



# **Poland - National Report**

## **Housing Solutions for People who are homeless**

FEANTSA Annual Theme 2008

Housing and Homelessness



FEANTSA Annual Theme 2008  
Housing and Homelessness – National Report Poland

Questionnaire for the FEANTSA Annual Theme 2008

Housing Solutions for People who are homeless

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1. <b>Basic questions about the housing market</b>
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- ❖ % social housing of total housing stock (and give brief definition of social housing)

**A dwelling** – according to the definition provided in the regulation issued by the Minister of Infrastructure – as of December 16, 2002 – a dwelling is a premise consisting of one or more rooms including auxiliary rooms, with independent entrance from the staircase, structurally separated (by permanent walls) within a building, serving the occupants to fulfil their housing and economic needs.

Dwellings have been classified according to the following forms of tenure<sup>i</sup>:

- *gminas (municipal dwellings)* – dwellings owned by *gminas* or *poviats* (local self-government community), as well as dwellings handed over to *gminas*, but staying at disposal of public entities as: health care facilities, social welfare centres, educational system entities, culture institutions; e.g. social and protected dwellings;
- *housing co-operatives* – privately owned dwellings (occupied by virtue of the housing *co-operative* ownership dwelling entitlement – about 70%) or tenant dwellings (occupied by virtue of tenancy – about 30%);
- companies – of public and private sector;
- *natural persons* – dwellings owned by natural person (one person or more persons), whereas this person:
  - may own the whole property, e.g. a detached house,
  - may possess a share in the common property, as the owner of a dwelling e.g. located in a multi-flat building managed by the condominium. Also dwellings in buildings that belong to housing co-operatives, for which – by the force of housing co-operative law mentioned above – a separated ownership has been established for natural person(s) indicated in the real-estate register.
- *public building societies* – the dweller has the participation share with the Public Building Society as the dwelling owner.
- *housing community* – this term refers to a multi-dwelling building (or several buildings), in which a portion or all the units represent distinguished ownerships of natural persons, confirmed with an entry into the land and mortgage

register. A community is formed by the whole of the unit owners (dwelling and business units) in a given research.

- *other entities* – dwellings owned by institutions building for profit – for sale (but not yet sold to natural persons) or rent, dwellings owned by religious institutions, associations, foundations, political parties, trade unions, trade self-governments, etc.

According to the definition applied by the Central Statistical Office, a social dwelling relates only to resources of *gminas*. The standard of such a dwelling may be lowered (worse technical condition). Occupied under a tenancy agreement. Meant for families in a difficult financial and living situation<sup>ii</sup>.

Act dated on 21 June 2001 – on protection rights of tenants living at community-owned housing stock regulates the principles of granting a social dwelling. According to the Act (Article 2, Point 5), a social dwelling is a dwelling fit for residing in due to furnishings and the technical condition. The standard of such a dwelling may be lowered (e.g. communal bathroom, no connection to sewage and/or water-line system, no central heating, etc.) The rental fee for the social dwelling cannot exceed half of the lowest rental payment obligatory in housing stock owned by *gmina*. The social flats are provided by *gminas*. The space of rooms of such a dwelling for a household dweller may not be smaller than 5 sq m, and in case of single-person household must be at least 10 sq m Social dwellings are addressed to those in difficult situation, be it health condition, family problems or social situation, or people with eviction orders from municipal, co-operative or private dwellings.

The share of municipal dwellings in Poland is about 9%. There is no relevant data on the exact number of social dwellings, but since they may be regarded as a type of municipal dwellings, thus the social dwellings constitute a share of the municipal stock. According to the Ministry of Labour and Social Policy social dwellings constitute 6-7% of municipal dwellings<sup>iii</sup>. Data provided by Ministry of Labour and Social Policy but taken from other source<sup>iv</sup> gives us a more credible number of social dwellings, i.e. 32,2 thousand (2,5 % of municipal dwelling stock). The statistics may be supported by the fact that in Gdansk, one of the biggest Polish cities, out of the total number of 27 700 dwellings, only 402 constitute social dwellings (almost 2%)<sup>v</sup>. Warsaw is another example, here out of 96 587 of dwellings only 2 712 are social dwellings (more than 2,5%)<sup>vi</sup>. The situation is similar in the majority of large cities in Poland (e.g. Poznan<sup>vii</sup>, Cracow<sup>viii</sup>, Wroclaw<sup>ix</sup>). And the percentage of municipal dwellings in cities is generally much higher than in the rural areas and amounts to 15% of the total housing stock.<sup>x</sup> The scale of the problem of social dwellings accessibility is especially visible when we consider the example of Gdansk where as many as 700 people have been given eviction orders with a right to the social dwelling. And the total number of those awaiting a social flat is 1 300.<sup>xi</sup>

To improve housing situation in Poland the construction of flats provided by Public Building Societies was introduced in 1995 to provide dwellings for those with low income. However, the practice of paying the participation fee for the Public Building Society (usually 30% of the dwelling value) and high rental fee made those dwellings inaccessible for the target group. Thus, one should not treat them as social, since the inhabitants of those dwellings are mostly people of average material status.

## ❖ % rental housing of total stock

As with social dwellings, the number of tenancy dwellings is difficult to assess. It may be assumed, that a part of dwellings in Poland is rented unofficially i.e. the tenancy agreement is not registered. One of the reasons may be the obligation to notify the Revenue Office of this fact and pay taxes for the tenancy. Unfortunately there is no relevant data as regards the scale of this phenomenon. In 2006, 164 thousand of dwelling units, so about 2% of the total number of apartments were the units for sale or rent, unfortunately this figure is not representative. The total number of rental units may comprise private dwellings (independent), companies' private dwellings for rent, municipal dwelling units and social flats occupied under tenancy agreement and dwellings constructed by Public Building Societies, where the tenant occupies the flat contributing solely the participation fee.

According to the terminology used by the Central Statistical Office we define the following legal titles as regards occupying the apartments by the dwellers (households):

- **apartment or house ownership** – concerns the household, members of which live in the owner-occupied house or flat
- **co-operative title of ownership** – concerns the household, where one of the dwellers is the member of the housing co-operative, with a title to tenancy or ownership co-operative flat.
- **tenancy** – concerns the household occupying a dwelling unit under a tenancy agreement, made with the owner or manager of the building in which the unit is situated (including the alternative or social dwelling). This form exists in all types of dwelling ownership, i.e.: in dwelling units which belong to the housing co-operatives, gminas, State Treasury, companies, Public Building Societies and natural persons,
- **subtenancy** – usually concerns the second or third household occupying the dwelling as a subtenant, i.e. the person renting the chamber(s) in the apartment where the household of the main dweller – tenant, housing co-operative member or the dwelling owner was registered as first.
- **relationship** – with the owner or main tenant of the dwelling, as well as resulting from the rights to life annuity,
- **other** – this category includes households occupying the dwelling unit:
  - owned by religious institutions,
  - in return for assistance in the household, e.g. looking after an ill and/or disabled person or children, and tutoring
  - in exchange for work on a farm or participation in other business activity conducted by the flat or house owner,
  - as a charity assistance for the person (family), in a difficult housing situation, in exchange for looking after the flat,
  - under no legal title, i.e. as squatters

The National Census conducted in 2002 presents us with data regarding the number of tenancy dwellings. The data provided, does not, however, concern the number

of tenancy dwellings but the number of households living in tenancy or sub-tenancy dwellings. According to the information gathered in the National Census, the number of households occupying the flat by virtue of house or flat ownership is about 5,5 million (42,5%), and the number of households occupying the dwelling units under the title to cooperative flat is more than 3 million (24,3%). From among **2 274 thousand households (17,1%), more than 6 million dwellers occupy the flats by virtue of tenancy and 172 thous. by virtue of subtenancy (1,3%)**. This data regards both the registered tenancy agreements, as well as tenancy without any agreement. It should be pointed out, however, that the data provided is based only on the respondents' statements when the National Census was being drawn up and should not be treated as the actual administrative state of affairs. The total number of households in Poland according to the Census is more than 13 million (almost 38 million dwellers). Among all the households occupying the dwellings by virtue of tenancy, more than **60% of dwelling units belongs to gmina, around 20% is the property of natural persons , and 10% belongs to the companies.**<sup>xii</sup>

Table 1:

**Dwelling ownership entitlement  
among households.**

Households in thousands	13 331
The right of ownership of the apartment or house	42,50%
Title to co-operative flat	24,30%
Tenancy	17,10%
Sub-tenancy	1,30%
Relationship	14,10%
Other	0,70%

❖ **% of sub-standard housing (and give brief definition of sub-standard housing)**

There is no definition of sub-standard or overcrowded housing in Polish legislation, but the public sector institutions accept the definitions and criteria used in National Census from 2002.

According to the adopted criteria, three categories of dwellings with so called sub-standard housing conditions observed at the time of conducting the census have been distinguished for the purpose of the National Census:<sup>xiii</sup>

**1. First category** – Low technical condition of a building;

This category includes:

- Apartments in buildings constructed before 1979 with one-room apartments,
- Apartments in buildings constructed before 1945 without a sewage system,

- Apartments in buildings constructed before 1971 without a water supply system.

2. **Second category** – Apartments without adequate fittings (water supply system present but without toilet or no water supply system and without toilet) in buildings not counted in the first category.

3. **Third category** – Overcrowded apartments (with 3 and more occupants per room) counted in neither the first nor the second category.

According to the National Census, 6 481 200 (17,1%) people live in substandard dwellings. If we compare the living conditions of the inhabitants of cities and rural areas, it should be emphasised that the latter is considered to be inferior as regards the housing standard. A quarter of substandard dwellings belongs to the category of municipal dwellings.

Table 2:

#### Sub-standard dwellings

	In thous.	Total in %	Cat. 1	Cat. 2	Cat. 3
Dwellings	1 851,10	15,9	25,8	48	26,3
Population in dwellings	6 481,20	17,1	20,1	41,1	38,8

If we look closer at the dwelling standard defined on the basis of the equipment of the units in main technical and sanitary installations and the number of persons per one room, it would appear that as much as to **35% of Polish people live in bad or very bad conditions** with 23,3% citizens living in „bad conditions”, i.e. with water-line system and between 2 and 2,99 persons per one room. <sup>xiv</sup> Almost 22,2% of the population live in overcrowded conditions of more than two persons per one room, including 6,3 % - with more than three persons per one room. In view of the housing situation, 3 and more persons per one room is considered to be substandard regardless of the technical condition of the dwelling and as many as 3,8 million persons live in such conditions.

It should be pointed out that in fact, the majority of the social dwelling stock is considered to be substandard as stated in the 2 and 3 category of the definition used by the Central Statistical Office. Regulations concerning the standard of social dwelling units allow the sub-standard conditions as it is understood by the Central Statistical Office.

❖ % of overcrowded housing (and give brief definition of overcrowding)

The overcrowding rate in Poland also refers to the number of persons per chamber. A chamber is a space within an apartment which is separated by solid floor-to-ceiling walls, receiving direct daylight and not smaller than 4 square meters. Rooms and kitchens which satisfy the abovementioned criteria can be called chambers.

**More than 4 million dwellers (10,7 % of the total population) live in overcrowded conditions**, i.e. with two or more persons per chamber.

We observe different figures when adopting another overcrowding indicator, i.e. the number of persons per dwelling unit in Poland. According to the National Census from 2002, **11 890 532 dwellers (31,4 % of the total population) live in overcrowded conditions**, i.e. with two or more persons living in one room, including as many as **3,7 million people occupying dwellings with more than three persons per one room**.

Moreover, if we assume that the indicator of the square metres number per one dweller may also be considered the overcrowding indicator, it appears that **15,1% of the total Polish population** live in units with **less than 10 sq m per 1 person**.<sup>xv</sup>

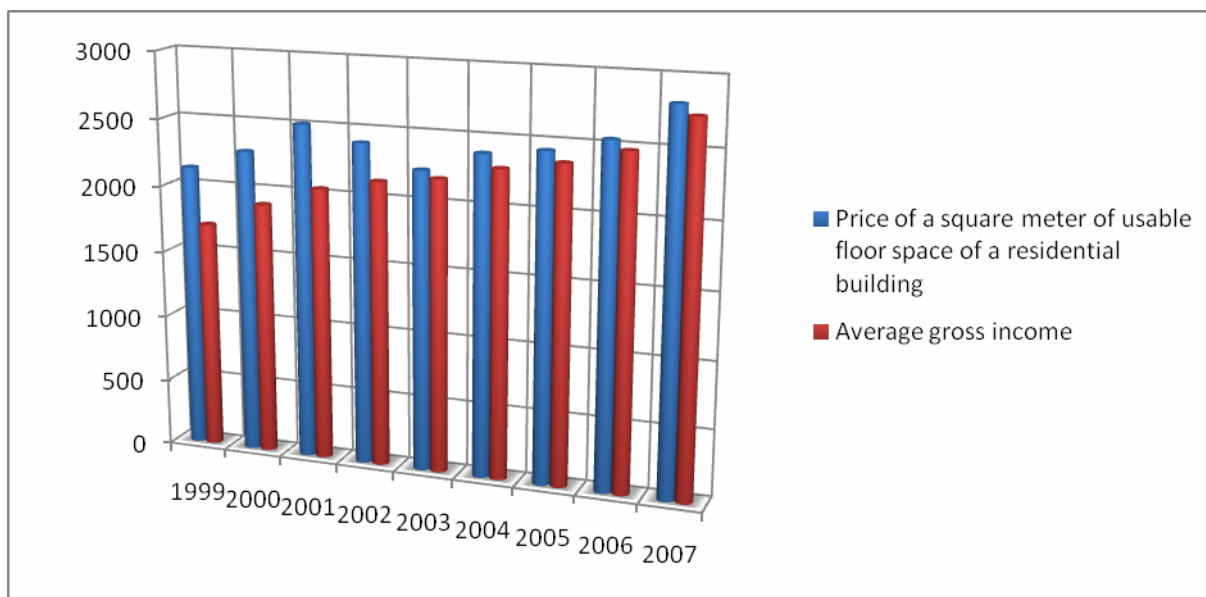
In Poland, a dwelling unit is typically occupied by **3,25** persons, and its average usable floor space is **68,6 sq m**. In all EU countries the size indicator for the average dwelling unit is higher than 75sq m, and it exceeds 100 sq metres in Denmark and Luxemburg.

❖ Housing affordability rate (and give short explanation of how it is measured)

Housing affordability rate in Poland is calculated mainly by contrasting the costs of 1sq m of usable floor space of the building with average monthly gross income. What may be inferred from the abovementioned data, is that it is gradually possible in Poland to buy more sq metres of the flat per monthly payment (almost 1sq m). Due to the fact that the prizes of dwellings in Poland have increased considerably in years 2005-2007, only a share of Polish citizens can afford to buy their own, owner-occupied flat. The fact that the dwelling units available on the market come mainly from developers or private investors (Table 5) make matters worse. What is more, the cost of dwelling in Poland is comparable and at times even higher than of flats in Germany or other EU countries (with disproportionately low households income). The number of dwellings built by housing co-operatives or gminas decreases every year. Thus we find no affordable housing offer for those with monthly income below average. In Poland only the inhabitants whose income enables them to open and repay a bank credit taken for the purpose of buying a flat have access to housing. At the same time the cost of credit repayment and the credit interest is 1/3 and sometimes even 1/2 of monthly household budgeted.

Table 3:<sup>xvi</sup>

Housing affordability in Poland



It should be emphasized that in view of housing affordability in Poland almost 2/3 of the total number of new dwelling units is constructed in 5 biggest cities and agglomerations (Tri City, Warsaw, Cracow, Poznan, Wroclaw). The statistics clearly illustrate the housing inaccessibility in smaller cities and in rural areas, where the number of complete new dwelling units is the smallest.

Another question worth mentioning when it comes to housing affordability is the share of housing expenditures in total expenditures of Polish citizens. For example:

In 2005 the average monthly expenditures per capita in households was 690 zloty and 19,6% of the amount was used to pay for housing, water, electricity, gas and other fuels and 5% for household furnishing equipment and routine maintenance of the house.

In 2004 the average monthly expenditures per capita in households was 695 zloty and 20,3% was used to pay for housing, water, electricity, gas and other fuels and 4,9% for household furnishing equipment and routine maintenance of the house.<sup>xvii</sup>

- ❖ Other information that might be indicative of the housing situation in your country.

### Dwellings ownership

According to the Central Statistical Office, 26,7% of dwelling stock is co-operative, 9,7% is municipal (gminne), 2,9% is owned by companies, almost 59% is private, 0,5% is owned by Public Building Societies and 1,2% is used for rent or sale.



Table 4:

*DWELLINGS BY TYPE OF OWNERSHIP (in thous.)<sup>xviii</sup>*

Ownership	2002	2003	2004	2005	2006
<b>Total in thous.</b>	<b>12 438</b>	<b>12 596</b>	<b>12 683</b>	<b>12 776</b>	<b>12 877</b>
Housing co-operatives	3 466	3 452	3 461	3 429	3 438
Gmina (municipal)	1 401	1 315	1 314	1 249	1 252
Company	483	467	467	373	373
Natural persons	6 987	7 235	7 285	7 536	7 582
Public building society	40	47	53	63	63
Other entities	61	80	103	126	164

New dwelling construction

In the 80s and 90s, housing co-operatives were the main provider of new dwellings, with a considerable proportion of gminas and companies participating in the sphere of dwellings provision. With time, and especially after the political changes in Poland, their role in constructing new dwellings has been constantly decreasing. At present we observe the greatest number of dwellings for sale or rent being constructed by private persons or by developer companies.

Table 5:

	<b>Dwellings completed<sup>xix</sup></b>									
	1995	2000	2001	2002	2003*	2004	2005	2006	2007	
<b>Total in thous.</b>	<b>67,1</b>	<b>87,8</b>	<b>106</b>	<b>97,6</b>	<b>162,7</b>	<b>108,1</b>	<b>114,4</b>	<b>115,3</b>	<b>115,4</b>	
<b>Specification in %</b>										
Private	47,2	40,5	38,4	53,7	72,5	60	55,3	50	53,5	
For sale or rent	4,2	23,6	27,8	22,6	14,6	22,4	29,3	32,9	34,2	
Co-operative	39,9	27,8	24,3	15,7	7,5	8,7	6,9	7,8	6,2	
Public Building Society	0	4,6	6,4	4,8	3,6	6,6	4,8	5,2	4	
Municipal	4,9	2,1	2,2	2,6	1,3	1,7	3,2	3,9	1,8	
Company	3,8	1,4	0,9	0,6	0,5	0,6	0,5	0,2	0,3	

\*The results for 2003 are incomparable due to the „statistic effect” of the changes in construction law and registering dwelling units constructed previously

### Places not meant for human habitation

In Poland a substantial number of the population occupies dwellings not designed for residential purposes, i.e. dwellings which due for various reasons, e.g. misfortunes, adopted lifestyle – became the only place of residence for the people (person) forming households.<sup>xx</sup>

This category includes:

- **dwellings** in permanent buildings (living space or other) **constructed for purposes other than habitation** and not adjusted for the purpose of human habitation e.g. attic, laundry, drying room,, garage, warehouse premises, inventory or farm buildings (stable, cowshed, barn) or other (a hotel room, or classroom),
- **semi-permanent dwellings**, constructed for the family or a single person, intended for limited period of time – usually several years, e.g. so called „containers” or barracks constructed for those who suffered as a result of natural disaster (victims of flood or fire), temporary buildings until the new dwelling has been provided,
- **temporary dwellings**, e.g. shed, cellar, cabin,
- **mobile accommodation**, e.g. mobile home, railway car, caravan, yacht, or barge.

In 2002 37 813 thous. people forming 13 337 thous. households took part in the National Census, with 13 331 thous. of households living in apartments, and the remaining **6 thous. households (11,5 thous. persons) occupying places not meant for human habitation**, i.e. attic, laundry, drying room, garage, inventory room, mobile home, railway car, caravan, barrack, shed, cellar. <sup>xxi</sup>

Due to the inaccessibility of the abovementioned places, it may be assumed that there is many more people living in places not meant for human habitation than it arises from the National Census.

### Housing deficit.

The **statistic housing deficit indicator**, by which we understand the total number of households per number of occupied dwelling units, is generally applied with regard to housing deficit.

It should be pointed out that the statistic housing deficit does not reflect the matter of housing needs in its entirety as the needs resulting from low technical condition and low utility value of the occupied dwelling are not taken into account when calculating the total.

According to the National Census of 2002 the statistical dwelling deficit was:

Total number in Poland - 1 567 thous.

In cities -1 007 thous.

In the country - 560 thous.

In 2006 the dwelling deficit was about 1,8 million.<sup>xxii</sup>

Saturation in dwellings, measured by the number of dwelling units per 1000 citizens, is 327,6, which puts Poland in one of the last places in the European Union. The indicator was: in Slovakia – 312,0, in Lithuania – 353,0, in the Czech Republic – 365,1, in Latvia – 391,0, in Austria – 399,0, in Bulgaria – 418,0, in Germany – 452,0, in France – 491,0, in Switzerland 510,0. In the EU countries the dwelling saturation index is around 400, and in Finland, France or Sweden it amounts to 500 dwelling units per 1000 citizens.<sup>xxiii</sup>

### Age and condition of dwellings

One of the factors considerably influencing the poor technical condition of the buildings was the communist approach towards the housing policy. At the time when the majority of the dwelling stock was constructed, so in 1970-1988, it was the quantity and not quality factor that seemed to be the most important. The inadequate use of building technologies and low-quality building materials resulted in the fact that now more than 7,5 million dwellings, so almost 60%, is in need of minor repairs, and more than 10% should undergo extensive repairs.<sup>xxiv</sup>

Apartments in buildings constructed after 1944 constitute 76,2% of the total housing stock. More than 55% are buildings constructed before 1970. And apartments in buildings constructed before 1918, so being over 85 years old, still constitute a substantial share of 10,4% of the total number of occupied dwellings in the cities.

### Payment arrears

At the end of 2005 the number of dwellers in arrears with payment (to the total number of dwellers) in each stock was as follows<sup>xxv</sup>:

- municipal (gminne) 39,5% - with a debt of 545 million zloty
- co-operative 30,9% with a debt of 858 million zloty
- State Treasury 35,2% with a debt of 39 million zloty
- companies 28,8% with a debt of 70 million zloty
- natural persons – 12,5% with a debt of 229 million zloty,
- other entities 25,1% with a debt of 15 million zloty

It seems that the statistics have not changed drastically since in Gdansk, for instance, the number of indebted co-operative dwellings was about 15 thous. (more than 50%) at the end of 2007.

Out of 20 thous. legal proceedings in progress as regards eviction, about 51% concerned the inhabitants occupying the municipal dwellings, 30% - dwellings in co-operative housing, 9% - companies, 7% - natural persons in co-operative buildings, 1,3% - State Treasury, and 1,6% - other entities. In more than 91% of cases (in all types of ownership) the proceedings were due to rent arrears.

In 2005 about 4 thous. eviction orders from the dwelling units were carried out with as many as 47% concerning the municipal, and 42% the co-operative dwelling stock.<sup>xxvi</sup>

## 2. Public housing policies

- ❖ What are the aims/objectives of public housing policy in relation to homelessness (if any)?
- ❖ What (statutory) role for public housing policies in preventing and addressing homelessness (if any different from above)?
- ❖ Which decision-making level leads on the issue of housing (local, regional, national...)?
- ❖ Do housing policy makers have a leading role in addressing and preventing homelessness (in relation to policy development – not service provision!!)? Why (not)?
- ❖ What is the % of the public housing budget spent on homelessness (if you include prevention of homelessness, please specify)?

### Legal Acts<sup>xxvii</sup>

The right to housing is guaranteed by the following Polish and international legal Acts:

#### **The Constitution of the Republic of Poland**

Article 75, act 1

Public authorities shall pursue policies conducive to satisfying the housing needs of citizens, in particular combating homelessness, promoting the development of low-income housing and supporting activities aimed at acquisition of a home by each citizen.

#### **Law on Local Government of 8 March 1990:**

“among their responsibilities in satisfying the collective needs of the gmina community, gminas' own responsibilities include [...] municipal housing”

#### **Universal Declaration of Human Rights, Article 25\_**

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

#### **International Covenant on Economic, Social and Cultural Rights**

**Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966**

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

### **The UN HABITAT Agenda ,Istanbul Declaration, Adopted by 171 countries including Poland**

#### **Chapter IV**

61. Since the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate housing has been recognized as an important component of the right to an adequate standard of living. All Governments without exception have a responsibility in the shelter sector, as exemplified by their creation of ministries of housing or agencies, by their allocation of funds for the housing sector and by their policies, programmes and projects.

#### **European Social Charter <sup>xxviii</sup>**

##### **Article 16 – The right of the family to social, legal and economic protection**

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

##### **Article 30 – The right to protection against poverty and social exclusion**

With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b. to review these measures with a view to their adaptation if necessary.

##### **Article 31 – The right to housing**

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

- a. to promote access to housing of an adequate standard;
- b. to prevent and reduce homelessness with a view to its gradual elimination;
- c. to make the price of housing accessible to those without adequate resources.

#### **Housing programmes referring to homelessness:**



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In Poland there is only one housing programme with regard directly to the question of homelessness. It is now called – „The Government programme for financial support from the sources of the Subsidy Fund for constructing social dwellings, protected apartments, nightshelters and houses for the homeless”.

Initially the programme appeared as „The pilot Programme of Financial Support for gminas in creating social dwelling units, nightshelters and houses for the homeless”<sup>xxxix</sup>. „The programme completion was initially planned for the end of 2005 but due to the substantial needs recognized during the process of examining and evaluation of the applications conducted by the Institute of Urban Development and Housing<sup>xxx</sup> for the Minister of Infrastructure, it was modified in the first half of 2005<sup>xxxi</sup> taking into account the additional funds from the State budget and delaying the programme completion by a year.”<sup>xxxii</sup> After the pilot program was evaluated on 8 December 2006, the Polish government passed a law on „financial support for the construction of social dwellings, protected flats, nightshelters and houses for the homeless”. This law has made this programme one of the crucial elements of the Polish housing support system.

In this programme, *gminas*, co-operatives of *gminas*, *poviats* and public benefit organizations<sup>xxxiii</sup> may apply for addition funds as regards the construction, repair or adjustment of the social dwelling units, protected apartments, nightshelters and houses for the homeless. National Economy Bank co-finances the programme from the Subsidy Fund with the State budget as the contributor. Co-financing of this programme amounts to 20% to 40% of investment costs, with the remaining costs provided by the investor, *gmina* or public benefit organization in this case. The calls for proposals are announced twice in the course of the year (in April and September).

The programme is comprehensive as regards homelessness prevention (by creating/constructing social dwelling units), protection and intervention (creating nightshelters and housing for the homeless) as well as integration or prevention of social exclusion (creating/constructing the social dwelling units and protected apartments).

In 2007 the amount of money to be used for financial support in the programme was 185 million zloty and in 2008 it is planned for 125 million zloty. Almost 90% of this amount is to be used for creating social and protected apartments and about 10% intended to construct nightshelters and houses for the homeless.

So far the consumption of the funds available in the Subsidy Fund has been insignificant. This may be the result of the ignorance of new legal acts on the part of *gmina* offices and public benefit organizations.<sup>xxxiv</sup>

The following table (6) presents: **the degree of consumption of the funds intended for the use of project providers as of December 31, 2007r.** (According to National Economy Bank)

Total amount in million zloty	68,0	28,3	41,6%
Including:			

Amount for social dwelling units	54,4	27,6	50,7%
Amount for nightshelters and houses for the homeless	13,6	0,7	5,1%

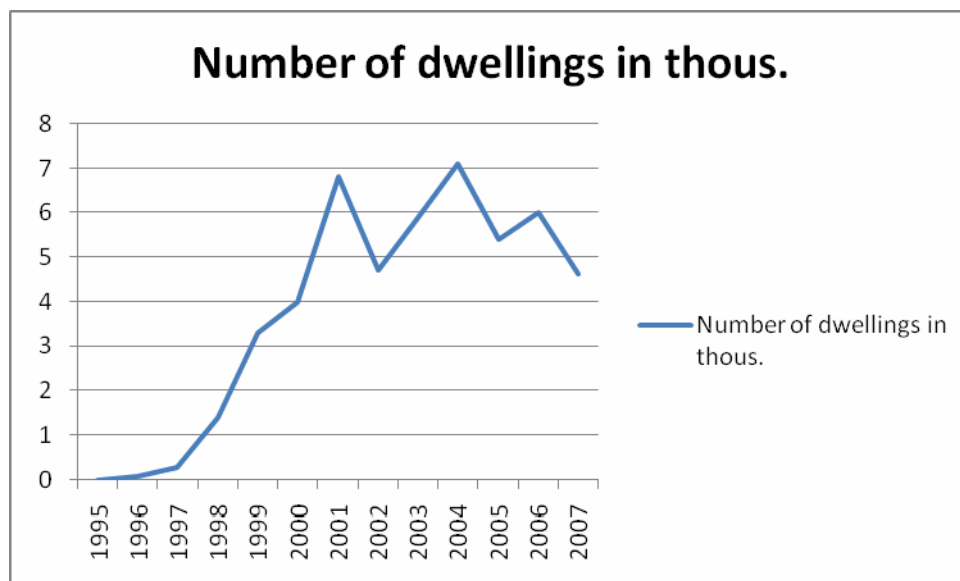
The number of projects submitted and financed in the new mode differs significantly from those submitted and financed within the framework of the programme guidance<sup>xxxv</sup>. It is most probably the result of the impediments as regards applying for funds, very complicated procedure of issuing the project and the obligation to make a large financial contribution to the project realization. What may seem disturbing is the insignificant participation of non-governmental sector in the programme (public benefit organization). Public sector institutions (*gminas*) became the main beneficiary of the funds. The cause of such a state of affairs may be the low budget and financial capabilities of the Non-Government Institutions and no ownership entitlement of the buildings where the tasks are to be carried out (necessary condition for the participation in the programme). Moreover, the programme does not provide a subsidy for the investment realization but only refunds the incurred costs in 20-40% of the investment. Unfortunately there are no reports determining the exact quality and quantity results as regards programme functioning.

### Public Building Society Dwellings

The act on different forms of support of the housing construction sector<sup>xxxvi</sup> passed at the end of 1995 was a **chance to provide the element of the State housing policy in order to prevent and combat homelessness**. It has given the basis for the tenancy dwellings construction sector, so called *Public Building Societies*, in which *gminas* play crucial initiative role, and provide financial as well as material contributions. Public Building Societies are an advantageous form of constructing for *gminas* who are obliged to make a financial contribution only of 30% of the investment value (it can be land assigned for construction as the contribution in-kind), in order to apply for the remaining 70% of the funds as a loan with an advantageous interest from National Economy Bank.

50 000 dwellings were constructed since the law regarding the Public Building Society came into force. „PBS have become an important investor on the market of apartments for rent. Since 1998 the growth dynamics of dwellings completed by Public Building Societies was high, though the pace changed mainly due to shifting criteria for granting credits from National Economy Bank, which in turn resulted from the limited funds from state budget intended for this purpose according to demand.

Table 7:<sup>xxxvii</sup>



Public Building Societies do not, however, resolve the housing problem in *gminas* and do not contribute to finding the solution for the problem of homelessness in general for two reasons. Firstly, not enough dwellings is being constructed, and secondly, the dwellings are accessible mainly to wealthy families (those who can afford the participation fee, usually 30%). For the majority of poor families the PBS is inaccessible. Some local governments, aware of this fact, take action in order to increase the accessibility of the Public Building Society dwellings, by reducing to the minimum - even 5% from 30% - the amount of so called participation fee required of those applying for a dwelling unit. This, however does not prove effective as the monthly payments as regards flat maintenance is still high and only those with relatively high income may afford to do so.<sup>xxxviii</sup>

### Housing allowances

The housing allowance is a common and temporary form of financial help for those who cannot afford to cover maintenance costs of the dwelling. Allowances may be treated as one of the forms of homelessness prevention. It is a benefit in cash paid by *gmina*, aimed at providing additional financing as regards the expenditures incurred by dwellers due to flat maintenance. The allowance is awarded in cases strictly specified by the law (income criterion, type of ownership and function of the dwelling etc.)

Since 2004 when the State budget subsidy intended for housing allowances has been cancelled, payment of housing allowances is the *gminas* own assignment.

In 2006 around 8,5 million of housing allowances have been paid, which is less than in 2005 by 8%. The total amount of payments was around 1,2 billion zloty, i.e. 6% less than at the same time last year. The average amount of the allowance per one apartment was about 137,9 zloty and in comparison with the last year it was bigger by 2,8 zloty. The biggest number of housing allowances was observed as regards the users of co-operative (37,2% of the total number) and municipal dwellings (36,8%), and the smaller number was noted in Public Building Societies (1,3%).<sup>xxxix</sup>





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In 2005 more than 9,2 million housing allowances have been paid, which is less than in 2004 by 7%. The total amount of payments was 1,2 billion zloty. The average amount of the allowance per one apartment was about 135,1 zloty and in comparison with the last year it was smaller by 4,6 zloty. The biggest number of housing allowances was observed as regards the users of co-operative (37,8% of the total amount) and municipal dwellings (36,3%), and the smallest number was noted in Public Building Societies (1,2%).

### **The role of the housing policy authors as regards combating homelessness**

In Poland, housing stock management is the responsibility of gminas, minor units of local governments. Two types of dwelling stock co-financed by public funds belong to gminas: *municipal dwellings* including *social dwellings* and dwellings owned by Public Building Societies.

Most decisions connected with housing are made locally, each gmina creates and regulates the individual housing policy, which nevertheless should be consistent with the national housing programme and the legal system in force. Cheap and accessible housing owned by gminas is the key element both in combating homelessness and preventing social exclusion.

The ministers responsible for housing in Poland are insufficiently involved in the process of combating homelessness. Apart from one program co-realized by the Ministry of Infrastructure (responsible for construction) and Ministry of Labour and Social Policy, the cross-sector cooperation does not exist in practice. The cooperation between the departments and sectors is still rare and homelessness is mainly considered by central, regional and local offices to be a problem of Social Welfare.

### **3. Access to housing as a trigger/cause of homelessness**

- ❖ Does housing play an important role in the pathways in and out of homelessness? Please explain?
- ❖ Does housing play an important role in the pathways in and out of homelessness? Please explain?
- ❖ Do you know of any evidence that bad/inadequate housing causes homelessness? Please explain.
- ❖ Do you have evidence that homelessness increases when the housing market is stressed (or the other way around)? Please explain.
- ❖ What are the most important housing related problems that lead to homelessness (if other than the above)?
  - Related to affordability? Please, explain.
  - Related to the quality? Please, explain
  - Related to adequacy of supply? Please, explain
  - Related to insecurity (e.g. anti-social behaviour, tenancy law)? Please. Explain.

- ❖ Do you see increase/decrease in the importance of housing as trigger of homelessness? If yes, does this changes the profile of the homeless population?

Housing policy is the key term for two pillars of social policy as regards homelessness – Prevention and Integration.

- In the sphere of homelessness **Prevention**, housing plays a significant role in creating suitable housing conditions, which directly results in reducing the phenomenon of being prone to homelessness. The right housing policy regulating the questions of dwellings indebtedness and evictions exercises great influence as regards combating homelessness. Other factors crucial to homelessness prevention are: social flats, significant number of tenancy flats, dwellings of lower standard, more accessible to people with low income.
- As in the case of homelessness prevention, housing is equally important in the Integration and the process of getting out of homelessness. Accessibility of social flats and cheaper dwellings for rent are crucial for the efficiency of this process. The right housing policy helps to reduce homelessness significantly. It is also the necessary condition for the implementation of effective and efficient policy of combating homelessness, and is perceived as the complement as well as counterpart in other spheres influencing social integration of the homeless (health, work, education).

Not enough research being conducted in Poland hinders the evaluation process and the sphere of influence of the housing policy on homelessness. It concerns both the homelessness prevention and the social integration of the homeless. There is also no relevant data on the correlation of the situation on the housing market and homelessness. One cannot deny, however, that the improper housing policy not only generates the phenomenon of homelessness but also contributes to its consolidation. It is difficult to state whether or not the housing factor is the main and primary cause of homelessness, as in the case of the homeless we observe a number of various factors contributing to homelessness. Such housing factors as evictions, indebtedness or being in arrears with payment combine with social (family conflicts), vocational (unemployment, being underqualified) or health factors (addiction, bad health condition).

Among the housing factors which directly influence the increase in the homeless population are:

- ⇒ **Eviction** – although the number of eviction orders and conducted evictions has decreased almost by 50% since 2000 (to a little more than 6 thousand) the scale of eviction orders and evictions conducted with no right to the social dwelling has not changed radically (around 50% of the total number of evictions). Such evictions are conducted without specifying the place of residence – “to the street”, and such persons frequently join the population of the homeless staying in shelters and nightshelters.
- ⇒ **Financial accessibility** – the cost of buying a flat in Poland is relatively high when compared with the monthly income (Table 3), only a share of the population can afford to buy a flat or open a credit for this purpose. The prizes

of dwellings in Poland are comparable with prizes in Western Europe. At the same time the structure of dwelling ownership, small share of dwellings for rent on the housing market and the decreasing dwelling stock belonging to *gminas* result in difficult housing situation in Poland. According to Polish public opinion, housing difficulties, following the questions of unemployment and addiction, are the most important and the biggest social problem in Poland.<sup>xi</sup> Moreover, credit repayment, dwelling rental and maintenance costs are relatively high or very high in comparison with income earned by Polish people. Thus, those with low income are in difficult housing situation and are directly prone to homelessness.

- ⇒ **Dwelling quality** – more than 6,5 million Poles live in extreme housing poverty, without water-line system, central heating and sewage system. Almost 12 million people live in dwellings with more than two persons per one room. In total, almost 3,2 million families have no apartments. Housing conditions and the quality of the dwelling units in Poland leave a lot to be desired and, among other factors, lead to homelessness. A substantial share of the substandard dwellings is gradually liquidated. Due to the inaccessibility of the municipal and social dwellings (the waiting time is 2 to 8 years) people live in unbearable housing conditions, and may be considered directly subject to homelessness. The question of overcrowding, which undoubtedly contributes to family conflicts resulting in young persons leaving their homes or being expelled by family members, also deserves to be noted.
  
- ⇒ **Supply and its adequacy**– since almost 80% of dwelling units constructed in Poland are ownership flats, we observe a deficit of low-budget flats for rent. Lack of social and municipal dwellings results in the increase in the homeless population. Eviction orders on the one hand, and lack of social housing on the other, causes the former to be suspended. There are dwellings provided by the Public Building Society but only those with at least average income may afford them. Lack of social housing directly influences the number of homeless women with children who become homeless mainly due to family violence. And because of the lack of social dwelling units, where they would be given help and support, women with children seek shelter in hostels for the homeless.

As not enough or no research has been conducted, it is difficult to evaluate the influence of the housing situation on the phenomenon of homelessness. It should be pointed out, however, that evictions due to credit indebtedness or rent arrears become the most frequent causes of homelessness.<sup>xii</sup>

#### 4. Role of hostel accommodation

- ❖ Please explain what is the role (if any) of hostels in the transition process to permanent/independent housing for people who are homeless?
  - Do you believe that hostels are a necessary step towards more independent forms of accommodation for homeless people? Please, explain.

- It is often argued that many homeless people (who are on the streets or in hostels) are not capable of independent living. Please explain what hostels (can) do to make homeless people *housing ready*?
- What are the most important obstacles for people to move on from hostel accommodation to more independent housing?
- ❖ Can (certain types of) hostel accommodation be a *permanent solution* for certain people who are homeless? Please, explain.
- ❖ Do you believe that a *housing first approach* (i.e. provide immediately permanent/independent housing, offer (social) support in this housing and adapt it to the changing needs of the tenant, rather than keep homeless people in temporary accommodation, try to solve their problems through support, and provide independent housing when the person is deemed to be *housing ready*) can work in your country? Why / why not? Please, explain.

### The role and location of the hostels

The conditions as well as the specification of service provision for the homeless offered by shelters and nightshelters are not clearly defined in Poland. Thus we find institutions calling themselves nightshelters whereas in fact they perform a function of a shelter (or vice versa). But leaving aside the name and designation, if we look closer at the support and service provided by those institutions, we observe that the form of assistance most commonly used as regards the homeless is indeed the shelter ensuring 24-hour care. 70% of services is provided by shelters, 25% by nightshelters, and around 5% as regards protected flats<sup>xiii</sup>.

The strong position of the shelter may be the result of the paradigm present in the social security sphere, the assumption that in order to get out of homelessness one should progress gradually, the shelter being one of the steps for acquiring training flat (protected) and the independent apartment as the final stage. According to the social security workers, a shelter should perform a function of social and vocational education for the homeless. Consequently, we find different programmes aimed at preparing the homeless for independent housing being realized in many institutions. The aforementioned programmes are aimed at vocational (trainings, courses, traineeship, work), social (commencement of education, therapy, informal education, useful activities, e.g. hobby) and housing activation (cooking course, home budget management, paying for one's stay in the dwelling, acquiring a flat). The number of institutions permanently realizing the abovementioned forms and methods of work is difficult to assess. There are institutions where such programmes appear either occasionally or are not conducted at all but these may be perceived as a "storage" for the homeless who become too dependent on the forms of assistance provided in these institutions. But we can also find the institutions where the activation programmes result in a successful attempt made by the homeless as regards the acquisition and maintenance of independent housing.

Main obstacles impeding the transfer from shelters to independent dwellings are:

- **Institutional barriers** – factors worth mentioning here are: e.g. the conviction held by many organizations as regards the lack of efficiency of help provided to the homeless staying in independent flats, no network of assistance for the homeless staying in independent apartments (no staff, experience, funds);

strong position of the organizations providing shelters for the homeless; reluctance on the part of the public sector as regards funding or co-financing one of the forms of shelter provision for the homeless, i.e. protected apartments.

- **system barriers** – e.g. no housing policy; not enough social flats and apartments for rent available on the housing market in Poland; high dwelling maintenance costs as compared with the income; no legal regulations aimed at providing support to the homeless in the protected (training) apartments; no cooperation between the housing market institutions and social security institutions; assistance programme for the homeless targeted as rescue and intervention rather than aiming at integration and homelessness prevention;
- **individual barriers** – addictions; bad health condition, disabilities, and debts of the homeless

### The shelter as the target institution?

It seems that one of the main problems among the homeless population in Poland is the aging process. In the Pomeranian Voivodeship the 51-60 age group is the most numerous and the average period of staying in homelessness is more than 7 years. More than 40% of the homeless is disabled (the majority with moderate impairments) and the large group is ill and requires long-term treatment provided by doctors and nurses.<sup>xliii</sup> Due to the insufficient health care and no available services for the homeless, they are forced to depend solely on the support provided by the shelters. Long-term homelessness, antisocial behaviour and addictions often exclude the possibility to gain access to the Social Welfare Home which traditionally provides help to older people. Thus the process of getting out of homelessness for this group of the homeless is certainly impeded. The question of whether to create the specialist housing (initially temporary but allowing permanent and target housing) or improve the inefficient health care for ill and disabled requiring long-term treatment (not the temporary treatment offered by hospitals) is now widely discussed in Poland. Many experts hold the view that the specialized housing should be created as the considerable number of the homeless stays and dies in shelters unfit for the needs of the older, ill and disabled persons (with no medical care provided by doctors and nurses). The object here is to create the temporary –at times target – decent place of residence rather than the alternative health care system for the homeless.

### Housing first

Few housing programmes for the homeless realized so far have either envisaged prior preparation of the homeless as regards independent housing or the criteria established for the participation in the programme were too high to be met by the homeless. The pilot programmes, i.e. „Druga Szansa” („Second Chance”) conducted by the Wola District in Warsaw and the „Otwarte Drzwi” Foundation (“Open Door”), as well as a similar programme realized in Stargard Szczecinski, programme “Darzybór” of the Barka Foundation and “Project Barrack” of Saint Brother Albert Aid Society (based on defined criteria or prior “housing readiness” ) were perceived as a great chance for the homeless. What is more, the majority of the programmes have directly envisaged the realization of the educational path for the homeless prior to obtaining the flat. Many cases of the homeless who have obtained a flat without the prior preparation as regards independent housing, and as a result lost it due to

debts, addictions or antisocial behaviour, have been recorded by many organizations and cities in Poland. This situation, however, may not be compared with the method of "housing first" since the majority of cases of the homeless have not received a long-term and proper assistance when staying in the dwelling. Moreover, they have not obtained the dwelling instantly („housing first") but after many years of living in institutions for the homeless, as a reward.

Thus it is difficult to state without a shadow of doubt whether or not this method would prove successful in Poland. The more difficult it is that there is no sufficient number of the training flats (supported) dependent on the social policy institutions, social and municipal dwellings as well as dwellings for rent. The number of social (re)integration programmes for the homeless (e.g. training flats where the homeless may practice skills crucial for the independent existence) is relatively small. The shortage of dwelling units for people with prospects for independent existence makes it impossible to predict their future. It should be pointed out, however, that the majority of the homeless at present staying in the institutions for the homeless would have a great chance for the flat maintenance and independent existence. Unfortunately they are forced to stay in shelters.

We are left with another aspect of the method „housing first", namely if the burden of assistance provided by the training flats (their number is very small) or shelters is transferred to independent housing, it may be perceived as social injustice by the public opinion. A great number of the population live in substandard or overcrowded dwellings and a substantial share is waiting for the municipal or social flat. Bearing in mind the numerous stereotypes connected with homelessness, the fact of giving independent flats to the homeless with hardly any conditions to be fulfilled by them might be met with a wave of protests and reluctance on the part of Polish population.

Regardless of the abovementioned doubts and observations, the idea to prepare and implement the pilot programme of "housing first" in several places in Poland is nevertheless worth considering. The method seems interesting especially in view of other projects revealing that despite the initial lack of prospects, the change and development become possible when the person is provided with suitable conditions. This method is also prospective in terms of improving the housing and social situation of those prone to homelessness or persons who have just become homeless. And here the method of "housing first" rather than staying in shelters or nightshelters may prove a much better solution.

Possibilities of implementing the method of „housing first" are now being discussed in Poland. Some people rule out the method application in Polish conditions and refer to its assumed little efficiency and insignificant number of social flats in proportion to the number of applicants. Others claim that the method "housing first" may be a great alternative for the shelters and temporary training flats. Unfortunately, as there is no relevant data and information on the subject the organizations know little of this method while the information as regards the project realisation, its efficiency and effectiveness would undeniably prove useful.

## 5. Home ownership



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- ❖ Is repossession due to mortgage default an issue in relation to homelessness in your country?
  - Has homelessness increased recently because of increasing cost of home-ownership and repossession rates?
- ❖ Can home-ownership be a sustainable solution for homeless people?
  - Can you give examples of (state-funded or voluntary) schemes that make home-ownership possible for homeless people (co-ownership, incremental home-ownership, self-built...)? Please explain?
- ❖ Is extreme poverty amongst home-owners (especially for people without any mortgage duties anymore) an issue in your country?
  - Do you know of housing situations amongst home-owners that would amount to the experiences of homelessness (e.g. ownership of sheds, extreme overcrowding)? Please, explain
  - What State intervention is possible/necessary to improve the situation of home-owners experiencing extreme poverty?
  - (For new member states) Has the transfer of State housing to the tenants after the fall of communist regimes created invisible forms of homelessness (*homeless home-owners*)? Please, explain.
  - It is sometimes argued that slums reappear - especially in large urban areas. Would this be true for your country?
- ❖ Why do you think most governments make access to home-ownership a priority of their housing policy and how does that affect the role of public housing policy in relation to homelessness? If this is not the case in your country, how do you explain this?
- ❖ Do you think that the right to buy or other forms of promoting home- ownership amongst social housing tenants is a good way of ensuring the necessary fluidity in the social housing stock and increase social housing options for the homeless? Please, explain.
  - What effect has the right to buy on access to social housing for homeless people?

### **Credit indebtedness and homelessness**

Debts of Poles as a GDP per cent now amount to 23%, whereas in the countries of the EU reach 40-60% GDP.<sup>xliv</sup> Thus Poland may be perceived as experiencing high credit dynamics, with the growing number of banks and financial corporations searching for borrowers. Poland had little experience so far as regards regulating and functioning of the credit market and only the political changes in Poland have introduced and popularized both mortgage and consumer credits.

The number of mortgage credits has increased considerably since 2000. "As many as 300 thousand households take credits each year. Year 2007 was record-breaking in this respect with 57 billion zloty lent by the banks (with 44 billion zloty a year before)<sup>xlv</sup>." The indebtedness of Poles in the form of mortgage payment in 2000 amounted to 9,6 billion zloty and increased to 124,1 billion zloty (nearly 13 times more) in 2007. The statistics and credit records reveal that as many as 1,19 million persons are in arrears with credit, rent or electricity payment (6,16 billion zloty in total). Unofficially, however, careful estimates present that about 1-2 million of Polish



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people have problems with credit repayment and are considered to be in the risk group.

The number of private dwellings repossession due to mortgage default in Poland is insignificant, but the number of apartments on auction increases every year.<sup>xlvi</sup> Such a situation may result from the banks' reluctance to take over the indebted apartments. Moreover, the vindication of the debt is connected with additional costs and unnecessary trouble for the bank. The banks are more prone to encourage the debtors both to suspend the instalments repayment and to sell the apartment, which is how the banks regain the invested funds. Unfortunately there is no information on the scale of such a practice as the majority of banks use their right to keep the trade secret. The majority of those who have lost their apartment in the abovementioned manner is supported by their families, usually very helpful in such cases. Some rent a flat from a private housing market, others stay in garden sheds or summer houses. Unfortunately there is no relevant data as regards the number of debtors joining the homeless population. Regardless of the statistics, the non-government organizations involved in the management of the institutions for the homeless for the last few years emphasize the growing significance of credits and debts as the factor leading to homelessness. According to the Pomeranian Forum in Aid of Getting Out of Homelessness the indebtedness gradually becomes the most frequent cause of homelessness (in 2007 – almost 15% of the homeless). At the same time more than 33% of the homeless admit to having debts or being in arrears with payment.<sup>xlvii</sup>

### **Title of ownership and homelessness**

There is not enough programmes in Poland, both locally and nationwide, enabling the homeless to purchase a flat with the right of ownership. The majority of housing programmes are aimed at receiving a tenancy, municipal, social or PBS flat or renting a flat on the private housing market. Municipal dwelling tenancy enables the dwellers to acquire the given flat since it is common for the dwelling owners (gminas in this case) to sell it to the tenants.

There are programmes enabling the homeless in difficult housing situation to acquire the ownership dwelling. In one of the programmes in question, realized by Habitat for Humanity, the families with a specified income participate in the construction process and have a chance to purchase the flat very cheaply with the right of ownership. Rarely are these programmes, however, addressed to the homeless. What is more, the flat dwellers will have a chance to buy the aforementioned dwellings owned by Public Building Societies at a favourable price in the near future. It should be pointed out that both the perspective and the real possibility to acquire the flat with the right of ownership by the homeless seems to have great influence as regards the success in the process of getting out of homelessness and keeping their independence. Owner-occupied flat is definitely a more stable housing situation than renting a flat according to certain rules, conditions and criteria.

### **Housing privatisation**

Public spending is the most important tool used by the state and local governments as regards housing. *Gminas*, responsible for spatial order, land use, municipal and social construction and finance policy, play a significant role in housing



development. Public spending as regards housing is aimed at satisfying the housing needs of those incapable of accomplishing this goal independently, increasing the investments demand, as well as renovations and modernization of the housing sector. What may be observed in Poland in the last few years is the gradual decrease in the number of municipal dwellings and their privatization (sales). The policy of both the state and local governments is aimed at increasing the possibilities for the flat ownership.

“The privatization of the municipal dwelling stock initiated in the early 90s seems to be controversial in economic and social terms. As a result of the housing stock privatization process, the number of municipal flats decreased by 673,9 thousand (from 2 032,5 thous. do 1 358,6 thous.) in the span of 10 years (1993-2002). In 2003 another 41 631 dwellings was sold in multi-family houses owned by *gminas*, which has depleted the *gmina's* housing stock by 3,2%.”<sup>xlviii</sup> In 2006 the dwelling stock owned by *gminas* decreased and reached the level of 1 252 thousand flats. The figures may be alarming since *gminas*, compared with natural persons, co-operatives and private investors, provide the smallest number of dwellings. The fact that only **3,5 thousand municipal dwelling units have been constructed in 2005 whereas the number of the sold units amounted to 4,5 thousand** supports the fact that the municipal stock reduction is deliberate. As a result, the municipal flats constitute only about 9% of the total number of dwellings in Poland, **whereas in 1997 it was almost 15%. What needs to be emphasized is the fact, that the waiting time for municipal or social flat oscillates between 2 and 8 years.**

“It should be pointed out that a considerable share of the municipal dwellings is substandard, i.e. situated in a building of low technical condition (apartments in buildings constructed before 1945), overcrowded apartments (with 3 and more occupants per room) or apartments without adequate fittings. In 2002 the number of substandard municipal dwellings reached 331 thousand and constituted nearly 1/4 of the stock in this form of ownership.

The grounds for the privatization of the dwelling stock owned by *gminas* are questionable from the point of view of economy. On the one hand sales of the dwellings owned by *gminas* is the stock reallocation mechanism based on market economy, on the other hand, one may expect the increase of funds aimed at stock maintenance by dwellings private owners. The municipal dwellings privatization for *gmina* is not only the additional source of single income gained from selling the flats but also the subsidy limit imposed on *gmina's* dwelling stock. Due to the fact that the dwelling stock owned by *gmina* is social, the rent amount established in stock does not cover its maintenance cost. This, in turn, results in the costs being covered by revenue generated from the dwellings and funds provided by *gmina*. Thus many *gminas* have decided to sell a share of dwellings (with maintenance costs covered by *gminas* even in 30-40 per cent) and consequently limit the subsidies provided to the dwelling stock.”<sup>xlix</sup>

To sum up, there are three main reasons for dwellings privatization – the first one is connected with the conviction that private dwellings are the goods which should be accessible to the largest number of inhabitants and the building owners seem to be the best protectors and managers of their property; - another is *gminas'* endeavour to reduce the cost of management of the buildings which are substandard in the majority of cases; and the last reason is acquiring the additional funds for *gminas*.

The housing sector privatization directly influences the policy of combating homelessness. Although Polish law does not assume the possibility of social housing privatization, the municipal and social dwelling deficiency often makes it impossible for the homeless to acquire the flat and impedes the process of integration of the homeless. It is crucial that the funds obtained from the dwelling privatization be devoted to social or municipal dwellings acquisition. It is the only way to increase the supply of the tenancy dwellings with low rent and satisfying the housing needs of the poor, with the limited budget of gminas in Poland. It seems that gminas, apart from selling municipal dwellings, in fact do not invest significantly in the infrastructure. And even if they contribute to the social dwelling construction, in the majority of cases it is realised by adopting large and devastated building for this purpose. This in turn results in gathering many people with different problems in one place and creating the, so called social ghettos, rather than decent housing conditions for the poor part of the population.

„Due to the fact that a dwelling, specific commodity as it may be, is capital-intensive on the one hand, and, it satisfies basic human needs, such as the need of shelter on the other, the social assistance may not be relinquished even with regard to market economy. Thus, the existence of public dwelling stock may be considered indispensable”<sup>11</sup>

### **Housing poverty**

The phenomenon of housing deprivation in Poland is widespread, and concerns also the owner-occupied dwellings (nearly 40% of substandard dwellings). Moreover, a considerable share of the Polish population occupies places not meant for human habitation, such as garden sheds, sheds, garages etc. Unfortunately there is no credible data as regards the number and type of the group in question. Non-government organizations and social security public institutions are familiar with the examples of people staying in such dwellings (especially uninhabitable places or with no right to flat ownership) and becoming homeless overnight. The main reason for homelessness in such cases is eviction, expulsion or misfortune (e.g. fire, flood). What is more, the fact that substandard dwellings are usually situated in buildings forming the conglomerates of substandard buildings, influences negatively the situation of the dwellers. This phenomenon is especially visible in large cities where the revitalization process of whole districts of old and devastated buildings should be implemented both in architectural as well as social sphere. The majority of large cities in Poland experience the problem of such districts with the majority of dwellings being substandard or not of an acceptable standard.

The improvement of housing situation for the dwelling owners in Poland requires several answers and solutions both locally and nationwide:

- Investing in renovation and adaptation of devastated dwelling stock – assistance programme designed for flat or housing co-operative owners.
- Financial assistance as regards constructing easily accessible dwellings for rent, including municipal or social dwellings, or dwellings owned by Public Building Societies
- Participation of the private sector in the process of dwelling construction for those with low income, e.g. the obligation to provide (at least) one social dwelling in (each) new building

- Limiting the investments conducted by gminas, aimed at social dwellings construction
- Housing policy based on coherent programme including the abovementioned elements.

## 6. Role of private rental housing market

- ❖ Do you think that the private rental housing sector can be a genuine actor in the provision of decent and affordable housing for homeless people?
  - Do you know of policies aimed at *socialising* the private rental sector for homelessness people? Please, explain how (and why) they work/do not work?
  - What are the most common obstacles to convince private landlords to rent out dwellings to homeless people? How can these obstacles be overcome?

As recorded in 2002 more than 17% of the total number of flats in use is tenancy dwellings, 60% belongs to the resources of *gminas*, around 20% is owned by natural persons and 10% by companies. Until 2007 the number of flats for rent and sale as well as private dwellings has increased whereas the number of those owned by *gminas* and natural persons has decreased. Thus it may be inferred that the share of tenancy dwellings has increased considerably, especially when we take into account the boom on the housing market in 2004-2007 when the flat purchase was often treated as an investment by the buyers who now decide to rent the previously purchased flat for the purpose of credit repayment.

The sector of private tenancy housing is not very popular among the institutions dealing with the problem of homelessness. The activities of the organizations and institutions are aimed at acquiring municipal (*gminne*) or social dwellings as these seem to be a more reliable housing form. The market of private dwellings tenancy in Poland is very dispersed and diverse. In practice, the majority of flats in Poland are rented individually (directly from the flat owner) and there are hardly any consortia or companies dealing with private dwellings tenancy (with the exception of houses and luxury apartments). The private dwelling market is nevertheless very popular among the homeless. In the majority of cases the homeless cannot afford to rent an independent flat, but those with a monthly income often decide to rent a room with access to the kitchen and the bathroom, which is undeniably much cheaper than renting an independent flat. The disadvantage of such a solution may be lack of stability as regards living with the flat owner and limited sphere of privacy and intimacy which at times results in their coming back to the shelters. In some *gminas* in Poland there are housing programmes for the homeless which grant the additional funds for renting a flat on the private market to those meeting specified criteria, instead of paying for their stay in the shelter or nightshelter. Similar solutions are adopted by the non-government institutions<sup>ii</sup> and include renting independent flats as well as individual rooms. On the one hand such programmes ensure better housing conditions for the homeless and positively influence its development, and on the other hand they help to save some funds by *gminas* or non-government institutions.

The most common obstacles as regards flat tenancy to the homeless are:

- high costs of renting the flat



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- no stability with reference to occupying the flat due to the fact that in the majority of cases dwellings are rented by private owners
- no legal regulation as regards enabling and promoting the dwelling tenancy instead of paying for a stay in a shelter or nightshelter
- stereotypes connected with homelessness and reluctance to rent dwellings to the homeless

The last barrier as regards the private dwelling tenancy is not so common since the homeless usually rent the apartments and do not admit to being homeless.

- ❖ Do you think rent regulation works to ease housing market pressures and make private rental housing more affordable for very vulnerable groups such as homeless people? Explain why/why not and how it works.

We find no legal regulations with regard to control over the rental costs of dwellings owned by natural persons in Poland, thus it may be difficult to assess to what extent would this solution contribute to gaining access to such housing by the homeless. We may assume, however, that decreasing the private dwellings rental costs might in theory positively influence the access of the homeless to housing in general, as now the high rental costs seem to be the greatest obstacle both in acquiring and using the flats.

- ❖ Do you know of successful policies that aim at reducing vacancy rates and making vacant housing available for homeless people?
  - Do you know of policies aimed at specific landlords with substantial amounts of vacant housing such as shops, the church...?
  - Do you know of effective policy measures to stop speculation in housing?

No available data on the subject.

- ❖ Is very inadequate/substandard housing in the private rental market a big problem in your country?
  - Do you now of housing situations (both related to physical standards, bad housing management practice, and housing insecurity) in the private rental market that amount to the experience of homelessness? Please, explain.
  - What public intervention/regulation exists to stop very inadequate housing by slum landlords?

Another problem as regards the access to tenancy dwellings is their quality. Due to high maintenance costs connected with renting flats on a standard basis (in most cases it is the equivalence of the mortgage payment instalment), the homeless tend to rent substandard flats which are usually much cheaper. Moreover, high maintenance costs often result in the flat overcrowding, method adopted by the dwellers to reduce costs per one inhabitant. Staying in such dwellings is connected with the housing instability both in regards to the housing predictability as well as fulfilling social or intimate needs. There have been cases of renting extremely damaged dwellings or uninhabitable places (e.g. garden sheds) which can be treated as equal to or another form of experiencing homelessness. Another problem on the housing market is the illegal dwelling tenancy– with no tenancy agreement. It usually, but not always, concerns the substandard dwellings. Unfortunately there is no relevant data on the subject but the information gathered by the organizations and

institutions reveal that illegal dwelling tenancy is not of marginal character. Renting a flat without tenancy agreement negatively influences the housing instability of the homeless who may expect to be forced by the flat owner to leave the flat or become victims of robbery. Apart from the mechanisms connected with carrying out the social work and monitoring the homeless, there are no system or institutional solutions to impede the phenomenon of substandard dwellings tenancy. No housing standards apart from the obligation to tenancy agreement and paying due taxes undergo any legal regulations.

- ❖ Are homeless people put into cheap hotel accommodation because of lack of other alternatives?
  - Why?
  - What is the cost (annual cost per country or indication thereof)?
  - What public measures are taken to reduce the use of hotel accommodation?

Cheap hotels are not a popular measure as regards the assistance offered to the homeless. Shelters and nightshelters are usually used for this purpose. Placing the homeless in cheap hotels is usually applied when they have experienced misfortunes leading them to homelessness. The incidents in question are floods, fires and the destruction of the buildings.

The stay in such hotels is usually temporary as *gminas* have emergency dwellings in stock for this purpose. The cost of stay in a cheap hotel is rather high when compared with costs in the institution for the homeless (even 3 times as high) and thus *gminas* support the shelter development. The hotels are also used with regard to women experiencing domestic violence. *Gminas* allocate them in the hotels and then the women are transferred to the shelters for women with children (due to lack of social dwellings). The system of intervention works quite well in Poland and the institutions have the sufficient number of places for those in need in case of an emergency at their disposal. There are cases, however, of the homeless temporary renting rooms in cheap hotels but it is usually connected with their looking for a job or satisfying their sexual needs.

- ❖ Is squatting considered to be an issue related to homelessness? Please, explain.

Squatting is not the problem usually connected with homelessness. The problem of squatting exists as a phenomenon but appears mainly in large municipal agglomerations and is of marginal character. It is connected with drug addiction rather than the question of homelessness and it is perceived as such by the institutions and public opinion. Squatting in Poland is generally associated with youth subcultures (punk, squatters etc.) and those who decide to lead such a lifestyle usually have alternative housing possibilities but do so because of ideological reasons and not due to homelessness. In the majority of cases squatting is a temporary state lasting from few months to few years and it would be difficult to find those who decide to squat permanently or for the rest of their lives. Polish organizations and institutions engaged with homelessness should nevertheless devote more time and effort to this question.

**7. Role of social/public housing***(Make difference between both if necessary)*

- ❖ How is social housing defined in your country and what are the statutory aims?

A social dwelling is a unit fit for residing in due to furnishings and the technical condition. The standard of such a dwelling may be lowered. The rental fee for the social dwelling cannot exceed half of the lowest rental payment obligatory in housing stock owned by gmina. The social flats are provided by *gminas*. The space of rooms of such a dwelling for a household dweller of the renter may not be smaller than 5 sq m, and in case of single-person household must be at least 10 sq m.

Social dwellings are addressed to:

1. those whose housing needs are not satisfied or were poverty stricken, and the monthly income does not allow for concluding general tenancy agreement, as well as those in difficult situation, be it health condition, family problems or social situation, or people with eviction orders from municipal, co-operative or private dwellings. It is gmina that specifies the minimum amount which entitles the person to stay in the social dwelling. The tenancy agreement is concluded for the specified time and it can be prolonged if the tenant still fulfils the conditions for concluding the agreement.

2. the evicted with the right to a social dwelling

The court, taking into account the hitherto way of using the flat by the tenant and his or her material status and family situation, may give the tenant the right to receive the social flat in case of eviction.

**In some cases the court is obliged to give the right to the social flat to the tenant (e.g. pregnant women, underage person, disabled, unemployed, etc). Should such conditions occur such a person has the priority right as regards receiving the flat and it is gmina's responsibility to provide the social dwelling.**

- ❖ What role does the social housing sector play in addressing and preventing homelessness?
  - Do social housing landlords have a statutory obligation to house homeless people? If yes, please explain?
  - Are you aware of any other policies that help/incite social housing landlords to provide housing to homeless people?
  - What are the most commonly used arguments for social housing landlords to house/not to house homeless people? Do you agree with these arguments?
  - Do you think the social housing stock is large enough to allow social housing landlords to play an effective role in addressing and preventing homelessness? If not, what happens with homeless people during the time more social housing is made available?
  - Does the funding regime help/complicate social housing operators to focus on homeless people?

The sole owner of social dwellings in Poland are gminas, and according to the law only they are entitled to social dwellings management. Even though the majority of the homeless meets the criteria presented in the act, gminas are not obliged to accept the homeless in social flats. Apart from using the criteria stipulated by law, gminas introduce the detailed rules defining who and on what grounds should have access to social flats. In the majority of those regulations, however, homelessness is one of the most important criterion for acquiring a flat.

The only programme supporting and encouraging gminas to give the social flat for the purpose of the homeless is the aforementioned construction programme of social and protected (training) flats as well as shelters, nightshelters and houses for the homeless. Gminas are willing to give the social flats to the homeless, since they would like to lessen the scale of the phenomenon and meet the needs of those suffering from social inclusion on the one hand, and decrease the amount of money devoted to provide the shelter in the institutions for the homeless on the other. Social dwellings are much more effective and much cheaper than other housing forms. One should bear in mind, however, that giving priority to the homeless as regards social dwelling acquisition is often met with harsh public criticism. A number of stereotypes connected with homelessness is still visible in Poland and giving the social flat to a homeless person, for the considerable share of Polish population amounts to giving the flat to „degenerates, drunkards, and bums responsible for their own fate”.

There is no relevant data on the exact number of social flats but it is insignificant especially in large cities. Due to the lack of social dwellings, the waiting time is usually a few years even in the case of the evicted entitled to a social flat. The number of social dwellings is too small to meet the needs of those who are applying. Those who have experienced homelessness during waiting for a social flat are either staying in the institutions for the homeless or rent a flat on the private housing market.

The manner of financing of social dwellings resulting in creating social dwelling construction programmes is advantageous for the homeless, whereas financing solely the social dwellings functioning is of little relevance for the problem of homelessness.

- ❖ On what basis is social housing allocated to the tenants? Do the selection criteria favour/obstruct access to housing for homeless people?
  - Please provide details of the share of the different income groups in social housing – in particular the share of people in the 2 lowest income deciles.
  - Do you agree that social housing should be allocated primarily on the basis of the urgency of housing exclusion – even if that would jeopardize social mix in the social housing stock? Please, explain.
  - Are there any conditions in relation to the place of residence to access social housing? Is this relevant to homelessness. Please, explain?
- ❖ Are you aware of any structural cooperation between the homelessness sector and social housing providers? If yes, can you explain how the cooperation is organised (voluntary or statutory basis) and give examples of good practices.

Due to the fact that it is gminas' responsibility to provide criteria defining candidates for the social flat, the rules in question are very diverse. Some gminas create the

detailed criteria and give out the social dwellings on the basis of material status, family and social situation. Others form the scoring-based evaluation and families with the largest number of points have the biggest chance to acquire the social flat. But apart from the abovementioned criteria, there is also a group of people who have been evicted with the right to the social flat. The most significant criteria as regards giving the right to social flat by gminas in Poland are:

- Housing – the inhabitants of a given gmina are mainly entitled to obtain the right to a social dwelling, the registration date in a given gmina may be significant in such cases
- Income – even though this condition is at times ignored by gminas, those applying for a social flat should generally satisfy the criteria regarding the income level due to the fact that the social dwellings are given to those „in poverty”. The condition applied most frequently is the income average taken from three following months per household member, not exceeding:
  - a) 150% of the lowest pension announced by the Chairman of the Central Statistical Office – in a one-person household,
  - b) 100% of the lowest pension announced by the Chairman of the Central Statistical Office – in a household consisting of several members;
- Housing and social situation – those entitled to a social flat are:
  - a) persons deprived of dwellings due to natural disasters, catastrophes, fire, or other misfortunes;
  - b) persons staying in buildings intended for demolition due to the unacceptable technical condition;
  - c) the homeless;
  - d) persons with no dwelling on their own, e.g. wards of children's home or persons leaving penal institutions
  - e) persons staying in overcrowded flats
  - f) persons incapable of satisfying their housing needs

Even though homelessness is the condition most frequently mentioned as regards acquiring a social dwelling, other criteria, without homelessness as the main one, also make it possible. The criteria connected with being prone to homelessness and housing exclusion seem valid as regards granting the right to social dwellings. What may seem questionable is the income criterion and the obligation to be registered. The former may restrict the access to social dwellings due to being too high even though it is still generally considered to be low, whereas the latter is the obligation to be registered for permanent residence in gmina where the person is applying for a social dwelling. In the case of the homeless, their stay in a given gmina may last even several years without the official registration. Such a person becomes the factual inhabitant, but nevertheless does not fully enjoy the rights given to those who are registered and his or her access to a social flat is impeded.

- ❖ Do you agree that mixing housing tenures and social & ethnic groups is a precondition for building sustainable communities? Please, explain.
  - How can one solve the tension between building socially mixed communities and providing housing for the most excluded?
  - Are you aware of sustainable poor housing communities?
- ❖ What are the main obstacles in your country to construct more social housing? How can they be overcome?



The question of constructing social dwellings ghettos has already been mentioned. What requires further attention is wise and responsible coexistence of those experiencing housing difficulties with different social groups as the condition for their inclusion in the society. It is generally not recommended to concentrate a large number of social dwellings in a single area. Thus the recommendation to situate the newly constructed social dwellings in different parts of towns or cities was introduced by the Ministry responsible for the "social dwellings, protected apartments, nightshelters and houses for the homeless implementation programme" and based on the experience of local governments and non-government institutions. Mixing different groups of society positively influences those suffering from social exclusion as they have a chance to use the positive examples provided by other community members as well as work for the local community. The contact with the inhabitants of social dwellings enables the inhabitants to derive benefits from the services provided by poorer part of the community and overcome many stereotypes. What conditions the efficiency of such programmes, however, is the proper work with the inhabitants of social dwellings, work requiring wide support as regards psychological, social and financial sphere together with constant monitoring of the progress.

Major obstacles with reference to social dwelling construction:

- Conviction held by gminas' officials, that the private housing market and the economic growth will solve any housing problem
- No investments as regards social dwellings construction on the part of gminas together with disposing and privatisation of the municipal dwelling stock owned by gminas– reluctance to cope with the question of housing stock owned by gminas
- Creating cheap social dwellings ghettos as a short-term, temporary solution for those experiencing a difficult housing situation
- No structural cooperation between the sectors and departments as regards social dwellings construction
- Complicated rules and procedures as regards the access to the funds to be devoted to social dwellings construction
- Diverse criteria as regards giving the right to social dwelling in different gminas
- No nationwide regulations and long-term strategy for the social dwellings development in Poland

Suggestions to overcome the difficulties regarding the social dwellings construction:

- Initiating and supporting the structural cooperation between the sectors and departments as regards the social dwelling construction
- Creating a long-term strategy for housing development in Poland including the regulations connected with social dwellings construction and improving the housing situation
- Facilitating the procedures as regards applying for funds in the social dwelling construction programme and elevating the level of funding from 20-40% to 40-60% of investments
- Facilitating the social dwellings construction and management process by many different institutions including: non-government institutions or private housing companies

- Engaging the private sector (developers) in social dwelling construction, e.g. in exchange for construction preferences in providing (at least) one social flat in each new building
- Incorporating the Public Building Societies in the process of social dwellings construction provided without the obligation to pay the participation fee on the part of the inhabitants.
- Prohibition as regards creating social ghettos and creating detailed guidelines for the social dwellings functioning

## 8. Prevention of homelessness

- ❖ What are the main interventions in the housing area aimed at preventing homelessness? Please, explain. (summarise if necessary)
- ❖ What public intervention exists to prevent eviction?
  - Do you have evidence that this intervention reduced the number of people who are homeless?
  - Please, explain the importance of housing allowances as a tool for prevention of homelessness? Is it cost-effective? Does it reach homeless people?

Apart from the abovementioned programmes for creating social dwellings and the system of housing allowances, there are no national programmes devoted to combating homelessness or homelessness prevention. Some *gminas* implement the independent systems of exchange of indebted flats among the inhabitants of municipal dwellings, where the dwellers may exchange their indebted flat for a smaller one free of debt. There is also a number of counselling programmes for those in arrears with payment who obtain the information as regards principal rights and consequences resulting from dwelling indebtedness. Unfortunately there is no information with reference to the efficiency of such programmes. The number of programmes and system regulations enabling working off, reducing or redeeming the housing debts in Poland is insufficient. The possibility for natural persons to be able to declare bankruptcy, as we observe in the case of active companies, is being discussed at present.

Housing allowances are a crucial element of the policy aimed at preventing housing exclusion. Used as a support measure for those incapable of paying their rent regularly, allowances decrease the threat of eviction. Moreover housing allowances programme include the homeless undergoing the process of getting out of homelessness occupying municipal or co-operative dwellings. Unfortunately there are cases in Poland when the housing allowance goes to persons with hidden income or to those whose material status does not require them to acquire the allowance.

“An IUD investigation<sup>iii</sup> proved that *gminas* often avoid the procedure of family welfare interview and are not rigorous in checking information provided by clients in housing allowance forms. There are experts who claim that *gminas* do not perform welfare interviews at all but simply grant allowances based on a simple calculation of an applicant's income and limits set out in regulations. They recommend including the verification of applications for the social welfare system in order to avoid any abuse of the regulations and inability to support needy families. The present system



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has proved to be inadequate in meeting the needs of people who have trouble covering their rents and has failed to provide adequate prevention. Yet another drawback is the lack of a clear definition as to what share of responsibility for supporting the housing needs of the poorest citizens should lie with central and local government."<sup>iii</sup>

- ❖ Is eviction an important issue in relation to homelessness? Why/why not – please, explain
  - % of people evicted who become homeless?
- ❖ What are the main reasons for people being evicted?

### Evictions

"Eviction orders are issued by the courts. A so-called "Civil Code Eviction Order" may be issued upon a divorce or separation judgement, and a so-called "Administrative Eviction Order" based on tenancy law may be issued to people who regularly abuse tenancy rules (disturbing the lives of other inhabitants, non-payment of rent are among the major causes). Each order issued is further executed by specialist court executive services. Eviction orders may be issued all year around but cannot be executed in winter time (1<sup>st</sup> November to 31<sup>st</sup> March) unless the order relates to a domestic violence abuser or a person who has rejected an alternative place to live.

Upon the issuing of either eviction order the Court is obliged to decide whether a convicted person is or is not entitled to a *gmina* social housing apartment. An eviction order cannot be executed unless this has been provided. This results in significant problems for the execution of the eviction, simply because, as has been previously mentioned, there is a serious lack of social housing provision. Eviction is, therefore, extremely ineffective in terms of preventing destructive behaviour from abusive tenants because even though an eviction order may have been issued, they are allowed to stay in their current housing.

Prior to February 2005, eviction orders were able to be executed without the obligation to provide social housing. Even though the most vulnerable tenants exempt (pregnant women, the disabled, families raising a disabled child, the unemployed etc.) eviction to the street was always strongly opposed by numerous interested parties, including homeless service providers. As a result of this opposition the regulation was abandoned in February 2005 a person may only be evicted provided a social housing apartment or "substitute apartment" is provided. The regulations are strict on not allowing eviction to a homeless or night shelter. The standards of substitute apartments are even lower than those of social housing (e.g. an outside toilet, 5m<sup>2</sup> of usable area per person). Activists argue that eviction to a substitute apartment is in fact eviction to the street due to the fact that, sooner or later, its victims move into shelters."<sup>iv</sup>

The number of eviction orders and conducted evictions is generally constantly decreasing but the number of evictions to be conducted has been decreasing at a slower rate since 2000.

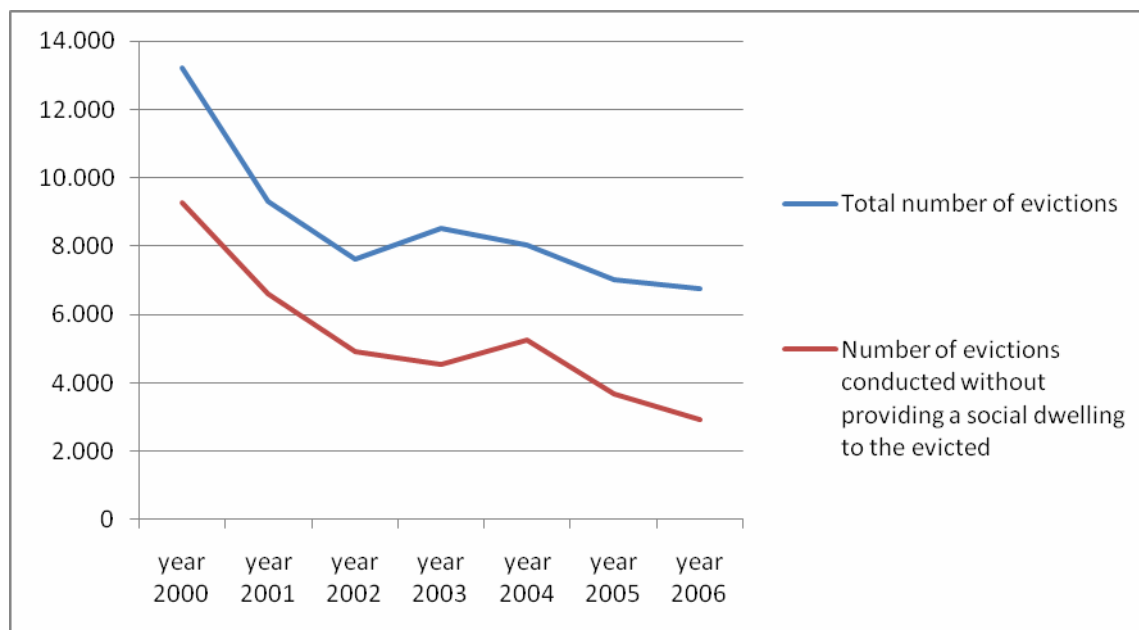
Table :<sup>iv</sup>

**Number of evictions**

	Issued	Resolved	To be resolved
<b>year 2000</b>			
Removal from the property	13 308	13 222	12 161
including: removal from the property without the right to social dwelling	9 917	9 257	8 905
<b>year 2001</b>			
Removal from the property	9 338	9 325	12 084
including: removal from the property without the right to social dwelling	6 650	6 612	8 882
<b>year 2002</b>			
Removal from the property	7 631	7 631	11 929
including: removal from the property without the right to social dwelling	4 788	4 935	8 585
<b>year 2003</b>			
Removal from the property	8 244	8 528	11 993
including: removal from the property without the right to social dwelling	4 148	4 557	8 154
<b>year 2004</b>			
Removal from the property	7 181	8 045	10 656
including: removal from the property without the right to social dwelling	4 359	5 264	7 137
<b>year 2005</b>			
Removal from the property	6 390	6 995	10 036
including: removal from the property without the right to social dwelling	2 890	3 699	6 271
<b>year 2006</b>			
Removal from the property	7 295	6 749	10 586
including: removal from the property without the right to social dwelling	2 932	2 938	6 235

The number of evictions without giving the right to social dwelling to the evicted is increasing.

Table:<sup>lvi</sup>



There is no exact data on the percentage of those evicted becoming homeless but among the causes of homelessness eviction occurs in the majority of cases. For instance in the Pomeranian Voivodeship nearly ¼ out of 2,5 thousand homeless taking part in the research, claim eviction to be one of the most common causes of homelessness<sup>vii</sup>. The figures confirm the significant influence of eviction for the growing population of the homeless. Indebtedness and rent arrears appear as one of the most frequent cause of eviction whereas evictions due to antisocial behaviour unpleasant for the neighbours are very rare.

- ❖ Is housing advice an effective way to prevent/address homelessness?
  - What kind of housing advice do people need?
  - How should it be provided?
- ❖ Is intervening in the housing market a cost-effective way to prevent homelessness? Please explain.

The counselling programmes realized so far by the Citizens Advice Bureau reveal that these services are in great demand. Some dwellers do not know their rights and duties, others are unaware of the fact their flats are indebted and so they do not realize they are prone to housing exclusion. In the case of some counselling and informational programmes, providing knowledge is sufficient to protect the dwellers from eviction. But in the majority of cases the counselling programmes need to be connected with specialised social, psychological (therapy, consultation), housing (flat exchange, social dwelling) or financial (housing allowances) support programmes. The information provided by the institutions intended for this purpose, e.g. public sector as well as non-government institutions should be credible and

reliable. The network of institutions counselling with regard to housing in a given gmina is the situation most desirable.

## 9. The right to housing

- ❖ Is the right to housing included in the Constitution/legal acts in your country? If not, why?
- ❖ Is the right to housing justiciable (can it be invoked through legal proceedings)?
  - For whom (what category of the population)?
  - How?
  - Is it effective? Why/why not (implementation problems...)?
- ❖ Are you aware of any land-mark cases (case-law) related to the right to housing?
- ❖ Do you believe that making the right to housing justiciable is the right approach to combating and preventing homelessness? Why (not)?
- ❖ Is the discrimination in access to housing (social/private rental/homeownership) an issues in relation to homelessness? If yes, for whom and why?

### The Constitution

We find the question of housing in the Polish Constitution as the art.75 act 1 which states that “public authorities shall pursue policies conducive to satisfying the housing needs of citizens, in particular combating homelessness, promoting the development of low-income housing and supporting activities aimed at acquisition of a home by each citizen.”

The abovementioned regulation defines the direction for development of housing policy and oblige local governments to conduct housing policy aimed at satisfying the needs of the population. It does not, however, guarantee proper housing conditions to be provided by the government.

But in Law on Local Government of 8 March 1990 we find that: “among their responsibilities in satisfying the collective needs of the gmina community, gminas' own responsibilities include [...] municipal housing”.

In view of the legal system in force and incomplete regulations with regard to housing in Poland, gminas become the most important institutions in this respect. They define conditions and rules for local housing policy. Thus, each gmina may have slightly different housing policy but nevertheless abiding Polish legal system.

### Enforcing the law

In case of enforcing the housing law it is not easy to define which of the laws in question should be enforced by local governments and which by the State.

**In the event of the inconsistency of legal regulations wit the Constitution one may lodge a constitutional complaint.**

“Constitutional complaint – legal instrument in Polish legal system used to eliminate the regulations inconsistent with the Constitution.

According to the article 79, act 1 of the Constitution and acts 46-52 of the Law on the Constitutional Tribunal of August 1, 1997, everyone whose constitutional freedoms or rights have been infringed, shall have the right to appeal to the Constitutional Tribunal for its judgment on the conformity to the Constitution of a statute or another normative act upon which basis a court or organ of public administration has made a final decision on his freedoms or rights or on his obligations specified in the Constitution. The complaint shall be in conformity with the procedures laid down in the Code of Civil Procedure and the Law on the Constitutional Tribunal. Prepared by the lawyer or legal counsel (obligatory assistance of an advocate) it shall be resolved by the Constitutional Tribunal in the public and open trial.

Plaintiff, authority responsible for issuing the normative act inconsistent with the Constitution and the Attorney General are the participants in the legal proceedings. Commissioner for Civil Rights Protection together with the non-government institution acting as a "friend of the court" (*Amicus curiae*) may also partake in the proceedings. The normative act in question loses binding force when the Constitutional Tribunal decides to uphold the complaint."<sup>viii</sup>

### **Local procedures and regulations**

Conformity of the local (gminne) regulations with the binding law, e.g. acts on social dwellings management, is conducted by the voivode of the region embracing the given gmina.

If local governments fail to conform to the resolutions in force, one may enforce its implementation in the Administrative Court, as stated in the Act on local government, articles 101 and 101a.

If the resolution or regulation adopted by authority of gmina with regard to issue relating to public administration infringes legal interest or violates somebody's rights, anyone is entitled to appeal against a resolution to the administrative court upon ineffective claim to cancel the violation. The complaint on resolution or regulation mentioned above may be lodged to the administrative court individually or on behalf of the inhabitants of a given gmina who should give their written consent.

The abovementioned regulations are applied when the organ of gmina does not comply with the law or infringes third party rights.

**Administrative Court** is one of the judiciary organs in Poland. Administrative courts exercise control over the performance of public administration. Such control extends to judgments on the conformity to statute of resolutions of organs of local government and normative acts of territorial organs of government administration. The administrative courts also settle jurisdictional disputes between units of local government and units of government administration to the extent specified by statute.

Common courts of law, i.e. regional, district and appellate courts or the Supreme Court as the court of last resort act as adjudicating bodies in questions unresolved by law.

**District Courts** – in Polish jurisdiction, the common court of law is designed to resolve cases remaining within the scope of interest of the common courts with the exception of cases restricted to higher courts. Regional court is the instance of appeal for decisions made by the district court.

**Regional Court** – is the common court of law of first and second resort in Poland. It is usually the district court to act as the adjudicating body of first resort. The regional court passes judgements as the court of first resort only in cases stipulated by civil and penal law. Appellate Court is the instance of appeal as regards legal decisions made by regional court. As the court of second resort, regional court hears appeals and reviews decisions issued in first resort by the district court.

**Appeal Court** is any court of law that is empowered to hear an appeal of a trial court or other lower tribunal with regard to:

- civil law, economic law, family and guardianship law,
- penal law ,
- labour law and social insurance law

from several regional courts within its jurisdiction. Courts of appeal also consider special issues stipulated directly by law.

**Supreme Court** acts as the court of last resort of appeal against judgements in the lower courts and supervises the adjudication in General courts and Military courts.

### **Precedents and matters of argument**

Failing to provide the social dwelling to those experiencing eviction with the right to social dwelling, which is gmina's responsibility became one of the matters of argument. Article 18, point 4 of the Dwellers Protection Act of 2001, states that in case gmina fails to provide social dwelling to the person ..., the flat owner (e.g. housing co-operative) is entitled to compensation. The value of compensation is the difference between the amount of free-market rent and the amount to be paid by the dweller with possession order. In practice, the value of the compensation is insignificant and does not put a strain to the budget of gminas. In September 11, 2006 the Constitutional Tribunal has declared the abovementioned regulation as inconsistent with the Constitution and annulled it.<sup>lix</sup> According to the decision made by the Constitutional Tribunal, local governments were obliged to pay full compensation to the dwelling owners, unless they provide social dwellings to the evicted. According to the new article 18 in the Dwellers Protection Act of January 1, 2007, the owner is entitled to compensation on the basis of article 417 of the Civil Code if gmina fails to provide the social dwelling to the person entitled by judgement. A constant increase in the compensation value paid by gminas has been observed especially in large agglomerations. The municipal officials tend to come to agreement with the building owners, but the outcome is usually an empty promise and no compensation. The amount of compensations paid to the dwelling owners in large cities ranges between 25 thousand in Gdansk, 300 thousand in Warsaw, 5 million zloty in Poznan and 9 million in Cracow.<sup>lx</sup>



Liabilities of gmina (responsible for failing to provide the social dwelling) and the person with the eviction order to the dwelling owner have been specified by the Supreme Court in the resolution of 7 December 2007, clearing legal doubts as to proceedings instituted by a housing co-operative against gmina. The Supreme Court has determined by way of resolution that gmina should not be fully liable for debts of person with the eviction order<sup>xi</sup> due to gmina's inability to provide the social dwelling, and thus solidary liability has been adjudicated. Solidary liability enables the plaintiff to take action against any one of the defendants (be it the person with eviction order or gmina) and receive full compensation from that defendant. If such circumstances occur, the solidary liability for both debtors, i.e. gmina and the person obliged to pay for the temporary dwelling prior to receiving the social dwelling to which the person is entitled, should be stated by court. The value of the compensation, however, may not exceed the damage costs.<sup>xii</sup>

### Enforcing the law and combating homelessness

Enforcing the right to housing seems to be a very efficient tool with regard to combating homelessness mainly due to the influence it exerts on the politicians and civil servants forcing them to create better legal solutions in the housing sector. For the law to be obeyed, however, it must be clear and precise, thus the right to housing should be defined by the law in force, otherwise it is difficult to enforce its implementation. What seems unquestionable is the fact that Poland is in need of detailed and precise legal regulations defining the aims and range of the housing policy both locally and nationwide. Only then will it be possible to specify the rights and obligations of relevant authorities.

## 10. Immigration

The section regarding migration has been included on request of the Administrative Council. It might be useful (depending on the situation in your country...) to provide some information on the impact of migration on the housing market and on the housing situation of immigrants (in as much as it amounts to the experience of homelessness). An issue of particular concern could be the rights of EU migrants (in particular of migrants from the new EU member states to the old EU-15) to housing and hostel accommodation.

Although a steady increase of the immigration rate could be observed in Poland, it was generally perceived as insignificant due to two factors, namely complicated procedures and requirements to be fulfilled by immigrants, and Poland seen as economically unattractive. A considerable change has been observed after Poland's access to the European Union when Poland started to be perceived as the country of permanent residence for the immigrants (with transit immigration dominating earlier). Moreover, the fact that the labour markets in Europe have been opened to Poles resulted in their mass immigration (according to official statistics several hundreds of Polish workers moved to one of the countries forming the EU; unofficially the number of immigrants may have reached one million) and the deficit of workers on the domestic market. This phenomenon is going to progress due to negative population growth, observed in the last few years, resulting in aging of the

population. The majority of immigrants coming to Poland tend to fill this gap. We observe all existing types of immigration in Poland, namely:

- 1) influx of „petty traverse" from the neighbouring countries, and especially former USSR;
- 2) influx of foreigners within the transit migration;
- 3) influx of refugees (mainly from Chechnya and Asian countries: Sri Lanka, Bangladesh, Afghanistan, Pakistan);
- 4) permanent residence (from the East and West);
- 5) influx of foreigners with valid visas;
- 6) influx of specialized personnel from the West.<sup>lxiii</sup>

Official statistics present the following categories of legal immigrants:

- 1) Permanent Resident Card owners;
- 2) legal employees from abroad working for the Polish employer;
- 3) Temporary Residence Permit owners, i.e. persons allowed to stay in Poland temporarily due to the following circumstances: a) employment, b) business activity, c) education, d) marriage with Polish citizen or person with permanent stay permit;
- 4) permanent residence of persons migrating from abroad.

Due to the insignificant scale of the phenomenon, the question of housing situation of the immigrants is not yet perceived as one of the main problems even though we may observe symptoms of the difficult housing situation revealed by some groups of immigrants. One of the requirements for the employers of immigrants coming to Poland to work is to provide them with proper housing. Poland is hardly ever the place of destination for those seeking asylum (e.g. coming from African countries) but immigrants coming to Poland usually come here to study (e.g. doctors) and then they decide to stay but it should be emphasized that the majority of this group has secure housing situation. The question which appeared in the last few months is connected with difficult housing conditions or even homelessness of the representatives of Romania population. After their access to the European Union we observe groups from Romania (especially Roma Gypsies) coming to Poland. Unemployed and earning their living from casual work or beggary, they are not entitled to stay in the institutions for the homeless according to the law. And even though shelters and nightshelters provide temporary help, they nevertheless transfer such cases to the Police, Border Guards and departments responsible for the immigration policy.

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## References:

- <sup>i</sup> Central Statistical Office – Housing Economy in 2006.
- <sup>ii</sup> Central Statistical Office – Housing Economy in 2005
- <sup>iii</sup> Conference of Ministry of Labour and Social Policy – National Strategy for Getting out of Homelessness, July 7, 2008
- <sup>iv</sup> The Construction Programme for those in need of social assistance - Ministry of Labour and Social Policy, Department of Housing and Urban Development, July 2003.
- <sup>v</sup> Data provided by Gmina Gdansk – Department of Municipal Economy 2007

- vi Long-term programme for Warsaw housing stock economy between 2008-2012, Resolution of the City Council (attachment no. 1)
- vii Poznań 16 200 municipal dwellings/307 social dwellings (less than 2%) – data provided by Department of Municipal and Housing Economy 2007
- viii Cracow - 22 718 municipal dwellings / 578 social dwellings (2,5%) – Municipal Gmina Housing Stock Economy, Report, Cracow 2007
- ix Wrocław 49 843 municipal dwellings /965 social dwellings (less than 2%) – the report of the president of Wrocław on the realization of tasks in 2007
- x Dwellings 2002 – Central Statistical Office
- xi Cracow - 1852 social dwellings used in compliance with statutory obligations; Wrocław – 515 eviction orders with a right to social dwelling; Poznań – less than 1 300 eviction orders with a right to social dwelling. Data provided by Gminas 2007r., Warszawa - around 2 thousand persons with eviction orders entitled to a social dwelling – data provided by gminas for the end of 2007
- xii Housing Conditions of Households and 2002 – Central Statistical Office
- xiii Housing 2002 – Central Statistical Office
- xiv „Plany remontowe Polaków” - report conducted by ASM – Market Research and Analysis Centre,
- xv Housing 2002 – Central Statistical Office
- xvi Piotr Olech according to the Central Statistical Office,
- xvii Central Statistical Office Data– statistical yearbooks
- xviii Piotr Olech according to Yearbooks provided by the Central Statistical Office
- xix Piotr Olech according to Central Statistical Office Yearbooks
- xx Housing 2002 – Central Statistical Office
- xxi Ibid.
- xxii Report 2006 – „Improving the housing situation („O naprawie sytuacji mieszkaniowej”) – collective work – January 2007
- xxiii Housing Statistics in the UE 2004/„Plany mieszkaniowe Polaków” - report conducted by ASM – Market Research and Analysis Centre,
- xxiv „Plany mieszkaniowe Polaków” - report conducted by ASM – Market Research and Analysis Centre,
- xxv No relevant data
- xxvi Central Statistical Office – Housing Economy in 2005
- xxvii [www.dachnadglowa.org](http://www.dachnadglowa.org)
- xxviii Poland signed and ratified the European Social Charter (prepared in Turin, 18 October 1961) on 29 January 1999 (Journal of Laws of 1999, No. 8, item 68); On 25 October 2005 Poland signed the Revised Social Charter, revised in Strasbourg, 3 May 1996. intended to secure the social rights in Europe. Poland has not yet ratified the Revised Social Charter.
- xxix Act of 29 April 2004 on financial support for gminas in creating social dwellings, nightshelters and houses for the homeless.
- xxx The Institute of Urban Development and Housing, „Kierunki rozwoju państwowych instrumentów wsparcia budownictwa dla najuboższych w oparciu o doświadczenia tzw. programu pilotażowego i badań IRM”, [www.mi.gov.pl/departamenty/113/informacje/634.html](http://www.mi.gov.pl/departamenty/113/informacje/634.html)
- xxxi Act of 17 June 2005 on amendments to the act on financial support in construction of the social dwellings, nightshelters and houses for the homeless in 2004-2005.
- xxxii The report on social policy as regards homelessness in Poland – 2006 – Julia Wygnańska; FEANTSA
- xxxiii Non-Government Institutions with a public benefit status realising crucial public tasks and activities
- xxxiv Ministry of Labour and Social Policy
- xxxv The Institute of Urban Development and Housing „Kierunki rozwoju państwowych instrumentów wsparcia budownictwa dla najuboższych w oparciu o doświadczenia tzw. programu pilotażowego i badań IRM”,

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- [www.mi.gov.pl/departamenty/113/informacje/634.html](http://www.mi.gov.pl/departamenty/113/informacje/634.html); National Economy Bank – Information with regard to social construction programme
- xxxvi Act of 26 October 1995 on different forms of support of the housing construction sector
- xxxvii Piotr Olech, according to data provided by the Central Statistical Office
- xxxviii The report on social policy as regards homelessness in Poland – 2006 – Julia Wygnańska; FEANTSA
- xxxix Housing Economy in 2006 – Central Statistical Office
- xl Perception of the housing problem in Poland – Maison Research House 2008
- xli Opinions of the experts concerned with homelessness, including members of the Pomeranian Forum in Aid of Getting Out of Homelessness
- xlii Analysis conducted by the Pomeranian Forum on the basis of data provided by the Ministry of Labour and Social Policy
- xliiii Data gathered in Sociodemographic Studies of 2001, 2003, 2005, 2007 – Pomeranian Forum in Aid of Getting Out of Homelessness
- xliv *Polityka* nr 21, 24 maja 2008 – *Życie na Kredycie* (Life on credit)
- xlvi *Ibid.*
- xlvi *Ibid.*
- xlvii Maciej Dębski – Sociodemographic Study 2007; POMOST O bezdomności bez lęku 2007 (Homelessness without Fear 2007); Pomeranian Forum in Aid of Getting Out of Homelessness
- xlviii Radostaw Cyran – “Ekonomiczne aspekty prywatyzacji zasobu komunalnego w Polsce – Nieruchomości - (Economic aspects of privatization of the municipal stock in Poland – Real Estate) December 2005 Volume 88, Issue 12.
- xliv *Ibid.*
- l *Ibid.*
- li E.g. Homelessness Agenda within EQUAL Community Initiative Programme
- lii G. Dworacznyk, J. Kornitowicz, B. Uchman, T. Żelawski, *Informacje o mieszkalnictwie* – results of monitoring in 2004, The Institute of Urban Development and Housing, Cracow, July 2005.
- liii The report on social policy as regards homelessness in Poland – Report 2006 – Julia Wygnańska; FEANTSA
- liiv Statistics Paper on Homelessness in Poland - Report for the European Observatory of Homelessness FEANTSA - Julia Wygnańska, FEANTSA's European Observatory on Homelessness Polish National Correspondent
- lv Data provided by the Ministry of Justice
- lvi Piotr Olech according to data provided by the Ministry of Justice
- lvii Sociodemographic Study 2007 – Report, Maciej Dębski, POMOST 2007
- lviii [http://pl.wikipedia.org/wiki/Skarga\\_konstytucyjna](http://pl.wikipedia.org/wiki/Skarga_konstytucyjna)
- lix Judgement of the Constitutional Tribunal of 11 September 2006 , File No. P 14/06 (Journal of Laws No. 167, item 1193)
- lx Dwelling owners become the creditors of self-governments of large cities– Rzeczpospolita, 14 July 2008 and data provided by Gmina Poznan.
- lxi Resolution of the Supreme Court of 7 December 2007 (File No. III Public Procurement Office 121/07)
- lxii Gmina is responsible for failing to provide the social dwelling - Rzeczpospolita 18 December 2007
- lxiii Artur Paszko – *Imigranci w Polsce*