, uninterrupted period. This presumes documentation that the increased compensation is used for moving into another home. If the resident is rehoused under the rent scheme, the resident may also request that the rehousing period be extended in the interim.

If the duration of the construction phases is extended, Metroselskabet will notify the resident well in advance to ensure that the resident does not give notice to quit the new home too soon.

If the duration of the construction phases is shortened, Metroselskabet will notify the resident to allow the resident to give notice to quit the new home and return to the resident's home.

### **5 Voluntary purchase of resident's home**

#### **5.1 Who is entitled to the voluntary purchase scheme?**

An owner or member of a cooperative housing association is entitled to the voluntary purchase scheme when one of the following conditions is met:



- The owner or member of a cooperative housing association is entitled to maximum compensation (100%) in three consecutive months, cf. above tables.
- The owner or member of a cooperative housing association is affected by evening work with a noise level over 60 dB(A) or night work with a noise level over 55 dB(A), and one or more of the household residents are especially sensitive to noise and vibrations etc., entailing that the resident can document health conditions or special family-related conditions, e.g. by means of a statement from a medical specialist, child expert or the like.

Voluntary purchase by Metroselskabet presumes:

- that the owner or the member of a cooperative housing association resides in the home,
- that the articles of association of the owners' association or cooperative housing association allows Metroselskabet to act as owner, or that this is made possible by a decision at the annual general meeting,
- that Metroselskabet can legally purchase the home, and
- that neither an agreement nor a decision has been made regarding rehousing of the household or regarding refund of expenses related to moving to a new home.

Upon submitting the request for voluntary purchase, the owner or member of a cooperative housing association is to include the articles of association of the owners' association or the cooperative housing association as well as all other information that affect the price level. For instance, information that part of a home is rented out.

Metroselskabet will then assess whether voluntary purchase of the home by Metroselskabet would comply with the articles of association.

If the articles of association prevent Metroselskabet from purchasing the home, Metroselskabet will notify the resident. The resident may then seek to change the articles of association or obtain exemption from the articles, e.g., at the annual general meeting of the owners' association or the cooperative housing association. Metroselskabet will not assist the resident in this process. If the voluntary purchase fails to happen, the resident will still be entitled to compensation.

If the owner or member of a cooperative housing association is entitled to the voluntary purchase scheme, requests for voluntary purchase may be submitted to Metroselskabet after 1<sup>st</sup> July 2014 and until three months before the end of the last construction phase that entitles the owner or member of a cooperative housing association to voluntary purchase. Voluntary purchase cannot take place after the end of the last construction phase that entitles the owner or member of a cooperative housing association to voluntary purchase.

The owner or member of a cooperative housing association is entitled to compensation until voluntary purchase takes place, provided that the resident has signed and returned the agreement on compensation.



## **5.2 Conclusion of agreement**

The owner or member of a cooperative housing association is to, in writing, request Metroselskabet to purchase the home. Within 14 days after receiving the request, Metroselskabet will assess whether the conditions for voluntary purchases have been met.

If Metroselskabet agrees that the conditions for voluntary purchase are met, Metroselskabet will obtain an assessment of the home's going rate (market price) from an independent, state-authorised estate agent and assessor. The owner or the member of a cooperative housing association will be contacted by the estate agent to schedule an inspection.

Metroselskabet will then forward an offer of voluntary purchase of the home based on the estate agent's assessment. If the owner or the member of a cooperative housing association accepts the offer, voluntary purchase can take place as soon as possible. If the owner or the member of a housing association does not want to proceed with voluntary purchase, the owner or the member of a housing association may choose not to have Metroselskabet purchase the home, and the owner or the member of a housing association is still entitled to compensation.

If the owner or the member of a housing association cannot accept the proposed price, but wishes to proceed with voluntary purchase, or if Metroselskabet finds that the conditions for voluntary purchase are not met, the owner or the member of a housing association may bring the case before the expropriation committee. When the case is brought before the expropriation committee, Metroselskabet's offer is annulled, and the expropriation committee prepares a new offer of voluntary purchase.

If the resident or Metroselskabet cannot accept the expropriation committee's offer, the case may be brought before the valuation commission. When the case is brought before the valuation commission, the expropriation committee's offer is annulled and replaced by the valuation commission's offer.

Throughout the process, the resident may choose to withdraw his request for voluntary purchase.

At any time, the valid offer is always the offer that has been presented most recently during the process. It is not possible to go back and choose a previous offer.

Compensation will be paid while the committee and commissions treat the case and right up until voluntary purchase.

## **6 Collection of information from the National Register of Persons**

### **6.1 The National Register of Persons (the Civil Register)**

Metroselskabet has collected information on the residents in homes affected by noise via the National Register of Persons (the Civil Register). According to the Act on the Central Person Register, public authorities are entitled to collect information registered with the Civil Register if they need such information. Metroselskabet regularly collects the following information:

- First and last names of the residents registered on the address
- Information on the residents' civil registration numbers
- Information on when the residents moved in and, if relevant, out.



The resident's civil registration number is collected to allow Metroselskabet to offer the resident compensation etc. and subsequently pay out compensation to the resident's NemKonto "Easy Account". The civil registration number is not passed on to other residents on the address, but solely used to identify the individual resident, including the resident's NemKonto "Easy Account".

Any information collected by Metroselskabet from the Civil Register will not be used for any other purposes by Metroselskabet, and the information will not be combined with other personal information that Metroselskabet possesses. Personal information will not be passed on to any other parties.

Information will be deleted no later than at the end of the metro construction work.

You are free to contact Metroselskabet and learn what information about you the company is processing.

If you believe the National Register of Persons (the Civil Register) to hold incorrect information because the National Register of Persons lists a person on the address who does not reside on the address, you are to contact your municipality's service centre to correct the information. In the offer of compensation, you are to state "Fjernet fra CPR" (Removed from the Civil Register) next to the person's name. The next time Metroselskabet collects information from the Civil Register and finds that the person is no longer registered on the address, Metroselskabet will start payment of compensation to the right residents.

## **6.2 If you do not have a civil registration number**

If you do not have a civil registration number, please contact Metroselskabet. Contact information is stated on page three of present directions.

## **7 Contacting Metroselskabet and the expropriation committee**

If you have any questions, please contact Metroselskabet I/S. Contact information is stated in Chapter 1.

If you want to bring your case before the expropriation committee, and you are to bring the case before the expropriation committee yourself, pursuant to the "Nabopakkebekendtgørelsen", you are to contact the Kommissarius ved Statens Ekspropriationer på Øerne (official who settles compensation in respect of compulsory expropriation of land on the Danish islands).

For further information, please go to the expropriation committee's website ([www.komoe.dk](http://www.komoe.dk)).