

Adaptation of empty spaces for available apartments





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I Introduction

I INTRODUCTION TO THE PROBLEM

Empty spaces in Poland

According to various estimates, there is a shortage of between 500,000 and 2,000,000 affordable apartments in Poland¹. In 2020, 136,156 families were waiting for premises to lease out from the communal housing stock; this number does not include substitute and temporary accommodation (9.6% less than in 2019). People waiting for social lease accounted for almost 55% (74,859 households)². At the same time, according to the 2021 census data, 12.1% (i.e. 1,851,900) of flats in Poland are uninhabited³. In turn, the municipal housing stock, according to the Central Statistical Office data, at the end of 2020, there were over 63,000 empty spaces⁴. Therefore, it is easy to assume that with the usage of these properties would contribute to the solution the housing crisis in Poland.

However, the situation is not so obvious. Some empty spaces from the municipal housing stock are so degraded that their renovation and restoration is not economically profitable⁵. In the case of part of the above-mentioned stock, it would be more appropriate to demolish some buildings and use the space to build new ones. On the other hand, in the case of uninhabited dwellings from the private stock⁶, probably some of them are apartments and holiday homes located in recreational areas, usually without direct access to social infrastructure and services, therefore they could not be easily used for permanent residential purposes. Moreover, financing of renovation and adaptation is often a significant barrier.

So how many empty buildings can be used for affordable housing purposes? How to perform renovation and adaptation work? What are good practices in this regard? Finally, how to encourage public entities in the first place, but also private owners, to release empty spaces from their housing stock? These issues require investigation, testing and implementation of solutions that will contribute to the renovation and large-scale use of empty spaces.

Current situation on the housing market

When the project was launched, no one had thought how important the topic of using empty spaces would become. The escalation of the war in Ukraine and the influx of millions of people from Ukraine to Poland had a significant impact on the housing market. From March/

1 Data of such a widespread appear in a number of analyses published in recent years, including the Heritage Real properties report "How many flats does Poland lack?" ("Ile mieszkań brakuje w Polsce?") (the end of 2018), the Ministry of Development report called "The condition of housing in Poland in 2020" ("Stan mieszkalnictwa w Polsce z 2020r.").

2 Central Statistical Office, "Housing economy and municipal infrastructure in 2020" ("Gospodarka mieszkaniowa i infrastruktura komunalna w 2020 r."), Warsaw 2021. https://stat.gov.pl/download/gfx/portalinformacyjny/pl/defaultaktualnosci/5492/13/15/1/gmiik_2020_pl.pdf

3 Central Statistical Office, National Census of Population and Housing 2021. Report on preliminary results, April 26, 2022, https://stat.gov.pl/download/gfx/portalinformacyjny/pl/defaultaktualnosci/6494/7/1/1/nsp_2021._wyniki_wstepne.pdf

4 Central Statistical Office, Local Data Bank, Housing and municipal economy.

5 https://habitat.pl/files/HabitatPoland_IRMiR_Raport-Pustostany_wyniki_badania_2021.pdf

6 The detailed results of the census have not yet been published, so there is no complete information on the stock included in these statistics.

April 2022, communal and municipal authorities have been searching for the fastest and most effective ways to increase the use of housing stock in Poland. The use of vacant buildings is one of the most frequently postulated solutions to current housing challenges and can be found in the following publications:

- “Hospitable Poland 2022+” report (“Gościenna Polska 2022+”): “Renovating vacancies from the public stock could provide additional housing in the short term. [...] Preliminary data from the 2021 census [...] show the need to develop a policy towards uninhabited dwellings, which should be recommended for use for either refugees or residents as part of the communal housing policy”⁷,
- The White Book: “It is possible to use vacant spaces for housing purposes through renovation and adaptation of residential premises as well as public facilities with a different function. *It is worth considering renovation of large municipal premises and subleasing them to several families (co-housing)*. [...] the introduction of multi-annual programs to support the communal housing policy with funds reserved for this purpose in the budget, which should include housing investment projects, renovation of vacant buildings and the hand-over of state treasury and state-owned areas to municipalities, social housing companies and the Social Housing Initiative”⁸,
- The Housing Issue and the Refugee Crisis” report: “Adaptation of public vacancies can be an essential element of solving problems related to the housing crisis and serve an overall improvement of the image of a given place. Inclusion of private vacancies in the system would require appropriate regulations, which would also counteract housing speculation”⁹

Attention should be paid to one more aspect related to the current situation, namely significantly higher interest of representatives of various sectors in joint actions to improve housing conditions. This is a unique moment when it is possible to develop and implement models linking the public, private and social sectors in joint actions potentially leading to renovation and adaptation of uninhabited buildings. Therefore, it is worth reaching for previous experience and knowledge so that, by adapting them to the current conditions, the housing stock will be increased.

We encourage you to read the brochure and implement the model described herein. The more entities will get involved in such actions and the more vacancies will be brought back to use, the more the housing situation in Poland will improve.

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7 Maciej Bukowski, Maciej Duszczyk (ed.), “Hospitable Poland 2022+” (“Gościenna Polska 2022+”), WiseEuropa, <https://wise-europa.eu/wp-content/uploads/2022/06/Raport-Goscienna-Polska-2022.pdf>

8 Biała Księga, Wyzwania systemowego wsparcia uchodźców na poziomie lokalnym i krajowym, Wrocław, 8-9 maja 2022 r., https://ofop.eu/wp-content/uploads/2022/05/Okragly_stol_Biala-ksiega_220530.pdf

9 Instytut Rozwoju Miast i Regionów, Kwestia mieszkaniowa a kryzys uchodźczy. Wspólne wyzwania i rozwiązania dla równoważenia sektora mieszkalnictwa w Polsce, https://obserwatorium.miasta.pl/wp-content/uploads/2022/05/Kwestia_mieszkaniowa_a_kryzys_uchodzcy_raport.pdf

II EMPTY SPACES

In July 2020, Habitat Poland, in cooperation with Habitat Great Britain and M&G, launched a three-year project under the name *„Filling the gap: Repurposing empty spaces to prevent homelessness in Mainland Europe”*, aimed at drawing attention to different dimensions of the problem of homelessness in Europe and developing solutions that ensure affordable housing for people particularly vulnerable to homelessness.

The most important tasks on the Polish side include:

1. **Research work** – in-depth research on (1) a number of vacancies (residential and others that may be adapted for residential purposes and owned by various entities), (2) types of barriers (other than financial) that stand in the way of bringing uninhabited buildings back to use, (3) types of measures that should be taken to this end and (4) how non-governmental organisations could become more involved and how municipalities could cooperate more effectively with these organisations. As part of the research work, the Institute of Urban and Regional Development drafted a report, which is available on the Foundation’s website.
2. **Renovation** – during the project, a minimum of ten vacancies from the public housing stock will be renovated, furnished and made available to those in need. In the first year of the project, six flats in Warsaw were renovated; next year, two-three flats are going to be renovated in Katowice, and in the third year, two-three flats will be renovated and furnished in another large urban centre in Poland. They will be inhabited by people in a difficult life situation, i.e. single parents, victims of violence, people of limited means.
3. **Partnership** – for prevention of homelessness and housing exclusion through the use of vacant housing – in order to achieve such an ambitious goal as promoting actions developed under the project, we have formed a wide coalition of partners (representatives of business, NGOs, experts, local government authorities and public institutions). The main task of the group is to create content for the Toolkit, promote actions and support the scaling of solutions that have been developed.
4. **Creation of a tool set** – including this Toolkit, that entities in other European countries will be able to use to develop similar initiatives. The Toolkit, its structure and main target groups are described in the next section.
5. **Advocacy and information campaigns** – regarding the promotion of effects of the project implementation, e.g. in the form of housing workshops and conferences (forums).

Halfway through the project execution, we know that adaptation of vacant buildings for affordable housing is the right direction. The project enjoys positive reception from representatives of state authorities (local government authorities, authorities of State Treasury companies) that have untapped resources, NGOs that need cheap housing for their charges as well as from business, which is ready to support such projects. We renovate together to provide a home!

III ABOUT THE TOOLKIT

This Toolkit is the result of joint efforts of the Polish and British Partnership and is one of the main components of the Empty Spaces project. The content you are about to read has been developed by housing experts from various backgrounds, including business, the third sector and science.

The Toolkit was created primarily to describe the basic aspects of the process of adapting vacant buildings for affordable housing in an accessible way. The aforementioned availability is understood here in terms of price (former vacancies are cheaper than apartments available on the commercial market) and architecture (dwellings adapted to people with disabilities).

The content has been organised into four main thematic groups:

1. Residents
2. Flats – legal titles, standard
3. Financial issues
4. Design and technical issues

This publication also aims at presenting experiences of the Partnership members in the process, and to promote actions addressed to a wide group of stakeholders in Poland, Great Britain, and other European countries. While working on the Toolkit, we were also able to diagnose challenges in the process of adapting vacant buildings for affordable housing and promote this model. We believe this content will be valuable and helpful for a wide audience.

However, we would like to point out that the Toolkit is primarily addressed to non-governmental organisations that offer temporary or permanent residence to their clients, representatives of local authorities, experts and company representatives, mainly from the renovation and construction industry.

It should be borne in mind that the content presented herein is based on regulations in force at the time of developing the Toolkit, i.e. from December 2021 to July 2022. We encourage you to follow possible changes to legal regulations on an ongoing basis.

Below is a list of people and institutions that have worked on the content hereof (in an alphabetical order):

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Dear Readers, we hope you will enjoy reading the Toolkit.

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IV STUDY RESULTS OF EMPTY SPACES IN POLAND

The study commissioned by Habitat for Humanity Poland by the Institute of Urban and Regional Development was aimed at determining the scale of the phenomenon of empty spaces and characterize them, especially the possibility of adapting unused buildings for residential purposes. The study was conducted in the form of a questionnaire addressed to several types of institutions managing real property, supplemented with three case studies. Statistical data, previous studies on municipal housing stock, as well as documents on revitalization in municipalities of three selected provinces were also analysed due to analyses of the situation, needs and projects of introducing new housing functions in designated development areas.

The methodology of this study differed slightly from the British study due to the lack of administrative and statistical data on vacancy in Poland. Possible directions of actions as well as the main problems and challenges were identified. The report also covers successful projects to give old buildings new functions, very useful for local communities and bringing properties back into service.

Definition of empty space in Poland, its changes and available data

The term “empty spaces” (also: “vacancy”, “vacant building”, “uninhabited/unoccupied building/apartment/dwelling”) is used quite commonly, but in the course of the study it turned out that it is not a well-defined concept; for this reason, even in the public statistics, there is a terminology shift from the phrase “empty spaces” to “uninhabited (unoccupied) dwellings” (in housing stock). The above-mentioned term, previously used in the statistics and this study, refers to buildings and premises with various functions, but generally intended for lease and not used at the time of reporting. In the study conducted by the Institute of Urban and Regional Development, vacancy was defined as a flat not used for the last 12 months. Although commune have adequately fulfilled their reporting obligations regarding the housing stock, buildings and premises with other functions are not always considered when analysing and planning their housing stock.

According to the definitions used by the Central Statistical Office in the census and in the information on housing stock collected from real property managers, an uninhabited dwelling is a flat where nobody is registered or staying (at the time of the census or on the last day of the year for which the report is completed).

Types of ownership	Number of uninhabited dwellings
communal dwelling stock (vacancies)	59,980
dwelling stock of housing associations	4,318
dwelling stock of workplaces	5,352
dwelling stock of individuals in buildings covered by housing cooperatives	38,675

dwelling stock of the State Treasury	4,086
dwelling stock of social housing associations	1,490
dwelling stock of other entities	7,463
Total dwelling stock under management:	121,364

Table1. Number of uninhabited apartments according to the dwelling stock ownership structure, data from managers for 2020, CSO, Local Data Bank. Own study.

Data collected in autumn, after the Institute of Urban and Regional Development study had been conducted, **from residential real property managers**, cooperatives and communes on uninhabited dwellings in their stock, show that **as at December 31, 2020** private, individual owners had a significant number of empty flats, right after communes (Table1). Communes showed less than 60,000 dwellings where no one was registered or lived, followed by over 38,000 of dwellings in housing cooperatives, and slightly over 4,300 cooperative dwellings (both privately-owned apartments and apartments belonging to a housing association). Together with the premises of other owners, there was 121,364 of uninhabited dwellings in total. In the context of the total housing stock, the reported uninhabited dwellings from the non-communal stock account for less than 0.5% of dwellings (0.8% if communal dwellings are included) in Poland and may result from processes related to population migration: removals, purchase and sale transactions, inheritance and other legal procedures, as well as renovations and other work on the premises. Data from the above statement (Table1) do not include information on empty properties not covered by professional management, i.e. small, multi-apartment tenement houses and houses, single-family houses, multi-functional buildings with a recreational area.

According to data from the census as at March 31, 2021, the numbers are much larger: 1,851,900 uninhabited flats and 723,000 uninhabited buildings. These data are based on reports, declarations of residence at the time of the census, and readings of energy meters (to some extent). In the news release published by the Central Statistical Office, regional differences are clear; depending on the provinces, uninhabited dwellings constitute from 8.9% (Opolskie) to even 14.8% (14.7% in Małopolskie, Lubuskie) of the total housing stock. As for uninhabited buildings with at least one flat, the spatial differences are slightly different: from 6.9% (Wielkopolskie and Kujawsko-Pomorskie) to 16.9% (Podlaskie). These data indicate a very high percentage of unused flats and houses; they also differ significantly from data collected from multi-unit building managers. Therefore, a more detailed analysis is necessary, but in the context of the information covered by the Institute of Urban and Regional Development study, these differences can be explained.

As part of the study mentioned above, the following were identified as uninhabited building/apartment (premises not used for the last 12 months):

- a. in the geo questionnaire: 154 buildings of several types and 67 premises (buildings noticeable outnumbers single premises),
- b. in the lists: 817 different buildings and 6,201 residential and commercial premises,
- c. in case studies: 16 buildings considered for adaptation for housing stock or for demolition and construction of apartments, and 4,871 residential vacancies.

As part of the study, in addition to information on vacancies themselves, data were also collected on the greatest problems that communes must face with regard to the entire issue of housing stock. Local authorities admitted that considerable financial outlays on renovation are needed, including general renovation of buildings, reconstruction and adaptation of premises in accordance with up-to-date construction requirements and standards. Additionally, there is a problem of premises which – due to legal changes (the concept of communal housing has been abandoned, apartments must be self-contained with a kitchen and a bathroom) – can no longer be leased out by communes. Various registers and documents on revitalization clearly showed efforts to improve the stock, especially in the field of heating modernization and connecting residential buildings to heat distribution networks. However, all projects related to renovation and reconstruction of buildings, sometimes also of the surrounding infrastructure, are planned for years ahead, and then the premises cannot be leased out on terms applicable to council housing.

Types of empty buildings and premises

Empty buildings and commercial premises belonging to communes or commercial entities and individuals can be divided into three categories, namely: (1) technical premises, the purpose of which has changed due to technological changes (e.g. housing estate boiler houses, unnecessary after the reconstruction of heat distribution networks, premises of craftsmen and workshops, mills and warehouses), (2) offices or educational establishments and (3) others. The last category includes very diverse, often unique objects (entire farm buildings and factories, former religious buildings and hospital complexes), and their adaptation requires more work and consultations. Former office buildings, former offices and schools, also those of small size, offer the greatest possibilities of use for residential or similar purposes (e.g. adult day care centres).

Most of empty buildings mentioned in the questionnaire are small, single-story or with a usable attic, which favours minor adaptation projects. Often such small buildings, former post offices, village community centres, volunteer fire department buildings, or small village schools remain empty because people fail to see possibilities of using them in a new way. It is, however, possible to restore such properties back to use as was shown in the study; successful restoration is the result of cooperation between non-governmental organisations and communal authorities, active search for such properties and a wide array of social services offered by NGOs, from which local community or local government can choose what is most beneficial to them. Nevertheless, organisations dealing with property adaptation must have essential knowledge of a given property itself, its renovation and further maintenance.

Empty private properties

Uninhabited houses and empty utility buildings, often with a complicated ownership situation, make a growing problem, noticed first by residents, and then by local government administration. These observations are confirmed by preliminary results of the census and relatively high percentage of uninhabited flats and houses (or commercial buildings with a residential part). Authorities of smaller communes notice such empty properties (this issues

becomes increasingly evident in mandatory real property registers). A number of problems appear, such as: failure to collect property taxes, no waste collection contracts, no declaration in the furnace register (the Central Emission Register of Buildings), houses not connected to water and sewage systems. Neglected empty facilities also become a worry for neighbours; this problem is already noticeable in depopulating municipalities and towns.

Empty residential buildings in smaller towns makes it difficult to carry out more complex infrastructure projects. Owners' identification is often problematic in larger cities in revitalization-related projects. It is becoming more important to use or old buildings or at least restore an area, most often located near a town/city centre. These are most often buildings that require financial outlays on renovation, modernization and connection to municipal systems, therefore it is not easy to find a new user or buyer interested in them. It is a challenge for local authorities in terms of cooperation with other owners, managing their own stock as well as setting certain trends and examples of successful projects. It is also a challenge in the field of town-and-country planning, as it is necessary to consider both potential change in the purpose of such a property, and also the preservation of historically valuable objects.

Technical condition and demolition

A lot of communal, residential and other-purpose buildings are in a very poor technical condition. This is the reason flats in such buildings remain vacant, most often until the last tenant is evicted and a given building is out of use. The questionnaire conducted during the study showed that despite the possibility of adapting some buildings for housing purposes, this is not economically justified as adaptation cost may exceed the cost of building a new facility with similar metric area from scratch. Demolition, however, requires a decision to be made by local authorities, and may involve the use of plot for the construction of new communal buildings. In the case study of Warsaw, carried out as part of the Institute of Urban and Regional Development study, plots of land, where small buildings were demolished, are intended for multi-purpose development including a usable ground floor to be used as a kindergarten, public library or the similar, with while above them. Demolition without a decision on plot development is also becoming increasingly common; such a solution is being seriously considered in Bytom.

Technical condition of a building or premises directly influences how quickly and in what way they can be used. School buildings in decent technical condition are often adapted, without any changes, for headquarters and offices of non-governmental organisations (open meetings, workshops, etc.). Most properties, especially if they are to be used by people, require adaptation and renovation. Small buildings mean a smaller scale of investment and lower total renovation costs; on the other hand, the larger the building and the more complex its functions, the more involvement from local government (or another owner) is required. It is possible to use external sources to finance renovations. Funds may be allocated to various projects and undertakings of a given commune or municipality, they may also be obtained by institutions and organisations that will use the building.

Appropriate specialists may assess technical condition and the necessary scope of renovation only after the purpose of the building or premises are determined. The more advanced the reconstruction as well as the procedures regarding the protection of monuments, the more

costly the entire process will be. Turning a former local boiler room or a warehouse building into an adult day care centre means reconstruction of the entire interior, changes to the façades, new arrangement of the space around (parking spaces, access roads). In the case of buildings that are somewhat important for the community, it is essential not only to renew and refurbish them, but also take care of their new functions, architectural accessibility and access to services that will be provided there.

How can empty spaces be used?

Renovation of **residential buildings** from the communal housing stock is very often a long-term process, and the mere enlargement or improvement of the quality of such stock is not treated as a priority. Information on restoration of housing functions shows that it is more often done not as part of commune own activity, but as part of cooperation with local Social Housing Association, i.e. an organisation entrusted with the creation and management of assisted and protected housing. It is related to financing: in the case of council flats, there is actually no guarantee of rent payment by residents, but an agreement concluded between the Social Housing Association and an individual tenant or commune authorities is more dependable for a financing institution. Therefore, restoration of buildings or turning them into living quarters often involves more advanced legal, financial and organisational structures, which are simply to guarantee proper maintenance of the building and financial profitability, at least at the investment planning stage.

Apartments with social services (protected, supported, sometimes as part of a specific program conducted in a given commune) become more popular, often as an addition to another part of the building (e.g. after the adaptation of an attic, an outbuilding, etc.). Description of functions, the adaptation process, and finally the use of such flats can be planned in consultation with social partners. Since communes are obliged to provide protected dwellings, this function is more often considered during the process of renovation and adaptation of buildings for collective residence purposes.

As part of the revitalization, it works well to offer empty commercial premises and others that cannot be leased indefinitely to local organisations, craftsmen, artists and other entities, on preferential terms for a fixed period. The above mentioned entities have a lot to offer, they attract more people, make the area more alluring, and inspire local communities. Such temporary solutions can lead to the setting of long-term goals and ways of developing a property itself or even the neighbourhood in the revitalization process. **Inviting artists, artisans, NGOs or local cultural institutions** can change the perception of a given place.

Renovated buildings are often used as **headquarters of communal and municipal institutions**, such as headquarters of office departments, but also libraries, service offices. General renovation helps create places without architectural barriers or it may significantly reduce these barriers.

Social services are a very broad category covering kindergartens, counselling centres, adult day care centres, rehabilitation centres and others related to health services – the catalogue is not closed. Making such renovated buildings and premises available to the community is very well received.

Large, post-industrial plots of land that are partially built-up or come with various buildings, most often require cooperation between their owners, local government, business, and sometimes other institutions as well. Post-hospital complexes can be adapted to the needs of universities or private retirement homes, depending on their location. In most cases, **a given area is to serve various purposes**: partial demolition, the use of the most valuable parts of buildings and facilities and incorporating them into new buildings, most often for commercial and service purposes, offices, apartments, hotel part, recreational facilities. For now, such projects are carried out in large cities by commercial entities, but it should be remembered that local governments may provide their plans and requirements as to changes in such special plots and areas.

Partnerships and ideas badly needed

Search for vacancies. Empty premises and commercial buildings are often just waiting for a tenant – if they belong to a commune, or their owner does not take care of them. Searching for available premises based on municipal registers, existing documents and announcements can be very tedious; hence, knowledge of the neighbourhood is necessary. If some real property has the potential to be used or restored, communal or municipal authorities should be contacted in order to obtain information as soon as possible whether it belongs to the communal housing stock, is managed by a commune and if so, by which specific unit. Usable stock is usually managed by departments other than housing, and some real properties may have other administrators, e.g. former teachers' apartments may be at the disposal of education departments. If a commune or its subordinate units are not owners, information on empty stock may also be valuable.

Data from the census show that empty objects may be very numerous and may also belong to private individuals and other entities. A commune will not provide information on a property owner, but it may turn out that conversations and ideas will provoke discussions, thus information on interest in a given property and ideas for its use will reach an owner (provided that legal situation is clear). Within the existing legal framework, it is possible to introduce solutions allowing for acquisition of flats from private owners, housing cooperatives and other entities and for their use based on lease, rental or lend agreements to perform tasks commissioned by a commune or simply for the statutory purposes of non-governmental organisations. This may be an increasingly important source of real property acquisition, as preliminary data from the census coincide with observations of smaller communes from depopulating regions about a phenomenon of uninhabited houses.

Proposals and ideas. Real properties often remain empty because they no longer serve their purpose and bringing them back to use requires very radical changes; for example, a place where linen used to be pressed or where a warehouse was located can be used as a meeting place. As a rule, ideas for a completely new way of use come from non-governmental organisations, or local groups actively involved in fulfilling certain needs. Without an idea, a plan for a given place – it can be single premises but also a large area of post-industrial buildings – it will be difficult to take the first steps leading to adaptation.

The analysis of revitalization programs shows that housing functions are rarely considered on purpose, which is why it is worth pointing to this aspect. Communes have different options of financing renovation and various rental forms (the Social Housing Association, a program

from the Ministry of Economic Development and Technology to help families with a low income, seniors, and people with disabilities pay for rental housing, housing with services, etc.).

Cooperation with social organisations, creating opportunities for local ventures and artists, and finally implementation of ideas of residents, community workers and officials is an indispensable impulse for the creation of something new: dwellings without architectural barriers, supported dwellings, adult day care centres and assistance for people in various crises, places supporting residents' activity and local crafts, arts and other initiatives.

Organisation of adaptation

Adapting premises or a small facility for a new function may take a form of renovation of several weeks or a very large undertaking that requires planning of many years. The budget differential for such projects can also be large. Non-governmental organisations that act for the benefit of residents or deal with specific needs and their satisfaction, have knowledge and resources to motivate local entrepreneurs, larger companies and residents themselves, and thus very effectively use resources entrusted to them and obtain new funds.

Adaptation projects should be preceded by consultations with residents if it concerns municipal buildings, in particular buildings that are somewhat important for local community: former small schools, fire department buildings and community centres, services (post office, shops, former municipal headquarters), which were often built voluntarily by older residents. Renovation projects that residents would disapprove of (e.g. an addiction treatment centre organised by Caritas) could be accepted without major reservations if an open line of communication with residents is kept and if reliable organisational support is provided.

Maintenance and expansion

In addition to restoration, further operation of a facility and its functions should be planned. To some extent, this may be connected with obtaining funds for renovation, but it is not always the case – as for revitalization, maintaining the facility functions after its completion requires combining these functions with other communal projects and tasks. Designing and maintaining a building in good technical condition, along with incurring expenses and adjustments, may seem less important immediately after renovation, but due to energy costs it is necessary from the moment such a building is put into use again.

The cooperation of local governments with large non-governmental organisations often results in the expansion of the scope of joint ventures to new properties and tasks. Therefore, it is worth using experience related to the acquisition, renovation and financing in future projects, buildings and even in cooperation with local governments to come.

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II Residents

I RESIDENTS AND THEIR NEEDS

*A right to housing is defined in international law as the right to live in a home in peace, security, and dignity, and includes security of tenure, availability of services, affordability, adequate physical living conditions, appropriate location, and cultural adequacy*¹⁰.

According to Eurostat data, almost 10% of Polish population experiences severe housing deprivation¹¹. However, housing researchers as well as social organisations dealing with the issues of housing exclusion and homelessness warn that the problem of housing poverty understood as “a phenomenon covering both unstable and unsecured housing as well as inadequate housing” may affect up to 40% of the population in our country¹². Poland is still at the forefront of the countries with the highest overcrowding rate in the EU: in 2020 it was 36.9% of households, but among people at risk of poverty, the rate was higher and accounted for 42.4%. The Eurostat data also illustrate large disproportions between individual groups of users of the housing stock: among households with housing costs exceeding 40% of their income in 2020, it is possible to distinguish owners with mortgage, owners without mortgage, tenants renting flats on market terms and on privileged terms. These groups felt burdened with housing costs as expressed in percentage terms: 2.6%, 4.6%, 18.8% and 6.2% of households, accordingly¹³. According to the research of the Habitat for Humanity Poland Foundation, housing problems or poor housing conditions are the third most important problem of Polish families (32% of responses), followed by inability to purchase an apartment or replace their apartment with the one that meets their needs (26% of responses) and inability to live independently in one’s own or rented flat/house (16% of responses)¹⁴. Groups of people who may be affected by housing exclusion vary from people who live in poverty to those who live in the so-called “rent gap”¹⁵. These groups include seniors, the disabled, the sick and people experiencing violence.

According to the European Typology of Homelessness and Housing Exclusion ETHOS¹⁶, people affected by the above-mentioned issues and crises include homeless people living in public spaces and people staying in hostels, night shelters, as well as residents of substandard, overcrowded premises or living without legal title.

10 *Mieszkanie prawem, nie towarem. Znaczenie prawa do mieszkania w Europie i w Polsce*; w: Publicystyka ngo; Maria J. Aldanas, Jakub Wilczek, FEANTSA; 1.02.2022. <https://publicystyka.ngo.pl/mieszkanie-prawem-nie-towarem-znaczenie-prawa-do-mieszkania-w-europie-i-w-polsce> [access: 07-10-2022].

11 Housing deprivation means poor-quality housing conditions, such as overcrowding, no bath/shower and no indoor toilet, or a dwelling considered too dark, while severe deprivation is the combined occurrence of overpopulation and one of the features of poor technical conditions [Eurostat]. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Living_conditions_in_Europe_-_housing#Housing_conditions [access: 07-10-2022].

12 *Wykluczenie mieszkaniowe – zarys głównych problemów mieszkaniowych w Polsce oraz rekomendacje dla całonacjonalnej polityki społecznej*, Piotr Olech, Pomorskie Forum na Rzecz Wychodzenia z Bezdomności; The expert opinion was prepared within the project called “EAPN Poland – together for social Europe” („EAPN Polska – razem na rzecz Europy Socjalnej”); p. 5

13 Eurostat; 2020, https://ec.europa.eu/eurostat/databrowser/view/ILC_LVHO28__custom_3171893/default/table?lang=en, https://ec.europa.eu/eurostat/databrowser/view/ILC_LVHO05A__custom_3171660/default/table?lang=en [access: 07-10-2022]

14 *Problemy mieszkaniowe Polek i Polaków oraz ocena istniejących rozwiązań*, April 2020. The survey was carried out by ARC Rynek i Opinia Sp. z o.o.on behalf the Habitat for Humanity Poland.

15 People who have too high income to apply for rent from the communal housing stock and too low income to get mortgage.

16 *Typology of homelessness and housing exclusion FEANTSA* [European Federation of National Organisations Working for Homeless People].

We were required to collect detailed data to develop housing guidelines for different target groups. We decided to ask non-governmental organisations that run housing programs about their experiences and solutions they had developed.

When talking with representatives of organisations between November 2021 and May 2022, we asked about:

- the type and size of the housing programs,
- a brief description of groups of beneficiaries,
- difficulties with satisfying the housing needs of representatives of groups that received the support,
- description of flats where housing projects are conducted,
- needs and guidelines for a future flat depending on the target group.

Below, we present selected information from a wider study that was developed as a result of talks held with representatives of organisations.

The Barka Mutual Aid Foundation¹⁷

We support homeless people by coordinating nine training venues, where 60 people live and by running community houses, one urban community and five rural communities.

Moreover, every day we provide support to people covered by the Social Integration Centre program and other activation projects. Our social workers work with youths in Poznań and in several European cities, including: Utrecht, Reykjavik, Dublin, London. In the Poznań community, we have 40 places, mainly taken by men. Currently, if someone is ready to become independent, they have three months after they get a job on the open market to save money and rent a room/flat from the commercial housing stock. Many people come to us straight from the street, they deal with serious housing and life crises. In Poznań as well as in many other cities in Poland, there is not enough council premises, and therefore supported living facilities. In order to use supported living service, anyone interested should first collect the required number of points that entitle them to such a service. At the moment, for the year 2022, the upper limit of points basically makes it impossible for a single person with low income from unemployment benefit or social employment, relatively healthy, without disability, to receive the required number of points that would allow them to get on the list.

The biggest problem arises when we are unable to establish a place of refuge for a person in crisis. Most often these are lonely people trying to save their lives on their own. They would need a room with a kitchenette, or a larger shared flat (similar to supported flats) with a shared kitchen and a bathroom.

Our organisation works in many ways. At many stages of providing support, we see that it would be useful to offer shelter outside the municipal housing system, where the qualifying system is very

¹⁷ More about the organisation: <https://barka.org.pl>

rigid and does not consider individual situations. However, some flexibility would be needed to protect an individual from living in the street or to give them an opportunity to softly switch from living in a community home to being independent.

Polish Association for People with Intellectual Disability¹⁸

The Association supports people with intellectual disabilities. Only adults participate in the housing program. In Gdańsk, the Gdańsk Social Housing Program is implemented; it is based on various forms of housing support addressed to various groups at risk of social exclusion.

Guidelines related to flats intended for people with intellectual disability:

- *Location.* A flat must be well connected with the city centre and the districts, mainly Wrzeszcz, Przymorze, and Oliwa. Most day care facilities for people with intellectual disability (occupational therapy workshops, centres for people with special needs) are located in these districts. We pay attention to the proximity of a grocery store, a church, a clinic, or a pharmacy. Safe recreational places, e.g. a park, landscaped courtyards, squares, etc., are also important.
- *Neighbourhood.* Apartments must be located in well-kept neighbourhoods, in renovated buildings. We exclude districts or their parts exposed to undesirable behaviour of residents.
- *Metric area.* We have two types of flats in different housing conditions, leased out on different terms, so I will answer this question in two versions:
 - a. *Supported (protected) housing:* due to the needs of residents regarding contacts with co-residents (this prevents loneliness and isolation), we offer flats for three to four people. Each resident has their own single room, if possible, we provide two bathrooms. The flat always has a kitchen with a dining area and, additionally, lounge space for all residents. Assistants in these flats do not have a separate room. If it is necessary to perform night duty, they use shared lounge space. Flats for four people are always over 100 m² in area. Currently, it is 126, 135, 122,138, 118 m². We see the need to separate a utility room as well as a laundry room and a drying room. Such additional rooms would significantly facilitate everyday life of residents. Unfortunately, the flat architecture excludes the presence of people in wheelchairs, because flats are located in old, historic tenement houses without elevators and driveways. We have other options for people with reduced mobility. Operating costs and the cost of staff remuneration are borne by the Polish Association for People with Intellectual Disability from subsidy received from the Municipality of Gdańsk. Currently, it is PLN 1,470 per resident. Because we follow the principles of independent living, all costs of personal maintenance are borne by a resident who, alone or with the help of an assistant, purchases food, medicines, clothes, furnishings etc. In such flats, the Polish Association for People with Intellectual Disability is responsible for furnishings in shared spaces, bathrooms, kitchen, hall and basic room furniture required by law. Each resident, independently or with the help of the Polish Association for People with Intellectual Disability buys the rest of room

¹⁸ More information on the organisation: <https://psoni.org.pl>

equipment (curtains, bedding, pillows, blankets, shelves, TV set, etc.) according to their preferences. Residents pay for protected housing to the Municipal Family Support Centre in the amount depending on their income (quite substantial amounts in 2021).

- b. *Supported flat* – under this model, a resident is granted legal title to a flat based on a lease agreement with the Municipality of Gdańsk, concluded for a definite or indefinite period. These are separate, one-man studio apartments (a single room with a kitchen or kitchenette, and a separate bathroom) with an area from 26 to 37 m². Some flats are scattered in residential buildings on a housing estate, some are located in a separate staircase on three floors. On each floor there is a lounge room, a big kitchen. Residents use shared rooms according to their needs. The support is tailored to individual needs, from 10 hours a month to round-the-clock support. Residents pay for all operating and maintenance costs, renovate and furnish their apartments on their own. The Polish Association for People with Intellectual Disability has no legal title to these flats. As far as other flats are concerned, it is possible to conclude a lease agreement with the Association and it will conclude sublease agreements with residents. Therefore, we will be able to support these premises financially (which we do anyway by covering the costs of repairs, materials for repairs, equipment in shared areas, taking care of staircases etc.). The costs covered by residents include rent (after reduction from 300 to 600 PLN/month), electricity bills (about 100 PLN/two months), cable TV, internet – at residents' discretion.

Caritas of the Archdiocese of Warsaw¹⁹

We help people affected by homelessness, we run centres for the homeless, a bathhouse, a diner and supported flats. The housing needs of our charges depend on their current professional, health and personal situation. For people who work professionally and frequently use medical services, a location well connected with all districts of the city is important. The cost of living plays a key role, which is directly related to the flat size metric area – the bigger it is, the higher the rent). The average price that a resident is willing to pay for a supported flat is PLN 300-500 for rent plus meter charges. Residents usually expect small, self-contained flats for one or two people. In a collective dwelling (e.g. a three-room flat), they value privacy, so it is most desirable to live in a small but independent room.

Stowarzyszenie Jump²⁰

Our organisation runs one supported flat as part of the social reintegration program for homeless people in opiate substitution therapy for opiate addicts. These people, most often with serious somatic diseases and mental disorders, should qualify for further care in care and treatment facilities, nursing homes, sometimes in hospices. They do not end up in such facilities due to their arbitrary decisions not to accept clients in opiate substitution therapy. We have only been running the flat for a year and this is the first program of this type in our country, dedicated to opiate addicts. In view of insufficient support more suited to the needs of people under our charge, we prepare them to live in council flats. It means many years of waiting for the premises, but it also comes with fur-

19 More about the organisation: <https://caritasaw.pl>

20 More about the organisation: <http://jump93.pl>

ther support at the stage of relative independence. Council flats that our charges have occupied over the last five years are four studio apartments with an area of 17-20 m², conventionally equipped and renovated. These premises meet modest requirements of those under our charge, many of whom have spent most of their lives in the street.

When planning this chapter of the Toolkit, we assumed that in its summary we would provide you with a list of housing guidelines depending on the target group characteristics. When interviewing practitioners, we realized that such data would be incomplete and out of context. We revised primary assumptions and decided that it would be more helpful to indicate appropriate legal regulations. In addition, we would like to share a list of good practices with you. They will help specify assumptions in detail. Developing the final list of assumptions that considers both of these steps will allow you to create a place of residence tailored to the resident's needs.

A set of guidelines related to housing regulated by Polish law (protected housing, assisted housing) is provided in the chapter entitled "Standardization of housing with services" of this Toolkit.

Good practices:

1. Assessing flats in terms of different models of living (e.g. living in separate rooms, living in twos and an additional shared living room).
2. Assessing architectural accessibility of shared parts of the building for people with physical disabilities.
3. Checking whether the building residents are open to co-living with people from the groups described above. Promoting integration of future community depending on the necessity and possibilities.
4. Assessing availability of services (distance, architectural barriers, price, service booking paths) needed by future residents.
5. Adjusting the fixed costs of a flat to the financial capacities of future residents.
6. Staying in touch with other organisations that conduct similar activity in order to learn about their experiences in the process of flat selection and adaptation.

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Habitat for Humanity Poland

II SETTLEMENT

The term “settlement” is associated with the final stage and the culmination of processes related to “living”, understood here in the imperfective aspect as “the entire complex process of becoming a resident (e.g. of a given flat, district of a specific nature) or a co-inhabitant (e.g. someone from the outside of what is known as a nuclear family, bonded by intimacy and shared management)”²¹.

However, this final stage is also the beginning of often difficult and sometimes unsuccessful process of feeling at home. Based on her research, Maren Harnack states as follows: “The possibility of feeling at home is not seen as obviousness, but rather as a result of extremely exhausting assimilation and negotiation processes”²².

An image of a happy and rested family moving into their dream, fully furnished and equipped house, in a friendly neighbourhood, where one can easily feel at home, as is shown in the media, often contradicts the real, tedious and often painful experience of many people and families, especially those facing housing exclusion, the homeless and people at risk of exclusion and homelessness. Their process of settling and living not only takes many years, but also often ends in substandard conditions, including overcrowding, in dwellings not adapted to their needs and financial capacities, in temporary accommodation or on the expensive and unpredictable commercial rental market.

The COVID-19 pandemic, the refugee crisis in connection with the war in Ukraine, inflation, increasing mortgage payments, decreasing mortgage credit availability, saturation of the rental market, shortage of renovation and construction materials, still insufficient availability of communal housing stock and affordable social housing – all these issues made the settlement process much longer, not shorter. When it comes to flats with services, the situation is similar. It is difficult for non-governmental organisations or local government units to increase the housing stock not only because of growth in prices of housing adaptation, but also because of limited public funds for support programs (resulting from reduced government subsidies).

In the chapter entitled “Settlement”, we focus on aspects related to an individual’s moving into a flat (settlement) as well as to issues of sharing a flat with other people (living). As in the previous chapter, “Residents and their needs”, we collected fragments of statements by representatives of non-governmental organisations who wanted to share their experiences with us. We wanted to gather information on what the move-in itself looks like, what rules/customs prevail in flats, what challenges are faced by administrators and residents.

21 *Socjologia zamieszkiwania*, ed. M. Łukasiuk i M. Jewdokimowa, Warsaw 2014, p. 25.

22 [Harnack 2012: 181] in: *Socjologia zamieszkiwania*, ed. M. Łukasiuk i M. Jewdokimowa, Warsaw 2014, p. 25-26

When talking with representatives of organisations between November 2021 and May 2022, we asked about:

- What does the stage of residents' move-in look like? Is it difficult and if so, why?
- How are housing rules established? Is it difficult to follow them?
- What rules and customs prevail in flats?
- What are the challenges that new residents must face?
- Does sharing a flat lead to conflicts? If so, what kind of conflicts?
- What are the challenges that housing management organisation must face?

Below, we present selected information from a wider study that was developed as a result of talks held with representatives of organisations.

The Barka Mutual Aid Foundation

We have premises from the municipal housing stock. When a person on the list of people entitled to a council flat expresses a desire to move into a supported flat, they have the right to visit it and decide (unless they resigns from this right) and if they are interested, they get the keys from the Municipal Housing Stock Management and agree on a moving-in date with the operator's representative. The representative of the Barka Foundation always tries to be there when a new tenant moves in and prepare other residents for a new group with which they will share the living space. We offer them several hours of counselling provided by problem solving staff (e.g. social worker, psychologist, career counsellor, debt lawyer, addiction specialist and resident caretaker). Each flat has a main coordinator and residents are in direct contact with them.

Challenges:

- a. Alcohol abuse: according to the housing regulations (imposed by the Municipal Housing Stock Management for supported flats from the municipal stock), alcohol consumption is prohibited only in shared areas. It leads to a lot of abuse. In such situations, we try to talk, educate and help people receive treatment, but we cannot forbid anything, which is particularly difficult when the premises are shared with other families with children. Sometimes a conversation is not enough, and it is necessary to use the help of the police or municipal guard.*
- b. Failure to pay rent, increasing debts: we try to help tenants determine and stick to their budget; many of them have neither paid any bills for many years, or have taken responsibility for anything, and they are often in debt. In demanding situations, we help negotiate repayment of loan in monthly instalments or through supervision.*
- c. Conflicts between residents – when people of different ages, with different experiences and personality types live under one roof, eventually conflicts will occur; we try to solve them on an ongoing basis with the help of a psychologist and caretakers. In security-threatening situations, it is possible to apply to the Municipal Housing Stock Management to move a given resident to another supported facility.*

- d. Long waiting time for a target self-contained or council flats – the city of Poznań has a limited number of the latter, therefore the time spent in training flats extends, which often negatively affects the motivation of residents and their willingness to decide to participate in a supported housing project.

The Polish Association for People with Intellectual Disability

Each resident of the above-mentioned apartments automatically becomes a participant in the housing training program, which generally takes at least one year. We follow the principle according to which a candidate's needs must be recognized by our team and we must prepare an individual offer for each candidate. During the preparatory period, we also work with the candidate's family (if possible) and with the environment through occupational therapy workshops, centres for people with special needs, professional trainings and others, with the consent of the candidate. Based on the knowledge we gained during the training, we propose the scope and form of support in consultation with a candidate (or their parents/guardians). A resident furnishes a flat or their room according to their individual needs alone or with the support of the Polish Association for People with Intellectual Disability. Flats must be furnished from scratch, while rooms in protected apartments are partially furnished. If a flat requires renovation, it is performed by a resident/their family. If a resident is unable to cover the costs of renovation or equipment on their own, the Polish Association for People with Intellectual Disability provides support. In Gdańsk, there are two separate procedures in place when applying for allocation of the premises. Supported/protected housing requires a community interview and an administrative decision to grant supported housing on the basis of an application submitted to the Municipal Economy Department at the Municipal Office, an application submitted to the Municipal Family Support Centre, an NGO's recommendation. Based on submitted applications and a personal meeting with a candidate, the so-called council housing team at the Municipal Family Support Centre (two representatives thereof, two representatives of the municipal management department, a representative of the Social Housing Program coordinator and representatives of NGOs supervising apartments), in consultation with a candidate and their family/guardian, recommends the best form of housing. Then an administrative decision is issued, or a fixed-term or indefinite lease agreement is concluded.

Challenges:

- a. Relations between household members. We pay a lot of attention to the fact that residents of protected flats accept each other, know each other and want to live with each other. Unfortunately, it does not guarantee a harmonious life in one flat. Recently, we have experienced several difficulties resulting from behaviours that other fellow residents do not tolerate. There were arguments, growing conflicts, there was fear for the safety and domestic peace of the remaining residents. Despite numerous and various attempts we made to support residents, we had to withhold the recommendation, which led to residents moving out.
- b. Availability of additional services. Therefore, we continue to provide assistance, including specialist support, in different forms, including: addiction therapy, psychotherapy, treatment and cooperation with a psychiatrist, individual and group supervision for assistants, psychological support for families, support of staff from a given resident's environment in the field of dealing

with difficult behaviours (trainings, consultations, constant cooperation), cooperation with therapists in the field of dealing with emotions, professional burnout, etc.

- c. We believe that current support system, very modest, lacks various forms we could offer to residents with special emotional and social needs, and behaviours that are hardly acceptable to their fellow residents. Unfortunately, sometimes we have a flat and a support offer, but it turns out that this offer is not very flexible and does not fulfil the needs of residents. As a result, we cannot provide support to them. We are also convinced that teenagers at the age of 15-16 at the latest should start their housing training, which actually should be a compulsory course in schools and in programs addressed to grown-ups in day care centres for adults.
- d. Emotions. We recognize that the first year of residence evokes various emotions for both the resident and his/her family, from sheer joy of living independently to the longing for a family home. Families suffer from an empty nest syndrome and want to participate very intensively in residents' daily life. Residents often become discouraged from doing everyday chores like washing, cleaning, cooking meals, etc. on their own. They miss being served by their parents, often have difficulties respecting boundaries of fellow residents because they are used to doing what they want, to other people doing what they tell them to do and also to not being told what to do. Such conflicts will most likely occur in protected dwellings, where sharing bathrooms and kitchens generates nervous reactions from other residents ("you use the bathroom for too long", "you haven't taken the laundry out of the washing machine", "you have left a dirty plate in the sink", "frying this fish stinks"). This is another proof that living in a separate, independent flat significantly reduces these tensions and does not generate such inconvenient situations.

There is one more conclusion regarding people who require intensive support that we would like to bring up: such people operate best in their own flats, but within small groups/communities of people with various levels of operation. In such conditions, a resident with needs receives very individualized support, and during their leisure time, they are not lonely and take part (actively or only passively) in the life of their community. This is the support model we recommend.

The Jump Association

Places in a re-adapted flat are made available to people who have previously participated in our social re-adaptation program (in practice two years or more) and who refrain from using alcohol and substances not prescribed by a doctor. A person supervising a flat requires its residents to regularly cooperate with a social welfare centre and take steps towards obtaining/not losing the rights to social housing. A flat is a great asset that evokes positive emotions, but also fear of one's own decisions, when the control after leaving the shelter/hostel is severely limited. A supervisor meets with his/her charges every week during a support group meeting. Currently, there is people living in a flat with a floor area of 72 m². In June 2021, one of our charges died before a place in a hospice was found for her.

Caritas of the Archdiocese of Warsaw

A resident qualified by employees for supported accommodation signs an appropriate lease agreement with Caritas of the Archdiocese of Warsaw for a specified period. We thoroughly discuss the flat policies and rules. If necessary, we organise transport of residents' personal belongings to the premises (which is already furnished and ready to live in). Moving to a new place is usually very emotional; in addition to being moved and excited, residents often are filled with fear of change or loneliness. None of our residents are left without care and psychological support.

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Habitat for Humanity Poland



III Apartments - legal title and standard

I LEGAL TITLES TO APARTMENTS

Legal titles to premises

Legal title to premises is a legal basis allowing a lessee to use the premises. The basis for determining legal title to premises is provided in legal regulations, but also as an obligation relationship, e.g. an agreement. Definitions of specific legal relationships that are the source of an individual's right to use the premises are provided primarily in the Civil Code, but also in other acts²³. Importantly, provisions of the Act of June 21, 2001 on the Protection of Tenants' Rights, to which the Civil Code is subordinate, apply in the first place to the lease of residential premises. However, the Act does not introduce significant changes to definitions and basic principles set out below.

Lease

The lease right arises through an agreement concluded with the property owner. Pursuant to Article 659 § 1 of the Civil Code, by a contract of lease, the lessor assumes the obligation to give the lessee a thing for use for a specified or unspecified time, and the lessee assumes the obligation to pay the lessor the agreed rent²⁴.

Sublease

Pursuant to Article 668 § 1 of the Civil Code, the lessee may give the thing leased as a whole or in parts to a third party for gratuitous use or sublease if the contract does not prohibit him/her to do so. If the thing is given to a third party both the lessee and the third party shall be liable to the lessor for the thing leased being used in accordance with the duties resulting from the contract of lease²⁵.

The relationship resulting from the contract of gratuitous use or sublease concluded by the lessee expires at the latest at the time of termination of the relationship of lease (Article 668 § 2 of the Civil Code).

Article 688 of the Civil Code provides that in the case of sublease, without the consent of the lessor, the lessee cannot make the premises available either for gratuitous use or sublease it²⁶.

23 <https://prawo-porady.pl/artykuly,tytul-prawny-do-lokalu,573.html> [access: 26-07-2022].

24 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/kodeks-cywilny-16785996/art-659> [access: 26-07-2022].

25 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/kodeks-cywilny-16785996/art-668> [access: 26-07-2022].

26 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/kodeks-cywilny-16785996/art-688-2> [access: 27-07-2022].

Tenancy

According to Article 693 § 1 of the Civil Code, by a contract of tenancy, the property owner shall assume the obligation to give a thing to the tenant for use and the collection of fruits for definite or indefinite time, and the tenant shall assume the obligation to pay to the property owner the rent agreed upon²⁷.

Lending for use

By a contract of lending for use, the lender shall assume the obligations to allow the borrower, for a specified or unspecified time, to use gratuitously a thing given to him for that purpose (Article 710 of the Civil Code²⁸).

Annuity

According to 908 § 1 of the Civil Code, if – in exchange for the transfer of the ownership of an immovable property, the acquirer has assumed the obligation to provide the transferor with means of subsistence for life (a contract of annuity) – he shall, barring a contract to the contrary, accept the transferor as a member of his household and provide him with food, clothing, accommodation, light and fuel, ensure him the proper help and care in illness, and give him, at his own expense, a funeral in accordance with the local customs²⁹.

Types of lease agreement

There are **three different forms of a flat lease agreement** between private entities: ordinary civil law agreement, occasional lease agreement and institutional lease agreement. An ordinary civil law lease agreement can be offered to a lessee by any lessor, both a private owner of a single apartment and a person or a company that lease apartments as part of their business activity. An occasional lease agreement, on the other hand, can only be concluded by the first lessor³⁰, and an institutional lease agreement can only be concluded by an entity conducting business activity in the field of leasing premises³¹.

Institutional lease

An institutional lease agreement may be concluded by an individual, a corporate or an orga-

27 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/kodeks-cywilny-16785996/art-693> [access: 26-07-2022].

28 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/kodeks-cywilny-16785996/art-710> [access: 26-07-2022].

29 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/kodeks-cywilny-16785996/art-908> [access: 26-07-2022].

30 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/ochrona-praw-lokatorow-mieszkaniowy-zasob-gminy-i-zmiana-16903658/art-19-a> [access:17-08-2022].

31 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/ochrona-praw-lokatorow-mieszkaniowy-zasob-gminy-i-zmiana-16903658/art-19-f> [access: 17-08-2022].

nisational unit that is not an individual. However, this is only possible if an individual or an entity **conducts business in the field of leasing residential premises**. This form of lease does not apply to real property that is used by lessees for business purposes. The definition of an institutional lease agreement is provided in Article 19f (1) and (2) of the Act on the Protection of Tenants' Rights³².

Occasional lease

An occasional lease agreement is a lease agreement of premises used **to meet housing needs**; it is concluded in writing, for a specified period of time, **not longer than 10 years**. In order to streamline the procedure of terminating a lease agreement or in order for an agreement to end, a lessee is obliged to submit a notarial declaration of submitting to enforcement and leaving premises; at the same time, a lessee shall indicate premises where he/she will be able to live should he/she be required to leave premises. An owner of new premises, in turn, should submit a notarial declaration of acceptance of such a tenant³³. Other terms of leasing an apartment, apart from the maximum term of lease and the necessity to submit notarial statements, are set out in an agreement and do not differ in any way from terms set in a standard private lease agreement (e.g. the amount of rent and deposit, method of settling utility costs).

After the amendment to the Act on the Protection of Tenants' Rights of September 11, 2017, **only people who do not conduct business activity** may conclude an occasional lease agreement. In this case, income tax should be paid in the same way as in the case of standard form of lease.

An occasional lease agreement, like an institutional lease agreement, makes a tenant's eviction procedure a bit faster. If an agreement is terminated, a notarial deed on submission to enforcement, with an enforcement clause, provides both the legal title to empty the premises as well as the basis for a bailiff to take his/her action³⁴. In order to use this accelerated procedure in the case of an occasional lease, it is necessary to report the fact that such an agreement was concluded to a head of a competent tax office within 14 days of its conclusion³⁵.

Comparison of important features of different types of lease				
Type of lease	Traditional lease	Occasional lease	Institutional lease with ownership option	Institutional lease without ownership option
Who can offer a given type of lease?	All owners of apartments.	Individual lessors.	Only entrepreneurs.	
What is a lease term?	For definite and indefinite period of time.	Only for definite period of time (no more than 10 years).	Only for definite period of time.	
What is a deposit amount?	Up to twelve-time rent.	Deposit is at the parties' discretion. Up to six-time monthly rent.		

³² Ibidem.

³³ Act of June 21, 2001 on the Act on Protection of Tenants' Rights, Article 19a.

³⁴ <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/ochrona-praw-lokatorow-mieszkaniowy-zasob-gminy-i-zmiana-16903658/art-19-d> [access: 18-08-2022].

³⁵ <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/ochrona-praw-lokatorow-mieszkaniowy-zasob-gminy-i-zmiana-16903658/art-19-b> [access: 18-08-2022].

Does an evicted person have the right to a council flat or a temporary flat?	Yes (a council flat is guaranteed for some lessees).	Lessees does not have such a right. They sign a notarial statement on submission to enforcement.		
Can a lessor increase a rent?	No, it cannot. Articles 8a and 9 of the Act on the Protection of Tenants' Rights shall apply.	Rent can be freely increased based on contractual provisions.		
When can a lessor terminated an agreement due to failure to pay rent?	At least three-month delay and failure to pay the entire overdue amount for the next month. Addition payment deadline (one month) must be set in writing, and a lessee should be warned about possible termination of an agreement. The termination notice in one month (effective at the end of a calendar month).			
What are the features of a given lease?	The widest tenant's protection.	The necessity to ensure premises in the case of eviction and report lease to the tax office.	A lessor does not have to ensure premises in the case of eviction.	Gradual buyout of an apartment based on additional payments to rent. The ownership is transferred to a lessee once an apartment is repaid.

Table 2. Comparison of lease options³⁶

Acquiring and sharing of real property according to non-governmental organisations

Non-governmental organisations can mediate between an owner of an apartment and its final lessee in two diverse ways:

- as a **lessee of premises leased by its owner, who then sublets** it to a final tenant (if an owner of an apartment has agreed to it), i.e. a person in need of an apartment who meets the required criteria,
- as an **intermediary**, negotiating the terms of a lease agreement concluded directly between an owner of an apartment and its lessee, i.e. an NGO's client³⁷.

From legal and organisational point of view, leasing and subleasing an apartment by an NGO are safer options for its owner and for the non-governmental organisation.

The latter as a lessee may conclude a lease agreement or an agreement of lending for use with a lessor (municipality, other public entity or other entity, e.g. an individual, a corporate, an organisational unit without legal personality, but with legal capacity). Subsequently, an organisation may sublease the premises to an individual in order to meet his/her housing needs. Two specific cases must be mentioned here:

- lease and sublease of the premises in transactions (when a lessor is not a public entity and the premises do not belong to the public real property stock),
- lease and sublease of the premises in public transactions (when a commune, district, province, the State Treasury act as a lessor or the premises are part of the public real property stock).

³⁶ <https://www.infor.pl/prawo/umowy/najem-i-dzierzawy/5397853,Rodzaje-najmu-mieszkan.html> [access: 26-07-2022].

³⁷ This part of the study was prepared based on documents of the Habitat for Humanity Poland Foundation, in particular: A. Muzioł-Węclawowicz, Społeczna Agencja Najmu. Dokument strategiczny, 2017.

As it was mentioned earlier, in the case of **sublease admissibility**, the provisions of Article 668 of the Civil Code apply. A lessee may give the thing leased as a whole or in parts to a third party for gratuitous use or sublease **if an agreement does not prohibit him/her to do so** (§ 1). If the thing is handed over to a third party, both the lessee (an NGO) and the third party (in this case, a natural person living as a sub-tenant on the premises leased by an organisation) are responsible to a lessor for the fact that the leased thing will be used as specified in a lease agreement. The relationship resulting from a sublease agreement and an agreement for gratuitous use concluded by a lessee may be terminated at the latest at the end of the lease (§ 2).

Pursuant to the above provisions, a lessee may sublease a thing or lend it for use free of charge, but only if such actions are not prohibited in his/her lease agreement. Legal relationship between a lessee and a sub-lessee must follow the rules of basic lease in the following areas:

- responsibility for the use of things by a sub-lessee on identical terms as specified in a lease agreement,
- sublease expiration date (lease and sublease expire at the same time),
- obligation to return a thing in a non-deteriorated condition, excluding wear and tear as a result of proper use.

It is also necessary to develop Article 688 2 of the Civil Code, which says: **“Without the consent of the lessor, the lessee cannot make the premises available either as a whole or in part for gratuitous use nor sublease it”** – taking such an action in the absence of the said consent may result in termination of lease, as indicated in Article 11 (2) (3) of the Act on the Protection of Tenants’ Rights³⁸. The rules for subleasing residential premises are therefore different from general rules. **A lessor’s consent may be given both in a lease agreement itself as well as later, when the need to sublease the premises arises.** Such a consent may be granted to a given sublease (to a given person under specific conditions) or to any undefined sublease. **Importantly, the consent must be given in writing.**

It is also acceptable to **introduce various restrictions and recommendations to a lessee with regard to a sub-lessee as well as a sublease relationship.** This makes it possible to define rules of subleasing the premises to third parties in an agreement between a lessor and an NGO. The provisions for sublease can be freely extended. They can define criteria for selecting sub-lessees, and even include precise draft of a sublease agreement that a non-government organisation will be obliged to apply to sub-lessees. A model sublease agreement may be an attachment to a lease agreement, where consent to sublease is given. However, one should remember that sublease is a legal relationship that is always subordinated to the lease relationship, therefore the provisions of both these agreements should respect this relationship.

The best solution for an NGO is to obtain a general consent for sublease with additional formal and organisational terms. Such a consent should not, however, apply to details of future lessees, their social and income status, etc.

³⁸ <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/ochrona-praw-lokatorow-mieszkaniowy-zasob-gminy-i-zmiana-16903658/art-11> [access: 18-08-2022].

A tenant's status (a sub-lessee of an apartment leased by an NGO) in the light of the provisions on the protection of tenants' rights also remains a principal issue. **A sub-lessee becomes a tenant** within the meaning of Article 2 (1) (1) of the Act on the Protection of Tenants' Rights, on the Communal Housing Stock and on Amendment to the Civil Code, so the provisions of this Act apply³⁹. This, in turn, gives rise to the need to reconsider the lessor-lessee relationship, i.e. the type of agreement (occasional lease agreement, fixed-term agreement), duration and other aspects. The latter may include, for example, care services provided by an organisation as additional services to be used by a tenant.

Acquisition of premises from the communal housing stock (outside Warsaw)

Leasing, or encumbering of the municipal property for a fee is possible on terms provided primarily in the Act of August 21, 1997 on Real property Management⁴⁰. As for municipal real property, pursuant to the Act of March 8, 1990 on Municipal Government, **a municipal council has the exclusive right to adopt resolutions on property matters exceeding the scope of ordinary management, concerning the lease of real property for a period longer than three years or for an indefinite period**, unless specific laws provide otherwise⁴¹. Generally, apartments should be leased through a tender (competent authorities have the right to determine exceptions). If a lessee is a public benefit organisation (also referred to as the "PBO"), lease agreements for a period longer than three years or for an indefinite period are concluded disregarding tender procedure.

The Act of June 21, 2001 on the Protection of Tenants' Rights does not introduce any significant modifications to the general principles of subleasing residential premises.

However, one thing is worth mentioning – in Article 20 (2a-2b) of this Act, it was specified that a municipality, in order to perform tasks related to satisfying housing needs, may lease premises from other owners and sublease it to people who receive low income⁴². The commune may collect from such sub-lessees lower rent than the one it pays itself to the premises owner.

Acquiring apartments from a commune is one of the forms of cooperation between NGOs and a commune where it operates. This is justified especially in relation to apartments which, for several reasons, are not intended for lease, e.g. due to inadequate technical condition that requires renovation. Acquiring apartments directly from communes is an interesting solution from the point of view of an NGO due to lower rent.

There are two forms of acquisition of apartments from communes, namely **lease and lending for use. The latter is not prohibited in the provisions of law**. However, it should be noted that the provisions on state aid will apply if an NGO is considered an enterprise in the light of the provisions on free competition. It is worth making sure that the decision on lending for

39 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/ochrona-praw-lokatorow-mieszkaniowy-zasob-gminy-i-zmiana-kodek-su-16903658/art-2> [access: 27-07-2022].

40 <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19971150741> [access: 26-07-2022].

41 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/samorząd-gminny-16793509> [access: 26-07-2022].

42 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/ochrona-praw-lokatorow-mieszkaniowy-zasob-gminy-i-zmiana-16903658/art-20> [access: 26-07-2022].

use has the correct formal grounds. For this reason, **the best situation is when resolutions of municipal councils** on long-term program of managing the communal housing stock **call for lending the residential premises for use**. The reasons why such lending falls into rational housing stock management should be listed therein.

When it comes to satisfying the housing needs of a local community, each commune is obliged to **use its housing stock to lease apartments to citizens eligible for housing assistance**. Therefore, the activity of a non-governmental organisation based solely on subleasing apartments leased from or lent by the municipality **is not a recommended solution**. Considering individual local conditions, one should remember about the possibility of leasing apartments or lending them for use from communes to organisations but to a limited extent.

Municipal path – lease from the capital city of Warsaw

Commercial premises

Application procedure

Non-governmental organisations may lease real property from the capital city of Warsaw on preferential terms – disregarding the tender procedure and at rates lower than market rates. It is acceptable when the premises are to be made available to a public benefit organisation to conduct its activity in accordance with its articles of association, or to run business the profits from which must be allocated to its statutory purposes⁴³.

Public benefit activity may include, for example, taking actions in the field of social assistance, education, culture, and art to support the development of local communities in accordance with a given NGO's articles of association.

An organisation may submit a lease application to the district office of the Capital City of Warsaw at any time. The application can be downloaded from the following website: <https://biznes.um.warszawa.pl/lokale-uzytkowe1>. In the application one may:

- indicate parameters of the premises they are looking for (area, number of rooms, necessary utilities);
- indicate specific premises.

Information on the premises for lease is available on the website of the Real Property Management Company (Zakład Gospodarowania Nieruchomościami) for a given district, district office or on the website of the City Hall – <https://um.warszawa.pl> in the tab called: “Municipal real property”.

An apartment leased by an organisation should not be located on the ground floor of the building with commercial and service area. If the premises which an organisation is applying for (or which

⁴³ <https://warszawa.ngo.pl/poradnik/lokale-dla-ngo> [access: 26-07-2022].

has been designated for an NGO) are located in the commercial and service area, the district mayor must also obtain a consent of the Mayor of the Capital City of Warsaw to such lease.

The application must be filed together with:

- financial statements for the last fiscal year (balance sheet, income statement or profit and loss account, additional information);
- a report on operations for the previous year or, if an organisation has not managed for the entire year, for the period from the date of registration to the date of the application submission;
- a copy of the current excerpt from the National Court Register, other relevant register or records (the excerpt must be consistent with the current factual and legal status, regardless of when it was issued);
- an applicant's statute;
- declaration on the settlement of financial obligations towards the Capital City of Warsaw.

Non-governmental organisations may also apply for the lease of commercial premises through tenders for announced by the District Boards of the Capital City of Warsaw.

Lease – critical issues

If the city has approved the application, after negotiating the rent rate, a lease agreement can be signed with the district Real property Management Company.

Once it is signed, an NGO is required to provide (in the form of a notarial deed) a declaration of voluntary submission to enforcement. A notarial fee is paid by an organisation, but the Real property Management Company has to settle half of this expense in the rent.

When leasing out the premises from the Municipal Office, after signing application lease agreement, an organisation is obliged to remember that:

- it will have to pay a returnable deposit; its amount is determined each time individually, organisations may try to reduce it;
- before the premises are used, both parties must sign a handover protocol;
- during the lease, employees of the Municipal Office may check the use of the premises: if an NGO uses the premises contrary to its purpose, an agreement may be terminated;
- if an organisation plans to renovate the premises, it must first obtain approval from the Municipal Office or the Real property Management Company. If a consent is given, both parties sign a repair agreement;
- organisations must pay real property tax on premises they lease in accordance with rates specified on the website: <https://warszawa19115.pl/-/podatek-od-nieruchomosci>.

Rent, duration of the lease

The rates of rent for the lease of premises by non-governmental organisations are always lower than commercial rates and are determined during the negotiations before signing an

agreement. The rates are subject to annual revaluation. In addition, the rent may be periodically lowered as a result of:

- performance of a specific task commissioned by the Capital City of Warsaw on the premises,
- making toilets available to the public,
- renovation work including: waiting for an approval to start renovation work on the premises, performing work in the area directly adjacent to or in the real property, making it difficult to conduct activity on the premises.

Each district of Warsaw has its own minimum preferential rate. These rates may vary depending on a district, the type of activity conducted by an organisation, location and technical condition of the premises.

The rent for the part of the premises where an organisation conducts economic activity depends on the type of this activity and may be increased up to the market rate. As for a social cooperative, a preferential rate will also apply due to the specificity and purpose of its operation.

An organisation has the right to apply for a reduction in rent if the activity it conducts on the premises is related to previously obtained municipal subsidies. In order to apply for reduced rent, an organisation should apply to the district Real property Management Company and present a grant agreement.

Commercial premises are leased for a fixed period: up to 3 or 10 years, with the possibility of extension.

Subsequent lease agreement with the same organisation may be concluded for a period of up to 5 or up to 10 years, nevertheless a lessee has the right to request a shorter lease period.

Use of the premises

With the approval of the district board, part of the premises (no more than 50% of the floor area) may be subleased to another organisation or other entities, e.g. companies. If the premises is subleased to another non-profit organisation, the amount of rent is increased by a minimum of 50% for the subleased space. In unusual cases, it is possible to give up on the rent increase. In the case of subleasing to other entities, the sublease rate is increased to the market rates.

Each change in the lease of a commercial premises requires a lessor's consent (otherwise a lease agreement may be terminated), therefore renovation should be consulted in advance with the Real property Management Company.

Residential premises

Mayor of the Capital City of Warsaw can make residential premises from the housing stock of the Capital City of Warsaw available for social purposes. In justified cases, non-governmental organisations may also choose this option.

A non-governmental organisation may receive such premises provided that it takes actions for the benefit of the residents of Warsaw provided for in the following acts:

- the Act on Social Assistance⁴⁴,
- the Act on Family Support and Foster Care⁴⁵,
- the Act on Taking Care of Children under the Age of Three⁴⁶,
- the Act on Mental Health Protection⁴⁷.

The premises handed over social purposes must be:

- previously emptied,
- located in a building where floor area, structure, equipment as well as its location enable the performance of tasks within the scope of the above-mentioned acts.

The rules for handing over the premises to public benefit organisations are specified in [Zarządzenie nr 540/2020 Prezydenta m.st. Warszawy z dnia 27 kwietnia 2020 r. w sprawie zasad przekazywania lokali mieszkalnych na rzecz organizacji pozarządowych oraz określenia sposobu wyboru organizacji](#)

At the post-district level apartments may be handed over based on **an understanding or co-operation agreement** concluded with organisations that:

- perform public tasks commissioned by the Warsaw government (in the light of the Act on Public Benefit and Volunteer Work);
- have been selected as partners in order to carry out cohesion policy programs financed from EU funds (pursuant to Article 33 of the Act of 11 July 2014 on the Principles of Implementing Cohesion Policy Programmes Financed under the 2014-2020 Financial Perspective⁴⁸).

At the district level, a different procedure shall apply.

NGOs have the right to apply for the premises by responding to advertisements for submitting offers for premises allocated by district boards. Information on available premises is usually published in the Public Information Bulletin of the Capital City of Warsaw.

An organisation interested in some premises should submit the following documents to the right district:

- an offer with housing assistance concept along with the required attachments,
- references from the Office of Assistance and Social Projects or the Health Policy Office with regard to the current and future activity.

44 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/pomoc-spoleczna-17087802/dz-1> [access: 18-08-2022].

45 <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20111490887/U/D20110887Lj.pdf> [access: 18-08-2022].

46 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/opieka-nad-dziecmi-w-wieku-do-lat-3-17688988> [access: 18-08-2022].

47 <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19941110535/U/D19940535Lj.pdf> [access: 18-08-2022].

48 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/zasady-realizacji-programow-w-zakresie-polityki-spojnosci-18120459/art-33> [access: 27-07-2022].

The district mayor may apply to another organisational unit of the Capital City of Warsaw, a government administration unit or competent organisational unit for an additional opinion on a given organisation's activity.

Priority in choosing an offer is given to those public benefit organisations that attach the following documents to the application:

- letters of reference regarding their activity, received from local government units or government administration;
- documents confirming that a given organisation has enough financial means to perform its statutory tasks on the premises;
- documents confirming that an organisation has no financial arrears towards the Capital City of Warsaw regarding the lease (currently or in the last five years) of other premises from the Capital City of Warsaw.

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II STANDARDIZATION OF APARTMENTS WITH SERVICES

Introduction

When empty spaces are converted into apartments with services (or more broadly, when housing stock, including vacancies, is acquired), it is necessary to answer the question what conditions must be met in order for such premises to be suitable for helping people affected by homelessness. It is not only about the basic technical conditions, such as the number, size and purpose of rooms, their equipment and availability. It is also necessary to consider to whom and what specific services are to be provided, and therefore what conditions must be met in order to be able to render them on the premises. There are two types of apartments with services. Both are presented in this study, and they include two forms applicable in the Polish legal system, namely (1) protected and (2) assisted dwellings. Furthermore, a concept of supported housing developed by a non-governmental community was also presented, in addition to a novelty in the area of counteracting homelessness in Poland, i.e. the program known as “Housing First”. Each housing solution comes with its definition, recipient group, purpose of the service, referral method, legal title to use an apartment, the standard of services provided, the standard of rooms in an apartment and their furnishings. Additionally, a strategic framework for the expansion of housing with services for people affected by homelessness was briefly reviewed and an attempt was made to develop a typology of housing with services, highlighting the most principal factors differentiating individual housing solutions in use in Poland.

Strategic framework for housing with services in Poland

Increasing the availability of apartments with services is an integral part of the process of de-institutionalisation of assistance services, defined as the process of transition from institutional care to community-based services. On the one hand, this process requires that the scope of services provided in local community (including housing with services) be developed, and, on the other hand, that institutional care should be gradually limited. Framework guidelines on this process are set out in a document entitled *Common European Guidelines on the Transition from Institutional to Community-based Care*⁴⁹. In Poland, this process is described in a public policy called *Strategy for the Development of Social Services, Public Policy until 2030 (with a perspective until 2035)*, adopted in June 2022⁵⁰. This document defines the following directions for the de-institutionalisation process in Poland:

- priority of community-based social services over stationary services;
- development of personalized social services provided in the local community, including preventive services, which will reduce the need for institutional care;

49 *Common European Guidelines on the Transition from Institutional to Community-based Care*, European Expert Group on the Transition from Institutional to Community-based Care, Brussels 2012

50 *Strategy for the Development of Social Services, Public Policy until 2030 (with a perspective until 2035)*, Ministry of Labour and Social Policy, Warsaw 2022

- use of resources and potential of institutional long-term care on account of development of new services in the local community;
- development of various forms of housing.

Interestingly, the *Strategy for the Development of Social Services* does not define what a social service is. Therefore, it is necessary to refer to a (quite extensive) definition from the Act of July 19, 2019 on the Provision of Social Services by the Centre of Social Services⁵¹, which says the following:

1. Social services include the following:

- pro-family policy,
- supporting the family,
- foster care system,
- social assistance,
- promotion and health protection,
- supporting people with disabilities,
- public education,
- counteracting unemployment,
- culture,
- physical culture and tourism,
- stimulating civic activity,
- housing,
- environmental protection,
- professional and social reintegration,
- provided by a commune in order to meet the needs of local community in a non-material form directly to individuals, families, social groups, groups of residents with specific needs or the general population.

2. Social services are provided based on the following acts:

- the Act of June 9, 2011 on Supporting the Family and Foster Care System (Journal of Laws of 2019, items 1111, 924);
- the Act of July 29, 2005 on Counteracting Domestic Violence (Journal of Laws of 2015, item 1390 and of 2019, item 730);
- the Act of March 12, 2004 on Social Assistance (Journal of Laws, items 1507, 1622 and 1690);
- the Act of August 27, 2004 on Health Care Services Financed from Public Funds (Journal of Laws of 2019, items 1373, 1394, 1590, 1694 and 1726);
- the Act of August 19, 1994 on Mental Health Care (Journal of Laws of 2018, item 1878 and of 2019, items 730 and 1690);
- Act of September 11, 2015 on Public Health (Journal of Laws of 2018, items 1492 and of 2019, item 447);
- the Act of October 26, 1982 on Upbringing in Sobriety and Counteracting Alcoholism (Journal of Laws of 2018, items 2137 and 2244 and of 2019, item 730);

⁵¹ Journal of Laws of 2019, item 1818, as amended.

- Act of July 29, 2005 on Counteracting Drug Addiction (Journal of Laws of 2019, items 852 and 1655);
- the Act of August 27, 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (Journal of Laws of 2019, items 1172, 1495 and 1696);
- the Act of 14 December 2016 – the Educational Law (Journal of Laws of 2019, items 1148, 1078, 1287, 1680 and 1681);
- the Act of April 20, 2004 on Employment Promotion and Labour Market Institutions (Journal of Laws of 2019, items 1482, 1622);
- Act of June 13, 2003 on Social Employment (Journal of Laws of 2019, items 217 and 730);
- the Act of October 25, 1991 on Organising and Conducting Cultural Activities (Journal of Laws of 2018, items 1983 and of 2019, items 115, 730 and 1696),
- the Act of June 25, 2010 on Sports (Journal of Laws of 2019, items 1468 and 1495);
- Act of October 9, 2015 on Revitalization (Journal of Laws of 2018, item 1398 and of 2019, items 730 and 1696);
- the Act of February 4, 2011 on Taking Care of Children under the Age of Three (Journal of Laws of 2019, items 409 and 730);
- the Act of December, 5 2014 on the Big Family Card (Journal of Laws of 2019, item 1390).

3. Social services are provided by persons with appropriate qualifications if requirements in this regard result from separate provisions.

Two comments should be added to the above definition. First of all, it refers only to activity conducted by local government units at municipal level (“actions [...] undertaken by a commune to meet the needs of local community”) due to the fact that the cited act regulates primarily the activity of social service centres being communal institutions. It seems, however, that the definition of social services can (and in the context of the discussed strategy, even should) be extended to cover similar services provided by districts as part of their statutory tasks (regulated e.g. by the Act on Social Assistance). Of course, non-governmental organisations and other non-public entities involved in public benefit activity play a huge role in the provision of social services; they may, as part of their statutory tasks, render such services both on behalf of local government bodies, as well as on their own initiative and on their own account.

Second of all, it should be noted that the Strategy for the Development of Social Services significantly narrows the concept of social services – only to services addressed to the following groups:

- children, including children with disabilities;
- people with disabilities and people in need of support in everyday life;
- people in a mental crisis;
- seniors;
- people affected by homelessness.

The *Strategy for the Development of Social Services* does not directly define the concept of stationary services either (or the equally frequently used concept of “institutional long-term care”). However, whenever the document refers to residential services, it should be assumed that they are the opposite of de-institutionalised services, and thus they are in line with the definition of an “institution” mentioned in the above-mentioned *Common European Guidelines on the Transition from Institutional to Community-based Care*. An “institution” is considered as any residential care where:

- residents are isolated from the broader community and/or compelled to live together;
- residents do not have sufficient control over their lives and over the decisions that affect them;
- the requirements of the organisation itself tend to take precedence over the residents' individualised needs.

Finally, the *Strategy for the Development of Social Services* is quite imprecise in terms of defining “various forms of housing” indicated therein; it only mentions the introduction of legal changes in terms of nomenclature and functions of assisted housing, the development of such housing with services, and the promotion and development of care and residential centres. As for counteracting homelessness, the Strategy mentions:

- changes in the planning and managing of the communal housing stock with the consideration of the perspective of assisted dwellings, including the use of empty spaces;
- development and implementation of housing solutions for people at risk of homelessness and handling the homelessness crisis, requiring support in maintaining an apartment, also with the participation of Social Lease Agencies;
- developing programs to address homelessness based on the Housing First program or other models;
- turning the existing facilities for homeless people into a cluster of assisted dwellings or into intervention facilities.

Therefore, the Strategy does not define what assisted dwellings are and what their functions and standards are to be (however, it explicitly indicates that the existing protected dwellings will be replaced with assisted ones). It only signals their key role, links with other essential elements of the de-institutionalisation process, potential sources of acquiring housing stock and possible forms of support. In the case of preventing homelessness, great emphasis is placed on the Housing First programs.

Practical typology of apartments with services

At the time of conducting this study, Polish legal system has provided for two types of apartments with services, namely protected and assisted ones. Their standards are described in detail further herein. It should be noted, however, that in practice, in particular in the non-governmental sector, there are many other types of housing that are not subject to the above-mentioned standards. They operate under a wide variety of names, e.g. training, re-adaptation, integrated, caring, as well as apartments run under the Housing First program. It seems that before moving on to a detailed description of standards of apartments with services in Poland, it is worth presenting a typology of housing services.

The first division concerns the housing support duration, which can be permanent (long-term) and temporary (short-term). Temporary accommodation (usually granted for a period of 2-3 years) is most often offered to people who are expected to integrate with society towards full independence (most often related to professional activation). A typical example of such a solution are apartments for people leaving facilities for those affected by homelessness. In such apartments support services can still be provided, thereby residents can safely shift

from living in an institutional facility to living independently in an apartment leased from the communal housing stock (the period of temporary accommodation often corresponds to the waiting period for a council flat in a given district). Other examples of short-term accommodation include apartments for people in a difficult housing situation in order to prevent them from homelessness, for example, for young people leaving foster care or evicted people. In turn, long-term accommodation will usually be offered to people requiring care due to their age, health or disability. It is worth noting, however, that this group also includes apartments made available under the Housing First program; it results from basic principles behind this program, according to which support should be given as long as it is needed. The division into short-term and long-term housing also applies to protected and assisted housing (also referred to as training and supported housing, respectively; for details, see descriptions of standards later herein). The key consequence of the division described above is the type of legal title to an apartment: as for short-term lease, the basic form of the legal title is a decision (protected housing) or an apartment (assisted housing), and in the case of long-term lease (protected-supported and assisted supported) a decision/agreement for an indefinite period of time is allowed. A similar relationship between the lease duration and the type of agreement can also be expected in the case of other housing solutions.

It is worth noting here that the lease term for which an agreement is concluded (or another title to an apartment) is not the only factor related to the legal title that may constitute the basis for identification of several types of apartments. Protection of tenants' rights is another factor. On the one hand, certain contractual requirements (or requirements based on other legal title) limit tenants' rights and privacy (e.g. no alcohol allowed on the premises, residents are not allowed to have overnight guests, resident must let in a representative of a service provider without prior appointment, no notice period in the event of violating contractual rules). On the other hand however, they guarantee protection of these rights, in particular the protection against eviction; agreements concluded under the Housing First programs can serve as an example, where one of the fundamental rule says that lease agreements should be as close as possible to commercial ones.

The number of people living in an apartment is another criterion for the division, i.e. the division into individual dwellings (for one person or one family) and group dwellings (living together with strangers). It should be noted here that at present group dwellings are much more popular, which should be associated with low supply of housing assistance in Poland⁵², but also with the philosophy of collective assistance derived from institutional approach to supporting people affected by homelessness (and other socially excluded groups requiring housing support). This approach is noticeable in the standards of protected and assisted housing (a maximum of seven people living in one apartment). In fact, the only described type of apartments with services offered to people who are affected by homelessness and who require an individual apartment, is the Housing First program.

The division into scattered housing and a cluster of communal or congregated housing is another division criterion. While the idea of scattered dwellings is quite obvious and comes down to managing apartments with services in buildings where the remaining apartments (or a certain minimum of them) are not apartments with services, the concept of a cluster

52 See e.g. P. Korliński, P. Olech, J. Wilczek, *Usługi mieszkaniowe w pomocy osobom bezdomnym. Raport z badania ankietowego [N=297] oraz wywiadów indywidualnych*, (in:) J. Wilczek (ed.) *Pokonać bezdomność 2020. Materiały konferencyjne i dobre praktyki*, Ogólnopolska Federacja na rzecz Rozwiązywania Problemu Bezdomności, Zabrze 2020

of apartments, i.e. a lot of apartments with services (or only such apartments) within one property, is problematic. The problem is that the difference in a definition of a cluster of communal or congregated apartments with services from institutional facilities providing services for people affected by homelessness is very subtle. This is evident, for example, in the non-governmental standard of a cluster of supported apartments described later herein, where such clusters are directly referred to as “facilities”. It is worth referring to the aforementioned definition of an “institution” from the *Common European Guidelines on the Transition from Institutional to Community-based Care*. It mentions about the isolation of residents and the compulsion to live together, the lack of decision-making and control over their own lives, and the precedence that the requirements of the organisation (“facility”) take over the residents’ individualised needs. Additionally, it has been assumed that 30 residents is the upper limit of de-institutionalised solutions; above this number even the lack of the restrictions on contacts with the community, insufficient control over one’s own life and decisions, and organisational limitations do not exclude a given solution from the area of institutionalisation. This has a severe impact, on the possibility of financing such solutions from, for example, EU funds. It is also worth noting that this limit is currently being criticized and there is a tendency to reduce the maximum number of residents in a cluster of communal or congregated apartments in the near future.

The purpose (function) of apartments with services is another division criterion. The Polish National Federation for Solving the Problem of Homelessness proposes the following division of housing solutions for homeless people due to their function⁵³:

- reintegration and training – for people who have been to facilities for the homeless; the purpose of such apartments is to help people develop skills related to independent living in an apartment and reintegration with the community;
- reintegration and caring – for people partially dependent due to their age, health or disability; the purpose of such apartments is to provide community care and reintegration services in accordance with the psychophysical abilities of a given person (often with the possibility of staying for an indefinite period);
- reintegration-preventive – for people residentially excluded (e.g. evicted, leaving foster care or other institutions, but also, for example, as part of crisis intervention); the purpose of such apartments is to prevent homelessness and help people reintegrate with the community;
- reintegration-intervention – for people in extreme forms of homelessness (usually street homelessness), experiencing mental disorders and highly addicted; the purpose of such apartments is to reduce harm, and then help such people reintegrate into the community in accordance with their psychophysical abilities (the Housing First program).

The final division concerns housing ownership and governance. In this area, the following types of apartments should be distinguished:

- apartments from the communal (or other public) stock – in the case of non-public service providers (e.g. non-governmental organisations), apartments may be handed over to a service provider for management or a service provider may only provide services in

53 J. Wilczek, *Krok po kroku – jak wdrażać usługi mieszkaniowe?* [in:] P. Olech, L. Węsierska-Chyc, J. Wilczek (red.), *Streetworking, mieszkania, współpraca. Dobre praktyki w pomocy osobom bezdomnym*, Ogólnopolska Federacja na rzecz Rozwiązywania Problemu Bezdomności, Zabrze 2019

apartments managed by their owner (which is also related to differences in the type of legal title to an apartment; in the first case, these will be separate agreements between an owner and a service provider and between a service provider and a tenant; in the second case, it will rather be tripartite agreements);

- apartments from the private market – usually leased by a service provider and then sub-leased (based on a separate agreement) to a final recipient of services, although tripartite agreements are also possible;
- apartments owned by a private service provider (e.g. purchased or built by an NGO).

It is also worth noting that it is possible to separate the functions of an administrator (a manager) from a provider of services rendered in an apartment. Then one entity, for example, the Social Lease Agency, is responsible for the acquisition and management of apartments (both from public and private stock); the so-called “soft” services (including social work, assistance, activation, care services) are provided by another entity that specializes in this field (e.g. an entity running the Housing First program).

To sum up the typology of apartments with services in Poland, it is worth focusing on two issues. Firstly, it should be noted that apartments with services are not offered only to people affected by homelessness – they can also serve people struggling with housing problems (or in need of care) due to other problems, e.g. leaving foster care, poor health and disability, old age, mental disorders, and refugee status. This raises some problems in the organisation and typology of apartments with services. On the one hand, people affected by homelessness may include people from all the groups mentioned above. On the other hand, there are many organisations in Poland that specialize in helping these groups; they may have a completely different philosophy of housing support and de-institutionalised services, e.g. they focus primarily on providing care, and not on solving a housing problem. Respite care service may serve as an example. This is a short-term care service provided by the social welfare system to a dependent person for the time when an actual guardian is not able to provide such care (due to e.g. a random event or the need to deal with personal matters, but also when a guardian is on holiday).

The second critical issue is ensuring the flexibility of housing solutions within some of the presented divisions. This means, for example, the possibility of changing functions of apartments in connection with the change of a tenant or the change of his/her needs. Rigid adherence to the functional division may lead to a suboptimal use of the housing stock. It should also be remembered that apartments with services are almost always aimed at integrating with local community; this means that the need to change the place of residence (and therefore move to a different community), whether due to the changing needs of a tenant or an improvement of his/her psychosocial situation, should be a last resort. In this context, it is worth mentioning a supported apartment concept developed as part of the Gdańsk Social Housing Program⁵⁴; according to this concept, an apartment with services is gradually (as the psychosocial situation of a tenant improves) transformed into a regular council flat. As this process continues, support services are reduced and participation of a tenant in bearing the costs of living increases.

⁵⁴ *Gdański Program Mieszkalnictwa Społecznego dla osób/rodzin zagrożonych wykluczeniem społecznym na lata 2016-2023*, Miejski Ośrodek Pomocy Rodzinie w Gdańsku, Gdańsk 2016

Protected apartments

The issues of protected housing and its usage are regulated in detail in the Act of March 12, 2004 on Social Assistance⁵⁵ and in the regulation of the Minister of Family, Labour and Social Policy of April 26, 2018 on protected housing⁵⁶. This is a non-monetary form of social assistance, and managing protected housing is an obligatory task of a given commune (in the case of housing for people from more than one commune, it is a responsibility of a district). As a task in the field of social assistance, the management of protected housing may be commissioned by a commune or a district to non-public entities specified in the Act of April 24, 2003 on Public Benefit and Volunteer Work⁵⁷. This may take place as part of a tender procedure (described in the Act) or under a public procurement procedure, and entities applying for the above-mentioned housing management must have the status of an organisational unit of social assistance or a public benefit organisation.

Protected apartments, as a form of social assistance, do not satisfy housing needs of people or families using them. This means that they cannot be a final housing solution for these people and only serve specific purposes described below. Protected housing is offered to adults who require support in everyday life, but without the need for 24-hour care. Factors that determine the support include:

- difficult life situation,
- age,
- disability,
- disease.

According to the Act, the protected housing beneficiaries include:

- people with mental disorders,
- people leaving foster care, a childcare centre, a juvenile detention centre,
- foreigners in special situations (refugees, people granted additional protection, or a temporary residence permit in order to reunite with a family residing in Poland, whose members have been granted refugee status or additional protection).

The purpose of protected housing is to prepare (under the care of specialists) tenants to lead an independent life or to support these people in everyday life. This is reflected in the division into:

- protected training housing: it provides living services and learning and helps tenants develop or establish independence, self-service skills, perform social roles in integration with local community, in order to allow them to live independently;
- supported protected housing: it provides living services and assistance in taking actions necessary in everyday life and social contacts, in order to maintain or develop a person's independence at the level of their psychophysical abilities; these apartments are offered to disabled people (in particular physically disabled or with mental disorders), the elderly and chronically ill.

⁵⁵ Journal of Laws 2004, no. 64, item 593, as amended.

⁵⁶ Journal of Laws 2018, item 822.

⁵⁷ Journal of Laws 2003, no. 96, item 873, as amended.

The decision on referring a given person to a protected apartment is issued for a definite period of time after the following issues have been agreed between a social worker of a referring entity, a social worker of an entity managing such an apartment and a person in charge: the purpose and period of stay, type and scope of support, payment for the support, method of reporting planned absence in an apartment, the principles and method of implementing the self-empowerment/support program. In the case of individuals with a moderate or severe degree of disability and in other particularly justified cases, the decision to refer them to a protected supported dwelling may be issued for an indefinite period of time.

In the case of protected dwellings managed by non-public entities without an order of a local government body (a commune or a district), the provisions on issuing a decision to stay in such a dwelling shall not apply. Instead of a decision, the support may be provided based on a civil law contract concluded between a service provider and a tenant.

The minimum standard of services provided in a protected training apartment includes living services, social work and services helping residents learn, develop or improve skills in the following areas:

- self-service,
- meeting everyday life needs,
- effective time management,
- housekeeping,
- dealing with official matters,
- maintaining family ties,
- participating in the life of the local community,
- looking for a job.

On the other hand, the minimum standard of services provided in a supported protected housing includes living services, social work and services that help in taking actions necessary in everyday life:

- moving around,
- maintaining personal hygiene,
- getting dressed,
- cleaning,
- shopping and preparing meals,
- dealing with personal matters,

as well as help tenants:

- maintain family ties,
- participating in the life of local community.

In addition, there is a requirement to help in moving around, maintaining personal hygiene and getting dressed for a total of at least three hours a day, seven days a week.

The minimum standard of rooms in protected apartments is no more than seven people living in one apartment with a minimum of 12 m² of usable floor space per one person. The stan-

Standard also defines in great detail what rooms must be in such an apartment and how they are supposed to be furnished. A protected apartment should consist of:

- bedrooms with a bed or a couch, a wardrobe, a bedside table and a chair or armchair for each person;
- a kitchen or kitchenette with a stove, sink, refrigerator, kitchen furniture, equipment and utensils for preparing and eating meals;
- a bathroom with a bathtub or shower, a washbasin and a toilet bowl, if there is no separate toilet (in the case of a separate toilet, it must be equipped with a washbasin);
- internal communication space.

Moreover, a protected apartment must be equipped with an automatic washing machine, as well as a TV set or a computer (a specific room does not have to be indicated). Protected apartments used by people with physical disabilities cannot have architectural barriers in any rooms and accessibility from the outside must be ensured.

Assisted apartments

Assisted apartments are a form of social service. It can be rendered as part of projects in the field of social inclusion and combating poverty with the use of the European Social Fund and the European Regional Development Fund for 2014-2020. This means that the standard described below applies only to flats created and managed as part of these undertakings (projects) or after their completion. The main document describing and standardizing the assisted housing service is the so-called "CT9 guidelines", i.e. the *Guidelines on the Execution of Projects in the Field of Social Inclusion and Combating Poverty with the Use of the European Social Fund and the European Regional Development Fund for 2014-2020*⁵⁸. The document defines assisted housing as a social service provided in a local community in the form of an apartment or a house that prepares people for living there, under specialists' supervision, to lead an independent life or helps them independent life. Similarly to protected housing, an alternative included in the definition between preparing for independent living and supporting independent living is reflected in the following division into:

- assisted training flats – they prepare people living there to lead an independent life; the service is temporary and helps specific categories of people become partially or fully independent, for example through independence training, counselling, social work or other active integration services;
- assisted supported housing – an alternative to staying in a facility that provides round-the-clock care; tenants may stay in assisted supported apartments permanently or temporarily (in the case of short-term relief for primary caregivers, i.e. respite care) and serves people who need support in everyday life or people with disabilities.

⁵⁸ Wytyczne w zakresie realizacji przedsięwzięć w obszarze włączenia społecznego i zwalczania ubóstwa z wykorzystaniem środków Europejskiego Funduszu Społecznego i Europejskiego Funduszu Rozwoju Regionalnego na lata 2014-2020, MliR/2014-2020/18(05), MliR, Warsaw 2019

Assisted housing services are generally addressed to people at risk of poverty or social exclusion. In the case of training apartments, these people will include:

- people affected by homelessness, participating in individual programs of getting out of homelessness and people affected by homelessness and exclusion from housing within the meaning of the *Guidelines on the Execution of Projects in the Field of Social Inclusion and Combating Poverty with the Use of the European Social Fund and the European Regional Development Fund for 2014-2020*⁵⁹;
- people addicted to alcohol, drugs or other intoxicants;
- people with mental disorders;
- long-term unemployed;
- persons released from prisons who have difficulty integrating with the environment;
- refugees participating in an individual integration program;
- people leaving foster care, childcare centres, and psychotherapy centres for young adults;
- people with disabilities;
- people in need of support in everyday life.

In the case of supported housing, these people will include:

- people with disabilities;
- people in need of support in everyday life.

A stay in assisted apartment is granted for a specified period (in the case of assisted supported housing, an indefinite stay is acceptable) based on a civil law contract or a social contract. These contracts may be drawn up based on:

- an application for assistance in the form of assisted housing services;
- in the case of mentally ill or people with intellectual disability – a medical certificate issued by an attending physician, including a family physician, and in the case of multiple disabilities and the presence of co-existing diseases – a medical certificate issued by a specialist, and a psychologist's opinion about the person being admitted;
- arrangements in the form of a tripartite agreement between a representative of an entity managing an assisted apartment, a caretaker of an assisted apartment and a person applying for support; the arrangements define the level of payment of the person using the support; the level of payment is income-dependent (in the case of assisted training housing) and is part of the process of becoming independent; in the case of assisted training housing, the arrangements define the rules and the manner of implementing a resident's independence program (plan).

The type and scope of services provided in assisted housing should be adapted to individual needs of residents based on contractual provisions (in the case of training apartments – in an individual program (plan) of becoming independent); the entire service of assisted housing comes down to:

- providing an assisted dwelling (e.g. adaptation of the premises, equipment);

⁵⁹ Wytyczne w zakresie monitorowania postępu rzeczowego realizacji programów operacyjnych na lata 2014-2020, MFiPR/2014-2020/13(4), MFiPR, Warsaw 2020

- letting people stay in such an apartment;
- supporting the stay of a person in such an apartment, in particular care and assistant services;
- supporting the activity of a person living in such an apartment;
- financing the operating costs of a dwelling.

The range of services supporting people living in an assisted apartment includes learning, helping them maintain or stop a decline of the maximum level of their competence in terms of self-service and life independence, showing them how to maintain or develop social contacts and fulfil social roles, providing assistance in performing everyday tasks, managing leisure time with the use of services available in the local community. These services can be provided through:

- social work, i.e. a service aimed at strengthening or re-acquiring one's ability to function in society;
- specialist counselling, in particular psychological and legal; it should be aimed at helping a person find an independent solution to a problem or at indicating a specific solution and guidelines on its implementation;
- practical skills training aimed at gaining and increasing self-reliance in the field of improving basic everyday activities (e.g. washing, drying clothes, cleaning, using electrical devices);
- hygiene training aimed at acquiring and improving skills in the field of maintaining body hygiene and aesthetic external appearance;
- financial training aimed at developing financial planning and spending skills, including financial skills related to the apartment maintenance;
- housing management training, including electricity management;
- cooking training aimed at acquiring and improving essential skills, such as learning to cook, storing food etc.;
- training of spending leisure time that develops interests in literature, radio and TV broadcasts, the Internet, encourages people to participate in social and cultural meetings, go to the cinema and theatre, or to do sports;
- interpersonal training aimed at teaching people how to solve conflicts and personal problems, behave in certain situations, and develop social skills;
- training of decision-making autonomy according to the model of supported decision-making;
- training of social skills, such as communication skills, cooperation in a group, conflict resolution, handling emotions and modifying behaviours to be more socially approved;
- improving integration with the local community;
- training and assistance in dealing with official matters;
- providing assistance in applying for an apartment (this service is addressed to people who show the ability to function independently).

As for the number of residents living in an assisted dwelling, it cannot be more than seven, with a maximum of two people living in one room (unless a larger number of roommates is due to the residents' preference); the usable floor space of an apartment per one person must be a minimum of 8 m² (it is, however, possible to waive this requirement in exceptional circumstances). Additionally, assisted dwellings cannot be located in the same building as an institutional care facility. As regards the dispersion of such dwellings, the standard specifies that in the case of buildings with up to 7 premises inclusive, assisted dwellings may constitute 100% of them (a cluster of apartments). In the case of buildings with a larger number of premises, the maximum number of protected or assisted dwellings is seven and 25% of the surplus above this number.

Requirements for rooms in assisted housing and its furnishings are much less detailed than in the case of protected housing. An assisted dwelling should have:

- living quarters (bedrooms),
- a kitchen or kitchenette,
- a bathroom equipped with a toilet if there is no separate toilet (in the case of a separate toilet, there must be a sink).

Additionally, the assisted housing standard defines a caretaker as a person responsible for providing the service, including the implementation of a resident's independence program (plan). The standard also defines the scope of tasks entrusted to a caretaker and their minimum qualifications.

Comparison of protected and assisted housing

LEGAL FORM	PROTECTED APARTMENTS	ASSISTED APARTMENTS
Purpose	A form of social assistance aimed at helping residents to lead an independent life or supports them in their daily life under specialists' supervision.	A social service provided in the local community (an apartment or a house) aimed at helping residents to lead an independent life or ensuring they receive the support they need under specialists' supervision.
Beneficiaries	Such apartments are offered to adults who require support due to a difficult life situation, age, disability or illness.	Apartments offered to people at risk of poverty or social exclusion, such as (1) persons leaving foster care; (2) people with disabilities; (3) people who need support in everyday life; (4) homeless or people excluded from access to housing.
Manager (administrator)	Apartments can be managed by any organisational unit of social assistance or a public benefit organisation.	Apartments or houses managed by local government units, companies with a majority share of local government units, the Social Housing Association or social economy entities.
Types	Depending on the purpose of support, they are managed as protected training dwellings or protected supported dwellings.	As a training dwelling, supported dwelling being an alternative a facility that provides round-the-clock care.
Duration of assistance	The decision on referral to a protected apartment is issued for a specified period of time. As for people with a significant or moderate degree of disability and in particularly justified cases, an individual may be referred to a supported protected dwelling for an indefinite period.	An individual may stay in a training apartment for a specified period of time. A stay in a supported dwelling may be for a definite or an indefinite period.
Principles of operation	Formal rules of operation.	Flexible/more comprehensive approach.
Legal base	Regulated in detail in the Act on Social Assistance and executive acts thereto.	Provided for in the Guidelines.
Scope of care	They cannot be offered to people who require round-the-clock care in specialist facilities.	They can be an alternative to a stay in a facility that provides round-the-clock care.

Legal basis for granting aid	Referral based on an administrative decision (but there may be protected apartments managed by entities other than local government units and then no decision is issued, but an agreement is concluded).	An agreement or a social contract.
	Difficulty in financing the construction/adaptation of an apartment.	The assisted housing service also consists of ensuring vacancy in an assisted dwelling (e.g. adaptation of the premises or furnishings); the developer provides apartments.
Attitude towards satisfying housing needs	Pursuant to the Act, their purpose is not to meet the housing needs of individuals or families.	Mentioned in the National Housing Program as an instrument of satisfying housing needs (although the Guidelines refer to staying in these apartments).
Financing	Possibility of co-financing under government programs run by Bank Gospodarstwa Krajowego (BGK), in particular from the Subsidy Fund.	Possibility of financing from EU funds, no possibility of co-financing from the BGK Subsidy Fund.

Table 3. Comparison of protected and assisted dwelling⁶⁰

The standard of supported flats according to the District Standard for Getting out of Homelessness

The District Standard for Getting out of Homelessness⁶¹ was developed in the years 2009-2014 and includes the standard of housing with services defined as supported housing (not to be confused with supported protected and assisted supported housing). This standard was not covered in later legislative documents; however it was (and probably still is) used to a certain extent in many NGOs that manage dwellings with services, other than protected and assisted dwellings. Therefore, it is worth taking a brief look at it, paying attention to the fact that it has already become dated (especially in the case of complex apartments), and the standards of assisted and protected housing adopted later are much higher in some respects.

According to the District Standard for Getting out of Homelessness, supported apartments are divided into cluster and scattered ones. Supported cluster of communal or congregated housing is defined as a complex of apartments or living quarters (with access to auxiliary rooms) for the homeless. It ensures temporary (or permanent, in exceptional situations), 24-hour stay, while providing specialist support in the field of social integration (e.g. development and improvement of social skills), getting out of homelessness, becoming independent in life.

On the other hand, scattered supported housing is addressed to the homeless and those at risk of homelessness; it comes down to providing an apartment or a living room (with access to auxiliary rooms). Scattered supported housing allows for a temporary or permanent 24-hour stay, with simultaneous provision of specialist support in the field of social integration (e.g. development and improvement of social skills), getting out of homelessness, becoming independent in life.

⁶⁰ K. Przybylska (ed.), *Informator rzeczniczy*, Habitat for Humanity Poland, Warsaw 2020

⁶¹ R. Stenka, P. Olech, Ł. Browarczyk (ed.), *Podręcznik Model Gminny Standard Wychodzenia z Bezdomności*, Pomorskie Forum na rzecz Wychodzenia z Bezdomności, Gdańsk 2014

The recipients of the supported complex housing service are described in categories broken down into the areas of homelessness prevention and integration. As for prevention, the service is offered to people (families) at risk of homelessness, provided with comprehensive support in an apartment. In this case, the purpose of the service is to prevent homelessness, offer shelter during a crisis and provide adequate support in maintaining or regaining independence. As far as integration is concerned, the service is offered to the homeless (individuals and families), motivated to change their lives, waiting for an apartment or striving to become independent, and the diagnosed who follow an individual program of overcoming homelessness.

As for scattered supported housing service, the target group was described in the same way. However, in the case of departing from the model of institutional support for people affected by homelessness towards the housing model, the scattered supported housing service should be a basic and universal service offered to all people experiencing homelessness, also to the most excluded people (from the area of the so-called chronic homelessness) in the Home First trend.

The conditions of eligibility for the supported housing service and its extension for an indefinite period are defined by a task force that renders the service and operates as local partnership (including a local government and the non-governmental sector). Accommodation is provided for a specified period (maximum three years) or for an indefinite period (but not a target period), based on the task force's decision. A resident is supported based on an individual program of getting out of homelessness and the facility regulations (in the case of a cluster of supported dwellings) or a lease agreement (in the case of scattered supported dwellings).

The scope of services is described in the District Standard for Getting out of Homelessness (social work standard, health standard, education and employment standard), and their provision is highly flexible, meaning that services are adjusted to the needs of a specific support beneficiary.

As for scattered supported housing, the basic conditions for the provision of the Housing First program were also proposed:

- apartments are provided based on a standard lease agreement, with no specified lease period (it can be indefinite) – social services are rendered for as long as it is needed;
- separation of the provision of services from an apartment itself, so even if a given resident loses the right to housing due to a breach of lease conditions, support continues to be provided to prevent homelessness;
- the only additional condition, compared to the scope of a lease agreement, should be letting in a social worker or other specialist (on previously agreed dates and times) who offer a range of services that residents may or may not use;
- residents are free to choose the type and frequency of support.

Requirements for rooms and furnishings in assisted housing include, but are not limited to:

- an apartment or a living quarters for one-two people or a family, guaranteeing a sense of security, intimacy and respect for dignity, located in a building with a small number of apartments (in supported clusters of apartments);
- a self-contained apartment for one or more people or a family, guaranteeing a sense of security, intimacy and respect for dignity, while the number of supported apartments in one building may not exceed 20% of the total number of flats (in scattered supported apartments);

- minimum 5 m² of usable floor space per person (10 m² in the case of people with disabilities);
- a bathroom with permanent access to hot water, a toilet, shower or bathtub and a sink (in the case of a cluster of supported apartments, shared bathrooms are also allowed);
- laundry room (in supported cluster of apartments) with one washing machine for a maximum of 10 residents and ideally a drying machine/drying room (in the absence of a laundry room, washing machine in each apartment);
- kitchen (in each apartment, also in the case of a cluster of supported apartments) equipped with household appliances for self-catering;
- a group meeting room (only in supported complex apartments, optional).

As in the case of assisted housing, the standard of supported housing described in the District Standard for Getting out of Homelessness also addresses the issue of staff: in both types of supported housing there should be a manager or a service coordinator, a social worker and other service providers, e.g. assistants and specialists. The standard also defines basic qualifications required for individual positions.

Standard of apartments under the Housing First program

The Housing First program is new to the Polish system of helping people affected by homelessness; however, it has already been thoroughly described in the Polish language:

- translation into Polish of a manual published by FEANTSA⁶²,
- description of the program implemented by the St. Brother Albert Aid Society in Gdańsk, Warsaw and Wrocław with recommendations⁶³,
- preliminary description of the program implemented by the Cooperation Fund Foundation in Warsaw⁶⁴.

The following description is an attempt to outline the standard of housing under the Housing First program and the services provided, based on the above publications. The shortest definition of the Housing First approach describes it as an end to the homelessness problem of people with high support needs. Services rendered under this program are focused primarily on immediate and unconditional provision of housing, and then on helping residents stay in an apartment, improve health, well-being, and social integration.

The target group of people to whom the Housing First program is offered are primarily people experiencing long-term or cyclical (chronic) homelessness, with severe mental disorders, abusing alcohol or other psychoactive substances, as well as individuals with poor health or disabilities that seriously limit their everyday functioning. These are most often people who cannot cope with the traditional (institutional) system of support addressed to the homeless and who are unable to overcome this crisis without intensive support. Often, support in the form of

62 N. Pleace, *Najpierw mieszkanie w Europie – Poradnik* (translated by J. Wilczek), Ogólnopolska Federacja na rzecz Rozwiązywania Problemu Bezdomności, Zabrze 2020

63 E. Szadura-Urbańska, P. Olech (ed.), *Podręcznik – model Najpierw Mieszkanie – rekomendacje wdrażania*, Towarzystwo Pomocy im. Św. Brata Alberta, Wrocław 2022

64 J. Wygnańska, *Model wstępny „Najpierw Mieszkanie”*, Fundacja Najpierw Mieszkanie Polska, Warszawa 2020

unconditional housing and the related services is their only chance to overcome the crisis, but also a way to save their health and life. There are also variants of the program addressed to families or young people affected by homelessness. In Finland, the Housing First model was adopted as a fundamental and universal model for all groups experiencing homelessness.

Its purpose is to put an end to the homelessness of people by helping them stay in the apartment, supporting their health condition, well-being and social integration, including integration with local community, increasing social support as well as purposeful and productive activity. This purpose is achieved based on eight fundamental principles. Based on a manual issued by FEANTSA, key principles behind the Housing First approach are as follows:

- housing is a human right: an apartment under the Housing First program is the starting point for further assistance; it is granted without any expectations regarding a resident's behaviour (including maintaining abstinence); furthermore, it is not assumed that future residents will have to earn the right to housing or the right to stay in the apartment;
- selection and control of services by residents: their will is respected at every stage, from choosing an apartment, through treatment, choosing a meeting place, to social and economic integration; also there are no requirements other than cooperation with an assistant, compliance with the lease rules and social coexistence standards;
- separation of an apartment from treatment: the right to use an apartment does not depend on the involvement in treatment and services, and eviction is possible only due to violation of lease terms (arrear with rent, non-compliance with social standards, damage); support and treatment services continue to be rendered if a resident moves out, is evicted or leaves an apartment;
- orientation towards return to well-being: emphasis is put on rebuilding the life of an individual and returning to well-being understood as mental and physical health, social support (from a partner, family or friends) and social integration;
- harm reduction: it is recognized that giving up on harmful substance abuse is a complex process and that services requiring abstinence are ineffective for many people experiencing chronic homelessness; residents are encouraged to limit consumption in lieu of compulsory abstinence and there is no obligation to undertake treatment;
- active involvement of one's own free will; an assertive and non-aggressive way of working with residents, who are actively and continuously informed of the availability of support and treatment (including addiction treatment); there are no requirements for specific behaviours and sanctions resulting in disturbance of housing stability;
- human-oriented planning: focus on individuals and their needs, support is tailored to them, not the other way around; residents are in the centre of all decisions concerning them, and the range of support services is selected with their consent and in accordance with their needs;
- flexible support as long as it is needed: the time of services provision depends only on residents' needs, meaning that support may end when they become fully independent, but it may also last for the rest of their life, and the intensity of support may change over time, depending on their needs.

The above principles define the terms of concluding agreements with participants of the Housing First programs; first of all, these agreements must, to the greatest possible extent, be identical to standard lease agreements. They must not contain any conditions specifying compulsory participation in treatment and other services, or any sanctions resulting in the

loss of housing stability, with the exception of failure to pay rent (if established), non-compliance with social standards and inconvenience to neighbours, or damage to an apartment. The only exception is an obligation to stay in touch with the program employees and let them in for a meeting scheduled on a previously agreed date. Finally, a lease agreement should be concluded for an indefinite period (or with a guarantee of its renewal).

The scope of services provided under the Housing First program is selected individually for each resident (and with his/her participation) from the range of services defined in the program. As for helping residents stay in an apartment, such services include:

- regular monitoring of residents' housing situation,
- supporting the best possible relations with neighbours,
- providing practical advice and assistance in maintaining an apartment,
- helping residents manage their own budget,
- providing advice and support regarding independent living,
- housing stock management.

In terms of health and well-being, the services include:

- mental health care,
- addiction therapy,
- medical services,
- care services,
- elimination of architectural barriers,
- round-the-clock availability in emergency health situations,
- health advisory service.

In the field of social integration, the services include:

- providing emotional support,
- supporting the participation in local community's current affairs,
- rebuilding or supporting relationships that allow residents to get social support from their partners, family members and friends,
- negative relationship management,
- counteracting difficult, burdensome and illegal behaviour,
- counteracting stigmatization,
- supporting structured and meaningful activity,
- vocational activation,
- ensuring the safety of existence.

The standard of rooms and their furnishings proposed in documents dedicated to the Housing First program available in Poland is not strict compared to previously described standards, and includes:

- securing the lease: concluding an agreement protecting a tenant's rights;
- ensuring privacy: apartments must be self-contained (one apartment for one person or a family);

- allowing residents to make their own decisions regarding an apartment arrangement, its use, furnishings as well as who and when can enter an apartment;
- ensuring a sense of security in an apartment;
- affordability: in Poland it is defined as rent of no more than 30% of income;
- standard amenities: sufficient furniture, working kitchen and bathroom, working lighting, heating and plumbing;
- appropriate standard: it is understood as the right number of residents, good technical condition of an apartment, and lack of architectural barriers if an apartment is used by a person with a physical disability.

A separate issue: location of the premises made available under the Housing First program. First of all, apartments should be located in such neighbourhoods that give residents a chance to properly integrate with local community and rebuild their life independence (availability of services, transport accessibility). They should not be established in the so-called “communal housing”, where the entire community is affected by some problems. Basically, the Housing First program is carried out in scattered apartments – no more than 20% of apartments in one building. However, in Finland this rule was given up; Finnish examples of the Housing First program implementation in clusters of congregated housing (often created as a result of adaptation of existing shelters for homeless people) show that this form can also bring positive results.

Jakub Wilczek
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IV Financial issues

INTERNATIONAL SOURCES OF FINANCING

Government/public housing programs useful in terms of financing renovation and modernization of apartments in order to manage vacancies

Introduction

The first steps of an investor trying to convert vacant buildings for housing purposes, i.e. major renovation, renovation, modernization, adaptation of buildings or parts of them, include checking legal status of the property, identifying investment needs and opportunities, and obtaining sources of financing. Apart from one's own funds and funds that can be obtained on market conditions (loans, bond issues), funds made available on a preferential basis under government/public aid programs play a significant role. "Public funds" are – in addition to government programs – financial means obtained from the European Union funds, the National Fund for Environmental Protection and Water Management, which de facto are related to state policy. Local programs financed by territorial self-governments (district, provincial) are also public sources.

Several support programs have been developed to meet the needs of greater number of apartments and improve the standard of living. Generally, the purpose of these programs is to implement the state's housing policy. They are often linked with other areas of intervention, e.g. environmental protection and reduction of greenhouse gas emissions, protection of particularly valuable buildings covered by numerous registers of monuments, or with programs for making housing available to social groups with special needs (people with disabilities, seniors, families with many children, foster care).

Support programs may be non-returnable (e.g. subsidies, grants) or returnable (loans and credits granted on preferential terms compared to loans granted on market terms).

Financial engineering is acceptable; it comes down to combining various sources of financing a given project. Generally, it is possible to use several sources of preferential financing, provided that a given scope of investment is financed only from one source.

In Poland, both support programs themselves and their principles are noted for considerable variability. Often, latest programs quickly replace older ones, and current programs are changed, sometimes completely, in terms of their rules and conditions.

Many state housing policy programs are focused on helping communes implement local housing policies. The latter or their subsidiaries (municipal companies) are direct beneficiaries. Some government/public programs are also addressed to non-governmental organisations and private entities (individuals, housing associations, private sector enterprises). Cooperation between districts and non-district entities is often a formal condition for obtaining preferential financing for housing investments.

The most important government housing policy programs include:

- non-returnable support program for rental housing from the Subsidy Fund,
- preferential loan financing program for social rental housing addressed to social housing associations and social housing initiatives⁶⁵,
- thermal efficiency improvement support program from the Thermal Modernization and Renovation Fund.

Among programs financed from funds intended for environmental protection, the “Clean Air” program, aimed at replacing heating sources and other activities leading to savings in energy consumption, deserves attention. Local programs include subsidies from district budget for the renovation of historic buildings⁶⁶ and local programs to support specific types of renovation projects.

By undertaking renovation investments restoring vacant buildings to usability, investors face the challenge of whether to renovate them cheaper or better. Nowadays, the issue of the scale of renovation is linked with the need to care for the environment and countermeasure adverse climate changes. The construction industry, buildings and structures largely contribute to emissions of a substantial proportion of CO₂ and other harmful substances. On the one hand, environmentally neutral investments are more expensive, but the scope of support for the execution of projects reducing emissions of pollutants and protecting the climate is considerable. From an economic point of view, the profitability of an investment project and its use time, after which the additional costs will pay off, are vital. From the social point of view, keeping current apartment maintenance costs low has taken on a new significance. For this reason, all measures aimed at thermal efficiency improvement are of paramount importance as they result in lower energy consumption for heating and lower housing maintenance costs.

It is worth recalling that from January 1, 2019, there is a relief regarding thermal efficiency improvement in the personal income tax. This relief allows people to deduct from income up to PLN 53,000 of expenses documented with a VAT invoice.

Program of non-returnable construction support from the Subsidy Fund⁶⁷

The non-returnable housing construction support program has been in use since 2006. Its purpose is to increase the number of housing units intended for people with low and average income, as well as for people at risk of social exclusion. The program is addressed to municipalities, one-person municipal companies, districts, non-governmental organisations and other entities implementing projects that will result in low rent-ready apartment provision. Such apartments include premises within the municipal housing stock, the social housing association stock, protected dwellings, night shelters, shelters for the homeless, warming centres or temporary rooms.

⁶⁵ In 2020, the term “social housing society” was statutorily changed to “social housing initiative” for newly established entities. There are no legal or financial differences in the operation of these companies. Further herein, for the sake of simplicity, the first term will be used, i.e. social housing association.

⁶⁶ The so-called conservation subsidies are also available from the budget of the General Conservator of Monuments.

⁶⁷ This part of the study was prepared by Bank Gospodarstwa Krajowego (BGK).

The program is financed by the Subsidy Fund and its service is provided by Bank Gospodarstwa Krajowego (BGK). The state budget, at the disposal of the Minister of Development and Technology, is the main source of the program funding. Applications under the program are accepted continuously.

Apart from the construction of new buildings, renovation of abandoned premises is the main source of obtaining housing for people in need. Under the non-returnable housing construction support program, one may apply for subsidies on renovation of uninhabited dwellings and changing the use of buildings. The subsidy may cover as much as 80% of costs of this type of project. In certain statutory cases, the subsidy may cover as much as 85% of such costs.

The program also offers grants for shared areas for seniors. This solution allows the elderly to remain independent, with access to specialist help and care. In the case of such investments, the subsidy covers the costs of materials and construction works, design, necessary tests and technical expertise, as well as the costs of hiring a substitute investor, supervisors and construction managers.

Financial support under the program can be combined with other forms of co-financing, such as funds from program to help families with a low income, seniors, and people with disabilities pay for rental housing, or renovation bonus from the Thermal Modernization and Renovation Fund.

The program is also addressed to investors in charge of renovation or thermal modernization of inhabited residential buildings, financed from the Renovation Thermal Modernization Fund. Financial support for such an investment project amounts to 50% of its costs. Subsidies may be increased to 60% if a building is entered in the register of monuments or is located in an area entered in such a register.

The housing construction program is very popular. Only in 2021, BGK received a record number of applications for financial support for projects (more than 420), the estimated cost of which amounts to approximately PLN 2.75 billion. Financial means from the Subsidy Fund amount to PLN 1.7 billion. Financial support under the program will help to create and modernize over 10,000 apartments.

From the beginning of the program (2007) to the end of January 2022, with resources from the state budget, as many as 26,000 residential premises, protected apartments, places in night shelters and houses for the homeless were made available in Poland⁶⁸.

More details about the program can be found on the BGK website:

<https://www.bgk.pl/programy-i-fundusze/programy/bezzwrotne-wsparcie-budownictwa-z-funduszu-doplat/#c5797>

and in the program guidebook:

https://www.bgk.pl/files/public/Pliki/Bezzwrtone_wsparcie_budownictwa/Informator_BSK_20211202.pdf

⁶⁸ It should be noted that in the first years of the program, financial means were mainly allocated to social housing; additionally, a deficit of the fund's resources was noted, which resulted in a reduction in material effects.

Repair bonus from the Thermal Modernization and Renovation Fund⁶⁹

BGK manages the Thermal Modernization and Renovation Fund; its resources are allocated for instance to a repair bonus, intended for repayment of a loan taken by an investor to improve energy efficiency and renovate multi-family residential buildings.

Owners or managers of multi-family buildings may apply for a repair bonus with regards to buildings put into use:

- before August 14, 1961 or
- at least 20 years before the date of submission of an application for a repair bonus and provided that:
 - a building belongs to a social housing initiative or a social housing association;
 - a building was built with the use of a loan granted by BGK based on loan applications submitted by September 30, 2009 or with the use of repayable financing.

The support may be used by housing associations and cooperatives, local government units, social housing associations, social housing initiatives, commercial law companies and individuals. A repair bonus cannot be used by budgetary units and local government budgetary establishments.

It can be granted for renovation projects related to thermal modernization, i.e. renovation, replacement of windows or renovation of balconies, as well as for reconstruction aimed at improving and providing system and devices required for residential buildings in order to put them into use. It cannot be granted for renovation of premises and their expansion.

Normally, the bonus is 15% the cost of the renovation project. Communes and municipal commercial companies may claim a bigger repair bonus to be allocated to municipal buildings. Such a bonus may amount up to 50% of the cost of the renovation project. If the building is historic, the support may amount to as much as 60%.

A renovation audit and a loan granted on market terms by one of commercial banks that cooperate with BGK form the basis for filing applications. An up-to-date list of such banks is available on the BGK website in the “Thermal Modernization and Renovation Fund” tab. The loan amount must be at least 50% of the project cost and may not be lower than the bonus amount.

From the Fund’s establishment, i.e. since 1999 until the end of 2021, BGK awarded almost 7,500 repair bonuses in the amount of PLN 360 million. The bonus average amount is over PLN 48,000.

More details about a repair bonus can be found on the BGK website:

<https://www.bgk.pl/programy-i-fundusze/fundusze/fundusz-termomodernizacji-i-remontow-ftir/premia-remontowa-z-ftir/>

and in the guidebook:

https://www.bgk.pl/files/public/Pliki/Fundusze_i_programy/FTiR/Informator_FTIR_final.pdf

⁶⁹ This part of the study was prepared in Bank Gospodarstwa Krajowego.

Thermal modernization bonus from the Thermal Modernization and Renovation Fund⁷⁰

One of tasks of the Thermal Modernization and Renovation Fund, managed by BGK, is to support thermal modernization projects in the form of a thermal modernization bonus. It is used to repay a part of a loan taken out to implement a thermal modernization project. This bonus is addressed to investors (owners or managers of residential buildings) regardless of their legal status, with the exception of budgetary units and local government budgetary establishments, i.e. housing cooperatives and commercial law companies, local government units, housing cooperatives, social housing associations, individuals (including owners of single-family houses).

A thermal modernization project⁷¹ is an improvement which leads to a decrease in annual demand for energy supplied in order to heat apartments and provide domestic hot water as well as to heat residential buildings, collective residence buildings and buildings owned by local government units, intended for public tasks. In buildings where only the heating system is modernized, the demand for energy decreases by at least 10%, in other buildings – by at least 25%. In order to receive a thermal modernization bonus an energy audit must be provided. The audit should be attached to an application for a thermal modernization bonus, submitted along with a loan application to a bank.

The amount of a thermal modernization bonus is:

- 16% of costs a thermal modernization project,
- 21% of costs of a thermal modernization project along with an assembly of micro-installations of renewable energy sources (RES),
- additional support in the amount of 50% of costs of reinforcement of a building made of large concrete slabs during thermal modernization of such buildings.

More details about a thermal modernization bonus can be found on the BGK website:

<https://www.bgk.pl/programy-i-fundusze/fundusze/fundusz-termomodernizacji-i-remontow-ftir/premia-termomodernizacyjna-z-ftir/>

and in the guidebook:

https://www.bgk.pl/files/public/Pliki/Fundusze_i_programy/FTiR/Informator_FTIR_final.pdf

⁷⁰ This part of the study was prepared based on BGK materials: <https://www.bgk.pl/programy-i-fundusze/fundusze/fundusz-termomodernizacji-i-remontow-ftir/premia-termomodernizacyjna-z-ftir> [access: 02-05-2022].

⁷¹ A thermal modernization bonus is also available to other investors, e.g. owners of heat distribution networks. On the other hand, if there are other utility rooms covered by a thermal modernization project in a residential building, the bonus is granted in proportion to the living area of the entire building.

Support program of social rental housing⁷²

BGK has co-initiated and implemented a government program that has been supporting social housing since 2015⁷³. Its role is to grant preferential loans to social rental housing, which contribute to the development of housing with moderate rents, as well as housing cooperatives and housing associations. The program helps local governments achieve the purposes of urban policy and revitalize degraded areas; it also contributes to gradual satisfaction of the demand for housing in this market segment.

Annually, PLN 450 million is available to borrowers, i.e. social housing initiatives/social housing associations, housing cooperatives and municipal companies covered by the social rental housing program. Unused financial means increase the pool of funds in the following years. Funds allocated to social rental housing loans come partly from loans granted by the European Investment Bank (EIB) and the Council of Europe Development Bank (CEB), while the interest rate preference is provided by the state budget.

The social rental housing loans cover up to 80% of investment costs, are granted for a period of up to 30 years, and their interest rate is WIBOR 3M, without the BGK margin. Thanks to preferential loan repayment terms, the rent level in such buildings can be kept at a moderate level (it does not exceed the statutory limit). The premises financed through such a loan are offered to people who cannot afford buying or renting an apartment on a commercial terms but whose income is too high to let them qualify for an apartment from municipal resources. Recently, an option allowing lessees/tenants to become a property owner has been added to the program⁷⁴.

Loans granted by BGK are used to finance projects involving not only the construction of new buildings, but also revitalization/renovation of buildings, adaptations for housing purposes. This means that the program it may also contribute to reducing the issue of vacancy. As part of the program, the bank financed a project involving conversion of a school dormitory and a historic stable and a riding hall into residential premises. In the latter project, awarded in an international competition, several dozen apartments with moderate rents, a kindergarten and a rehabilitation centre for people with disabilities were leased out. An investor also used renewable energy sources.

Construction loans are granted by the bank on market conditions in addition to social rental housing preferential loans. There are no statutory restrictions on the latter. Housing investments can be co-financed from two sources: (1) a preferential social rental housing loan given to an investor and (2) a non-returnable grant from the Subsidy Fund given to a commune. BGK has so far financed the construction and adaptations of 11,500 apartments with both such loans with a total value of PLN 1.5 billion.

Details about the program can be found on the BGK website:

<https://www.bgk.pl/programy-i-fundusze/programy/program-wspierania-spolecznego-budownictwa-czynszowego/> and in the program guidebook:

https://www.bgk.pl/files/public/Pliki/Fundusze_i_programy/Budownictwo_czynszowe/In-formator_DKPM.pdf.

⁷² This part of the study was prepared in Bank Gospodarstwa Krajowego (BGK).

⁷³ Previously, in 1996–2009, the program of preferential loans for social housing associations (on similar terms) was financed by the National Housing Fund at BGK.

⁷⁴ The change was introduced by the Act of December 10, 2020 amending certain acts supporting the development of housing.

The “Clean Air” Program⁷⁵

The purpose of this government program conducted by the Ministry of Environment and Climate and the National Fund for Environmental Protection and Water Management is to reduce the emission of harmful substances into the atmosphere if this emission is caused by heating single-family houses with the use of outdated heat sources and low-quality fuel. The program offers financial means for the replacement of old and ineffective heat sources supplied with solid fuel with modern fuels that meet the highest standards, as well as for thermal modernization of a building.

The program is addressed to owners or co-owners of single-family residential buildings or premises intended for housing purposes. The support is intended for:

- liquidation of old heat sources (solid fuel stoves and boilers), purchase and installation of new devices that meet the program requirements,
- insulation of building partitions,
- replacement of windows and doors,
- assembly of renewable energy sources (solar collectors and photovoltaic installations),
- assembly of mechanical ventilation with heat recovery.

In order for an applicant to participate in the program, his/her income cannot exceed PLN 100,000. There are various levels of financial support and different maximum share of such support in the cost of a given project, with maximum amounts specified. For example, the share of installation of a central heating and hot water systems, at the basic level of co-financing, is up to 30% of costs (PLN 4,500 at most); as for heat pump installation, it is 30% of costs (PLN 6,000 at most) or 45% (up to PLN 9,000). For investors with lower income, higher levels of co-financing are available in terms of percentage (usually 60 and 90%) and value.

The “Clean Air” Program will run until 2029, but new contracts will be concluded by 2027.

Details about the program can be found on the website:

<https://www.czystepowietrze.eu>.

The “Warm Apartment” Program ⁷⁶

The “Warm Apartment” Program was launched in July 2022 by the Ministry of Environment and Climate and the National Fund for Environmental Protection and Water Management, and it is addressed to owners or co-owners of residential premises in multi-family buildings. It can be used by residents of blocks of flats or tenement houses, e.g. owners of a given apartment, also people with a cooperative ownership right to the premises, as long as their income does not exceed PLN 120,000 annually. Provincial Funds for Environmental Protection and Water Management provide subsidies for the “Warm Apartment” program to communes that will in turn grant these subsidies to applicants who meet the program conditions. Depending on the amount of

⁷⁵ <https://www.czystepowietrze.eu/> [access: 02-05-2022].

⁷⁶ <https://czystepowietrze.gov.pl/ciepłe-mieszkanie> [access: 02-09-2022].

income and place of residence, applicants may receive different amounts of subsidies, from PLN 15,500 to PLN 39,900 at the most. People with the lowest incomes living in communes where the air is most polluted can count on the highest co-financing, which will be a maximum of 95% of costs and a maximum of PLN 39,900. As part of the “Warm Apartment” program, an applicant may receive an additional subsidy for:

- replacement of a coal stove used only in a given premises with a condensing gas boiler, a wood pellet boiler of a higher standard, electric heating, heat pump or connecting the premises to a common effective heat source),
- assembly of central heating and hot water installations,
- replacement of windows and doors,
- assembly of mechanical ventilation with heat recovery.

The renovation design documentation is also an eligible cost.

The “Warm Apartment” program was launched in 2022 and will be in use until 2026, the last applications may be filed by December 31, 2025.

Details of the program can be found at:

<https://czystepowietrze.gov.pl/cieple-mieszkanie>.

Conservation subsidies⁷⁷

As part of the protection of monuments, there are systems of financial support for their restoration. According to the Act on the Protection and Care of Monuments, the subsidy for co-financing conservation, restoration or construction work on a monument entered in the register may be granted by:

- the minister of culture and national heritage within the ministry budget,
- provincial conservator of monuments as part of a governor’s budget,
- a decision-making body of a commune, district and provincial government, on terms specified in the resolution adopted by this body.

For some time now, under communal subsidy programs for conservation, restoration or construction work, it has also been possible to support the renovation of building entered in communal registers of monuments.

The procedures for applying for conservation subsidies are specified in detail by individual administrators. Standard subsidies from the funds of the Minister of Culture and National Heritage are granted up to 50% of outlays necessary to perform conservation, restoration or construction work on a monument entered in the register. In special situations, e.g. with regards to buildings of exceptional historical or artistic value or when a need to undertake conservation work is urgent, the subsidy may also be granted up to 100% of outlays necessary to perform such work. Subsidy applications refer to (1) outlays necessary to perform

⁷⁷ <https://www.biznes.gov.pl/pl/opisy-procedur/-/proc/1587> [access: 02-05-2022].

conservation, restoration or construction work affecting a monument entered in the register. Such outlays are determined based on a cost estimate approved by a provincial conservator of monuments, while any construction will be performed in the year of submitting an application by an applicant or in the year following the year of an application submission, and (2) outlays that were covered during the period of three years preceding the year in which a subsidy application was submitted.

Local programs

Local programs developed and financed by communes are the main source of financial support for renovation, modernization of apartments and residential buildings or adaptation of buildings for housing purposes. Their task is to encourage investors to undertake actions considered by the commune as priorities in its housing, spatial and social policy. These programs take various forms of direct (co-financing) or indirect support (exemptions from local tax – real property tax). In some communes, there are programs known as “lease in exchange for renovation”. They allow people eligible for council housing (according to local income regulations and other factors), with certain income, to rent a council apartment (vacancy) after they have renovated or modernized it on their own.

Support under programs of revitalization of crisis areas in communes

Optional development-related communal tasks includes revitalization programs. They provide comprehensive rules for the recovery of a degraded area with particular emphasis on social, spatial, technical, construction and environmental spheres. Although the issues of raising the standard of living are still underestimated in revitalization programs, some communes implement subsidized housing programs as part of revitalization.

In order to finance construction work such as renovation or reconstruction, subsidies for construction or conservation work carried out on terms specified in the Revitalization Act are granted. Detailed procedures are required. A commune that wants to subsidize this work under a revitalization program, it must implement it on statutory rules (commune revitalization program) and establish a special revitalization zone on the entire revitalization area or its part. In Poland, as of the end of June 2021, there were 11 Special Revitalization Zones, and 9 of them were granted subsidies for construction work (renovation or reconstruction of housing facilities). There were 19 calls for applications for subsidies, and a total of 180 projects were co-financed⁷⁸. By granting subsidies for renovation of real property to private owners and perpetual users in the Special Revitalization Zones, the communes strive to intensify the processes of renewing the housing substance in such areas. At the same time, they have quite a lot of freedom in defining detailed terms of granting subsidies. The maximum level of subsidy cannot exceed 50% of outlays necessary to perform:

- construction work such as renovation or reconstruction,

⁷⁸ Rewitalizacja z transformacją energetyczną, IRMiR, Rozwój i Środowisko, https://irmir.pl/wp-content/uploads/2022/04/Rewitalizacja-z-tranformacja-energetyczna.pdf?fbclid=IwAR0vPyzbL_xIOnt1avuTxvBPP6CQbTUQOXecc6R0-MLXuqv40a9JCB91Ac, [access: 05-05-2022].

- conservation and restoration work⁷⁹ in relation to real property not entered in the register of monuments.

Subsidized activities must serve the implementation of revitalization projects and must be included in the communal revitalization program.

In addition to subsidies for construction works in special revitalization zones, few communes run other local programs to increase the scope of renovation in revitalization areas, for example:

- preferential loans from local or regional loan funds,
- real property tax exemptions for owners of residential properties who have completed renovation or modernization work to the extent recognized by the commune as priority, e.g. façade renovation, replacement of heat sources.

Support for protection of the environment

The tasks of communes and districts in the field of financing environmental protection and economy are specified in Article 403 of the Environmental Protection Law. Environmental protection is financed from the proceeds of environmental fees and penalties. It takes the form of special-purpose subsidies, where the rules for granting such subsidies, including the criteria for selecting investment projects for financing or co-financing, as well as the procedure for granting subsidies and the manner of its settlement are specified by a commune or district council by way of a resolution. Entities eligible to apply for special-purpose subsidies include individuals, housing cooperatives, entrepreneurs, corporates.

Support for the protection of monuments

Communes have the possibility of co-financing conservation and renovation work in relation to objects covered by the register of monuments (see point 7), also without connection with revitalization programs. Subsidies are granted based on regulations that specify the rules and procedure of settling subsidies for conservation, restoration and construction work of historic buildings entered in the register of monuments. Communes have a great deal of freedom in determining the rules of subsidies, and often make their amount dependent on the value of a monument (e.g. according to the provisions of local spatial development plans). The total value of subsidies from various sources cannot exceed 100% of the value of work.

Programs of non-governmental organisations

NGOs may be sponsors of renovation or modernization work in the housing sector. Some of them operate as “umbrella” organisations supporting local, small non-governmental organisations in the achievement of statutory goals consistent with a given NGO’s mission. One of the areas of NGOs’ activity is making housing available to people affected by homelessness who are unable to meet their housing needs on their own.

⁷⁹ As defined in the Act on the Protection and Care of Monuments.

Some organisations have a direct mission to help people find a roof over their heads. The Habitat for Humanity Foundation serves as an example: some of its actions are aimed at supporting financially, materially and organisationally specific local housing projects addressed to particularly vulnerable groups of people with unmet housing needs. Habitat provides repair support to both individuals and aid institutions that offer temporary or permanent residence. This organisation finances its activity through close cooperation with business partners from the renovation and construction industry and through grants. For more information on the Habitat for Humanity Poland, go to www.habitat.pl.

Non-governmental organisations as entities co-financing housing investments for individuals in need are particularly active in the area of preventing homelessness and providing housing assistance to people with disabilities. It is worth recalling that under the government non-returnable housing construction support from the Subsidy Fund (see point 2) non-governmental organisations and public benefit entities may apply for subsidies for tasks related to:

- raising the standard of night shelters and shelters for the homeless or creating new night shelters and shelters under the construction support program – up to 80% of the costs,
- creating a stock of protected apartments: up to 50% of costs in the case of purchase or construction and up to 80% of costs in the event of renovation, reconstruction or change of use.

Recommendations

When starting a project involving the development of vacant spaces for housing purposes, the following should be done each time:

- gain an insight into what financing conditions and scopes are available in preferential financing programs with regard to a given type of project. The launch of the National Recovery Plan for Poland will bring fresh solutions in the field of energy efficiency and green transformation. Also, the new EU financial perspective for the years 2021-2027 will include programs to support renovation and modernization/thermal modernization of apartments and residential buildings, at least under regional operational programs (ROP). Current changes in government programs and the availability of local programs co-financed by communal governments or non-governmental organisations are also important;
- cost analysis of not only renovation, but also modernization/thermal modernization of a given building or premises in terms of increasing energy efficiency and reducing environmental pressure. A possible decision to choose the “thermal modernization options” may result not only from the concern for environment, but also from the availability of financial support programs and efforts to reduce operating costs.

Summary

The information presented above is indicative. It refers to institutions and instruments that should be looked for when undertaking the development of vacant buildings for housing purposes. As already emphasized, each time one should gain an insight into local market to find

out what additional and preferential sources of co-financing are available for a given investment project. Particular attention should be paid to programs co-financing pro-ecological activities, both due to the importance of green transformation and the availability of various sources of financing in this area.

It is also worth mentioning that help can also be sought in non-financial solutions, based on human need to help others and support noble initiatives aimed at making housing available to people in particularly difficult life situation.

Alina Muzioł-Węclawowicz
and Bank Gospodarstwa Krajowego (BGK)

II FOREIGN SOURCES OF FINANCING

Funds from foreign sources available in Poland come from various foreign institutions. This aspect should be understood broadly, foreign funds are intended to finance solutions to social problems of different scales. Often the problems, due to their size and nature, exceed the capabilities of domestic institutions. As part of such assistance activity, it is also permissible to acquire tangible assets that are necessary to overcome social problems. Foreign funds available in Poland in order to turn vacancies into residential premises as well as create new housing stock, should be divided into two main groups. The first group covers public funds, including primarily funds from the European Union budget; the second group covers private funds that come from various private foundations or individual sponsors (more in part III “Private sources of financing”).

The Recovery and Resilience Facility

The first of them is the Recovery and Resilience Facility, i.e. a special plan created by the European Union for restoring the economy and mitigating the social impact of the COVID-19 pandemic. Due to the social and economic problems after the lockdowns, the Member States made a joint decision to allocate some funds from the budgetary reserves of the European Union as the so-called non-returnable support for member countries. On the other hand, the Recovery and Resilience Facility is partially financed in the form of loans, where the European Union is a borrower, and the Member States undertake to return loans to private banks via the European Union over the next several dozen years⁸⁰.

At present, many discussions are held and various doubts are raised as to whether and to what extent funds from the Recovery and Resilience Facility will be available in Poland. On the other hand, from the formal and legal point of view, no decisions have been made that would clearly indicate that Poland would not receive money under the Recovery and Resilience Facility. It is rather said that these funds will be made available later⁸¹. The Polish government submitted a document setting out the rules for spending funds from the Recovery and Resilience Facility, and this document was finally approved by the European Union bodies and is in force. It is therefore possible that funds under this program will be made available at some point.

It is worth mentioning that one of the facility's priorities concerns the development of rental housing and expansion of the supply of affordable rental housing in Poland. Thus, it can be assumed that it will be possible to spend funds from the European Union budget for the construction or reconstruction of several types of building for housing purposes. Entities authorized to carry out these investment projects include both public and non-public ones. As

80 <https://www.gov.pl/web/planodbudowy/o-kpo> [access: 07-10-2022].

81 <https://forsal.pl/gospodarka/polityka/artykuly/8503167,buda-termin-wyplaty-funduszy-z-kpo-nie-jest-zagwarantowany.html>; <https://forsal.pl/gospodarka/aktualnosci/artykuly/8496662,minister-buda-o-kpo-ke-nie-ma-wyjscia-srodki-musza-byc-wyplacone.html>; <https://businessinsider.com.pl/gospodarka/fundusze/biznes-nadal-niepewny-o-kpo-obawia-sie-opoznienia-wyplat-funduszy-unijnych/j22xvl8>. [access: 07-10-2022].

soon as the Recovery and Resilience Facility is launched, it can be expected that tenders will be invited, in which non-governmental organisations will be able to apply for grants to launch their plans or projects in the field of construction or renovation and adaptation of several types of facilities for housing purposes, mainly affordable apartments addressed to socially excluded people. There are many doubts around this path, and it can also be expected that shortening the implementation period of some components of the Recovery and Resilience Facility will hinder the process of applying and inviting tenders that are necessary to provide funds for the third sector, i.e. non-governmental organisations. There is a real concern that entities from the public finance sector will benefit from the Recovery and Resilience Facility in the first place, because these entities may undertake certain investment activities based on declarations or government guarantees to grant subsidies at a later date; hence, it is not necessary to go out to full-scale tender, which should precede investment actions⁸².

The European Union Regional Development Funds

Regional operational programs launched in individual provinces are the second large and vitally important source of financing. The funds come mainly from the European Union Regional Development Fund. It should be emphasized that the preliminary query shows that all provincial operational programs include housing components. They are named slightly differently, and the scope of preferences for rental and social housing is also varied. It should be expected that open tenders will be lodged, thereby allowing non-governmental organisations and other institutions or entities from outside the public finance sector to gain access to these funds. However, until the end of 2022, the chances of such tenders are rather slim, because the approval of regional operational programs by the European Union is also delayed; hence, the entire process of program implementation under the 2021-2027 financial perspective is delayed. It should be expected that the first tenders for the performance of tasks from the current financial perspective will not be announced until the beginning of 2023. On the one hand, it postpones the implementation of housing projects; at the same time, bearing in mind the fact that investment processes in the field of housing construction are usually rather complicated and long-lasting, the perspective of less than a year to lodge tenders or launch the first credit lines it is not so distant and it can be assumed that it is a very real opportunity. Various entities and organisations that intend to undertake initiatives in this area are certainly counting on it. A number of questions and doubts will probably arise as to the extent to which it will be possible to invest or obtain funds for projects that are supposed to generate income. It should be assumed that the provision of housing for lease (i.e. rental-based) should involve an obligatory payment on the part of people using such apartments. Therefore, the implementation of such investment projects from the funds of the European Regional Development Fund will entail restrictions in terms of the level of financing. Based on previous financial perspectives, it should be expected that in the case of construction of apartments for lease, this level of co-financing will amount to 50% of the costs due to the general guidelines of the European Union⁸³.

82 <https://www.funduszeuropejskie.gov.pl/media/109762/KPO.pdf> [access: 07-10-2022].

83 "Guidelines on the eligibility of expenditure under the European Regional Development Fund, the European Social Fund" <https://www.funduszeuropejskie.gov.pl/strony/o-funduszach/dokumenty/wytyczne-w-zakresie-kwalifikowalnosci-wydatkow-w-ramach-europejskiego-funduszu-rozwoju-regionalnego-europejskiego-funduszu-spoelnego-oraz-funduszu-spojnosci-na-lata-2014-2020/> [access: 07-10-2022].

Due to the social benefit of these investment projects, one can expect a derogation from this principle, or a chance to obtain more funds for these projects. A new principle, widely introduced in the current financial perspective by the EU, is to focus on the mechanisms of returnable financing of projects. Certainly, many regions will be offered preferential loans for financing such projects. From the point of view of social needs, this is not a satisfactory solution, because if the EU loan has to be repaid within 5 or 10 years, then an investor will expect the lease to pay for itself. In the case of people affected by social exclusion, it is rather impossible.

Based on the experience from the previous financial perspectives of the European Union, one can also count on mixed projects. They consist in taking both soft measures, i.e. direct support for socially excluded or disadvantaged people, but also applying the so-called **cross-financing**, within which it is possible to spend part of the project co-financing for capital expenditure. So far, it was most often about 20% of the project value, determined in detail by the Managing Authority at the stage of lodging individual tenders. For example, in the case of a project worth approximately PLN 3 million, the amount of PLN 700,000-800,000 could be spent on renovation or adaptation of a given facility for housing needs.

Such undertakings were successfully implemented in the 2014-2020 financial perspective, which is now ending. Hence, it can be concluded that it will also be possible in the next perspective. In this type of projects carried out from the resources of the European Social Fund, the level of co-financing was even 92-93% of eligible expenditure. One's own financial contribution was extremely low, although it often times beneficiaries had to allocate more of their own funds necessary to perform the entire investment task.

Binding decisions on the method of financing projects in the current financial perspective will be known and available to beneficiaries only after the final approval of operational programs for individual regions and after the announcement of the first tenders. Usually, issues related to the level of co-financing, to the catalogue of eligible expenses and a number of other detailed decisions regarding the principles of spending these funds are specified⁸⁴ in the so-called detailed description of projects or in tender terms.

Foreign private funds

Foundations

The so-called private funds are another major source of financing (in terms of the spectrum of entities). They include financial resources from several types of private foundations, most often foundations related to business entities rather than to individuals (although they also happen), such as the Carrefour Foundation, the Jeronimo Martins Foundation, the Lafarge WSPÓLNIE Foundation, or foundations established by other large business entities to support several types of targeted projects to improve living conditions in Poland. They also include the Foundation de

84 An example competition of the Regional Operational Program of the Świętokrzyskie Province, where the criteria are described: <https://www.2014-2020.rpo-swietokrzyskie.pl/skorzystaj/zobacz-ogloszenia-i-wyniki-naborow-wnioskow/item/4529-oglaszenie-o-konkursie-nr-rpsw-08-01-01-iz-00-26-347-21-zwiekszenie-dostepu-do-opieki-nad-dziecmi-do-lat-3> [access: 07-10-2022].

France and a number of others that are financed mainly or exclusively from private funds. Foundations of this type are most often aimed at providing support in order to eliminate or minimize various effects of global problems or tragedies, which get a lot of publicity and arouse interest of foreign entities. Such foreign organisations also include Caritas Internationalis, or the International Federation of Red Cross. In the case of the latter entities, it should be noted that they usually support national organisations that belong to them. Most often, supportive actions are addressed to the so-called soft projects, e.g. to help people suffering from social exclusion or disadvantaged in life. In 2022, refugees from Ukraine, who had to leave their homes as a result of war in their country and came to Poland in a very large number, certainly attracted attention and deserve support. There are also entities and foundations interested in the situation of homeless people in Poland, or people suffering from other social problems, including profound consequences of the crisis caused by the COVID-19 pandemic outbreak. These foundations declare their readiness to support projects aimed at minimizing the effects of various social problems.

Considering the problem of refugees from Ukraine, it is safe to say that what the refugees need most in the current situation is help in finding decent accommodation. Thus, it is necessary to support several types of projects that aim at providing affordable or even free housing for Ukrainian refugees in Poland in a short time.

Therefore, there is a real chance to finance various investment tasks, at least partially. It should be clearly emphasized that it is mainly about providing refugees with living quarters within a few months at most. Hopefully, this problem will be much less current in the long term. Most likely, refugees staying in Poland will become independent enough and integrate with local communities. All being well, they will be able to rent an apartment on equivalent (market) conditions, just like other residents of towns or rural communes, and live there without any special external support. It should also be considered that some refugees will want to return to their homeland after a few years, therefore accommodation will not be needed as urgently as it is today.

Regardless of the current problem of refugees from Ukraine, it should be noted that there are foundations ready to support solving social problems in Poland in the long term. In this context, beneficiaries include people suffering from homelessness, victims to domestic violence, or people affected by natural disasters, fires, etc. In such cases, some foreign entities are ready to support aid actions, especially through their branches. However, one should remember that the vast majority of support from private foreign entities will be provided to a smaller scale than support offered by domestic institutions. Observation of various activities shows that the support from private entities oscillates at the level below 50% of the project implementation costs⁸⁵. Most of these entities expect that increasing availability of affordable housing, which is quite costly and long-term undertaking, should not be based on foreign sources, as it is primarily a task of local communities. Moreover, it is clear that the majority involvement, be it of an organisation's own resources, or the involvement of funds from other domestic entities that are closer to a given problem and its effects, confirms the purposefulness of such a project. Only local entities are able to verify the project purposefulness and its social necessity. They are a credible source of information whether a given project is indeed of key importance to a local community and deserves to be supported. At the same time, involving several entities or

85 Examples of private foundation programs: <https://www.fondationdefrance.org/en/our-programs>; <https://fundacjapolskie.pl/campaigns/>; <https://www.fundacjabiedronki.pl/nasze-programy> [access: 07-10-2022]

ensuring financing from various sources by different entities is perceived as a more reasonable activity because risk elements are distributed among all sponsors who finance a given project.

Summary

This is a brief account of the acquisition of foreign funds allocated to the creation of apartments for lease, or dwellings available for socially excluded people in Poland. It is possible mainly through the adaptation of vacancies. For example, in a rural area there are many schools that are unused due to the lack of children. Caritas in Kielce has adapted four such schools for supported housing in recent years. Others are either in the process of adapting, or funds are being raised for this purpose. A former gymnasium in Czyżowice, the Bejsce commune, was rebuilt and turned into a day room for seniors and 14 apartments supported from funds from the Regional Operational Program of the Świętokrzyskie Province, (action: Facilitating access to high-quality social and health services) and BGK funds. A former primary school in Gorzków, the Kazimierza Wielka commune, was rebuilt and turned into a senior lounge, three protected apartments and 16 apartments are supported from funds from the Regional Operational Program of the Świętokrzyskie Province (action: Facilitating access to high-quality social and health services) and from funds from the Ministry of Family (cross-financing at 15.39%). Recently, a semi-detached house has been rebuilt into six apartments for refugees from Ukraine, financed by the Foundation de France, the Qatar Foundation and Caritas Polska.

It should also be emphasized that a housing investment project is often associated with the fact that an entity implementing such a project should also be a manager of this housing facility. Generally, it is about making apartments available to a larger number of beneficiaries or to a wider community than just people and families living there immediately after they were put into use. These housing projects are different from commercial investment projects. Developers try to build apartment blocks quickly and then sell them with debt obligations and at a profit. Non-governmental organisations are not focused on making a profit and most often they try to support socially excluded people in a long-term perspective.

Thus, the possibility of purchasing apartments by lessees should be ruled out in projects with an elevated level of social sensitivity, i.e. dedicated to socially excluded people. Rather, such lessees should not be able to purchase apartment they lease for the next 20 years. Generally, these should be rental apartments, available at reduced costs. Usually, rent for this group of lessees is calculated at the level of general costs necessary to maintain an entire building, except for utilities, which are usually separately measured and assigned to individual apartments. Common costs are related to ongoing renovation, insurance of the entire facility, or maintenance of the building surroundings. Thus, such a preferential rent paid by lessees should be calculated at the level of 20-30% of commercial rent. It should be much cheaper and more accessible to disadvantaged groups compared to the market offer. Based on the later, a private owner, a developer or any other owner, will primarily strive to depreciate the investment expenditure incurred, and secondly, will often count on making some profit from their business activity.

Fr. Stanisław Słowik, PhD
Caritas of the Kielce Diocese

III PRIVATE SOURCES OF FINANCING

Specificity of renovation and construction projects

The experience of the Habitat for Humanity Foundation shows that the private sector, less often than individual sponsors, are most often interested in renovation and construction work (typical of the Foundation's activity). It also shows that the most demanding thing is to obtain funds (institutional grants) from public sources. The source of the popularity of fund raising lies primarily in the specificity of such projects, which, especially renovation and construction of empty spaces, are expensive. The very process of renovating individual premises or buildings eats up a significant part of the project budget. In comparison with direct social impact, providing housing for one or more families may be the reason it is difficult to obtain funds from other organisations or institutions. So what makes the renovation of vacant buildings or, more broadly, projects aimed at adapting empty spaces for residential purposes (such as the project "Filling the Gap...") an attractive offer for companies and corporations? An answer to this question concerns many aspects of our organisation's activity. However, it is worth taking pains to look for answers because at the same time we are preparing an action plan aimed at raising funds for renovation and construction work.

Cooperation with business partners – together we can do more

How to get the snowball effect?

The most critical issue from the point of view of subsequent fund-raising actions aimed at business is to win the first partner. The first company to believe in a given project confirms that the project is well thought-through and adequately responds to social needs identified by a given enterprise. It is essential that it is a large company, recognizable and trustworthy. It will make it easier to talk with other entities, for whom the first large partner will authorize the project and confirm that it will be implemented to a greater or lesser extent. After all, it often happens that many social projects, sometimes very interesting, come to nothing due to a lack of financing. Therefore, concerns are perfectly justified, yet they are dispelled when we manage to win over a business partner willing to work with us. So how does one win the first partner? This is the most perplexing task for which we must get ready. It should be a company that is related in some way to our Foundation. It can be our regular partner that is familiar with our business and identifies itself with the vision and mission of our organisation. Convincing an entrepreneur, who has already supported our projects, will be much easier than convincing a company we talk to for the first time. It can also be a business entity that is connected with us or with our project through a network of stakeholders. For example, we have a similar target group, namely customers of given a company are beneficiaries of our activity or, to a significant extent, supporters of our organisation. It may also happen that a company will want to get closer to a specific industry that may potentially be interested in participating in our project. Once research is conducted, a list of potentially interested companies is made and the most vital information on each company is collected,

our next step to win the first partner will require making an appointment and preparing a customized cooperation offer. Such an offer should include a project description along with its estimated budget. Our future partner must be aware of a project scale and must be ensured that everything has been carefully thought through. An offer should also include a package of benefits for a company's involvement, which ideally should be come in three options, namely bronze, silver and gold packages. Thanks to such a distribution of benefits, a company will know what exactly to expect when engaging in a project and what impact vs profits will other partners have. Actions that go strictly beyond fund-raising, which should start earlier, are the key to win the first company. Winning over ambassadors (famous and/or highly regarded people) and media partners for a project will significantly help convince a company to make financial or in-kind contribution. Once we have ambassadors, the media and the first big entrepreneur with us, getting the snowball effect is only a matter of time. Convincing more companies to support a project will be much easier. Lots of partners also mean that together we will be able to achieve much more positive results. The costs are spread over several or a dozen entities, therefore more than one company is charged with them. Of course, the role of the first entrepreneur, a leader, is crucial. Its contribution is usually also the greatest.

How to win over the first company (and each subsequent one):

Step 1: Make a list of companies that are your partners and new companies that have something to do with your organisation and may be potentially interested in cooperation on the project.

Step 2: Collect the most important information on each company, including: business profile, values, customer profile, the most important products/brands, CSR/ESG-related actions.

Step 3: Make an appointment with a decision-maker, ideally someone responsible for social or communication or marketing activities. A person who will manage a project, a member of the Management Board or the CEO himself/herself may come to a meeting.

Step 4: After the meeting, make a customized offer for cooperation dedicated to a specific company, considering a project description, but also benefits for the company. In the offer, emphasize your strengths, e.g. good contact with the media, awards, a lot of supporters, long reach in social media.

Step 5: If you managed to convince the company, prepare a draft cooperation agreement.

Benefits for business

The language of benefits always speaks to the private sector. Companies engage in social projects because they will benefit from them. On the one hand, they want to improve the situation of a specific group of people (e.g. improvement of housing conditions of people at risk of a homelessness). On the other hand, cooperation with an NGO, apart from social benefits, should bring other kind of benefits. Depending on the project nature, such bene-

fits will be different. The vacancy project is carried out by two cooperating foundations, namely the leader of Habitat for Humanity Great Britain and Habitat for Humanity Poland. The cooperation involves exchange of knowledge and experiences. Both partners have an opportunity to participate in an international coalition, affect the shape of the project, and also establish relationships with other entities. They can exchange experiences and knowledge on an ongoing basis regarding the conversion of vacant spaces into apartments. Internationality is certainly a big advantage of this project. Another one is related to the circular economy: bringing unused spaces back to live comes down to putting the idea of less waste into effect. Undoubtedly, for many companies, pro-ecological actions taken in circular economy are a very important part of the CSR/ESG strategy. Additionally, in the case of renovation and construction projects, an idea employee volunteering can be introduced. Participation of employees in an undertaking organised on a construction site is not only real help in the renovation process, but also an unforgettable action during which employees can integrate and rest from office work. They return to their place of work full of positive energy, knowing that they have helped someone in need, and their company is involved in socially important projects. One cannot forget about the media contribution to publicize the project. Undoubtedly, vacancy is an interesting topic for journalists, and it is perceived as innovative and related to discussions on the future of cities. That is why mentions of such projects and their partners appear not only in the local media, but also in nationwide programs.

Options of cooperation with the business sector: financial donations, in-kind contributions and pro bono cooperation

One can cooperate with companies and corporations in many ways, including donation, contribution in kind to a project or a pro bono cooperation. The former helps us provide funds, cover the costs of the project service or personnel costs. Most often, we expect financial support from the first company – the leader. In-kind contribution (such as paints, building materials, furniture etc.) is also very important as it helps lower the project costs. Generally, it is easier to convince an entrepreneur to make donations in-kind (it mainly applies to entrepreneurs from the construction industry) than to support a project financially. Regardless of the forms of cooperation, it is worth signing a financial or in-kind donation agreement. Provision of a service without remuneration, i.e. pro bono cooperation, is another form of cooperation. An entrepreneur willing to enter into such a form of collaboration may help prepare architectural designs for renovated vacant buildings, do some renovation work (if it is a construction company) or provide promotional services (if we cooperate with a creative agency). The possibilities of cooperation are basically unlimited. As in the case of in-kind contribution, pro bono cooperation is important because it helps reduce the project budget. As part of this cooperation, we also sign an agreement, in this case a cooperation agreement.

Individual sponsors

Attracting individual sponsors to implement projects related to renovation of vacant buildings is unique. In order for fund-raising addressed to individuals to bring the desired effect, it is worth focusing our attention on crowdfunding, i.e. the practice of funding a project or

venture by raising money from a large number of people. In communication with individual sponsors, the most important thing is to provide an interesting story behind a project and conduct an information and promotion campaign that will allow us to reach as many people as possible. Raising funds for the entire project would be very difficult. A potential sponsor decides based on emotions, so it is pointless to describe all design issues. One should choose one aspect of a project (e.g. renovation of specific premises/vacancy), describe what stage we are at and how much money we need to complete renovation. The story of future residents is very important as sponsors should be able to imagine who they help; they must feel that their support is necessary and very much needed right now. It is worth mentioning how much we have already done, what stage we are at, etc. Everyone wants to take part in projects that have the potential for success. Although funds collected via the internet are usually limited compared to financial donations from companies, they can be an important part of our budget. They also prove that we have public support, and our project evokes a lot of positive emotions.

Marlena Zacharek
Habitat for Humanity Poland



V Cooperation

I COOPERATION WITH LOCAL GOVERNMENT

Acquiring empty dwellings and converting them into affordable apartments often requires cooperation with a local government. As part of the following subsection, we will take a closer look at this topics, paying particular attention to practical side of the issue.

Cooperation between non-governmental organisations and local governments is the strongest at the lowest, communal level. From the legal point of view, its terms and conditions are described at the basic level in the Act of April 24, 2003 on Public Benefit and Volunteer Work⁸⁶ and in the acts concerning local governments.

Cooperation with local governments has been partially described in subsection III.II. Standardization of apartments with services This is especially true of the part devoted to protected housing co-created with organisational units of social assistance.

Leasing empty spaces from communal or municipal stock

Making a vacancy available by a commune to a PBO is an attractive solution from the point of view of both parties: due to often poor technical condition and the need to renovate, the premises are not available for lease anyway and are left undeveloped. For communes, it is an opportunity to lease the premises at lower costs, also thanks to the renovation.

Two legal acts, namely (1) the Act of August 21, 1997 on Real property Management and (2) the Act of March 8, 1990 on Commune Government, provide key guidelines on making the premises available by a commune to public benefit organisations⁸⁷ (let's not forget about the Civil Code and the Act of June 21, 2001 on the Protection of Tenants' Rights, Communal Housing Stock and the Civil Code Amendments). The first of the aforementioned acts specifies the rules of renting, leasing or encumbering commune property for consideration. The second one gives the commune council exclusivity in adopting resolutions on property matters exceeding the scope of day-to-day management, with regard to lease of property for a period longer than three years or for an indefinite period.

If a public benefit organisation acquires the premises directly from a commune, a lease agreement or agreement of lending for use may be concluded. While in practice premises are granted to a PBO based on a tender procedure, it can access vacant spaces under an agreement concluded for at least three years without a tender procedure⁸⁸. As for lending for use from a commune, this option should be legally formalized – communes are recommended to describe the principles of lending for use in a council's resolution on the long-term communal housing stock management program. Such a description should also include reasons

86 <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20030960873/T/D20030873L.pdf> [access: 30-06-2022].

87 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/gospodarka-nieruchomosciami-16798871>; <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/samorzad-gminny-16793509> [access: 28-06-2022].

88 This part of the study was prepared based on documents of the Habitat for Humanity Poland, in particular: A. Muzioł-Węclawowicz, Spółeczna Agencja Najmu. Dokument strategiczny, 2017.

to define a lending for use as rational stock management.

Let's take a look at the lease terms offered by the Capital City of Warsaw⁸⁹. Ground rules for granting premises to public benefit organisations are set out in the ordinance No. 540/2020 of the Mayor of the Capital City of Warsaw of April 27, 2020 on rules of handing over residential premises to non-governmental organisations and determining the method of selecting organisations⁹⁰. The city offers preferential terms of agreement for public benefit organisations that will conduct their statutory or business activity in the leased premises, from which all profits will be allocated to further statutory activity. As far as this lease procedure is concerned, it should be mentioned that the Capital City of Warsaw distinguishes specific fields of social activity regarding assistance provided to Warsaw residents in the following areas:

- in the Act on Social Assistance⁹¹,
- in the Act on Family Support and Foster Care⁹²,
- in the Act on Taking Care of Children under the Age of Three⁹³,
- in the Act on Mental Health Care⁹⁴.

At this point, we must distinguish that vacancy can be made available on two levels of cooperation: district and cross-district. As for the cross-district level, a cooperation agreement must be previously concluded (alternatively, an agreement based on which a PBO shall perform public tasks of the city under the Act on Public Benefit and Volunteer Work). An organisation must also be selected as a partner in order to carry out cohesion policy programs financed from EU funds (pursuant to Article 33 of the Act of July 11, 2014 on the Principles of Implementing Cohesion Policy Programmes Financed under the 2014- 2020 Financial Perspective⁹⁵). The method of handing over the premises at this level has been defined by a respective lease resolution⁹⁶.

At the district level, a different procedure applies. The Public Information Bulletin of the Capital City of Warsaw publishes information on available premises, separated from the stock of individual districts. In response to this information, public benefit organisations may submit offers and attach their concepts for the premises and recommendations from the Office of Social Assistance and Social Projects or the Health Policy Office on current or future activity.

The aforementioned preferential terms and conditions of an agreement primarily means that (1) vacant spaces are made available without a tender procedure and (2) rental rates are set at a much lower level than commercial prices. Each district of Warsaw has its own minimum preferential rate, which is indexed annually. The final rate is determined individually by negotiation with a public benefit organisation and its amount may be affected by, for example, technical condition of the premises, its location, as well as the type of activity conducted by

89 <https://warszawa.ngo.pl/poradnik/lokale-dla-ngo> [access: 28-06-2022].

90 <https://bip.warszawa.pl/NR/exeres/B873D877-21DB-44BB-AF2A-81CAF608AE95,frameless.htm> [access: 26-06-2022].

91 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/pomoc-spoleczna-17087802/dz-1> [access: 22-08-2022].

92 <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20111490887/U/D20110887Lj.pdf> [access: 22-08-2022].

93 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/opieka-nad-dziecmi-w-wieku-do-lat-3-17688988> [access: 22-08-2022].

94 <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19941110535/U/D19940535Lj.pdf> [access: 22-08-2022].

95 <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20140001146/T/D20141146L.pdf> [access: 28-06-2022].

96 <https://bip.warszawa.pl/NR/exeres/2447F0DB-EA3C-4723-977E-C82A5B411AA4,frameless.htm> [access: 26-06-2022].

an organisation. However, if a PBO intends to conduct economic activity on the premises, the rate may be increased to market level with one exception, namely when an organisation runs, for example, a social cooperative due to the social purpose of its activity. Importantly, any organisation that receives municipal subsidies, which means that it actually performs public tasks commissioned by municipal authorities, may apply for a rent reduction. It is possible after filing an appropriate application to the district Real Property Management Board, having presented a signed subsidy agreement.

In order for the premises to be made available to an organisation, the Board has to positively verify two issues:

- the premises should be emptied and cannot be a part of the district housing stock,
- the premises must also be located in a building the surface, structure, location, and equipment of which enable an organisation to achieve its goals.

Apartments from the district housing stock are leased for a specific time: in the case of the first agreement it may be 3 or 10 years, in the case of each subsequent from 5 or 10 years, but depending on the PBO's request, the lease may be extended for any shorter period.

It is worth mentioning here that leasing a vacancy located on the ground floor of the building (in the retail and service area) is excluded, although there may be some exceptions to this rule. If an organisation wants to lease such premises, it must hope that a district mayor will be able to obtain the consent of the Mayor of the Capital City of Warsaw.

Municipal resolutions also provide for additional arrangements regarding possible renovation of vacant buildings and other leased premises. In order to begin renovation, it is necessary to conclude a renovation agreement with a lessor (with an office or the Real Property Management Board) that specifies the scope of work, settlement details and the amount of any reduction in rent. This, in turn, mainly applies to a period before an approval of the commencement of work is granted; generally, a rent reduction is allowed for a period of up to three months, but in particularly justified cases it is possible to reduce a rent for a period of up to six months. As for the settlement of work, we consider changes that permanently increase the value of the premises; they are settled on a monthly basis, and their total value should not exceed the amount of six-month rent over a five-year period. If renovation was aimed at adapting the premises for use by people with disabilities, all these outlays are settled in full.

A detailed catalogue of renovation work that is settled in the perspective of the Capital City of Warsaw is available at: <https://biznes.um.warszawa.pl/-/roboty-trwale-podnoszace-wartosc-lokalu-uzytkowego>.

Renovation of vacancy leased from the communal stock must be agreed with a lessor; if the renovation issue is not agreed before the commencement of work, a lease agreement may be terminated.

Social housing initiatives

Formerly known as the Social Housing Associations, social housing initiatives respond to the needs of lower-income people who do not qualify for a council apartment and who also do not earn enough to be able to afford mortgage. Apart from families with a specific income, social housing initiatives are also dedicated to people with disabilities. It is worth noting that the provisions for social housing initiatives are included in the Act of October 26, 1995 on Certain Forms of Support for Housing Construction, with the current amendment to this Act introduced on January 19, 2021. Social housing associations, established before the amendment became effective, are required to either (1) adapt a company's statute or articles of association to its provisions, or (2) change a company's name within one year after the act becomes effective⁹⁷.

Usually, social housing initiatives are the result of close cooperation between a local government and a non-governmental organisation or other entity; their main task is to build residential houses or adapt buildings for housing purposes and make them available to those in need, based on lease. This is an interesting alternative, also due to the possibility of using funds from the Government Housing Development Fund. Adaptation of buildings for residential purposes means both their extension or reconstruction, as well as any renovation or modernization work.

Public benefit organisations together with local government units may form social housing initiatives by establishing limited liability companies or joint-stock companies. The provisions of the Act of July 20, 2017 on the National Property Stock, amended by the acts supporting the development of housing, brought an interesting change in the context of this type of activity⁹⁸. The National Property Stock was involved in helping communes and their partners. It supports the development of social housing by providing lands for construction, properties themselves and/or financial resources needed to implement a given project. With the consent of the Minister of Development and Technology, the National Property Stock may both co-create social housing initiatives from the very beginning and join them at a later stage. An agreement concluded with the National Property Stock should include:

- indication of a property contributed by the National Property Stock as a contribution-in-kind to cover all or part of the shares or determination of the amount of money allocated for this purpose from the Government Housing Development Fund,
- the number of apartments to be created as a result of the execution of an investment and construction project,
- the number of apartments to be created as a result of the execution of an investment and construction project, leased out first to people raising at least one child (biological or adopted) referred to in Article 7 (1a) of the Act of September 27, 2013 on State Aid in the Purchase of the First Apartment by Young People⁹⁹,
- the number of apartments to be created as a result of the execution of an investment and construction project, leased out first to elderly people within the meaning of Article 4 (1) of the Act of September 11, 2015 on Elderly People¹⁰⁰,

97 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/nietore-formy-popierania-budownictwa-mieszkaniowego-16797162> [access: 29-06-2022].

98 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/zmiana-ustawy-o-krajowym-zasobie-nieruchomosci-oraz-niektorych-innych-18874873> [access: 29-06-2022].

99 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/pomoc-panstwa-w-nabyciu-pierwszego-mieszkania-przez-mlodych-ludzi-18035102> [access: 29-06-2022].

100 <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/osoby-starsze-18233404> [access: 29-06-2022].

- commitment of the social housing initiatives or the Social Housing Associations to use a property contributed by the National Property Stock as a contribution-in-kind for residential purposes, where at least 80% of the usable floor space will be apartments for rent,
- deadline for the execution of a housing investment project or technical infrastructure,
- provisions stipulating restrictions on the sale of a property contributed as an in-kind contribution to the social housing initiatives or the Social Housing Associations, including the period when such a property cannot be sold and when its purpose cannot be changed¹⁰¹.

On the one hand, the above-mentioned formal requirements show us the role to be performed by the National Property Stock within the meaning of legal acts, on the other – they show the difference in cooperation between a public benefit organisations only with a commune and together with the National Property Stock. It is clear that investing in social housing initiatives may open us to new opportunities to a greater extent than was previously the case of the Social Housing Associations. However, it must be emphasized that the possibility of cooperation with the National Property Stock is a new solution and we do not know yet how it will work in practice.

Summary

Cooperation between an NGO and a local government should be taken care of. It is difficult to imagine an organisation the operation and objectives of which would lie in a sphere completely independent of the structures of public administration. Both parties have the same goal, namely increasing the quality of life for their communities. Let us make the most of joint actions, bilateral consultation, as well as subsidies and reliefs. We should also remember that as representatives of the third sector, we have invaluable knowledge about real needs of people. Thanks to the cooperation we can pass it on to local governments that have competence and rights.

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Habitat for Humanity Poland

101 K. Kupień, M. Karciarz, *Spółeczna inicjatywa mieszkaniowa. Czym jest, na jakich zasadach działa i z kim samorząd może ją zakładać*, „Gazeta Prawna”, <https://www.gazetaprawna.pl/tygodnik-dgp/artykuly/8088127,spoleczna-inicjatywa-mieszkaniowa-zasady-dzialania-sa-morzady.html> [access: 29-06-2022].

II COOPERATION OF THE THIRD SECTOR

The theory of interaction¹⁰²

In the previous section, an issue of cooperation between non-governmental organisations and local government units was outlined. In this section a cooperation between third sector organisations will be discussed. Often the term sectoral interaction is used in this context.

In the last decade, organisations not only have begun to communicate more intensively and efficiently with each other, but also strengthened cooperation within the sector. Sectoral interaction is essential for the operation and sometimes the survival of many public benefit organisations, especially in smaller towns and villages. First of all, organisations can exchange knowledge of, for example, how to develop and implement strategies, of methods of operation, intra- and intersectoral cooperation, or how to raise funds for their activity. This helps them develop their own standards, and also provides the basis for achieving goals that go beyond the organisation resources.

Ewa Bogacz-Wojtanowska, a long-time researcher of public benefit organisations, distinguishes four main forms that cooperation within the third sector may take¹⁰³:

networks – informal structures within which information and knowledge flow between members or volunteers of non-governmental organisations; importantly, there are no common goals within the network and organisations do not share either responsibility or risk;

forums – a more organised (though not necessarily cyclical) form of participation of a larger number of non-governmental organisations, the purpose of which is to provide information or form a common opinion of non-governmental organisations on a given topic; within forums, common goals of non-governmental organisations may be developed;

coalitions – a group of non-governmental organisations that decide to establish permanent cooperation aimed at achieving common goals (e.g. through the execution of projects) and thus are formally bound by a coalition agreement. Non-governmental organisations – members of a coalition – may exchange resources (including financial ones) while maintaining complete independence. Coalitions do not have a separate legal personality, although it is possible to choose authorities or a leading organisation that will be responsible for general management and development of common operating regulations;

federations – a form of the closest cooperation of non-governmental organisations that make a new association with common goals and a new management structure established to supervise whether a plan is implemented.

102 https://ruj.uj.edu.pl/xmlui/bitstream/handle/item/156988/basaj_kozuch_wspoldzialanie_organizacji_pozarzadowych_2016.pdf [access: 24-06-2022].

103 E. Bogacz-Wojtanowska, *Zdolności organizacyjne a współdziałanie organizacji pozarządowych*, 2013, p. 155.

Network phase	Informal contacts Occasional communication Independent decisions
Cooperation phase	Sharing information Gradual division of roles Formalization of communication Independent decisions
Coordination phase	Sharing information and resources Defining roles Frequent communication Some decisions are made together
Coalition phase	Sharing ideas and resources Frequent and priority communication Decisions are made jointly (everyone has the right to vote)
Partner phase	Mutual trust Establishment of a new common system Consensus in making joint decisions and cooperation goals

Table 4. Stages of cooperation between public benefit organisations¹⁰⁴

Theorists distinguish several basic phases of intra-sectoral cooperation [Table 4]. Networking is the first phase; at this stage cooperation is characterized by the full autonomy of an organisation in making decisions. With each successive phase, mutual contacts become closer and gradually formalized, and the same happens with cooperation within actions taken. The partnership phase is the last phase, optimal for cooperation and effectiveness of actions.

By definition, the partnership should be based on mutual trust that establishes a symmetrical relationship between equal entities. Relationships based on partnership are long-term nature and often make actions taken within the partnership go beyond the activity or even missions of individual organisations. There are several rules behind every partnership cooperation:

- compliance with ethical criteria of cooperation (such as keeping jointly agreed arrangements, mutual care for the benefits of partners),
- economic profitability or increasing organisational effectiveness,
- consideration of customary standards based on common goals and interests,
- mutual respect.¹⁰⁵

104 Bogacz-Wojtanowska, *Zdolności organizacyjne a współdziałanie organizacji pozarządowych*, 2013, p. 25, za: Frey i in. 2006.

105 M. Strużycki, *Zarządzanie małym i średnim przedsiębiorstwem*, 2002, p. 85-86.

Naturally, organisations themselves choose the extent to which they are going to get involved in the cooperation and the level of formality. They do not have to go beyond establishing cooperation within one project. When it comes to one-off mutual relations, there are two types of cooperation:

- horizontal cooperation: organisations sign an agreement valid throughout the entire project; an agreement is also concluded with a financing institution so that they can achieve their organisational and common goals, defined before the conclusion of an agreement; their responsibility for actions taken is in this case shared;
- vertical cooperation: one organisation orders the other to perform specific tasks within a given project. An ordering organisation bears responsibility for achieving goals.

Having discussed the theory of sectoral interaction, it is time to move on to the practical part.

Cooperation of organisations in the area of sublease or lending of property for residential purposes (premises/building)

A sublease is one of several interesting forms of cooperation between NGOs. For example, an organisation A leases a vacant building from communal stock, renovates it, and then subleases to an organisation B, where it will be able to achieve its statutory goals. The Capital City of Warsaw is open to the above solution; hence it has developed rules for such a form of cooperation between organisations.

An public benefit organisations, which concluded a vacancy lease agreement with relevant units of the Capital City of Warsaw and renovated it, may, with the consent of an administrative unit, sublease part of the premises to another non-governmental organisation or company (but not more than 50% of the premises). It should be noted that the rent rate for an organisation that is a party to an agreement with an administrative unit in Warsaw increases by at least 50%. However, it is possible to give up on the rent rate increase in particularly justified cases¹⁰⁶. In addition, sublease must be subordinated to lease in two basic areas:

- premises must be used by a sub-lessee on the same terms as stipulated in a lease agreement;
- both lease and sublease expiration dates depend on each other, meaning that when the lease term ends, the sublease term also ends.

The aforementioned consent of a lessor, i.e. commune or any other owner of a property, to sublease can be specified both in an agreement itself and issued in writing later. An owner has the right to determine the criteria for selecting a sub-lessee and define a template of a sub-lease agreement.

One organisation may also lend the premises for use to another organisation. It is important that the basic provisions of the Civil Code regarding lending for use are not violated:

106 <https://warszawa.ngo.pl/poradnik/lokale-dla-ngo> [access: 24-06-2022].

Article 710. By a contract of lending for use, the lender shall assume the obligations to allow the borrower, for a specified or unspecified time, to use gratuitously a thing given to him for that purpose.

Article 713. The borrower shall bear the ordinary costs of the maintenance of the thing lent. If he made other expenditures or outlays on the thing, the provisions on conducting person's affairs without a mandate shall apply.

Therefore, it is very important that the lending of premises for use to another organisation does not generate any income for an organisation that is party to a main lease agreement. The situation is clear in the case of utility charges – if an organisation pays for energy, water, gas or waste collection, it incurs the usual maintenance costs and it is legal. Paying of rent or real property tax becomes problematic – these expenses are independent of what organisation uses the premises and how it is used. For this reason, it is recommended that these fees are borne by the PBO that is party to an agreement with an owner¹⁰⁷.

Support in carrying out renovation and modernization work

Cooperation between organisations may be limited to ensuring that one of them renovates a vacancy. These types of organisations can be described as “umbrella” organisations: very often they support smaller, local organisations in achieving their statutory goals as long as these goals are similar and coincide with a mission of a leader foundation. This type of support is provided, for example, by the Habitat for Humanity Poland Foundation, which coordinates the course of renovation work, encourages volunteers (including employee volunteering (Polish and international), unique in the third sector) to do less complicated works, and obtains materials needed for renovation directly from the Foundation's sponsors. This is how the Foundation carried out its flagship renovation and construction projects, including for the “Rainbow” Association, the Silesian Blue Cross Foundation or the “House of Hope” Foundation¹⁰⁸.

Non-governmental organisations are particularly interested in co-financing construction and renovation work for institutions providing help to people affected by homelessness and people with disabilities¹⁰⁹. This is related not only to the unique needs of both of these groups, but also to the possibility of receiving government, non-returnable housing support from the Subsidy Fund managed by Bank Gospodarstwa Krajowego. The Subsidy Fund subsidizes actions related to:

- raising the standard of night shelters and shelters for the homeless and supporting the construction of new night shelters and shelters (co-financing amounts to up to 80% of costs),
- co-creating a stock of protected apartments: up to 50% of costs in the case of purchase or construction and up to 80% of costs in the event of renovation, reconstruction or change of use of an apartment.

107 <https://publicystyka.ngo.pl/czy-mozemy-podpisac-umowe-uzyczenia-lokalu-na-podstawie-ktorej-inna-organizacja-bedzie-oplacac-czynsz-za-lokal> [access: 24-06-2022].

108 <https://habitat.pl/oferta-dla-organizacji-pozarzadowych/> [access: 24-06-2022].

109 Dr. Alina Muzioł-Węclawowicz writes about it in the subsection hereof entitled “IV.I. National sources of financing, investment”.

Cooperation in the area of housing with services

In subsection III.II. “Standardization of apartments with services”, we referred to the form of assistance that organisations of public benefit can provide with regard to protected, assisted or training housing. Managing this type of housing is very often associated with the need to establish cooperation between organisations in order to build and implement a system of comprehensive assistance for groups of recipients requiring professional help provided for example by psychologists, therapists, social workers or lawyers, etc. A single housing organisation of this type is generally not able to provide all these services on its own, primarily because of limited human, material and material resources. This is one of the reasons why it is so important to establish cooperation and create lasting partnerships with organisations operating in the areas of required competencies. These organisations can provide specialist assistance to recipients, thus complementing management and administrative activities as well as renovation and construction work in apartments, as well as institutional social assistance provided by, for example, social welfare centres.

Organisational cooperation and coalition formation

It is a good practice to enter into partnerships, create coalitions and other forms of cooperation by organisations with similar statutory goals that address their services to groups of recipients in a comparable situation (e.g. people from vulnerable groups, excluded, affected by poverty, homelessness, disability). Exchange of experiences, joint actions and sharing resources with each other bring invaluable content, advocacy and organisational as well as financial benefits to both parties to the cooperation (e.g. joint submission of offers, establishing cooperation with big sponsors), which most PBOs know about. Obtaining greater social legitimacy as a group rather than alone is an additional benefit: the cooperation and its results help organisations emphasize their presence in the society, gain social support, recognition, and make their actions more effective and scalable.

They often form coalitions or federations but also, for example, social dialogue committees consisting of representatives of several, a dozen or even several dozen organisations. Together they are stronger and more effective in helping those in need by creating a unanimous, powerful entity in mediation with public administration units.

An example of a commission involved with managing training apartments is the Industry Social Dialogue Commission for Counteracting Drug Addiction and HIV/AIDS, with its registered office in Warsaw¹¹⁰. It consists of representatives of over twenty organisations, of which we can mention, for example, the JUMP’93 Association, the Res Humanae Foundation, the Monar Association and the Polish Drug Policy Network. Thanks to the Commission’s mediation, the Re-Start Centre is established in the Praga district in Warsaw to support addicted and socially excluded people. The opening of the Centre is scheduled for 2023¹¹¹.

The Habitat for Humanity Poland Foundation participates in an advocacy coalition formed

110 <https://um.warszawa.pl/waw/ngo/-/branzowa-komisja-dialogu-spolecznego-ds-przeciwdzialania-narkomanii-i-hiv-aids> [access: 24-06-2022].

111 http://www.jump93.pl/aktualnosc-108-artykul_centrum_re_start_odpowiedz_na_3.html [access: 24-06-2022].

with more than twenty non-governmental organisations, social activists and experts; its main field of activity is the public debate on homelessness and housing exclusion. This is how the coalition affects social and housing policies carried out in this area, with the aim of introducing systemic solutions that effectively prevent the homelessness crisis and help overcome this crisis in an equally effective way. The Foundation is also investigating a possibility of establishing another coalition devoted to the development and implementation of a standard of social and residential services, common to non-governmental organisations. The coalition is meant to bring together about fifty different NGOs from all over the country, establishing productive cooperation and helping them to strengthen their competences. The major goal of such a coalition is also to motivate this part of the third sector in shaping the social and housing policies.

In Poznań, organisations that coordinate training apartments from the municipal stock under the supervision of the “Barka” Mutual Aid Foundation set up a team that is responsible for qualifying people for training facilities during monthly meetings. The exchange of experiences of coordinators who are familiar with specific problems of people they work with turns out to be invaluable¹¹².

Gdańsk can boast an extensive Gdańsk Social Housing Program gathering representatives of various public benefit organisations, the Municipal Social Assistance Centre, as well as representatives of the Social Development and Municipal Economy Departments of the Municipal Office in Gdańsk. Consultations are held within appropriately designed thematic groups: the strategic one, as well as those dedicated to seniors, foster care, people with disabilities, homeless people and those at risk of eviction, addictions and domestic violence. Within the groups, organisations exchange information on an ongoing basis, cooperate in terms of content, provide each other with resources if necessary, and together conduct the so-called Support Circles for people using services of their facilities¹¹³.

Cooperation as an opportunity for the third sector

We have already mentioned many benefits that increase capabilities of individual organisations cooperating with other entities of the third sector. However, it is no secret that sectoral cooperation also brings a lot of benefits to the entire non-governmental community; thanks to such cooperation, PBOs may effectively participate in the development and implementation of public policy, including social and housing policy. Small and medium-sized foundations and associations, acting alone, often have less chance of affecting decisions and programs of public administration, especially those at the highest levels of the state. The creation of coalitions or federations and the formation of committees make the third sector a stronger partner in the public debate, whose voice should be reckoned with. Intra-sector cooperation creates such opportunities, promotes joint actions in the sector and helps establish good relations between its individual representatives.

We also mentioned the social legitimacy granted to an organisation that makes use of the results achieved through cooperation. The entire third sector, represented by a single BPO, is also

112 <http://siecbarka.pl/misja-i-cele> [access: 24-06-2022].

113 <https://download.cloudgdansk.pl/gdansk-pl/d/20170285820/gdanski-program-mieszkalnictwa.pdf> [access: 24-06-2022].

granted legitimacy. Together, helping people in need, we build up trust to the entire third sector as a very important element of independent and comprehensive help for people experiencing difficulties and life crises.

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Habitat for Humanity Poland

III THE “PREMISES FOR LAND” MECHANISM AND THE POSSIBILITY OF RENOVATION OF EMPTY SPACES BY DEVELOPER

General assumptions

On April 1, 2021, the Act of December 16, 2020 on the settlement of the price of premises or buildings in the price of real property sold from the communal real property stock, commonly known as the Act on premises for land, entered into force.

The Act gives an opportunity to increase the supply of land, the limited availability of which is currently one of the biggest problems in the development industry.

The potential model of cooperation between a commune and an investor is as follows:

- a commune, based on a resolution on the real property sale, enables an investor to purchase the land;
- an investor settles part of the price of the land by handing over some of the premises to a commune.

Thereby, a commune may increase its housing stock without the necessity to conduct a time-consuming investment process on its own, while an investor receives land on which it may execute its development project.

Importantly, the premises handed over by an investor do not have to be residential. The Act on premises for land allows a commune to satisfy various needs: in exchange for handing over an unattractive land, it will receive premises, where a community centre, a clubhouse or a kindergarten can be established.

A commune council decides to sell real property from the communal real property stock by way of a resolution. A resolution on the real property sale provides for:

- the minimum and maximum number and usable floor area of premises or buildings;
- the purpose of the premises or buildings;
- the minimum standard of premises or buildings;
- location of the premises or buildings;

- the price of 1 m² of usable floor space of the premises or building to be handed over by an investor to a commune as part of the “premises for land” settlement, and the date of handing over these premises (Article 4 (3) of the Act).

Real property is sold under the “premises for land” mechanism” a part of a tender procedure. In the absence of a local spatial development plan, only a property for which a zoning decision has been issued may be the subject of a tender procedure.

At the same time, a commune may obtain an infrastructure grant in the amount of 10% of the infrastructural project, and the grant will not be higher than the commune contribution (financial or as an equivalent of the land value) to a housing investment.

Lessees of apartments settled by a commune under the “premises for land” mechanism will be able to apply for rent subsidies under a program from the Ministry of Economic Development and Technology to help families with a low income, seniors, and people with disabilities pay for rental housing.

Practice and the possibility of adapting vacancies under the “premises for land” Act

According to the information from the Ministry of Development and Technology, from April to December 2021, three resolutions were adopted in this manner, namely in Warta, Pińczów and Giżycko. The “premises for land” Act is a good direction, but like any new regulation, it takes some time to provide expertise. It is worth noting that this Act allows for the adaptation of vacant buildings or for renovation of communal premises by an investor who may receive the land in return.

Such a situation occurred in Pińczów. Although a tender has not yet taken place, a resolution stipulates that an investor will receive a plot of land with an area of over 2,400 m². Currently, there is a council building on the plot. It is supposed to be demolished and new such objects will be built in its place. The commune expects at least four premises in return. The commune also specified that the building must be equipped with stairs with a ramp for the disabled, each apartment should have a storage room with an area of at least 3 m², and they should be located on the ground or first floor.

Summary

The mechanism provided in the “premises for land” Act is beneficial for both a commune and an investor. Once enough experience is gained, this Act may be an opportunity to improve the availability of residential land. At the same time, it would be beneficial for a commune, which – in exchange for the land hand-over – would obtain new, renovated communal premises in place of current uninhabitable vacancies.

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Polish Association of Developers



VI Design and technical issues

I SELECTED CONSTRUCTION LAW REQUIREMENTS

When a municipal or communal vacant building is acquired or taken possession of (as described in the previous chapters), first of all, its technical condition should be checked, and renovation or reconstruction should be planned to turn the existing premises into an apartment that can be inhabited by people in need. Vacancy, in ordinary understanding, is the premises or a whole building that has been unused and uninhabited for a long time, from several months to several years. The renovation of such premises cannot be limited to ordinary maintenance works (such as painting or replacing the floor), but it may entail the necessity to obtain a building permit or to report the planned work to competent administrative authorities.

When planning construction work, one should consider frequent changes to the provisions of construction law. The last breakthrough change thereto took place in 2021 and was aimed at facilitating and accelerating procedures leading to the commencement of construction work. As it stands now, the law construction has been in force from September 19, 2020 and hopefully it will not change significantly in the near future.

Technical condition of a building

First, an investor should determine technical condition of a building and the scope of work to be performed. If an investor does not hire a specialist with university education in the field of construction, it is worth seeking advice from an engineer or construction technician who will carry out a technical inspection of the premises or building. Making such an inspection will require a visit to a building or the premises and an analysis of design documentation, which will help determine whether construction or renovation work is feasible and how much it will cost.

When planning general renovation, it is worth consulting a construction expert¹¹⁴, who will prepare a comprehensive technical evaluation of the building. Such an evaluation will be broader than a technical inspection and should include:

- description of a building or the premises;
- description of construction elements (walls, ceiling, roof, foundations) and the construction solutions applied;
- photographic and drawing documentation;
- research and its description;
- measurements and calculations to determine the permissible loads on structural elements;
- applications with an assessment of the premises technical condition, including its defects, damage or faults;
- recommendations and actions to be taken in order to perform renovation work.

At this stage, it is worth entering into cooperation with a design office or an architect who, having the appropriate qualifications, will help assess renovation plans, and will start working

114 The National Qualification Committee of the Polish Chamber of Civil Engineers nominate such experts.

on a construction design, necessary to obtain a building permit. In order to acquire architectural qualifications for unlimited design engineering, one must complete first- and second-cycle studies in the field of [architecture](#) or architecture and urban planning. Additionally, it is required to complete a one-year training in design engineering and one year of apprenticeship on the construction site.

In order to acquire architectural qualifications for unlimited management of construction works, it will also be necessary to complete first- and second-cycle studies in the field of architecture and take part in a and half year of apprenticeship on the construction site.

A licensed architect has the right to submit a statement confirming that a given construction design complies with applicable law and the principles of technical knowledge.

Documentation

Knowing the technical condition of a building and having the necessary documentation, one may start preparations for renovation, preferably by making a list of necessary tasks to be performed, which will result in drafting detailed technical documentation later on. The preparation of the scope of work will make it possible to assess whether a given project falls into the scope of renovation and maintenance, or whether it will constitute reconstruction of a vacant building, which requires a building permit. Apartments should be reconstructed or renovated in accordance with current requirements of the Act of July 7, 1994 – Construction Law (hereinafter referred to as the **Construction Law**), preferably by a person with appropriate building qualifications.

In addition, design guidelines should be established to achieve an intended goal of converting empty spaces into apartments. Examples of such goals may include:

- division of open spaces into self-contained living quarters or a merger of smaller rooms into the premises, each with its own bathroom, in accordance with the current requirements of the Construction Law;
- reconstruction or expansion of a staircase;
- renovation of roof (repair of the roof truss), façade with wall insulation;
- replacement of windows and doors;
- reconstruction or laying of new system: wiring, heating, lighting, water and sewage;
- installation of gas fittings for gas cookers, central heating system (from municipal heating network or setting up one's own heating boiler), cold and hot water and circulation system, sanitary sewage system, hybrid ventilation, fibre optic ventilation, intercom, smoke venting system;
- construction of an ecological heating furnace.

The analysis and detailed planning of work will make it possible to determine whether the work falls into the concept of renovation in accordance with the rules set out below, or reconstruction; in the case of the latter, it will be necessary to obtain a building permit or notify construction work to authorities. At this stage, it is indispensable not only to have the above-described concept of reconstruction of apartments in accordance with current

requirements of the Construction Law, but also to obtain, with the help of a specialist architect, all legally required arrangements and technical conditions. **Arrangements and technical conditions** mean conditions for connecting utilities, such as: water supply system or electrical connections, from individual entities distributing utilities or operators of network or fibre-optic systems. A licensed specialist will help prepare not only necessary construction designs and detailed designs for all industries, but also cost estimates of renovation and technical specifications for the performance and acceptance of construction work.

Construction design

The scope and form of a construction design are specified in detail in the Regulation of the Minister of Transport, Construction and Maritime Economy of September 11, 2020 on the detailed scope and form of the construction design. It is necessary to get a decision on building permit and to notify the construction of electricity, water, sewage, gas, heat and telecommunications connections as well as the construction of liquid gas tank systems.

A construction design is a collection of documents with plans for a construction investment project, which includes:

- a plot or area development plan;
- architectural and construction design;
- drawings and technical studies (the so-called technical design).

A construction design is necessary to obtain a building permit, thus it will be necessary in any situation involving reconstruction or superstructure of a building, as well as construction work performed in a facility classified as a historical monument.

It should be prepared in three copies¹¹⁵. It must also be created and certified by a person who is authorized to design and has a certificate of membership of a professional council of architects, valid as at the date of the construction design development.

The cover page of the construction design must contain information such as:

- data about a building and its location, such as the facility name, address and its registration unit;
- precinct and numbers of registration plots where the facility is located;
- an investor's data and address;
- names and last names of designers developing individual parts of the construction design along with their scope of duties, expertise and ID numbers of their construction licenses;
- date and signature.

The document is approved by a competent architectural and construction administration body in the course of the procedure for issuing a building permit or notification of work.

115 Article 33 (2) (1) of the Act on Construction Law.

A land development plan it is primarily a drawing showing a development plan of a plot and its surroundings within the boundaries covered by the changes. It is a part of a construction design; it is created on an up-to-date map for design purposes and includes¹¹⁶:

- definition of the site boundaries;
- location, outline and layouts of the existing and planned construction objects, including the laying of pipes/sewers/power lines, and construction equipment located outside a building structure;
- method of discharge or treatment of sewage;
- communication system and greenery layout with characteristic elements, dimensions, ordinates and mutual distances of objects in relation to the existing and planned development of the neighbouring areas;
- information on the object interaction range.

An architectural and construction design is a part of a construction design that provides the following information:

- spatial layout and architectural form of the existing and planned building structures;
- intended use of building structures, including the number of premises to be separated, especially residential premises;
- characteristic technical parameters of buildings;
- geotechnical opinion and information on the method of building structure foundation;
- suggested material and technical solutions affecting the neighbourhood, including the environment;
- ecological characteristics;
- information on the building technical equipment, including the designed heat source (or sources) for heating and providing potable water;
- in the case of public utility buildings and multi-family buildings – description of accessibility for the disabled, referred to in Article 1 of the Convention on the Rights of Persons with Disabilities drawn up in New York on December 13, 2006, including the elderly (this includes not only people with a certified disability, but all those who have long-term physical, mental, intellectual or sensory impairment, which may, in interaction with various barriers, hinder their full and effective participation in society on an equal basis with others);
- in the case of multi-family buildings – information on the minimum share of residential premises accessible to disabled people, including the elderly (as defined in the previous point);
- a decision granting consent to departure from technical construction regulations (referred to in Article 9 of the Construction Law, i.e. departure that cannot expose human life, property safety to danger, limited accessibility to public and multi-family buildings for disabled people, deterioration of health, sanitary and utility conditions, as well as the condition of the environment);
- drawings of internal structures and systems.

A technical design is the third part of a construction design, which should define structural solutions for a building together with the results of static and strength calculations, energy performance, planned technical and material solutions, and other necessary design studies.

116 Article 34 (3) of the Act on Construction Law.

Technical documentation may, for example, include design documentation regarding renovation of a building or a dwelling in the following scope:

- division, merger of residential premises or reconstruction of their partition or load-bearing walls;
- reconstruction of wiring, water and sewage system, gas fittings or central heating system;
- construction of new gas fitting, central heating system, cold and hot water system;
- renovation of façade, roof, windows, doors, staircase.

Renovation – the nature and catalogue of work requiring a building permit decision or a notification

It should be remembered that generally renovation does not require a building permit¹¹⁷. Renovation notification is required for structures¹¹⁸, the construction of which required a building permit¹¹⁹ and in the case of internal partitions or structural elements of buildings, the construction of which required such a permit¹²⁰.

Pursuant to Article 3 (8) of the Construction Law, “renovation shall mean carrying out building work in an existing building object with the objective of reconstruction of the original state of the object rather than its current maintenance, however, the use of building products other than those originally used shall be admitted.”

On the other hand, within the meaning of Article 3 (7a) of the Construction Law, reconstruction means “performance of building work as a result of which the operational or technical parameters of the existing building structure change, with the exception of characteristic parameters such as: cubic capacity, building area, height, length, width or number of storeys.”

When considering whether we are dealing with renovation or reconstruction, it should be checked whether the construction work will lead to restoration of the building original condition without changing its operational or technical parameters, or whether it will affect these parameters. For example, construction work consisting in making an entrance door in place of a window is not considered renovation. It leads to interference with the load-bearing wall of a building and changes to the elevation, and this qualifies it as reconstruction. Installation of a central heating system also goes beyond the renovation definition if it has not been installed in a building before¹²¹; this is because it will change technical parameters (e.g. in terms of heat demand in a building and the related energy savings) as well as operational parameters of the existing building (e.g. in terms of temperature and humidity inside a building). The central heating system installation is therefore reconstruction, which requires a building permit. In the light of applicable regulations and judgements of administrative courts, the insulation of buildings, which entails similar changes in terms of building parameters, is also considered reconstruction just as the central heating installation.

117 Article 29 (2) (1) of the Act on Construction Law.

118 Building structure is an object that is neither a building nor an object of small architecture.

119 Article 30 (1) (2a) (a) in connection with Article 29 (2) (1) of the Act on Construction Law.

120 Article 30 (1) (2a) (b) in connection with Article 29 (2) (1) of the Act on Construction Law.

121 Judgement of the Supreme Administrative Court of June 9, 2017, file ref. no. II OSK 2596/15.

Reconstruction of wiring, water, sewage, heating, air-conditioning and telecommunications systems inside a building in use¹²² does not require a building permit or notification of construction work, provided that these systems are already installed in the building (they will not be installed in a vacant building).

At the same time, it should be borne in mind that the construction of connections to the above networks requires notification of construction work, especially in the case of :

- wiring with rated voltage not higher than 1 kV;
- water supply system;
- sewerage system;
- thermal system;
- gas fittings with a working pressure not higher than 0.5 MPa.

In the case of buildings classified as historic:

- a building permit is required if construction work is performed next to a building entered in the register of monuments;
- a notification is required if construction work is performed within an area entered in the register of monuments; an application for a building permit and a notification must be filed with a permit from the competent provincial conservator of monuments issued on the basis of the provisions of the Act on the Protection and Care of Monument¹²³.

A building permit is also required when the purpose of the existing building structure or its part is changed, e.g. from service to residential.

Where to find regulations and procedures

More information on how to determine the course of action and find out what the next step should be when renovating or rebuilding a vacancy, or planning renovation or reconstruction, is available at the following government sites:

- <https://www.biznes.gov.pl/pl/opisy-procedur/-/proc/34> – in the case of work which requires a building permit;
- <https://www.biznes.gov.pl/pl/opisy-procedur/-/proc/550> – in the case of work for which a notification will suffice.

On the website [biznes.gov.pl](https://www.biznes.gov.pl), all requirements for construction work requiring a building permit or notification, are described in an accessible way and in an understandable language. What is more, the website contains templates of all declarations and letters necessary to complete the formalities. In addition, from July 1, 2021, notifications of construction work and applications for a building permit may be submitted electronically at: <https://e-budownictwo.gunb.gov.pl/>.

122 Article 29 (2) (1a) in connection with Article 29 (1) (27) of the Act on Construction Law.

123 Details in the Act of July 23, 2003 on the Protection and Care of Monuments.

A person submitting the application, i.e. someone authorized to represent a given organisation or a proxy acting based on a power of attorney, should have the so-called Trusted Profile (a free tool to prove one's identity on the Internet used as an electronic signature and is an alternative to a paid qualified signature).

The intricacies of the construction law are also comprehensively presented on the website of the Ministry of Investment and Development, available at: <https://budowlaneabc.gov.pl/>.

Operating procedure – building permit

Having obtained indispensable documents and having recognized that it will be necessary to obtain a building permit, an application should be submitted to offices of the district authorities (municipal office with district rights if an investor has its registered office in such a district) or to the relevant district office of the Capital City of Warsaw.

The originals of the following documents should be attached to an application¹²⁴ for a building permit:

- a construction design produced on principles described above;
- a certificate of an architect association on entering of the design author on the list of its members;
- a declaration of the right to use a property for construction purposes;
- a decision on environmental conditions (if necessary);
- information on safety and health protection;
- proof of payment of stamp duty (public benefit organisations are exempt from the fee in cases related to unpaid public benefit activity within the meaning of the provisions on public benefit activity and volunteering);
- power of attorney.

After submission, an application will be entered to the register of building permit applications and building permit decisions. The office will then formally verify it in terms of its completeness, and if any information is missing, the office will ask for providing it.

Then, after such information is given, a body conducting the proceedings appoints parties to the administrative proceedings. The parties, in addition to an investor, include: owners, perpetual usufructors or managers of real property located in an area/facility covered by an application for a building permit. An administrative body shall send a notice of initiation of administrative proceedings to the parties to the construction permit proceedings. Pursuant to Article 10 § 1 of the Code of Administrative Procedure, the parties have the right to actively participate in every stage of the procedure and to comment on the collected materials and evidence before the building permit is issued.

124 https://zaplecze.biznes.gov.pl/files/document_attachments/1683/Wniosek_o_pozwolenie_na_budow__PB_1.pdf [access: 07-10-2022].

An administrative body then checks:

- compliance of the submitted design with the provisions of a local development plan and other acts of local law or, if the former is not provided, with a decision on development conditions;
- compliance of the submitted design with environmental protection requirements, in particular those mentioned in a decision on environmental conditions (if such a decision was required);
- compliance of a plot or area development design with regulations, including technical and construction ones;
- completeness of a construction design and possession of all required opinions, arrangements and checks as well as information on safety and health protection due to the designed building specificity, prepared by a designer;
- a certificate, issued by a competent professional association (valid at the time of creating a design) on entering a design author on the list of its members;
- performance (if required) of an obligation to verify a design by a person with appropriate building qualifications. In addition, a certificate issued by a competent professional association (valid at the time of reviewing a design), on entering a reviewer on the list of its members is verified¹²⁵.

If all requirements have been met and all necessary documents have been collected and verified, a building permit decision is prepared no later than 65 days after an application was submitted¹²⁶. Such a decision is issued to an investor together with attachments only after it is signed, sealed and entered in the relevant register.

During the decision issuance procedure, an administrative body is also obliged to check whether a given building is a monument entered in the communal register of monuments. In such a case, arrangements with a provincial conservator of monuments, who has 30 days to take a stand on this matter, are necessary. If such a stand is not taken by the time a decision is issued, it is deemed that a provincial conservator of monuments did not raise any objections to the design solutions presented in an application.

Before commencing any work, an administrative body is also required to issue a construction log to an investor within three days from the date on which an building permit decision became enforceable.

Operating procedure – notification of work

Notifications of construction or performance of other building work shall be notified to an architectural and construction administration authority on the same terms as in the case of an application for a building permit. A notification¹²⁷ should include the type, scope, place and manner of execution of construction work as well as the date of its commencement. The notification must be filed together with:

¹²⁵ <https://budowlaneabc.gov.pl/praktyczny-przewodnik-inwestora/wnioski-elektroniczne/pozwolenie-na-budowe/pozwolenie/> [access: 07-10-2022].

¹²⁶ Article 35 (6) (1) of the Act on Construction Law.

¹²⁷ https://zaplecze.biznes.gov.pl/files/document_attachments/18/Zg_oszenie_budowy_lub_innych_obot_budowlanych_PB_2_.pdf [access: 07-10-2022].

- a declaration of the right to use the property for construction purposes;
- sketches and drawings;
- a plot or area development plan made by a designer with appropriate building qualifications, agreed with an entity responsible for fire protection (it applies to the construction of liquid gas tank installations);
- a technical description of a system made by a designer with appropriate building qualifications;
- permits, agreements and opinions required by separate regulations, in particular a decision on environmental conditions, if required, or a permit from a provincial conservator of monuments (it applies to construction work performed in the area entered in the register of monuments);
- a power of attorney;
- a proof of payment of the stamp duty for a power of attorney.

Once the complete set of documents is submitted, the office assesses their completeness and decides whether construction work indicated by a given organisation may be performed on the basis of a notification. If all requirements are met, the notification of construction or other construction work will be accepted by way of tacit consent. In such a case, the office does not have to send any letter of consent to construction work execution, but it may, before the expiry of the 21-day period, issue ex officio a certificate that there are no grounds for objection.

Cooperation with a housing cooperative

What is a housing cooperative?

A housing cooperative (further herein also referred to as a “housing co-op”) is a group of owners of premises in a given building or group of buildings on one plot. Its creation involves the rights and obligations for everyone who owns an apartment in a given building.

The concept of a housing cooperative was defined in the Act of June 24, 1994 on Ownership of Premises¹²⁸ as amended.

It shows that all owners of apartments in a given property belong to such a cooperative. A housing co-op does not have legal personality, but it may acquire rights, incur liabilities, sue and be sued. As for liabilities concerning a common property, a housing community is responsible for them without limitation, while all owners are partially liable, which depends on their share in the common property.

Types of residential housing cooperatives

A housing cooperative is created when separate ownership of the first apartment is established – there is no need to conclude additional agreements between the owners.

According to amendments to regulations made on January 1, 2020:

128 The Act of June 24, 1994 on Ownership of Premises, Journal of Laws of 2021, item 1048.

“If the number of separated and non-separated premises is greater than three, their owners are obliged to adopt a resolution on the election of a management board consisting of one or more people. Only an individual may be a member of the management board”.

According to the aforementioned act, there are two types of housing cooperatives, namely:

- a small housing cooperative – when there are no more than three apartments and management is based on the rules on co-ownership; actions that go beyond the scope of the management board’s responsibilities require the consent of all owners and if there is no unanimity, then each of the co-owners has the right to refer the matter to a court for settlement;
- a big housing cooperative – when there are more than three apartments. The management principles are different in this case: decisions may be taken by the majority of votes, which are counted according to shares held by the cooperative members, and voting may take place both at a meeting and in writing.

A cooperative is not an economic entity, has no legal personality or property. On the other hand, owners of the premises may determine, by way of an agreement concluded in the form of a notarial deed, how a property will be managed. For example, a third party may manage a property.

Where to find regulations, documents?

The operation of a housing cooperative is governed by provisions of Articles 195-221 of the Civil Code and provisions of the Act of June 24, 1994 on Ownership of Premises, Journal of Laws of 2021, item 1048, as well as the Act of August 21, 1997 on Real property Management, Journal of Laws No. of 2021, item 1899 as amended.

Other important provisions regulating the operation of housing cooperatives are:

- the Act on the Protection of Tenants’ Rights, Communal Housing Stock and the Amendment to the Civil Code;
- the Act on Housing Allowance;
- the Act on Construction Law;
- Regulation of the Minister of Infrastructure on technical conditions to be met by buildings and their location;
- the Act on the Transformation of Perpetual Usufruct into the Ownership Right to Real Property.

Operation of a housing cooperative

The most important resolutions on the manner and rules of operation of a housing cooperative include:

- **articles of association** of a housing cooperative,
- **house rules**,
- **regulations of utility settlement**: hot and cold water and heating,
- **regulations on traffic zones or residence zones**,

- resolutions on **economic plan, financial statements, and breakdown of the financial result,**
- resolutions on **election of the Board of the housing community and granting a vote of acceptance to the Management Board.**

Above are examples of resolutions that define the principles and method of operation of housing cooperatives.

Each housing cooperative has unique needs and problems, therefore, during the current calendar year, resolutions related to the specifics of individual properties and their owners are adopted by residents of such cooperatives.

Housing cooperative – rights and duties

As mentioned, tenants, as members of a housing cooperative, have certain rights and obligations. Such obligations include:

- compliance with the established housing co-op regulations that are determined by resolutions and may relate to various aspects, including keeping the premises, with the terrace and balcony, in order;
- incurring costs related to the maintenance of common parts, i.e. structural elements of the building, a playground, staircases or bicycle storage;
- usage of common parts as intended, i.e. in a way that does not make such usage difficult to other users;
- making the premises available when necessary (in the event of damage or for maintenance or renovation purposes);
- incurring expenses related to the maintenance of the premises belonging to a given member.

The rights of a housing co-op member include:

- possibility of renting the premises, but only in accordance with its purpose;
- making decisions related to the management of a shared area.

Housing cooperative administrator

An entity that is responsible for the housing co-op management represents the property owners before third parties. There are two options:

- appointing a co-op's own board, namely one or more people elected by voting; it does not have to be a housing cooperative member and such a person does not need to have a property manager's license; however, it is important to appoint a person who has a specific plan for carrying out further work on the property; as it was mentioned, a co-op's board can be elected both during a meeting and by collecting votes individually, in writing;
- hiring an external company that deals with management and administration. An agreement with such a company must be concluded in writing.

It is possible to appoint one's own board and hire a manager (a third company) at the same time. With one's own management, it is also possible to decide to use services of an administrator, i.e. an individual or a company. An administrator is not in charge of the property management, its duties are limited to the performance of an agreement. This is quite a common solution aimed at limiting the duties of one's own management. The tasks of an administrator or, more broadly, the property manager may include, for example, keeping documents, collecting fees for maintaining a shared area, supervising a cleaning company or drafting regulations.

It is worth remembering that the property manager must obligatorily conclude a third party liability insurance contract.

Management board of a housing cooperative – obligations

A management board and an administrator of the housing co-op are entrusted with many tasks. These tasks include:

- repairing damage to shared areas of the property (in playgrounds or in staircases);
- charging tenants with fees to cover the costs of maintaining shared areas;
- concluding agreements with contractors of renovation or maintenance work; one should control the performance of commissioned tasks and pay for them in accordance with an agreement;
- settling heating and water costs for individual premises;
- convening meetings of owners of the premises, at least once a year;
- providing the facility with gas, electricity, water, sewage disposal and waste collection;
- representing a housing co-op outside;
- drafting reports on the management activity and proving them to tenants;
- keeping the books of account of a housing cooperative, including statements of settlements for individual premises.

Who controls a housing cooperative?

Each member has the right to supervise a housing cooperative without any restrictions, and it is regulated by the Act on Ownership of Premises. In order for documents to be verified, it is necessary to agree with an administrator in advance when it can be scheduled. There should be no major problems with photocopying selected documents.

Useful tips on handing an apartment over

A check list might look as follows:

- measuring usable space and verifying the layout of an apartment or house;
- checking the evenness of walls/ceilings and conducting an inspection of plaster on inter-

nal walls for cracks and voids;

- conducting an inspection of windows, balcony doors and windowsills in terms of correct fixing, levelling and possible mechanical damage (the lists also includes adjusting windows and doors if necessary);
- conducting an inspection of balconies and terraces in terms of their decline, surface laying, condition of balustrades and the quality of sheet metal processing;
- conducting an inspection of external and possibly internal doors, including levelling them;
- checking the central heating system in terms of compliance with the design, quality of radiators and their assembly, size, and heating power;
- verifying of the wiring laying, the arrangement of sockets and the voltage in them;
- detecting moisture and leaks from water and sewage systems with the use of a thermal imaging camera;
- checking the façade (also the external façade of the house) for damage and places through which heat is lost;
- checking the efficiency of gravity ventilation or recuperation system;
- checking windows and balcony doors for leaks (using a sheet of paper or thermal imaging);
- verifying the evenness of steps on the stairs and their compliance with the standards;
- conducting an inspection of roof truss and the method of laying the roofing (necessary in the case of a single-family house).

Several basic equipment will be useful for technical acceptance, like a spirit level (i.e. a straight edge), ideally two: one should be 1 m (shorter) long and the other (longer) – 2 meters in length. Additionally, a smaller (1m x 1m) angular spirit level will be useful for nooks. A feeler gauge is the third necessary device. It is used in engineering to measure the clearance between two parts with an accuracy down to a millimetre.

Standards of deviations in the building industry:

According to the PN-B 10110 standard: 2005 (machine applied gypsum plasters – rules of execution and technical requirements) the following deviations are allowed:

- up to 5 mm deviation from the plane over a length of 2 m,
- right angle deviation up to 4 mm over the arm length of 1 m,
- deviation from the wall: no more than 3 mm over a length of 1 m and not more than 6 mm in rooms up to 3.5 m in height.

Floor deviations and other standards

The acceptable deviations of the floor will be checked by applying a longer straight edge to it. As for the standards, the acceptable deviation should be up to 5 mm across the entire room, and any local clearances must be in the range from 2 mm to 5 mm. The standards referring to the above deviations are: PN-53 / B-10145 (Counter-floor. Floors made of stoneware, terrazzo and clinker tiles) and PN-76 / 8841-22 (Counter-floor. Wood and laminate flooring).

General standards useful for technical acceptance are specified in the Regulation of the Minister of Infrastructure of April 12, 2002 on technical conditions to be met by buildings and their location, the Act of July 7, 1994 – Construction Law and in “Technical conditions for execution and acceptance of construction and assembly work”, publishing series by the Building Research Institute.

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Budlex Sp. z o.o

II DESIGNING FOR PEOPLE WITH SPECIAL NEEDS

Before discussing the method and principles of construction designing for people with special needs, one should answer the following questions: who are these people? Who will use the apartments?

Let's start with the definition. Pursuant to Article 2 (3) of the Act on Ensuring Accessibility to People with Special Needs of July 19, 2019, Journal of Laws No. 2019 item 1696, a person with special needs is someone who, due to their external or internal features or their current life situation, has to take additional actions or extra measures to overcome barriers in order to participate in various spheres of life on an equal basis with others.

An analysis of the above definition allows for separation of three groups of people with special needs:

1. people in need of mental/psychological support,
2. people with various motor disabilities,
3. people with mental disabilities.

The first group consists of people leaving foster care, single parents, people from families where physical and psychological violence was used. Before the design process begins, a designer should be aware of the fact that for this group of people these are often the first flats, and that they are looking for security and peace. For them, an apartment is a kind of asylum. It is important to create a cosy and modest place without unnecessary colours, equipment, or glamour.

The second group includes not only the disabled in wheelchairs, but also seniors with mobility difficulties, as well as hearing-impaired and visually impaired people. With this group of people in mind, we need to adopt a wider perspective and take a look not only at an apartment space, but at the entire building.

Two types of needs must be met for this group: architectural accessibility and information and communication accessibility needs. The following points are the most important and worth paying attention to:

- easy access to a staircase and an apartment; the most desirable apartments are those without horizontal and vertical communication barriers; in newer or refurbished buildings, there are special signs on lifts for the visually impaired;
- the width of the entrance door to apartments (in old buildings entrance doors are often not wide enough for a wheelchair);
- escape routes and possibilities of saving people with motor disabilities.

As for the third group, i.e. people with intellectual disabilities, the most important aspect when choosing a flat is its location as it must be well connected with the city centre. A grocery store, a clinic, a pharmacy and a church must be located in the neighbourhood. Nearby recreational areas such as parks, squares, and tree- and bush-covered courtyards, are also important.

Introduction of modern design solutions or an analysis of apartments before choosing one should always be preceded by a verification whether the proposed solution does not conflict with applicable regulations, including:

- the Act of July 7, 1994 – Construction Law (Journal of Laws No 89, item 414, as amended);
- the Act of August 24, 1991 on Fire Protection (Journal of Laws No 81, item 351, as amended);
- Regulation of the Minister of Interior and Administration on fire protection of buildings, other building structures and areas (Journal of Laws No 109, item 719, as amended);
- Regulation of the Minister of Infrastructure on technical conditions to be met by buildings and their location (Journal of Laws No 75, item 690, as amended).

Any deviations from the applicable technical and construction regulations must be agreed with the relevant authorities.

Once an apartment is chosen, the space for new residents is then designed and adapted. Usually we use apartments from the secondary market, from the municipal resources, mostly empty spaces. First of all, one should consider who will potentially live in a given apartment and then consider the division of functions. Functionality is crucial, and the division of functions is largely associated with changes in the layout of the walls, demolition or putting new partitions, and these are elements that do not get changed with each renovation. In order to ensure the best use of an apartment, the following zones should be distinguished: a hall, a day zone, a night zone and shared areas.

Entrance zone

When one crosses an apartment threshold, enters a hall, or a room or space just inside the front entrance of a house or flat. This area is important for every resident because it greatly affects their well-being. It is crucial to ensure a spacious layout, easy access to other rooms, and brightness of this zone. There should be a wardrobe with storage space for each tenants. However, we must remember not to overload this zone with too much furniture, which helps keep things in order.

To achieve the intended effect, mirrors or pleasant lighting should be used to make this space look large. If an apartment will be used by a visually impaired person or someone whose sight is poor, mirrors should be used carefully, because their use next to each other at right angles or on walls opposite each other may disturb and cause difficulties in spatial orientation.

Day / night zone

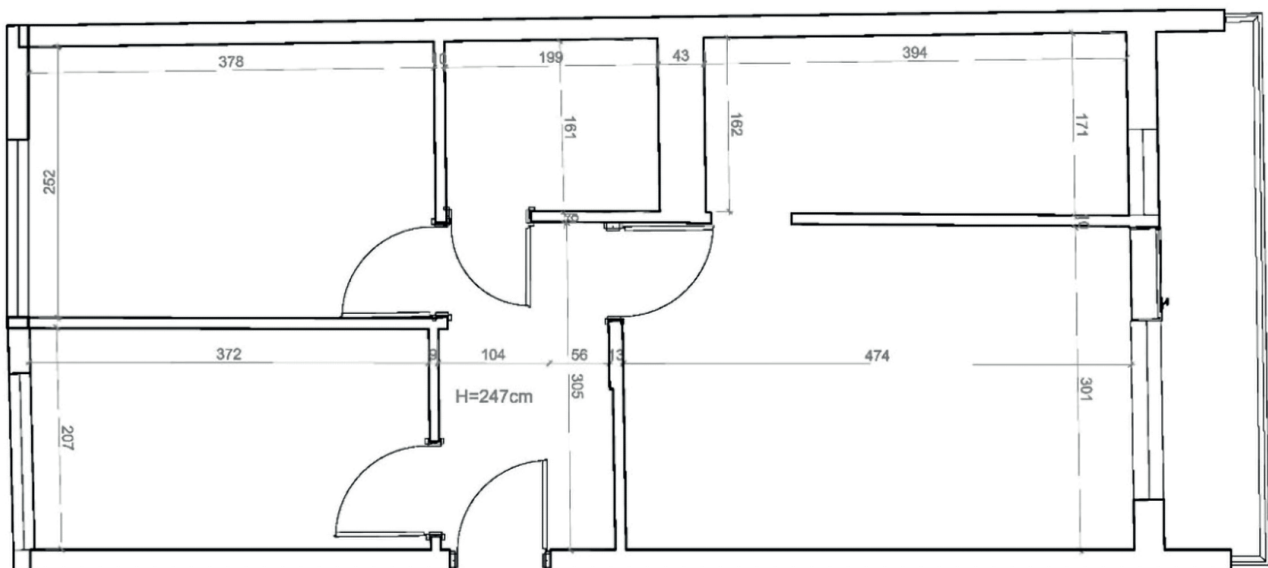
Two or three-room apartments are often inhabited by people who did not know each other before, and each of them probably has diverse needs due to different physical features and life experiences. For these people, their living space is limited to one room. That is why it is so important to try to separate day and night zones in such a room. The simplest method of separating zones optically is to play with light and appropriately arrange furniture.

Shared areas

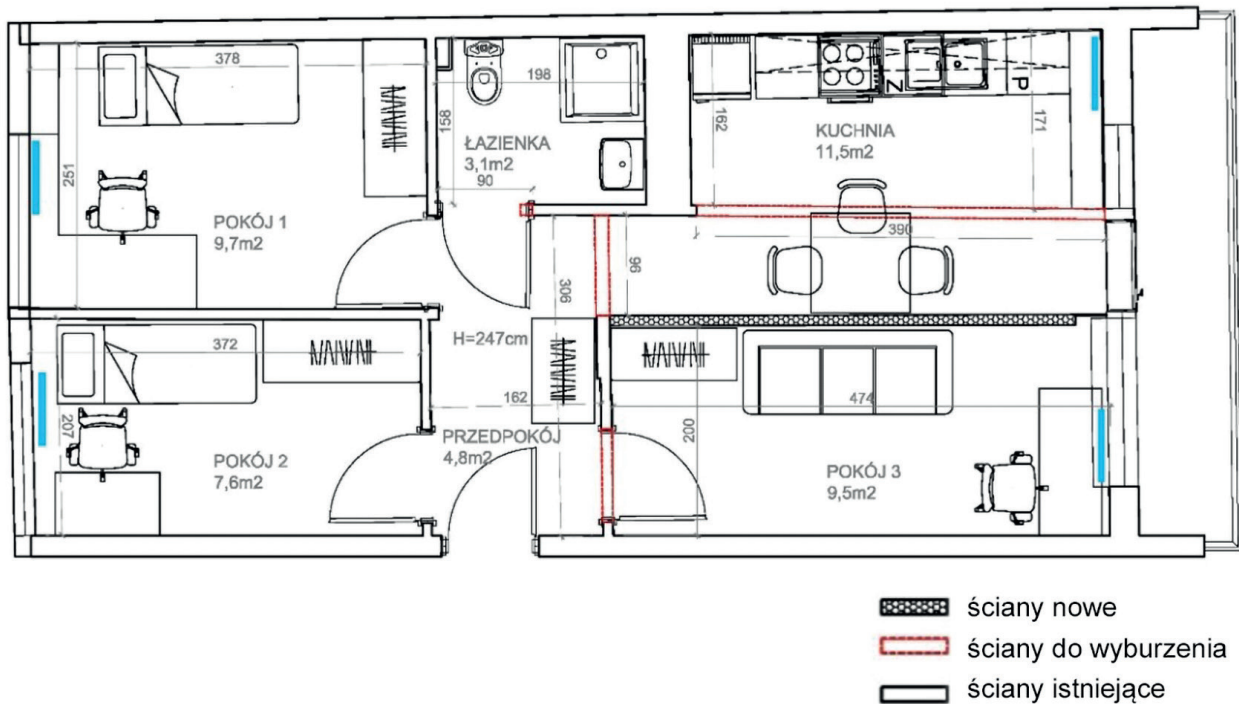
If it is possible, a kitchen becomes a shared area for all household members. Apart from the fact that it is a place where people prepare meals, this is also where they most often eat them. If the kitchen area allows it, it is worth placing a table at which all household members can gather. This creates space for roommates to get to know each other and talk. When it comes to people with needs, roommates are important as they provide support and become companions to talk to and share thoughts with.

Shared area for all household members also includes a bathroom. Attention should be paid to creating as much storage as possible so that each of the household members has their space. If possible, it is worth considering if it is possible to section off a utility room and space for laundry room and drying room.

An example of a three-room apartment before and after designed changes is presented below. The metric area of all rooms is similar, the kitchen was enlarged and includes the balcony door, therefore the balcony became a shared area for all residents. A large table was placed in the kitchen.



RZUT - STAN ISTNIEJĄCY



RZUT - STAN PROJEKTOWANY

Once an apartment is divided, it is time to move on to the next stage, which is the selection of finishing materials and interior colours. Currently, there are several styles of interior design, from classic, minimalist or Scandinavian, to colonial style, rustic style and eclecticism. When considering the interior design, we must remember who it is intended for. Many of these people have had difficult and unpleasant life experiences. The interior should be cosy, it should be a place one wants to come back to, so its arrangement and the selection of finishing materials and furniture should be balance-based. Too much furniture is simply tiresome, makes it difficult to keep an apartment clean and resident friendly. When choosing materials, it is worth considering the ergonomics, safety and comfort of use in the rooms in terms of ease of cleaning, potential repairs etc.

Flooring

Floor, the background for other components of the interior, is its crucial element. While in the hall or in the day zone we may freely choose either wooden floor, stoneware or stone, in rooms with high humidity, it is worth choosing a floor made of materials with low water absorption, e.g. ceramics or stone.

When choosing flooring, it is worth remembering that:

- monochrome flooring will be a good base for any type of interior;
- glossy flooring reflects light, which makes the room brighter;
- textile accessories, such as rugs or carpets, muffle sounds and make a room look cosy.

- When laying a wooden floor or panels, attention should be paid to the direction of laying the boards. The most frequently chosen method is to lay them perpendicular to the windows. It is also worth remembering that arranging the boards along the length of the room makes it look longer and arranging them across the room shortens and widens it, while placing boards diagonally, optically expands the interior.

Wall finishing

When finishing walls, both the texture and colours are important. Only in interiors that are not overloaded with furniture, a wall covered with a textured plaster or patterned wallpaper will work. Often people get bored with a given pattern or colour. One must remember that the choice of colour should be consistent with the rest of the interior; hence, white or shades of white, or a colour accent on one of the walls is always an excellent choice. Paints should be of decent quality, washable and resistant to scrubbing. Colour affect how we feel:

- shades of yellow/orange/red have a stimulating and energizing effect;
- shades of green or blue are soothing;
- shades of purple are calming;
- black in excess can be depressing, but in lesser amounts it can be inspiring.

Flats created for people with various needs to a considerable extent are financed by various foundations that run support programs. Therefore, when choosing an apartment and its finishing, the economic aspect must not be overlooked. Decent quality that translates into the durability of the finishing materials is crucial.

In order to control operating costs, attention should be paid – as early as at the stage of choosing an apartment – to the building thermal efficiency improvement, windows replacement or the building insulation.

Katarzyna Piwowarska
Arcadis Sp. z o.o.

III RENOVATION PROCESS

Legal issues

This issue was discussed in an earlier section:
SELECTED CONSTRUCTION LAW REQUIREMENTS (VI.I).

People involved in the process

It is vitally important to know who should be involved in the renovation process described herein and what is the scope of responsibilities of those involved. The need to involve certain individuals depends on many factors, such as:

- scope of work to be performed, including changes/creation of new systems,
- the need to obtain approvals/administrative permits,
- changes in the use of the premises.

The table below presents a list of people involved in the renovation and construction process, their most important responsibilities and information when the participation of a given person is not necessary. The list was made based on the Act [of 1994, i.e. Journal of Laws of 2021, item 2351, of 2022, item 88 – Construction Law](#), experience of renovation projects carried out in the years 2019-2022 of the Habitat For Humanity Poland Foundation, as well as private experience of coordinating the renovation and construction processes by the author of this section.

Position	Role	The necessity of participation
Investor	A person responsible for organising the construction process, considering the safety and health protection rules provided for in the regulations.	Yes, at every stage of the process
Project coordinator	A person responsible for efficient conduct of the process, fulfilment of orders, and deliveries and provision of services necessary for proper performance of tasks. A project coordinator is also in charge of drawing up and sticking to a material and financial schedule.	No
Construction site manager	A person responsible for keeping the construction documentation, securing the construction site along with construction objects located there, geodetic marking out of an object, notifying a construction object for acceptance	Yes – for all investment projects requiring a building permit and in situations specified in Article 29 (1) of the Act of July 7, 1994 – the Act on Construction Law

Architect/designer	A person with building qualifications to design without restrictions in a given specialization. If a building permit is required, first of all, an architect/designer creates a construction design in accordance with the applicable regulations, coordinates the work of designers qualified in a given specialization, and prepares information on safety and health protection.	Yes, if it is necessary to check the architectural and construction design in terms of compliance with regulations, including technical and construction regulations. NOTE: it does not apply to simple building structures, including single-family residential buildings and small farm, livestock and storage facilities.
Investor Supervision Inspector	A person with building qualifications to perform an independent technical function in the construction industry, technical knowledge and professional practice adapted to the complexity of construction work.. An investor supervision inspector is a specialized representative of an investor on the construction site.	Yes, in cases justified by a high degree of complexity of a facility or construction work or the expected environmental impact. Situations when it is necessary to appoint an inspector were specified in Ordinance of the Minister of Infrastructure of November 19, 2001 on the types of building structures, the construction of which requires the appointment of an investor supervision inspector.
Contractor/s of renovation work	Individuals or entities conducting business or service activity in a specialized field of the construction industry.	It is recommended that complex renovation and construction work should be performed by a company or a person with appropriate qualifications, knowledge, experience and resources to carry out the work.

Who to talk to about the renovation? Necessary formalities

At the renovation planning stage, an investor should ensure that all approvals and permits required for specific work have been granted. For this purpose, it is necessary to determine whether this work covers ongoing maintenance, renovation or reconstruction. In addition, legal statute of a renovated facility is also a critical issue, because in some cases it is necessary to inform a building administrator about the work being carried out, and to obtain the consent of a conservator of monuments.

Ongoing maintenance – the Supreme Administrative Court in its judgement of April 5, 2006, file ref. II OSK 704/05 stated explicitly: “within the meaning of Article 3 (8) of the Construction Law, ongoing maintenance shall mean carrying out building work in the existing building aimed not at reconstruction of the original state of the object but rather at its current maintenance, protection against quick wear and tear or destruction.”

The catalogue of work requiring consents and permits has been specified in detail in the Act of 1994 – Construction Law, i.e. Journal of Laws of 2021, items 2351, of 2022, item 88. The table below presents examples of the scope of work and the formalities necessary to complete during the renovation process.

Permits necessary to obtain in order to carry out planned renovation work

Scope of work	The required permission or consents	Institution issuing a decision / consent / permit and the required documents	Exemplary scope of work
Ongoing maintenance	It does not require a notification or a building permit.	Not applicable if one has a permission to use a building for renovation or construction purposes.	<p>All work, as far as it does not involve restoration of the original state and is intended to maintain the facility in a good technical and operational condition.</p> <ul style="list-style-type: none"> • painting the walls because paint has faded, it does not serve its purpose, • replacement of tiles that have cracked in places (also applies to grout), • elimination of walls will contribute, for example, to better ventilation, • wallpapering, • air conditioning assembly, • setting up an alarm system, • connection to the internet network, • replacement of floor, • replacement of toilets, cookers, central heating stoves and heaters and other construction devices (including gas fittings)
Renovation	Notification	<p>The Office of the District Authorities or the City Hall competent for the real property location or other architectural and construction administration body</p> <ol style="list-style-type: none"> 1. Document specifying the type, scope, method of work performance and the date of its commencement. 2. Declaration of the right to use the property for construction purposes. <p>ATTENTION: renovation may start after 21 days from the date of notification.</p> <p>ATTENTION: it is worth informing a building administrator about the renovation, as sometimes it is required by a given housing co-op internal regulations.</p>	<ul style="list-style-type: none"> • replacement of roof cover change, • replacement of windows (without changing their size), • painting and plastering of façade, • repairing a driveway to a garage, • adaptation of an attic or basement for residential or service purposes (not requiring reconstruction) • internal insulation, • replacement of the central heating system, • water and sewage systems.

Reconstruction	Building permit	<p>The Office of the District Authorities or the City Hall competent for the real property location or other architectural and construction administration body</p> <ol style="list-style-type: none"> 1. Building permit application (Annex to the Regulation of the Minister of Development, Labour and Technology of February 26, 2021 (item 410)) 2. Attachments specified in point 8 of the above-mentioned application, specified in Article 33 (2) of the Act of July 7, 1994-Construction Law; <p>ATTENTION: the work may be commenced no sooner than 14 days from the delivery of the permit, but no later than within three years, because according to the Building Law, this is the building permit decision period of validity.</p> <p>ATTENTION: it is worth informing a building administrator about the renovation, as sometimes it is required by a given housing co-op internal regulations.</p>	<ul style="list-style-type: none"> • replacement of windows (if their size is changed), inserting a roof window or new doors, • demolition of a doorway in a load-bearing internal wall, • demolition of a load-bearing wall, • adaptation of an attic or basement with extension and reconstruction for residential purposes, • construction of a fireplace,
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Table 5. Exemplary scope of work and formalities necessary to complete during the renovation process

Required tools

The construction industry is developing at a very fast pace; what does not change, however, is the fact that construction projects require the best possible coordination of work of many people and resources on a construction site. In order to execute an investment project efficiently and correctly, it is worth using tools that will help optimize the processes of: decision-making, delegating tasks, financing and settling each stage of an investment project.

There are several types of applications that are used in the construction industry.

- **Management and control applications:** functionally adapted to create daily construction reports, to manage construction crews' schedules, to review, manage and annotate plans, as well as for simple communication and information exchange.
- **Specially developed design applications that fulfil one but the most extensive function:** they are used by individual specialists for specific measurements or tasks, not by the entire project team.

- **Digital assistants, tools for professionals** (supervisors, engineers, installers): they are used to manage work on a construction site.
- **Estimating applications, construction calculators:** they calculate costs for different work to be performed on a construction site.
- **Construction project management and teamwork support applications that help track the work of team members in order to optimize it.**

Examples of tools:

- **Trello** or **Slack** – applications to help facilitate collaboration, delegate tasks, draw up schedules.
- **PlanRadar** – software for defect management, project supervision and inspection of construction projects and real property. The software helps users track work and progress, create reports, upload and share documentation, and work with BIM plans and models.
- **www.lex.pl** – website with the latest legal acts
- **MagicPlan** – software used to create interior maps of buildings using a smartphone or tablet camera. It uses modern solutions with which it measures rooms, draws a floor plan and more.

Work order

1. Diagnosis of one's resources (premises, financial measure, materials).
2. Drawing up a material and financial schedule of the process (cost estimate).
3. Formal and legal analysis of the scope of work.
4. Obtaining the necessary approvals or permits and possible notification of construction work.
5. Ongoing maintenance, renovation and reconstruction work (**does not apply to construction**)

a. preparation of the facility – demolition and cleaning works

Preparing an apartment/room by taking out unnecessary items, removing old tiles, floors, boards, dismantling old furniture, removing old paint or wallpaper from the walls. Demolition of partition walls. Demolition of load-bearing walls – building permit is required.

Attention:

It may be necessary to organise the disposal of waste. Containers for the collection of construction and renovation waste are recommended. For heavy construction waste, such as rubble, soil and concrete, containers with a capacity of 5 to 7 m³ should be provided. Larger amounts of mixed waste can be collected in containers with 10 m³ capacity. In the case of a small amount of waste, the most common solution is to order a BIG-BAG (1 m³) from a municipal service company.

b. construction work – partition walls, suspended ceilings

We have two types of partition walls to choose from, namely brick and frame walls. This decision affects the cost and time of renovation.

c. installation work – wiring, water and sewage, central heating, gas, ventilation systems.

Attention:

It is recommended that all installation work should be designed, supervised and approved by a person with appropriate building qualifications.

- wiring: in terms of maintenance of internal installation of the facility, no arrangements, notifications and permits are required,
- water and sewage system: in terms of the internal installation of the facility, no arrangements, notifications and permits are required,
- central heating systems: arrangements with a building administrator and a heat supplier are recommended (and often legally required),
- ventilation systems: arrangements with a building administrator and a company dealing with mandatory periodic inspection of the system (chimney sweep) are recommended (and often legally required),
- gas fittings,

d. replacement of windows and external doors – it is recommended that measurement and assembly of windows and external doors is made by a company specializing in this type of services.

Attention:

replacement of windows and doors **does not require notification or permit** if there is no direct interference with the structure or external walls of the building.

Attention:

a building permit decision **will be required** if during the reconstruction, extension or renovation work the following occurs:

- increase or decrease in the size of openings for window or door frames;
- closing or building in openings for woodwork;
- making new openings for windows or doors;

e. self-levelling a floor, where necessary. Its purpose is to even out the ground under flooring materials such as floor panels or milled rock tiles.

Attention:

Depending on a manufacturer, attention should be paid to the time necessary to take next steps, such as laying panels or milled rock tiles.

f. plastering and finishing of walls and ceilings (like gypsum or lime-cement plaster).

- In case of gypsum plaster, there is no need to smooth the walls with plaster.
- In order to obtain a flat surface of the wall or ceiling after applying cement-lime plaster, it is recommended to level the walls with a finishing plaster.

g. laying tiles, ceramic and stone flooring (mainly in corridors, bathrooms and kitchens);

- h. priming of walls and first painting** – an essential element of proper preparation of walls for both painting and wallpapering. After it dries, the first coat of paint can be applied.
- i. laying parquet or renovating floors** – they both generate dust. It is safe to entrust the floor renovation (sanding) to a professional company that will fill in any gaps and will have modern equipment to collect most of dirt.

Attention: renovation of old floor requires protection with varnish (the hardening takes up to three days).

- j. second painting or wallpapering** – while laying parquet or sanding, a lot of dust is generated, therefore walls should be painted immediately after floor laying.

Attention: floors and other ready-made elements should be well protected against spattering with paint and wallpaper glue.

- k. assembly of interior doors with frames and skirting boards** – to be done only when all “wet” work is completed. This way, we avoid the risk that the door will absorb water and puff up.

- l. installation** of sockets, switches, lamps, built-in furniture, household appliances

Attention: be prepared for any damage to the walls (hence, it is worth leaving some paint and a small roller).

Most common mistakes

- **No budget planning, no financial reserve, no cost estimate and action plan.**
A correctly prepared cost estimate and action plan will help estimate total value of the project, considering inflation and unforeseen expenses. At this stage, it will be possible to adjust intentions regarding the scope of the investment project which will help avoid additional expenses.
- **Wrong sequence of work.**
By keeping the work in the right order, we will avoid construction mishaps, and thus the costs and extension of the entire renovation process.
- **Purchase of inappropriate building materials.**
If possible, it is worth purchasing building materials with the best technical parameters tailored to the needs of a renovated facility and the conditions of work.
- **Performing specialist work on one's own.**
Incorrectly performed construction or installation work may cause significant losses of materials and expose us to criminal liability in the event of an accident or random event.

- **Lack of protective measures.**

Incorrect protective measures and their lack will result in the necessity to perform additional work; e.g. the lack of protection of floors, furniture and other objects in a renovated facility may result in their destruction.

- **No agreement with a contractor.**

A properly drafted agreement will protect us from increased renovation costs, unmet deadlines, and renovation performed contrary to the construction industry guidelines.

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