

MANAGEMENT OF PUBLIC-PRIVATE HOUSING CONDOMINIUMS: THE CASE OF MUNICIPALITIES IN THE WARMIA AND MAZURY PROVINCE IN POLAND

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ABSTRACT

Privatization of municipal housing in Poland has led to the emergence of public-private housing condominiums. The aim of the study was to investigate the ownership structures of common property management entities in such condominiums in Poland. The intended investigation was conducted on the sample of the 30 largest urban municipalities located in the Warmia and Mazury province. The empirical data was collected by questionnaire interviews using the public information access technique. The aim of the study was achieved through hierarchical cluster analysis using the agglomerative method.

The results showed that the structures of common property management entities in studied housing condominiums varied in nature. In most municipalities surveyed, these structures were dominated by municipal entities. However, there is a growing group of municipalities where the surveyed structures have been dominated by private property managers. The in-house management model proved to be not very popular in the surveyed sample of municipalities.

Keywords: common property management, public-private condominiums, municipal housing, cities

INTRODUCTION

Condominium ownership is the prevalent form of multi-owned housing (MOH) in the world (Blandy et al., 2010; Lehavi, 2015). This housing ownership model consists of three components: (1) individual ownership of housing units (dwellings), (2) co-ownership (joint ownership) of the land and the common parts of the building, and (3) membership of an incorporated or unincorporated owners' organization (van der Merwe, 2015). In this system, owners own their dwellings, or more precisely, they

own the space that is defined by the inner walls of the dwelling, which may not be connected to the land on which the building stands. The ownership of individual dwellings is connected to the relevant co-ownership shares in the land and common parts of the building (common property), which are jointly owned by all unit owners (Lujanen, 2010). The third element of the condominium model is membership in an owners' organization (called homeowners' association, owners corporation or body corporate, etc.), which is in principle inseparable from unit ownership and is compulsory for all unit owners,

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as it is statutorily required in this form of MOH developments (Johnston & Too, 2015; Easthope et al., 2020). This non-profit organization is responsible for the management of the common property. Housing condominiums are now increasingly proliferating in many parts of the world, particularly in post-socialist European countries (e.g. Mandič, 2010; Lux & Sunega, 2014; Pojani & Baar, 2016; Muczyński, 2022). Accordingly, the management problems of such a form of housing cannot be overlooked, as it has a huge impact on the configuration of the urban environment, people's quality of life, and the sustainable use of housing resources (Johnston & Reid, 2013).

This paper focuses on the structural problem of common property management in the system of statutory housing condominiums in Poland. Like in many other countries, Poland has a special law called the Ownership of Units Act (OUA, 1994), which sets out the legal framework for the management of housing condominiums, including responsible bodies, decision-making rules, and organizational models for common property management. The relevant decision-making body in Polish condominiums is an organization formed by all the unit owners, with the membership of each in this organization being mandatory. This organization – called the Homeowners Association (HOA) – is automatically formed when separate ownership of the first unit in the condominium scheme is established. The Act defines „common property” as the land and those parts of the building that do not serve the exclusive needs of individual owners. In turn, common property management is understood as all tasks and duties related to the administration, operation, and maintenance of the common property (UNECE, 2019). Among the possible organizational models of common property management in housing condominiums in Poland, there are three basic models in which the listed management activities are carried out by (Szczepeńska, 2015): (1) a professional property management entity that simultaneously serves as the

HOA's board (notary entrusted model), (2) directly by the HOA's board (in-house model), or (3) by the HOA's board and a professional entity that manages (administers) the common property (mixed model).

The main aim of the study was to investigate the actual ownership structures of common property management entities (administrators) in public-private housing condominiums in Poland. Public-private housing condominiums (PPHCs) are marked by a hybrid structure of unit owners, meaning that they consist of dwellings owned by both public and private owners, who are also co-owners of the common property. The subject of research in this study was PPHCs in which the functions of public owners of dwellings are performed by municipalities. This means that they were housing condominiums with the participation of municipal ownership. These PPHCs have been created as a result of the ongoing privatization (sale) of social rented municipal dwellings to their occupiers (Muczyński, 2011). Municipalities, while owning a portion of the housing units in such PPHCs, act as public co-owners, i.e. members of HOAs with certain rights and obligations over the common property. This means that they decide collectively with private unit owners on the adoption of a specific common property management model and can influence the choice of a particular property management entity to perform certain activities in this model. Such decisions and choices determine the effectiveness and efficiency of the common property management under consideration. They are presented in the paper on the example of municipalities located in the Warmia and Mazury province.

Following the Introduction, this paper contains four sections. The first section outlines the literature review on the rationale and motives (drivers) for the development of housing condominiums in many parts of the world; the second section induces material and methods used for achieving the aim of the study; the third section presents and discusses obtained results of the empirical research; the fourth section concluded the results and formulates recommendations for future research.

LITERATURE REVIEW

The growing popularity of housing condominiums in recent decades was due both to more general trends in housing policy and real estate markets, as well as to many specific national and local factors. As Gruis et al. (2009) pointed out, the later part of the 20th century marked a turning point in both Eastern and Western European housing policies as well as in other continents. Europe, Australasia, and the USA were characterized by a receding involvement in public housing and general instability within different housing systems in the 1980s and this trend has continued through the 1990s and into the new century (Forrest & Lee, 2003). As part of these changing policies, a significant portion of public housing stock has been sold to tenants (Jones & Murie, 2006). This was particularly evident in post-socialist countries in Europe, where, after the transition to a market economy, new housing systems were introduced, which were distinguished by a significant reduction of the role of central governments, decentralization of housing services, and mass privatization of public housing (e.g. Mandič, 2010; Lux & Sunega, 2014; Dawidowicz et al., 2019; Muczyński & Goraj, 2021). These changes were associated with the shift from the model of an omnipotent state to a minimal state, placing decision-making closest to those affected (Glasze, 2005). In support of condominiums in transition countries, the United Nations has developed a set of guidelines (UNECE, 2003) that paved the way for the spread of this type of multi-owned housing as a standard form of housing ownership (Pojani & Baar, 2016). The new version of these guidelines (UNECE, 2019) expands their scope to include contemporary challenges (e.g. new technologies, changing global weather conditions, increasingly rapid rates of urbanization that require the protection of vulnerable groups, etc.) across the entire UNECE region. In general, regardless of the manner and pace of the privatization of public housing in different parts of the world, it has always been one of the key drivers of housing condominiums.

Other drives of this phenomenon are related to market forces, which result from the motivation of both developers and local governments on the supply side as well as consumers on the demand side (McKenzie, 2003). This type of MOH allows developers to build higher-density developments to maintain profits and keep unit prices at an affordable level despite rising land prices and enables local governments to increase tax revenues with minimal public spending. In addition, enabling the condominium model in residential buildings by dividing them into smaller units reinvigorates local property markets by making the apartments more tradable, consumable, and accessible to a larger market (Dredge & Coiacetto, 2011). In turn, the consumer's motivation to join the condominium results from searching for a privatized utopia with many dwelling buyers, offering a sense of neighborhood control, enhanced security, a homogenous population, and small-scale managerial private government that enforces high standards of property maintenance (McKenzie, 2003). Moreover, the introduction of this housing model was driven by the desire to offer a form of ownership 'equivalent' to that of detached houses and so enable mortgage lending under the same conditions (Lasner, 2012). The lower purchase prices and maintenance costs of condominium dwellings compared to detached houses make this model particularly popular among low-income households, including the young, elderly, and immigrant families (Levin & Arthurson, 2020). However, due to the close proximity of residents in a condominium scheme and the risk of conflicts with neighbors (owners or tenants) who may change regardless of the will of the original unit owners, in some countries (e.g. Australia) this model has traditionally been considered a temporary housing option, more attractive to investors than owner-residents (Yates, 2001). The academic debate also often emphasizes that rapid population growth in cities, mass urbanization combined with limited land availability and affordability, cause increasing political pressure to promote more intensive and sustainable forms of urban development, leading to a higher

density housing and a greater proportion of residential development in the form of condominiums. Housing condominiums are attractive to the government at national and local levels because they are seen as a means to reduce urban sprawl and to enable inner-city regeneration (Blandy et al., 2010) and urban land consolidation (Easthope & Randolph, 2009; McCrea & Walters, 2012; Easthope et al., 2014) using sometimes different infill development scenarios (Puustinen & Viitanen, 2015; Puustinen et al., 2017). The use of the condominium model in medium-density and high-density housing development has also been driven largely by an embedded cultural drive for home ownership (Dredge & Coiacetto, 2011). Ultimately, housing condominiums are an instrument to promote general objectives such as economic growth and political stability (van der Merwe, 2015).

The housing condominium is also understood as a common property resource, collectively managed by co-owners to maintain the quality of the built environment (Vergara et al., 2019). In general, it is widely recognized that the management of this form of MOH development is much more complicated compared to single-owner developments because it consists of both private and public spheres (Yau, 2018). In the private sphere, unit owners have the exclusive right to own and use their dwellings, but in the public sphere, they are co-owners of the common property and jointly share the management rights and responsibilities associated with them. In other words, co-owners making voluntary decisions concerning common property management are legally, economically, and socially interdependent, and these decisions become collective rather than individual decisions.

MATERIALS AND METHODS

The intended investigation of actual ownership structures in public-private housing condominiums (PPHCs) with the participation of municipal ownership was conducted on the sample of the 30 largest urban municipalities located in the Warmia and Mazury province in Poland (Fig. 1). Empirical

data describing the structures of common property management entities in the collections of these condominiums in the sampled municipalities were collected as of the end of 2021 by questionnaire interview method using the public information access technique. In larger municipalities, the standardized questionnaire was addressed to separate organizational units of municipalities responsible for managing the municipal housing stock, while in smaller municipalities the questionnaire was addressed directly to the relevant municipal executive bodies. The questionnaire research combined with direct follow-up interviews was conducted between March and September 2022. Proper identification and analysis of the structures of common property management entities in the PPHCs in question were carried out by grouping the structures found in the surveyed municipalities using hierarchical cluster analysis. The studied municipalities were grouped from the point of view of the adopted clustering criterion related to the percentage of each type of common property management entity in the analyzed structures. The process of grouping municipalities according to the types of common property management structures in PPHCs was conducted with the agglomeration method. A distance function based on the Euclidean distance metric was used as a measure of the similarity of the grouped structures. Due to the variation in cluster sizes, binding rules based on the weighted pair-group method using the centroid average were applied.

The methodology used enabled to separate in the research sample groups (clusters) of municipalities, which are characterized by relatively homogeneous structures of common property management entities in PPHCs with the participation of municipal ownership. This means that the surveyed management structures in municipalities included in one group are as similar as possible to each other, while these structures in municipalities belonging to different groups these structures differ maximally from each other according to the adopted similarity measure. The number of clusters (groups) was determined by analyzing the agglomeration graph. The intersection



Fig 1. Location of the Warmia and Mazury province in Poland and Europe
Source: own preparation.

point of the graph was chosen at the point of its pronounced flattening, where the distance between successive clusters (nodes) increases. Deeper cluster analysis leads to better recognition of the population under study (Grabiński et al., 1989; Muczyński, 2009), including the discovery of hidden dimensions or data structures, as well as finding regularities in data sets and formulating generalizing conclusions.

RESULTS AND DISCUSSION

The investigated ownership structures of common property management entities in public-private housing condominiums (PPHCs) were primarily influenced by ownership changes in the urban

housing stock caused by the long-term privatization of municipal dwellings, which was carried out by the dispersed method (Muczyński & Goraj, 2021). As a result of such privatization, the municipal housing stock (MHS) has been significantly reduced and furthermore fragmented to the point that the majority of municipal dwellings in the surveyed municipalities are now in numerous PPHCs, which raises various ownership and management problems. This phenomenon is reflected in the quantitative characteristics of the housing stock formed as a result of the above privatization (with a shortage of municipal housing investments) in the 5 largest municipalities of the Warmia and Mazury province (Table 1).

Table 1. Quantitative characteristics of housing stock in the largest municipalities of Warmia and Mazury at the end of 2020

Municipality	Total Housing stock		Municipal Housing Stock		Public-Private Housing Condominiums	
	Number of all dwellings	Number of all municipal dwellings	Percentage in all dwellings [%]	Number of municipal dwellings	Percentage in all municipal dwellings [%]	
Olsztyn	80 967	4 017	5.0	2 608	64.9	
Elbląg	47 934	5 097	10.6	3 327	65.3	
Ełk	24 380	1 321	5.4	869	65.8	
Ława	13 565	868	6.4	592	68.2	
Ostróda	13 457	797	5.9	488	61.2	
in total:	180 303	12 100	6.7	7 884	65.2	

Source: own preparation based on data obtained from Central Statistical Office in Poland, Local Data Bank (GUS, 2022).

This table shows that the percentage of municipal dwellings in the total housing stock has fallen in the selected municipalities at the end of 2020 to between 5.0% and 6.4% (with the country average at 5.4%). Only in Elbląg was the percentage of municipal housing almost twice as high (10.6%). This table also reveals that almost two out of three municipal dwellings in these municipalities were located in PPHCs.

The research sample, consisting of the 30 largest urban municipalities in the Warmia and Mazury province, represented 60% of the number of all urban municipalities in the province under study. The surveyed municipalities varied widely both in terms of the total number of residents (from over 170,000 in Olsztyn to less than 5,500 in Orzysz) and the number of public-private housing condominiums with the participation of municipal ownership (from 735 such facilities in Elbląg to just 16 in Lubawa). Quantitative data describing these PPHCs in the surveyed municipalities as of the end of 2021, including the numbers of different types of common property management entities in such condominiums, are summarized in Table 2. This table distinguishes three main structural types of common property management entities in studied PPHCs, such as municipal property management companies (MPMCs), private property management firms (PPMFs), and other entities (in-house management). It should be emphasized that the data presented in Table 2 are raw data obtained directly as a result of the applied data collection procedure by the questionnaire

interview method using the public information access technique. These data, after being checked and verified through direct follow-up interviews, became the basis for cluster analysis.

The detailed results of grouping the surveyed municipalities according to the types (characteristics) of the common property management structures in PPHCs are presented in the tree diagram (Fig. 2), and also visualized on the map (Fig. 3). The conducted cluster analysis identified three major groups of municipalities with relatively homogeneous structures of common property management entities in public-private housing condominiums and two municipalities atypical in this regard. The first group includes 8 municipalities (26.7%), where the common properties in the surveyed PPHCs were managed exclusively (as in Pisz, Lidzbark Warmiński, Orneta, Lidzbark, and Susz) or almost exclusively (as in Ełk, Bartoszyce, and Olsztynek) by municipal property management companies (MPMCs) operating mostly in the form of limited liability companies, which in smaller municipalities often performed multi-branch activities. In other words, they combine the common property management services in PPHCs with the operations of heat supply, water supply, sewage disposal, etc. (as in Lidzbark and Susz).

The second group (cluster) covers 11 municipalities (36.7%) with the dominant share of MPMC in the structure of common property management entities in PPHCs. It combines the subgroup 2A (containing such municipalities as Ostróda, Biskupiec, Kętrzyn,

Table 2. Quantitative characteristics of public-private housing condominiums in the surveyed municipalities at the end of 2021

Municipality	Number of residents	Number of public-private housing condominiums (PPHCs)			
		in total:	including with common property managed by:		
			MPMCs	PPMFs	other entities
Olsztyn	170 622	634	444	188	2
Elbląg	117 952	735	0	734	1
Ełk	61 782	180	170	8	2
Iława	33 111	91	65	21	5
Ostróda	32 547	172	135	32	5
Giżycko	28 803	114	0	113	1
Kętrzyn	26 609	181	155	19	7
Bartoszyce	22 785	92	86	6	0
Szczytno	22 671	123	106	13	4
Mrągowo	21 179	39	26	9	4
Działdowo	21 014	55	48	7	0
Pisz	18 890	87	87	0	0
Braniewo	16 907	137	0	137	0
Olecko	16 241	114	50	57	7
Lidzbark Warmiński	15 420	137	137	0	0
Goldap	13 571	73	51	16	6
Nidzica	13 439	38	0	38	0
Morąg	13 325	70	51	7	12
Pasłęk	12 085	97	0	83	14
Węgorzewo	11 155	51	0	46	5
Nowe Miasto Lubawskie	10 657	25	22	3	0
Biskupiec	10 576	84	66	15	3
Lubawa	10 369	16	0	16	0
Dobre Miasto	9 943	53	3	50	0
Orneta	8 598	112	112	0	0
Lidzbark	7 596	18	18	0	0
Barczewo	7 478	69	0	52	17
Olsztynek	7 474	44	41	3	0
Susz	5 490	57	57	0	0
Orzysz	5 473	62	0	62	0
intotal:	773 762	3 760	1 930	1 735	95

Source: own preparation.

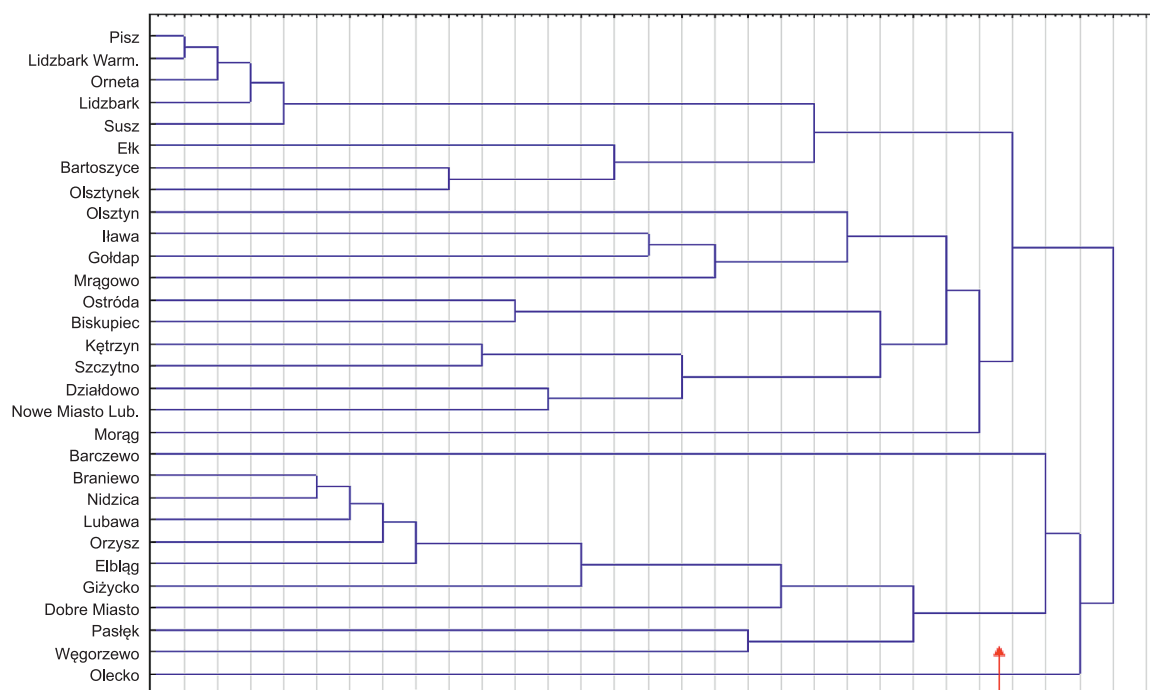


Fig. 2. Tree diagram of grouping the sampled municipalities in the Warmia and Mazury province in Poland
Source: own preparation.

Szczytno, Działdowo, and Nowe Miasto Lubawskie), in which the share of MPMCs ranged from 78.6% to 88.0% with the subgroup 2B (containing such municipalities as Olsztyn, Iława, Gołdap, and Mrągowo), in which the MPMCs' share dropped to about 70%. The share of private property management firms (PPMFs) in the surveyed structure varied in this group from 10.0% to 18.6% (subgroup 2A) and from 21.9% to 29.7% (subgroup 2B). The third group includes 9 municipalities (30.0%) in which the PPMFs were either exclusive (as in Braniewo, Nidzica, Lubawa, Orzysz, Elbląg and Giżycko) or dominant (as in Dobre Miasto, Pasłęk, and Węgorzewo) entities in the considered structure of common property managers. In this group, it was also observed that the dominant private entity (PPMF) combined the discussed property management services in PPHCs with other services, such as road maintenance of public roads, garbage collection, heat supply, or cemetery management (such as in Dobre Miasto). Atypical municipalities were Barczewo and Olecko. The former was marked by a lack of MPMCs and a high share

of in-house management in the surveyed structure and the latter by a balanced proportion of private and other management entities in that structure.

The conducted research showed that the studied ownership structures of common property management entities in PPHCs differed significantly in the separated groups of municipalities, especially between the first two groups and the third group. Indeed, the first two homogeneous groups were dominated by municipal property management companies (MPMCs), while the third group was dominated by private property management firms (PPMFs). Overall, MPMCs prevailed in the management structure of the surveyed condominiums in 19 municipalities, accounting for 63.3% of the number of all surveyed territorial units. In 6 municipalities around Olsztyn (such as Iława, Kętrzyn, Szczytno Mrągowo, Orneta, and Olsztynek) and atypical Olecko, the entities responsible for the common property management in PPHCs were special municipal companies (called TBS), which were primarily responsible for providing social housing with moderate rents. Full privatization

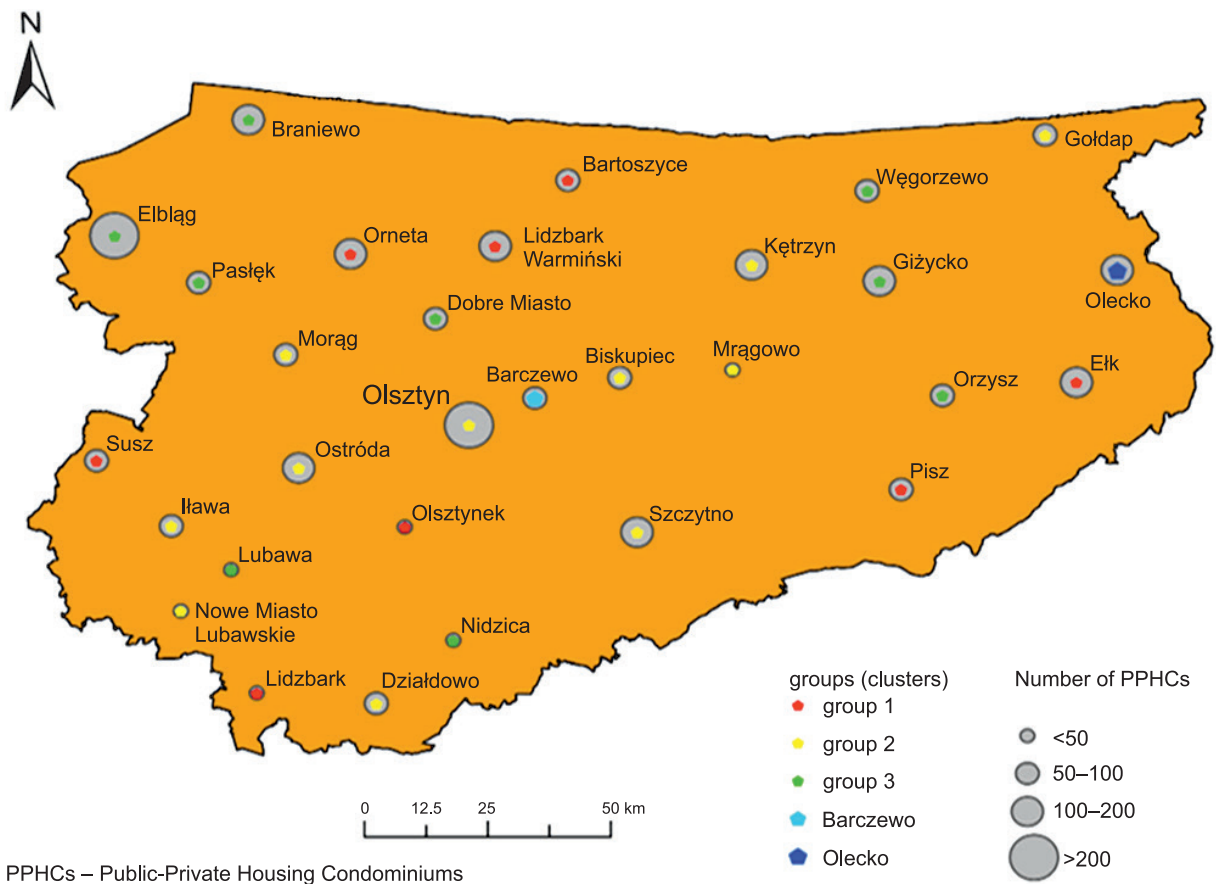


Fig. 3. Visualization of grouping the sampled municipalities in the Warmia and Mazury province in Poland
Source: own preparation.

of the common property management in PPHCs was introduced in only 6 municipalities, accounting for 20.0% of the total number of sampled municipalities. In addition, a relatively low popularity of in-house management in the surveyed housing condominiums was found, as its share in the structure of common property management entities exceeded 10% in only 4 municipalities (such as Mrągowo, Morąg, Pasłęk, and Barczewo).

CONCLUSIONS

The progressive privatization of municipal housing stock, as part of the overall transformation of Poland’s housing system, has led to the creation of public-private housing condominiums. One of the

significant problems associated with this form of housing ownership is the selection of an appropriate entity to manage the common property. The main aim of the study was to investigate the ownership structures of common property management entities in PPHCs located in municipalities of the Warmia and Mazury province in Poland. The results showed that in the studied municipalities, these structures in PPHCs with the participation of municipal ownership varied in nature. Most of them were marked by the exclusive or dominant share of municipal entities (MPMCs) operating as limited liability companies. This means, on the one hand, that in most municipalities, local governments continued to retain (prefer) their own entities to manage common property in PPHCs under study. This situation persisted despite the existing

controversy over the legality (Bończak-Kucharczyk, 2003; Tertelis, 2009) of common property management in this type of housing condominiums by MPMCs and the widely acknowledged lower efficiency and effectiveness of municipal (public) property managers compared to private (PPMFs) ones (Majchrzak, 2005; Nalepka, 2005; Muczyński, 2022). On the other hand, this situation showed that there is still a relatively high level of interest among private unit owners in PPHCs to outsource common property management activities in such housing condominiums to MPMCs.

The study found that the ownership structures of common property management entities in PPHCs were determined by the autonomous policy of municipal authorities regarding the creation and upkeep of municipal companies to perform tasks arising from this management, even though these tasks are not part of municipalities' own responsibilities. The formation of such structures was also influenced by the situation in local housing markets, including the availability, credibility, and efficiency of PPMFs. The PPHCs have been in a long-term transitional phase, in which ownership of individual dwellings is gradually being transferred from the municipality as the original owner to their tenants. Accordingly, the common property management structures are far from being stable, as they are undergoing gradual evolution triggered by changes in the local market conditions of this management, including changes in the number and characteristics of PPHCs resulting from the privatization of MHS. Therefore, based on the results obtained, it is difficult to unambiguously indicate in many municipalities the future direction and ultimate effect of the evolution of the studied common property management structures.

Finally, it should be concluded that the research at this stage has not revealed clear dependencies between the identified types of common property management structures and the number of residents or PPHCs in the analyzed municipalities, as well as the geographic location of these municipalities in the province. Therefore, a more in-depth recognition of internal and external factors influencing the considered common property management structures is recommended as a direction for further research.

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