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**„RENTAL FOR RENOVATION” PROGRAMS
IN THE RENOVATION GAP MANAGEMENT
OF COMMUNAL RESOURCES OF MUNICIPALITIES**

**PROGRAMY „NAJEM ZA REMONT” W ZARZĄDZANIU
LUKĄ REMONTOWĄ
ZASOBÓW KOMUNALNYCH GMIN**

Abstract: In the management of the municipal housing stock, the phenomenon of a renovation gap has been observed for years, the ultimate manifestation of which are the so-called vacant properties in city centres. The article evaluates the renovation gap phenomena and the co-existing phenomena of rent gap and investment gap. The assumptions of the „rental for renovation” programs in selected cities of the Silesian Voivodeship were presented, which should be considered as innovative solutions in the area of restoring vacant properties to usability. The publication also presents the results of research carried out in the Czeszochowa Old Town district regarding the acceptance of the guidelines of the „rental for renovation” program by its residents.

Keywords: rental for renovation, renovation gap, municipal resource management

Streszczenie: W zarządzaniu zasobami komunalnymi gmin od lat obserwuje się zjawisko luki remontowej, której krańcowym przejawem są tzw. pustostany w centrach miast. W artykule opisano zjawiska luki remontowej oraz współistniejące z nią zjawiska luki czynszowej i inwestycyjnej. Przedstawiono założenia programów „najem za remont” w wybranych miastach województwa śląskiego, które uznać należy za innowacyjne rozwiązania w zakresie przywracania pustostanów do użyteczności. Publikacja prezentuje również wyniki badań przeprowadzonych w dzielnicy Częstochowy Stare Miasto w zakresie odbioru założeń programu „najem za remont” przez jej mieszkańców.

Słowa kluczowe: najem za remont, luka remontowa, zarządzanie zasobem komunalnym

Introduction

In connection with statutory liabilities, the municipality should provide premises that meet the housing needs of households whose economic strength does not allow to meet these needs on the free market. However, starting from the beginning of the political transformation and even in recent years of constant economic development of the country, these needs have not been satisfied due to the state of municipal housing stock and the funds allocated for its financing.

The lack of communal premises has a number of negative consequences, such as:

- the need to pay compensation resulting from the inability to enforce eviction by the owner of the premises,
- the lack of effective possibility of implementing the policy to prevent homelessness and various forms of social exclusion¹,

¹ J. Korol, *Wskaźniki zrównoważonego rozwoju w modelowaniu procesów regionalnych*, Wydawnictwo Adam Marszałek, Toruń 2007, p. 46; P. Bajdor, K. Brendzel-Skowera, A. Wróbel, W. Gradek-Konieczna, *The Assessment of Digital Intelligence of Residents of Municipal Housing Resources in Czeszochowa*, „Zeszyty Naukowe Politechniki Częstochowskiej. Zarządzanie” 2018, No. 32, p. 36; B. Fehér, N. Teller, *An Emerging Research Strand: Housing Exclusion in Central and South East Europe*, „European Journal of Homelessness” 2016, Vol. 10, No. 3, pp. 67-87; A. Ciobanu, A. Androniceanu, G. Lazaroiu, *An integrated psycho-sociological perspective on public employees' motivation and performance*, „Frontiers in Psychology” 2019, Vol. 10, No. 36.

- the phenomenon of housing poverty of the economically weakest group of inhabitants²,
- inability to implement a positive housing policy of the municipality in the field of city development vectors, shaping housing estates, or preventing „depopulation” of city centres³.

Despite the lack of satisfying the housing needs in the resources of municipal premises, a significant number of unoccupied premises with a degraded substance (so-called vacant properties) is observed. This phenomenon results directly from the lack of municipal budget funds for municipal purposes, which leads to a renovation gap with vacancies as its most striking manifestation. Therefore, it is important to search for innovative solutions in the management of municipal resources that lead to the elimination of this phenomenon.

1. Renovation, rent and investment gap

The main obstacles to the proper functioning of the housing stock are the phenomena of the so-called renovation gap and chaotic privatization of municipal premises, which leads to degradation of the quality of the premises portfolio⁴. A renovation gap may be defined as the missing amount of funds covering the renovation needs of premises that are part of a municipal resource necessary to preserve its substance in a non-deteriorated condition⁵. The consequence of the existence of renovation gap is the progressive degradation of the resource substance and reduction of the ability to meet the needs of the commune's inhabitants.

The renovation gap coexists with the rent gap, which can be defined as the missing value of funds obtained from rents, up to the amount of costs of maintaining the resource in good condition. The consequence of the indicated phenomena is the investment gap, which can be narrowly defined as the missing amount of funds to shape the housing stock in such a way that will enable the implementation of the statutory task of the municipality, i.e. to meet the housing needs of the economically

² D. Sikora-Fernandez, *Deprywacja mieszkaniowa w Polsce na podstawie wybranych czynników*, „Space – Society – Economy” 2018, 26, p. 106; A. Kozera, J. Stanisławska, R. Głowicka-Wołoszyn, *Zjawisko ubóstwa mieszkaniowego w krajach Unii Europejskiej*, „Wiadomości Statystyczne” 2017, LXII 1 (668), p. 78.

³ M. Salamon, A. Muzioł-Węclawowicz (ed.), *Mieszkalnictwo w Polsce. Analiza wybranych obszarów polityki mieszkaniowej*, Habitat for Humanity Poland, Warszawa 2015, p. 36.

⁴ M. Dziadkiewicz, N. Baskiewicz, *Efektywność zarządzania gminnym zasobem mieszkaniowym a wspólnoty mieszkaniowe*, [in:] A. Jaki, M. Kowalik (ed.), *Procesy restrukturyzacji wobec współczesnych przemian gospodarczych*, Foundation of the Cracow University of Economics, Cracow 2016, pp. 257-259.

⁵ A. Muzioł-Węclawowicz, K. Nowak, *Mieszkalnictwo społeczne. Raport o stanie polskich miast poświęcony polityce mieszkaniowej*, Instytut Rozwoju Miast i Regionów, Warszawa 2018, p. 73; A. Muczyński, *Metodyka wspomagania gospodarki remontowej w gminnych zasobach lokalowych*, „Studia i Materiały Towarzystwa Naukowego Nieruchomości” 2009, 17, No. 3, p. 71; M. Lamprecht, *Zagospodarowanie przestrzenne miasta w warunkach zapaści demograficznej. Przykład Łodzi*, „Studia Miejskie” 2016, nr 21, p. 78.

weaker group of residents, and in broad terms as the amount of funds missing for the implementation of the housing policy of the Municipality.

The fact that there is a renovation and investment gap is revealed, for example, by the results of the audit of the Supreme Audit Office regarding the fulfilment of the obligation to provide social housing and temporary premises by selected municipalities⁶. The following conclusions were presented in the summary of the audit results:

1. Despite the increase in the number of social housing by 19%, and after taking into account the increase in the demand for housing by 8%, housing needs in this respect were met only in 53%.

2. The average waiting time for the implementation of eviction judgments with the right to social housing was 2 years and 6 months. A statistically significant phenomenon of owning social housing premises without legal title was observed – for example in Sosnowiec Municipality it was 44% of premises. Evictions from these premises were considered unjustified due to the fact that the next judgment envisaged granting entitlement to social housing.

3. There was a change in the charter of premises from communal to social, which resulted in a significant reduction of rent that can be obtained from the rental of such premises.

4. The amount of funds spent by 9 controlled municipalities on the payment of compensations and other related costs in the years 2011-2013, amounted to PLN 42 182⁷.

It should be emphasized that social housing, due to the amount of rent that is regulated and significantly lower than market rates, does not provide the possibility of self-financing. The lack of social housing significantly limits development possibilities of the „municipal part of the housing stock”, i.e. the one whose rental income may allow it to be maintained in a good condition.

Despite the generally poor condition of the housing stock of municipalities, one can observe an increase in the number of vacant properties, which occur regardless of the size of municipalities. However, the problem of vacant properties mostly affects large cities and standard rather than substandard resources⁸. And so in 2016, despite the lack of satisfaction of housing needs, even in terms of social housing, 79% of vacant properties were in standard resources. In the housing stock of large cities, the average percentage of vacancies was 7.7 %, while in the housing stock of medium-sized cities it was 5.8% in 2016⁹. The highest vacancy rate was in Warsaw,

⁶ *Performance of the obligation to provide social housing and temporary premises*, Information on the results of the audit [in Polish], Supreme Audit Office, <https://www.nik.gov.pl/plik/id,7725,vp,9681.pdf>.

⁷ *Ibidem*, p. 17.

⁸ A. Muzioł-Węclawowicz, K. Nowak, *Mieszkalnictwo społeczne. Raport* (Social housing. Report)..., p. 24.

⁹ *Ibidem*, p. 25.

namely 8900, which is 10.5% of the housing stock, in Lodz it was 7000, which is as much as 14% of the housing stock, Katowice 1800, Bytom 1500, which in both cases is about 11% of the housing stock¹⁰.

It should be emphasized that according to the data of the report, 159.8 thousand households are waiting for the rental of communal premises, so it is obvious that unused apartments should be subject to public intervention¹¹. It is also necessary to emphasize the obvious issues related to the maintenance of vacant properties by municipalities, such as the lack of rental income, leading to further devastation of these premises by persons looking for scrap metal or abusing psychoactive substances. Finally, there is the issue of the degrading effect on the buildings in which they are located and the quality of urban space.

2. Innovations in managing the renovation gap

One of the innovative methods of solving the problem of vacant properties are the “rental for renovation” programs. The main axis of these programs is the introduction of a vacant property into the housing stock of the municipality thanks to the own funds of the future tenant.

Under the “rental for renovation” programs, the pool of premises for renovation is usually set by the city, and these are premises that cannot be renovated under municipal funds and cannot be allocated to people on the waiting list. Usually, despite the involvement of the future tenant’s own funds, the income criterion per family member is determined for people who want to apply for the renovation of a vacant property.

The method of carrying out the renovation usually means that the tenant covers 100% of the costs of bringing the premises to a usable condition. Different solutions are possible in the field of construction works: conducting them by the contractor indicated by the vacancy manager, carrying out works under the supervision of a building inspector appointed by the vacancy manager, or conducting works by the tenant under the supervision of the vacancy manager. The manager is usually the appropriate unit of the city hall that deals with the housing stock or the municipality company that manages the premises.

Settlement of renovation costs can take the following forms:

- the most popular one – that is, no refunds after the termination of the lease;
- reimbursement of part or all expenses in the form of a reduction in rent.

As an incentive to participate in the program, it is often possible to purchase the renovated premises, e.g. after 5 years. However, apart from exceptional situations, such a possibility should be critically assessed, because it distorts one of the

¹⁰ Ibidem, p. 79.

¹¹ Ibidem, p. 84.

main objectives of such programs, which is an increase in the quality (including the number of premises) of the housing stock and thus better satisfaction of the housing needs of the economically weakest group of residents.

The manner of implementing the renovation may be regulated by the following disciplinary mechanisms:

- contractual liability for damages related to the improper conduct of renovation;
- contractual penalties covering in particular violations around renovations (garbage, damage to the staircase and other building infrastructure);
- contractual penalties, e.g. in the form of 50% of the rent if the renovation period is exceeded.

Table 1 presents the characteristics of selected „rental for renovation” programs implemented in cities of the Silesian Voivodeship.

Table 1. Examples of „rental for renovation” programs in cities of the Silesian Voivodeship
Tabela 1. Przykłady programów „najem za remont” w miastach województwa śląskiego

Municipality	Pool of premises	Entitled to participate in the program	Financing the renovation	Rules for carrying out the works
Sosnowiec ¹²	Premises with usable floor area above 80m ² remaining vacant after three tender procedures for lease with free rent.	In the first place, persons entitled to rent residential premises (with their consent). Then, residents of the Municipality who do not have their housing needs satisfied. Income criterion - monthly income per household member in the last three months does not exceed 400% of the lowest retirement pension in a single-person household and 250% of the lowest retirement pension in a multi-person household.	Tenant's own funds.	Contract for the rental of a premises for renovation, which will be concluded between the contractor and the Manager.

¹² Resolution no. 96/X/2015 of the City Council in Sosnowiec of 24 April 2015 on the principles and criteria for renting the premises that are part of the housing stock of the Municipality of Sosnowiec, as amended.

Katowice ¹³	Vacant premises with an area not exceeding 80m ² which, due to technical condition, require renovation, and have not been leased to persons authorized to receive the premises.	<p>Persons:</p> <ul style="list-style-type: none"> - who do not have their housing needs satisfied, - who meet the income criterion from 100 % to 450% of the lowest retirement pension for a single-person household, - who meet the income criterion from 60% to 260% of the lowest retirement pension for a multi-person household, - have no arrears for the use of communal premises. 	Tenant's own funds.	Contract for the renovation of a dwelling, which will be concluded between the contractor and the Manager.
Bytom ¹⁴	Premises requiring renovation.	<p>A person applying for lease as well as a spouse or partner cannot have a title to another premises.</p> <p>Income criterion – income exceeding 90% of the lowest retirement pension in a single-person household and 50% of the lowest retirement pension in a multi-person household.</p>	Tenant's own funds.	Agreement defining the principles of renovation supervised by Bytomskie Mieszkania (Bytom's Flats).

¹³ Resolution no. XV/205/13 of the City Council in Bytom of 27 May 2013 regarding the rules for renting the premises that are part of the housing stock of the Municipality of Bytom, as amended.

¹⁴ Resolution no. IX/102/2019 of the City Council in Tarnowskie Góry of 29 May 2019 regarding the rules for renting the premises that are part of the housing stock of the Municipality of Tarnowskie Góry.

Tarnowskie Góry ¹⁵	Premises requiring renovation. Premises exceeding 80m ² , which are not suitable for rent to authorized persons, may be handed over as premises for renovation or for lease for the payment of free rent determined by tender.	Persons who: - have a current application for the lease of premises, - meet the income criterion – income is not lower than 150% of the lowest retirement pension in a single-person household and 100% of the lowest retirement pension in a multi-person household.	Tenant's own funds. Renovation cost incurred is not refundable by the Municipality also in the event of termination of the renovation contract.	Contract for the renovation of a premises. The tenant is exempt from payment of the rent for the duration of the renovation determined by the dates of its implementation (2 to 5 months). Acceptance of renovation works is carried out by an authorized inspector of the Municipal Office.
Będzin ¹⁶	Premises requiring renovation located in the buildings owned exclusively by the City of Będzin.	Persons who: - do not have their housing needs satisfied; - meet the income criterion - average monthly income per household member in the last 3 months, which exceeds 175% and does not exceed 250% of the lowest retirement pension in a multi-person household and does not exceed 300% of the lowest retirement pension in a single-person household; - do not have public or civil law arrears towards the City of Będzin.	Tenant's own funds, non-refundable in the event of termination of the lease.	Contract for the renovation of a residential premises under the supervision of the Manager.

Source: own study based on the resolutions of the city councils of Sosnowiec, Katowice, Bytom, Tarnowskie Góry, Będzin.

¹⁵ Resolution no. IX/102/2019 of the City Council in Tarnowskie Góry of 29 May 2019 regarding the rules for renting the premises that are part of the housing stock of the Municipality of Tarnowskie Góry.

¹⁶ Resolution no. XXVIII/222/2016 of the City Council in Będzin of 21 December 2016 regarding the rules for renting the premises that are part of the housing stock of the City of Będzin.

3. Housing for renovation in the light of own study

The research covered the Old Town district in Częstochowa. The studied area of the city is considered to be a degraded region in economic and social terms¹⁵. Among the biggest problems are the degradation of the housing infrastructure that was built before World War II – the ruins of old tenements, holes in the streets and neglected courtyards are visible today.

The Old Town is being settled by families who, for economic reasons, had to leave their premises in other districts of the city, in particular due to rent debt and implemented eviction procedures. In 2016, the percentage of the unemployed amounted to 13.6% (the most of the districts of the city of Częstochowa), it was also established that people with a residence period of up to 10 years constitute 40.8% of the entire population, which is a characteristic feature of the community with a large population inflow¹⁶.

These data coincide with the overall assessment that the housing stock located in this district accumulates residents affected by unemployment, problems of social exclusion and the accompanying addiction to psychoactive substances, disturbing public order and crime characteristic of this type of places – theft, assault and battery, mugging.

As part of the survey conducted for the district of old town, we managed to obtain 100 surveys which show the attitude of residents of the district's municipal resource towards the issue of renovation of the urban vacancy in exchange for rent.

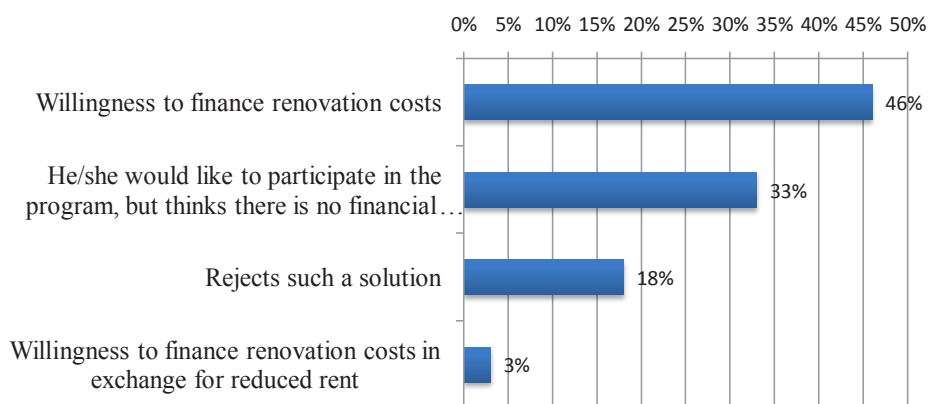


Figure 1. Willingness to participate in the „rental for renovation” program.

Rysunek 1. Gotowość do udziału w programie najem za remont.

Source: own study.

¹⁷ Mapa zasobów i potrzeb dzielnicy Stare Miasto, Częstochowa 2017 – w ramach projektu „Zmieniając dziś, projektujesz lepsze jutro” współfinansowany z Unii Europejskiej w ramach Europejskiego Funduszu Społecznego, p. 26

¹⁸ Ibidem, p. 26.

Nearly half of the subjects declared their willingness to participate in the financing program for the renovation of the vacant property in exchange for the conclusion of the lease agreement. An equally significant number, which is one-third of those surveyed, did not exclude such a solution while pointing out the lack of financial possibilities to participate in renovation costs. About one-fifth of the subjects rejected this solution. It is worth noting that the incentive in the form of a reduction in rent enjoyed low popularity. This allows to formulate the thesis that the biggest obstacle to possible participation in the „housing for renovation” program is the economic strength of the inhabitants.

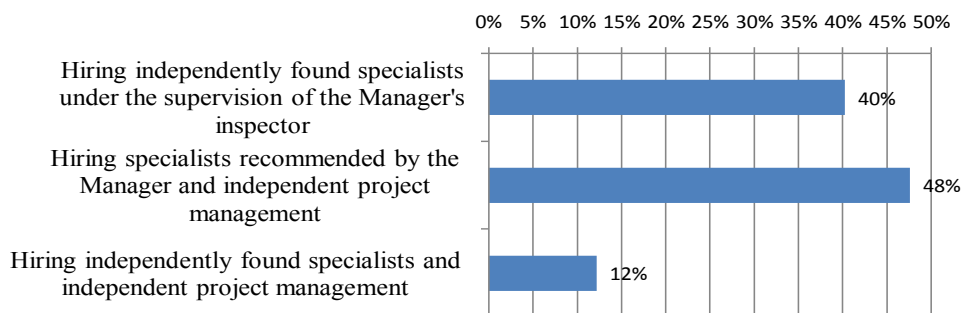


Figure 2. The preferred method of renovation

Rysunek 2. Preferowany sposób prowadzenia remontu

Source: own study.

The subjects who declared their participation in the program also responded to the manner of conducting the renovation of the vacant property. The vast majority of respondents chose forms of cooperation with the housing stock manager. The first form, consisting in the participation in the works of a supervision inspector employed by the Manager, was indicated by 40% of the surveyed, the second form consisting in the selection of the contractor recommended by the Manager was indicated by 48% of the subjects. This allows for a thesis about the will to cooperate in carrying out renovations by the respondents, which makes us believe that potential renovation works will run smoothly.

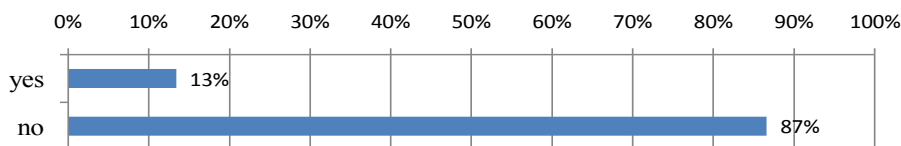


Figure 3. Cooperation with another tenant in the division of the premises

Rysunek 3. Kooperacja z innym najemcą w podziale lokalu

Source: own study.

In the course of the conducted study, the issue of cooperation of a greater number of future tenants was also analyzed. Vacant properties that are suitable for potential renovation often have a significant entrustment – exceeding 80 square metres, which raises the possibility of their adaptation in a way leading to the creation of two or more communal premises from one vacancy through its division. When asked about the possibility of cooperation with other tenants in the investment leading to the distinction of more premises from the vacancy rate, the vast majority of the respondents (87%) rejected such a solution. The indicated result leads to the conclusion that if there is a will to cooperate with the manager of the housing stock, there is no such will when it comes to other potential tenants. This can be explained by the lack of trust and low rating of credibility of other people who can participate in the program.

4. Problems with the legal environment

The rules for renting premises belonging to the municipal housing stock are regulated by the Act on the protection of the rights of tenants¹⁷. Obligations of the parties regarding the concluded lease agreements are regulated by the provisions 6a – 6e of the Act. In particular, this is a standard that has been in force since January 2005, according to which the Municipality is obliged to let the premises that allows the tenant to use the subject of the lease¹⁸ (makes the premises suitable for usage)¹⁹, and therefore has efficient installations: electricity, water, gas and heat fuels and technical devices enabling the use of the premises.

It is obvious that the premises that is the so-called vacancy does not meet these requirements to a greater or lesser extent. In this state of affairs, a basic vector is created that generates a significant number of vacant properties in municipalities, because bringing them to the requirements of the Act requires significant financial outlays (it is usually the amount of tens of thousands of zlotys for the premises), which municipal budgets are not able to cover.

The indicated requirements for the rented premises are also a legal obstacle in initiating the „housing for renovation” programs, whose main axis is the involvement of tenants’ funds to restore the usability of the premises. In supervisory decisions of province governors, a legal interpretation is applied, according to which art. 6a and subsequent acts on the protection of the rights of tenants are mandatory, therefore the municipality cannot adopt a resolution according to which the tenant (future tenant) will renovate or adapt the premises to the extent referred to in 6a et seq. of the act, or will bear the costs of building permits or will not be able to claim reimbursement of renovation costs in

¹⁹ Act on the protection of the rights of tenants, the municipal housing stock and on amending the Civil Code, Dz.U. i.e. “Journal of Laws of the Republic of Poland” 2001, No. 71, item 733 i.e. Dz.U. of 2019 item 1182.

²⁰ J. Chaciński, *Ochrona praw lokatorów. Komentarz*, Wyd. 4, C.H. Beck, Warszawa 2019, Kom. do art. 6a.

²¹ Judgment of the Supreme Court of 7 March 1997, II CKN 25/97, Legalis Number 335993.

advance²⁰. A literal reading of the indicated supervisory decisions leads to the conclusion that in the light of the current Act on the protection of the rights of tenants, it is not possible to conclude an agreement with a future tenant consisting in obliging him to renovate the vacant property in exchange for its subsequent rental.

However, attention should be paid to the practice of individual municipalities in Poland in the years from 2005 to the present, as it results from the examples cited in this article, municipalities of the Silesian Voivodeship adopt solutions that are characteristic for the „rental for renovation” programs. Such solutions are also adopted and operate in the municipalities of the Pomeranian, Lodz and Warmian-Masurian Voivodeships.

To sum up, due to the size of the renovation gap and the number of vacant properties, a *de lege ferenda* postulate, which would regulate the renovation principles in exchange for obtaining a lease agreement of a municipal premises, is justified.

The following interpretation of the cited provisions of the Act on the protection of the rights of tenants, according to which they refer to premises that have already been included in the municipal housing stock – they meet certain utility minima. Premises that are vacant because of their condition would be excluded from the restrictions on concluding a renovation contract due to the fact that only renovation would introduce this premises to the housing stock, thereby the renovation contract would be excluded from the regulation of the act.

Summary

Bearing in mind the queues existing in most Polish municipalities of those entitled to social and communal premises and the concurrent renovation gap within these resources, it becomes necessary to search for innovative solutions to this problem. The most striking manifestation of the existing renovation gap is the phenomenon of vacant properties, especially in the centres of large cities. The „rental for renovation” programs can support the process of restoring these premises to usability.

In summary, the main advantages of implementing the „rental for renovation” programs are:

1. using private funds of future tenants in order to acquire a vacant property to the housing stock,
2. introducing a mechanism of participation in furnishing the apartment - the tenant by performing renovation identifies with the obtained effect, which reduces the risk of devastation of the premises, or eliminates the frequent practice of modifying newly renovated communal premises by the new tenant;
3. elimination of negative impacts of vacancy on the nearest space – issues of

²² Supervisory decision of the West Pomeranian Voivode of 29 May 2014 NK.3.4131.186.2014.AB; Supervisory decision of the Lower Silesian Voivode of 4 March 2014 NK-N.4131.110.12.2014.AS; Supervisory decision of the Lower Silesian Voivode of 18 July 2011 NK-N.4131.659.2011.JK8.

dampness, problems with heating the building, potential fire risk related to the exploration of vacancies by the homeless, negative impact on the city's image.

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