

# Urszula Legierska

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## Lack of Housing as a Threat to Social Security

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## **LACK OF HOUSING AS A THREAT TO SOCIAL SECURITY**

Urszula Legierska, M.A.  
*Warsaw University of Technology, POLAND*

### **ABSTRACT**

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Undoubtedly, one of the elements posing a threat to social security is the risk of losing the roof over one's head, with unemployment in an extreme case, as well as being in possession of a flat that fails to meet the essential requirements. The paper will address the issue of eviction and the "Mieszkanie plus" (Flat plus) government housing programme, which is intended to support individuals who cannot afford to purchase their own flat. This paper aims to examine this initiative and indicate its potential influence on the process of acquiring flats by Polish citizens. It is also worthwhile to stress another significant aspect in the context of housing, namely the issue of structural safety of the particular rooms or buildings. Therefore, the threats to social security are associated not only with the mere possession of a flat but also with the manner in which it is used, which may result in a construction disaster.

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### **INTRODUCTION**

The provision of security is inscribed in the catalogue of state functions. However, for many years, it has been treated merely in the context of military security and internal law and order in the state. Currently, there is a shift away from this narrow interpretation towards Barry Buzan's con-

cept of five comprehensive sectors of security, namely political, military, economic, societal and environmental<sup>1</sup>. Juliusz Piwowski, on the other hand, points to the following aspects of security: economic, physical, technical, organisational and psychological<sup>2</sup>. The phenomenon of broadening the way in which the concept of security is understood is primarily related to the role of a modern democratic state, which is obliged to care for its citizens not only in terms of security understood as the absence of physical threats but also in a way that makes it possible for them to really participate in social life<sup>3</sup>. It is also worth noting that security is recognised not only as a given state of affairs, but also as a value and function or a process of (unthreatened) development<sup>4</sup>.

In literature, social security is defined as the protection of existential foundations of human life together with the possibility of fulfilling one's individual needs, both material and spiritual (non-material) and the pursuit of one's life ambitions by creating proper conditions for work and study, or by the protection of health. Social threats to security, referred to as "unconventional", exist alongside traditional threats of military, political or environmental nature, affecting people's biological and existential needs. As a consequence, these threats impact the quality and standard of social life while exerting a negative influence on the civilisational development of not only a given country but also the international communities<sup>5</sup>.

Undoubtedly, one of the elements posing a threat to social security is the risk of losing the roof over one's head, with unemployment in an extreme case, as well as being in possession of housing that fails to meet the essential requirements, i.e. flats without adequate sanitary appliances

<sup>1</sup> B. Buzan, *People, States and Fear. An Agenda for International Security Studies in the Post-Cold War Era*, Harvester Wheatsheaf, London 1991, as cited in: M. Leszczyński, *Bezpieczeństwo społeczne a współczesne państwo*, "Zeszyty Naukowe Akademii Marynarki Wojennej", 2011, Year LII, No. 2 (185).

<sup>2</sup> J. Piwowski, *Bezpieczeństwo jako stan oraz jako wartość*, [in:] *Bezpieczeństwo jako wartość*, Kraków 2010, p. 57.

<sup>3</sup> See: M. Leszczyński, *Bezpieczeństwo społeczne a bezpieczeństwo państwa*, Kielce 2009, p. 37.

<sup>4</sup> Cf. J. Piwowski, *Bezpieczeństwo jako stan oraz jako wartość*, [in:] *Bezpieczeństwo jako wartość*, Materiały z II Konferencji Naukowej Bezpieczeństwo jako wartość – April 18, 2010, Wyższa Szkoła Bezpieczeństwa Publicznego i Indywidualnego „Apeiron” w Krakowie, Kraków 2010.

<sup>5</sup> A. Skrabacz, S. Sulowski, *Introduction*, [in:] A. Skrabacz, S. Sulowski, *Bezpieczeństwo społeczne. Pojęcia. Uwarunkowania. Wyzwania*, Warszawa 2012, p. 7–8.

or overcrowded units. According to the guiding thought behind the “Report on the Recovery of the Housebuilding Industry” (Raport o Naprawie Budownictwa Mieszkaniowego) dated 1981<sup>6</sup> and the “2006 Report on the Recovery of the Housing Situation” (Raport 2006 o Naprawie Sytuacji Mieszkaniowej) dated 2007<sup>7</sup> “a human being spends, on average, 95% of their lives indoors, so home represents a fundamental indicator of human existence”. Flat, as a consequence, is a good of a special nature. The objective of the present paper is to investigate the influences of a lack of housing on social security.

The paper will address the issue of eviction and the provision of flats with the individual installations (including a bathroom, central heating, a water supply system), because inadequate equipment of flats also poses a threat to social security. The paper will also propose certain administrative mechanisms to prevent housing shortages and protect citizens against such eventualities. In the event where certain conditions are satisfied in the Act of 21 June 2001 on the protection of tenants’ rights, communal<sup>8</sup> housing resources, and amendments to the Civil Code<sup>9</sup>, an evicted person may apply for a council-subsidised flat, unless they can live in another flat. There are also temporary residential units, which are administrative solutions linked to the eviction procedure. An important programme intended to support individuals who cannot afford to purchase their own flat is the government initiative known as “Mieszkanie plus”. This paper aims to examine this initiative and indicate its potential influence on the process of acquiring flats by Polish citizens.

It is also worthwhile to stress another significant aspect in the context of housing, namely the issue of structural safety of the particular rooms or buildings. Therefore, the social threat to security is related not only with the possession of housing but also with the manner in which it is used, which may result in a construction disaster (e.g. building collapse).

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<sup>6</sup> *Raport o Naprawie Budownictwa Mieszkaniowego*, published by Ośrodek Badań Społecznych NSZZ Solidarność, Region Mazowsze, Warszawa 1981.

<sup>7</sup> *Raport 2006 o Naprawie Sytuacji Mieszkaniowej*, collective work created on a social basis, Warszawa, January 2007 [http://fio.org.pl/images/dodatki/20070516\\_mieszk\\_rap2006.pdf](http://fio.org.pl/images/dodatki/20070516_mieszk_rap2006.pdf).

<sup>8</sup> The Polish term ‘gmina’ (English functional equivalent: commune or municipality) refers to the principal unit of the administrative division of Poland, similar to a commune or municipality.

<sup>9</sup> Dz.U. [*Journal of Laws*] 2016.1610 consolidated text.

At this point, it is worth highlighting the results of research on housing conducted at the request of the Habitat for Humanity Poland Foundation in 2015<sup>10</sup>. They revealed that more than half of the respondents (52%) considered a lack of housing as a significant problem – following low salary (84%) and unemployment (77%)<sup>11</sup>. Moreover, the research demonstrates that housing problems result in the decisions to reduce parenthood and emigrate<sup>12</sup>. It can thus be assumed that a lack of housing has a strong influence on social security, thereby posing a threat to this security.

### 1. EVICTION AS THE CAUSE OF HOMELESSNESS

A lack of housing in an extreme situation, when the state does not support a given person, leads to homelessness. Despite having been used in a number of laws<sup>13</sup>, this term has no legal definition. According to an encyclopaedic definition, homelessness is a social phenomenon that exists when people have no home or permanent residence that guarantees the sense of security for individuals and families, provides shelter from adverse weather conditions and meets the basic needs at a level deemed satisfactory in a given society<sup>14</sup>. The term “homeless person”, on the other hand, has been given a legal definition. Under the Polish Act of 12 March 2004 on Social Assistance<sup>15</sup> the homeless is “a person not residing in a dwelling within the meaning communal housing resources, and not registered for permanent residence, within the meaning of the provisions on civil

<sup>10</sup> The research on housing in Poland, performed by Millward Brown, 2015.

<sup>11</sup> Subsequent responses, along with corresponding number of respondents, included: lack of adequate health care (33%), no sense of security amongst the citizens (11%), lack of crèches and nursery schools (7%) and environmental degradation (5%).

<sup>12</sup> According to data, 64% of the respondents knew somebody who put off the decision on having a baby due to their housing situation (21% of the respondents know a lot of such people, 26% several and 17% 1–2 such individuals). Exactly 72% of the respondents knew people whose housing situation caused them to go abroad (24% of the respondents know a lot of such people, 32% several and 16% 1–2 such individuals).

<sup>13</sup> The Constitution of the Republic of Poland (Dz.U. [*Journal of Laws*] 1997.78.483), the Act of 12 March 2004 on Social Assistance (Dz.U. [*Journal of Laws*] 2016.930 consolidated text), the Act of 13 June 2003 on Social Employment (Dz.U. [*Journal of Laws*] 2016.1828 consolidated text) or the Act of 27 August 2004 on Healthcare Services Financed from Public Funds (Dz.U. [*Journal of Laws*] 2016.1793 consolidated text).

<sup>14</sup> <http://encyklopedia.pwn.pl/haslo/bezdomnosc;3876751.html>.

<sup>15</sup> Dz.U. [*Journal of Laws*] 2016.930 consolidated text.

registry and identity cards, as well as a person not residing in a residential unit and registered for permanent residence in a flat in which it is impossible to live”. Unfortunately, this definition is not ideal as it turns out that not all individuals who are actually homeless will be so treated under applicable laws and regulations. For example, the category in question will exclude individuals who are registered for permanent residence in a place where they can live but, as a matter of fact, will not do it<sup>16</sup>.

The reasons for homelessness are manifold. As the literature suggests, we can identify those of an objective nature – a lack of affordable housing, population growing faster than the number of available accommodation, poverty, armed conflicts, wars, natural disasters – and those of a subjective nature, including alcoholism, drug abuse, mental disorders or a voluntary lifestyle choice<sup>17</sup>. Due to its legal nature, the present paper is intended to focus the reader’s attention on the following reasons for homelessness: poverty in a society, shortages of municipal housing, increasing prices of rental housing, closure of worker accommodation and the possibility of being evicted “onto the street”. These are amongst the most commonly mentioned causes of homelessness<sup>18</sup>.

Numerous high-level normative acts of both national and international nature deal with the issue of homelessness and ways to address it. According to the European Social Charter, each member state should ensure that its citizens’ right to housing is observed in the following three aspects:

1. Promoting access to housing of an adequate standard.
2. Preventing and reducing homelessness, with a view to its gradual eradication.
3. Making the price of housing accessible to those without adequate resources<sup>19</sup>.

The Polish national law, on the other hand, in Article 75 of the Constitution of the Republic of Poland, indicates that public authorities shall pursue policies conducive to satisfying the housing needs of citi-

<sup>16</sup> See: I. Sierpowska, *Sytuacja prawna osoby bezdomnej w Polsce*, „Praca Socjalna”, 2011, No. 3, p. 85 et seq.

<sup>17</sup> A. Skrabacz, *Bezpieczeństwo społeczne. Podstawy teoretyczne i praktyczne*, Warszawa 2012, p. 133.

<sup>18</sup> M. Kozina, *Mrozy – wyzwanie dla bezdomnych*, „Przegląd Obrony Cywilnej” 2010, No. 2, p. 26–29, as cited in: A. Skrabacz, *Bezpieczeństwo społeczne. Podstawy teoretyczne i praktyczne*, Warszawa 2012, p. 134.

<sup>19</sup> The revised European Social Charter, Article 31.

zens, in particular combating homelessness, promoting the development of council-subsidised housing and supporting activities aimed to assist each citizen in acquiring their own flat. However, it appears that the activities carried out by the Polish state authorities<sup>20</sup> are insufficient since the 2015 report by the Ministry of Family, Labour and Social Policy revealed that there were more than 36 thousand homeless people living in Poland<sup>21</sup>. Comparing the figures with those from the 2013 research<sup>22</sup>, we can observe a marked increase, i.e. by approximately 6 thousand people.

As has already been mentioned, a lack of housing – meaning a situation when a given person has nowhere to live – may be caused by various factors. One of them is the necessity to carry out an eviction order. This term is not used by the provisions of law, yet refers to any and all factual and legal actions aimed to vacate a given dwelling or real property of all persons and possessions to release it to the authorised person<sup>23</sup>. As a legal institution, eviction may be viewed from the standpoint of protecting tenants' rights and refer to the performance of an eviction procedure in the initial phase, i.e. the legal proceedings aimed at issuing an eviction judgement, and therefore this instrument will be addressed in the present paper<sup>24</sup>.

<sup>20</sup> It should be noted that Article 75 of the Constitution of the Republic of Poland does not provide for an obligation to guarantee housing to each citizen, yet only to support citizens by means of both state and local activities aimed at assisting them in purchasing and maintaining their own flat. See: L. Garlicki, *commentary to Article 75 of the Polish Constitution*.

<sup>21</sup> *Sprawozdanie z realizacji działań na rzecz ludzi bezdomnych*, 2014 [A report on the implementation of measures for the homeless in 2014]. A report on the implementation of measures for the homeless in the particular Polish provinces in 2014 and the results of the Nationwide Survey on the number of homeless people (January 21/22, 2015), accessed 07.07.2017.

<sup>22</sup> *Sprawozdanie z realizacji na rzecz bezdomnych\_2012\_plus aneks\_ok.pdf* [A report on the implementation of measures for the homeless in 2012], A report on the implementation of measures for the homeless in the particular Polish provinces in 2012 and the results of the Nationwide Survey on the number of homeless people (February 7/8, 2013) and results of the Sociodemographic Research (Annex), accessed 07.07.2017.

<sup>23</sup> P. Rola, *Eviction – certain legal issues*, "Nieruchomości", March 2007, No. 3 (103).

<sup>24</sup> A similar view is presented by Z. Knypl, *Eksmisja a prawa człowieka*, Sopot 2015 or by Z. Knypl, *Eksmisja i prawa człowieka: wykonywanie eksmisji z lokali mieszkalnych*, Sopot 2012. A slightly different way of looking at this issue is proposed by W. Pisarek, *Eksmisja: analiza stanu prawnego i praktyki*, Kraków 2012.

Under Polish law, the grounds for eviction include a situation when a person occupying or holding a given dwelling unit has no legal title thereto. This results from unauthorised occupation of the dwelling or expiration of the relevant legal relation, for instance through lease termination. The law also provides for compulsory removal of a person who holds a legal title, yet such action is permitted under a specific provision due to the necessary renovation or a safety concern caused by the particular building's condition.

In an order to vacate a given residential unit, the court rules on the entitlement to subsidised housing or the absence of such entitlement in the case of the individuals affected by the eviction order. The obligation to provide a council-subsidised flat lies with the communal authorities competent as to the location of the residential unit to be vacated. A council-subsidised flat must be provided for pregnant women, minors, disabled and incapacitated persons, as well as individuals taking care of and living together with the same, bedridden individuals, retired persons and disability pensioners who are eligible to receive social assistance benefits, persons registered as unemployed and individuals meeting the requirements set forth in a resolution adopted by the communal council. The only condition for these people to be provided with a council-subsidised flat is their incapability to live in an accommodation other than that used so far. The legislator, in this case, does not provide for the criterion of wealth amongst those people.

In the event where a person who is facing execution based on an enforcement order requiring him/her to vacate the residential unit that meets that person's housing needs, without the right to a council-subsidised flat or substitute accommodation, has nowhere to live, a contract is concluded with such a person for the lease of temporary premises<sup>25</sup>. The stock of such premises should be provided by the communal council on the basis of the August amendment of 2011. Significantly, this stock functions completely separate from the communal housing stock. In the event where a court bailiff performs the obligation to empty the place referred

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<sup>25</sup> According to the Act on the Protection of Tenants' Rights, a temporary room is a habitable space with access to the source of water supply and toilet facilities, even if located outside of the building, natural and electric lighting, available heating system, undamped space division elements (walls) and the possibility of installing cooking appliances, ensuring at least 5 square meters of living space per person and, where possible, situated in the same or neighbouring locality as the one so far inhabited by the re-housed individuals.



to in Article 1046 §4 of the Act of 17 November 1964 – the Civil Procedure Code<sup>26</sup>, the communal authorities indicate a temporary room, a night shelter, a refuge or other facility providing accommodation, unless the room corresponding to the requirements of a temporary living space has been indicated by the creditor or the debtor of a third party.

The legal regulations concerning eviction provide for certain mitigation measures against their effects. Such measures include the protection against the so-called eviction onto the street in winter season. According to the principle of humanitarianism, where an evicted person has not been designated a dwelling to which s/he is to be transferred, the court's judgement to vacate a given dwelling shall not be enforced in the period from November 1 through March 31 of the following year inclusive<sup>27</sup>.

## 2. QUALITY OF HOUSING AS A FACTOR OF SOCIAL THREAT TO SECURITY

TABLE NO. 1. THE 2015 OVERCROWDING RATE IN SELECTED EU COUNTRIES

Country	% of the population specified
Romania	49.7
Poland	43.4
Bulgaria	41.4
Latvia	41.4
Hungary	41.1
Slovakia	37.8
Greece	28.1
Italy	27.8
Lithuania	26.4
The Czech Republic	18.7
EU-28	16.7

Source: own work based on Eurostat data, <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>.

It must be noted that social security may be affected not only by a lack of flat but also by the quality of the flat in possession. In this respect, the criteria in-

<sup>26</sup> Dz.U. [*Journal of Laws*] 2016.1822 consolidated text.

<sup>27</sup> See: K. Zdun-Załęska, *komentarz do art. 16, Ustawa o ochronie praw lokatorów, mieszkaniowym zasobie gminy i o zmianie Kodeksu cywilnego*, Commentary, LexisNexis 2014.

clude, amongst others, the issue of overcrowding. It is presented in the table below, taking into account the data of the EU member states where the rate<sup>28</sup> is higher than the EU-28 average. The table below indicates that Poland ranks second, right after Romania, amongst the EU member states to experience the highest overcrowding rate. This explicitly demonstrates that the various actions undertaken by the state have no positive impact on the quality of housing in Poland. Despite the gradually decreasing trend of overcrowding over the past years (2009 – 49.1%; 2012 – 46.3%), Poland continues to be at the forefront of countries with the highest overcrowding rate.

Examining the quality of life in the particular flats, attention is also paid – besides the overcrowding rate – to their fixtures and installations, such as the lack of a toilet or bathroom, a leaking roof or insufficient lighting<sup>29</sup>. According to Eurostat data in this regard, Poland is ranked fifth after Romania, Latvia, Hungary and Bulgaria, with the severe housing deprivation rate reaching 9.8% of the population.

### **3. THE “MIESZKANIE PLUS” PROGRAMME AS A GOVERNMENT INITIATIVE TO ADDRESS HOUSING SHORTAGES**

In order to counteract the lack of housing, the state authorities are undertaking various measures at both state and local levels. A special position amongst the numerous subsidised housing-loan initiatives is held by government programmes intended to support citizens in purchasing their own flats, such as the “Rodzina na Swoim” (Family on its Own, RnS) programme (subsidised loans were granted in the years 2007–2013) and the programme’s continuation, known as the “Mieszkanie dla Młodych” (Flat for the Young, MdM) initiative (from 2014 to 2018) and the programme which is currently regarded as the successor of the above-mentioned initiatives, namely “Mieszkanie plus” (the first flats under the programme are planned to become available in the second half of 2018<sup>30</sup>).

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<sup>28</sup> The overcrowding rate according to Eurostat defines the percentage of population living in an overcrowded dwelling, taking into account the number of rooms available in the household, the size of the household and the age of its members and their family situation.

<sup>29</sup> The severe housing deprivation rate according to Eurostat is defined as the percentage of population living in a dwelling which is considered as overcrowded, while also exhibiting at least one of the housing deprivation measures.

<sup>30</sup> Information cited from the following website <http://mieszkanieplus.org.pl/aktualnosc/>, accessed 07.07.2017.

TABLE NO. 2. POPULATION BROKEN DOWN BY THE LEGAL TITLE TO THE FLAT OCCUPIED IN THE YEARS 2007, 2010 AND 2015 IN THE EU-28 AND SELECTED EU MEMBER STATES.

	2007			2010			2015		
	owners	lessor 1	lessor 2	owners	lessor 1	lessor 2	owners	lessor 1	lessor 2
EU-28	:	:	:	70.7	17.4	12.0	69.5	19.7	10.9
The Czech Republic	74.5	4.8	20.7	78.7	5.0	16.2	78.0	16.4	5.6
Germany	:	:	:	53.2	39.7	7.1	51.9	39.9	8.2
Spain	80.6	10.7	8.6	79.8	11.9	8.3	78.2	12.7	9.1
France	60.5	20.3	19.2	62.0	15.4	22.6	64.1	19.8	16.1
Italy	73.2	12.2	14.5	72.6	13.5	13.9	72.9	15.4	11.7
Hungary	88.5	2.7	8.9	89.7	2.4	7.9	86.3	4.8	8.9
Austria	59.2	28.7	12.1	57.4	26.6	16.0	55.7	29.6	14.7
Poland	69.2	2.6	34.9	81.3	2.5	16.2	83.7	4.5	11.8
Norway	83.8	10.5	5.7	82.9	10.9	6.2	82.8	10.0	7.2

Legend:

owners – privately owned flats encumbered with a loan or mortgage as well as unencumbered with a loan or mortgage;

lessor 1 – people renting flats at market prices;

lessor 2 – people using accommodation with reduced rent or free-of-charge accommodation.

: – no data

Source: own work based on Eurostat data, <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>. The “Mieszkanie plus” initiative is a national government programme for the support and development of the housebuilding industry, one of the pillars of the National Housing Scheme (Narodowy Program Mieszkaniowy, NPM) dated September 27, 2016<sup>31</sup>. The institutions mentioned as the programme’s supervisors include the Ministry of Infrastructure and Construction, the Ministry of Finance and BGK Nieruchomości SA as the managing authority. It is pertinent to note that BGK Nieruchomości SA is already pursuing a market-based housing

<sup>31</sup> The Resolution No. 115/2016 of the Council of Ministers of 27 September 2016 on the adoption of the National Housing Scheme.

lease programme known as “Fundusz Mieszkań na Wynajem” (the Fund of Flats for Rent).

Although work on “Mieszkanie plus” is underway, the first assumptions of the programme are already beginning to come to light, thus giving a picture of this initiative. The goal of the programme is to support individuals who, on the one hand, have no sufficient resources to purchase or lease a flat and, on the other, are excluded from the group of beneficiaries of council-subsidised flats due to the level of their salaries. It may therefore be safely stated that this measure is intended to prevent people from being left without a flat. Moreover, the programme – thanks to low rents – will facilitate greater mobility for the people, which may lead to more frequent changes in the place of residence for job-seeking or educational reasons.

The programme is additionally supposed to generate growth on the Polish lease market, where currently as many as 85% of the flats are privately owned, with the lease market occupying a mere 4 percent. In developed countries, these proportions look somewhat different with the share of rented accommodation being considerably higher (Table No. 2).

An important assumption of the “Mieszkanie plus” programme includes the principles for granting flats in the event where the number of applicants exceeds the number of flats available. Admittedly, unlike the “Mdm” initiative, the programme does not anticipate any restriction of the potential beneficiaries to individuals who meet specific requirement<sup>32</sup>, but it indicates who will have the priority to take advantage of the programme – the criteria to be taken into account include, amongst others, the level of income and family situation, i.e. the number of children, overcrowding, the first flat or the existing poor housing conditions. It is also a different solution than that offered by the “Fundusz Mieszkań na Wynajem” programme, where housing is allocated on a ‘first come, first served’ basis, with no account being taken of any additional criteria.

It is also essential to mention the instruments for implementing the “Mieszkanie Plus” programme, which undoubtedly include the National Real Property Stock [*Krajowy Zasób Nieruchomości, KZN*]. It is a state legal person established on the basis of the Act of 20 July 2017 on the National Real Property Stock<sup>33</sup>. The National Real Property Stock

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<sup>32</sup> The condition of appropriate age of the program’s applicants or at least the condition of a given flat’s living space that determines the receipt of the housing subsidy.

<sup>33</sup> Dz.U. [*Journal of Laws*] 2017.1529.

is supposed to become a “land bank”, or an entity that will be responsible for the management of state-owned land allocated for residential purposes and hence the lands to be used for the construction of blocks of flats under the “Mieszkanie plus” programme. Moreover, the task of this Stock is to supervise the lease itself and, in particular, the amount of rent so that the charges incurred by the lessees do not exceed the amounts stipulated in applicable provisions of law – in the case where the rent is exceeded, the Stock shall be empowered to impose penalties.

In addition to that, the Stock will be in charge of undertaking actions to ensure that the real properties allocated by the National Real Property Stock for housebuilding purposes may be built up with residential buildings and then used in a proper manner that poses no risk to the safety and health of the dwellers. It will also be responsible for creating conditions to facilitate the development of council-subsidised flats or co-financing the development of council-subsidised flats (Article 5 of the Act on the National Real Property Stock).

#### 4. CONSTRUCTION DISASTERS AS THE CONSEQUENCE OF IMPROPER USE OF HOUSING INFRASTRUCTURE BY TENANTS

It must be pointed out that the housing-related sense of security concerns not only the sheer possession of a flat, but also the condition it is in. It was as early as in the ancient times that the law regulated the issues related to housing security, trying to implement rules contributing to the maintenance of adequate safety level, sanitary infrastructure and housing conditions. As written by Helena Kisilowska and Dominik Sypniewski, examples of measures taken for these purposes included the implementation of a ban on thatched roofs as a fire-prevention measure in London in thirteenth-century London and the regulations applied at the end of the 15th century concerning the obligation to place buckets with water in front of houses<sup>34</sup>.

In order for a flat to be defined as safe, it needs to be in appropriate technical condition and undergo regular renovation and maintenance works. Otherwise, any negligence in this regard may lead to a construction disaster, thereby posing a threat to public safety and to human life and health as well as causing extensive material damage<sup>35</sup>. The legal defini-

<sup>34</sup> H. Kisilowska, D. Sypniewski, *Prawo budowlane*, Warszawa 2012, p. 13–15.

<sup>35</sup> See: H. Kisilowska, D. Sypniewski, *Prawo budowlane*, Warszawa 2012, p. 276.

tion of a construction disaster of a positive nature can be found in the Polish Construction Law Act<sup>36</sup>, which describes such a disaster as unintentional, sudden destruction of a house or outbuilding in construction, as well as their parts and structural elements of scaffoldings, elements of moulding devices, shaping sheet piling and excavation lining. Examples of construction disasters significantly affecting the level of safety may include the Grenfell Tower fire in west London in June 2017 or the collapse of an old tenement building in Świebodzice in April 2017.

The literature indicates that the most common causes of construction disasters include the use of unsuitable construction materials, the application of improper structural elements without intent to cause building collapse and the effects of natural forces on a given construction entity<sup>37</sup>. Residential units should, therefore, be constructed with due diligence to ensure safety of the tenants.

## CONCLUSION

It must be concluded that, undoubtedly, a lack of housing represents a threat to security since it is defined as a state of being free from danger and may be referred to different spheres of human life. A lack of housing directly affects social security and has an indirect impact on the general security of the state. Therefore, this problem must be considered from multiple perspectives. On the one hand, a lack of housing is a problem in itself. However, it should be borne in mind that a situation when a given person has a flat in a poor technical condition or with inadequate fixtures is also not the desirable state.

It should further be noted that the problem of housing shortages does not currently refer only to a physical lack of residential units, as it seems that we can expect an excess of housing stock in the coming years<sup>38</sup>. The problem is rather the affordability and availability of these residential units for the indigent. The actions undertaken by the state authorities should therefore be targeted at this group as well. The state's legal actions

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<sup>36</sup> Article 73 of the Construction Law Act of 7 July 1994 (Dz.U. [*Journal of Laws*] 2017.1332 consolidated text).

<sup>37</sup> See: T. Filipowicz, A. Plucińska-Filipowicz, *commentary to Article 73*, [in:] *Prawo budowlane. Komentarz aktualizowany*, A. Plucińska-Filipowicz Alicja, M. Wierzbowski (ed.), LEX/el. 2017.

<sup>38</sup> See: D. Sypniewski, *Uwarunkowania rozwoju prawa mieszkaniowego w Polsce*, [in:] *Prawo mieszkaniowe. Regulacje i praktyka*, H. Kisilowska (ed.), Warszawa 2015, p. 22.

aimed at providing housing assistance cannot be limited only to the poorest social group, but should also take into consideration those individuals who, on the one hand, are not eligible for a council-subsidised flat but, on the other, cannot live on their own by means of free-market mechanisms without state aid.

It is also important to note that our flat, as the place where we spend most of our lives, should be technically constructed in a way that guarantees safety. Where necessary, it should also undergo renovation and modernisation. A flat also plays a crucial role in the protection of privacy and its inviolability is one of the personal interests of a human being.

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#### AUTHOR

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URSZULA LEGIERSKA – a graduate of the Faculty of Administration and Social Sciences at the Warsaw University of Technology, where she currently works. She is the author of publications in the area of administrative law.

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