

Dominik Miedziak – Tasks of the commune in the scope of satisfying housing needs local community

PhD thesis is referring to commune's house policy, particularly commune's tasks in satisfying inhabitants needs in that field.

The doctoral dissertation is divided into eight chapters.

The first chapter is concerning need issues at all. The chapter is mainly based on the monograph of prof. Wacinkiewicz. This chapter points to social and economic needs of inhabitants, and shows differ definitions of human needs over the years.

Second chapter is also based mainly on monograph of a one author, although is it there many references to constitutional commentaries. The chapter deals with a problem, whether right to habitation is a subjective right or only legal principle? The chapter describes also constitutional regulations about protection of property right, especially in case of protection commune property right. In this chapter author is concerning, which right is more important – commune right to protection property right or inhabitant right to flat. In summary author states that right to protection property is as important as inhabitant right to apartment. Moreover, communes should have real instruments to protect its property right, particularly real estate property right.

Third chapter covers considerations about municipal economy of the commune and supervising the commune. In the chapter there are listed five principles of municipal economy and types of supervision measures. The author takes account into, that commune has to have effective measures to protect its rights. Possession of that measures guarantee effective performance commune's tasks. The author shows that the protection of the commune rights is related to effective performance commune's tasks.

Fourth chapter describes legal forms of satisfying housing needs, which are using in Poland and Europe. Among these forms are: social housing societies, social letting agency and housing stock of the commune. The author deals with also another perspective form of satisfying housing needs of inhabitants – social contract signed between social worker and recipient of social help. It must be taken into account, last form is only proposition, not applying at the moment.

Fifth chapter deals with the tasks of the commune in the field of satisfying housing needs of inhabitants. In the chapter are mentioned such issues like a lease contract of apartment, terms of contract (including rental rate) and conditions of termination of lease contract.

Sixth chapter is related to other obligations of the commune concerning satisfying housing needs, among other things enacting long-term housings management programs for the commune. Additionally author describes matters of commune's obligations concerning building law.

Seventh chapter says about issues related to practical applying bill of protecting tenants' rights, housing stock of the commune and changing the Civil Code. The author shows, that several issues should be amended, like unauthorized occupation of housing and right to social housing, notice of termination of the contract for the paid use of premises (and related with it issue of non-inhabitation for above twelve months), lack of penal regulations in bill of protecting tenants' rights and at last no sending back in the scope not regulated to the Civil Code. The author proposes a few solutions in hereinabove issues.

The last chapter describes briefly matters about housing allowance, particularly how to get it, suspend and lose of allowance.

In summary the author states that bill of protecting tenants' rights should be amended. Furthermore, the main thesis of the doctoral dissertation was proved – housing needs of inhabitants are not satisfied.