

UN-HABITAT:

Overview of the current Housing Rights situation and related activities in Poland

1) Background and normative/institutional framework for the promotion and protection of housing rights: constitution, legislation, policy measures, national jurisprudence, housing rights institutional arrangement (e.g. national housing rights institutions)

- The Article 21 of the Constitution of the Republic of Poland states that ownership and the right of succession shall be protected; and that the expropriation may be allowed solely for public purposes and for just compensation.
- The Article 50 of the Constitution states that the inviolability of the home shall be ensured and any search of a home, premises or vehicles may be made only in cases and in a manner specified by statute.
- The Article 64 of the Constitution grants everyone the right to ownership, other property rights and the right of succession; and indicates that all property rights are subject to protection and that such protection should be on an equal basis for everyone.
- The **right to housing** is guaranteed by the Constitution as follows: “Public authorities shall pursue policies to satisfy the housing needs of the citizens, in particular combating homelessness, promoting the development of low-income housing and supporting initiatives aimed at acquisition of a home by each citizen” (Article 75), and “Public authorities shall protect consumers, customers, hirers or lessees against activities threatening their health, privacy and safety, as well as against dishonest market practices” (Article 76).
- The **right to housing** is also regulated by the Act on Gmina Governments and the Act on Protection of Tenants Rights. Gminas are responsible to develop communal housing programmes so as to create conditions to satisfy collective needs (incl. housing needs) of the community. Gminas therefore keep communal housing stock with regulated rents and dedicate social housing stock for people who can not afford private housing.

2) Promotion and protection of housing rights on the ground: national legislation and voluntary commitments, national housing rights activities, public awareness of housing rights, cooperation with housing rights mechanisms, etc.;

- The **social rental housing programme** was established in the 90’s. Social dwellings for the poorest can be rented to two categories of tenants: those whose income is below the income ceiling as set by municipalities and those who are granted with the right to a social dwelling by the court after eviction (disabled people, families with children). Social Housing Organizations (TBS) are allowed to rent dwellings to people who can prove that they do not have any other legal entitlement to another dwelling and that their income per capita is lower than a certain limit (income limits are often quite high, sometimes above the average salary). Currently the housing stock owned by TBS is supported with public funds.
- The **Act on financial support to families purchasing their own flat** is being implemented in order to satisfy the growing housing needs of families. At the same time, problems of the homeless and people with the lowest income are addressed by solutions proposed in the **Act on the financial support of housing for the poorest** (continuation of the pilot programme 2004-2006) and the related **Programme for counteracting social exclusion of the homeless and people at risk of homelessness**.

- The **Law on Financial Support for Constructing Social Housing Apartments, Night Shelters and Shelters** was issued in April 2004. Related definitions are as follows: “the night shelter is a building, or part of a building, with additional compartments necessary for providing an overnight shelter for the homeless”; the shelter is supposed to provide “a home for the homeless”.
- The **Programme for the Roma Community in Poland (2003-2014)** aims at improving the situation of the Roma community in Poland. This includes investments devoted to infrastructure for Roma estates and housings (repairs, construction, water supply and sewage systems). Progress remain relatively slow and do not fully satisfy existing needs.
- **The National Union of Tenants and Cooperators** was established in 1997 as a non-governmental organization and aims at changing cooperative law, enlightening cooperators on their housing rights and preserving those rights, dignity and interests of the Union members towards cooperative, local and national authorities.
- **The Polish Union of Property Owners** was established in 1991 as a non-governmental organization and aims at pursuing for the recovery of the right of the owners of full disposal of their own property and strengthening of this right; basing the lease on the Civil Code provisions and keeping the right of freedom in signing agreements as well as preserving the owners against excessive taxation and over inflated prices of communal service.

3) Achievements, best practices, challenges and constraints;

- Inadequate housing conditions affect about 6,5 million Poles (out of 38 million).
- 1,5 million households without dwellings of their own (2002).
- Dilapidation of the housing stock (about one third) and immediate need for refurbishment (i.e. mainly multifamily housing estates).
- One of the lowest numbers of dwellings per 1000 inhabitants in Europe (about 330/ 1000), and related problem of overcrowding.
- Rapid growth of the real estate costs: land and housing become less and less affordable for the average citizen.
- Limited access to credit for middle and low income households.
- Insufficient stock of social housing.
- Lack of resources at local level for renovation or construction.
- Poor living conditions in some settlements occupied by ethnic and national minorities (ex. Roma), i.e. low quality dwellings often overcrowded and deprived of basic facilities, illegally erected buildings, physical isolation from the rest of the commune, etc.
- Growing number of homeless people.
- Lowest level of satisfaction with housing in Europe (*Quality of life survey*, 2004).
- Need to raise awareness about the housing problem and to reiterate and put into practice “the right to a safe and decent home”.
- The Housing Research Institute in Warsaw and the Cracow Real Estate Institute are now addressing the lack of reliable information and market data.
- Polish accession to the EU opened new sources among different European funds; some may be directed to the housing sector and the related basic services.

4) Key national priorities, initiatives and commitments that the country intends to undertake to overcome above challenges and constraints and to improve the housing rights situation on the ground

- The analysis of effectiveness of the housing benefit system was planned to be carry out in 2007, including income criteria, level of support and criteria for granting the support, as well as its integration with other family income support systems. The Ministry of Construction in cooperation with the Ministry of Labour and Social Policy and some academic institutions was responsible for drawing up the analysis.
- **Amendment to the Construction Law** from 7th of September 2007 includes **the implementation of the EU directive on energy performance certificates** which will come into force in 2009. The energy performance certificates will be obligatory for all houses and flats on the market (purchased, lent, leased, gifted) and valid for 10 years. Sustainability is likely to gain importance in the property sector with the introduction of energy performance certificates (EPCs), which are also expected to impact significantly on choices made by potential tenants.
- Project to amend the Law of Spatial Planning in order to change regulations of construction of family houses and housing estates by limiting formalities and bureaucracy: housing estates shall be erected not only according to plans prepared by local authorities but also by developers and cooperatives, and family houses will be built without construction approval but on the grounds of the building development conditions. The **project of the organized housing law**, regulating new construction conditions of housing estates erection for developers, cooperatives and Social Housing Organizations, shall be ready at the end of June 2008. According to new regulations only commune approval will be enough to start a new investment, which means also automatic reclassification of the land.

5) Ongoing and planned capacity-building and technical assistance activities that contribute to the progressive realization of the right to adequate housing, by UN-HABITAT and/or other actors

- UN-HABITAT will possibly support the Ministry of Interior and Administration to implement some components of the *National Programme for the Roma community in Poland*, i.e. devise and run local policies for the legalization and improvement of Roma settlements and strengthen the capacities of the local authorities and its partners accordingly. (under discussion)