

УДК 332.82

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INTERNATIONAL EXPERIENCE IN HOUSING AND COMMUNITY AMENITIES IN LARGE CITIES AND AGGLOMERATIONS: ECONOMIC, LEGAL AND LABOR ASPECTS

Keywords: housing and community amenities, management, international experience, professional and labor aspects, qualification, professional managers in real estate.

The article covers international experience in housing and community amenities in large cities and agglomerations based on increasing the level of managers in the field. The conditions deteriorating housing and community amenities sphere in Ukraine and the ways of overcoming the crisis were analyzed using the European experience. The conclusion is that there is a need to improve the system of housing and community amenities in large cities and agglomerations using international experience and the need to increase qualifications of professional managers in real estate and requirements for licensing managers.

Introduction. The lack of systemic reforms in the housing of large cities is an imperfection of regulating management in this sector. The Soviet model of Housing, based on the principles of command-planned economy proved its complete ineffectiveness in a democratic society and market economy. Moreover, preservation and application of old principles and methods of maintenance of housing and communal economy in new conditions led to a rapid deterioration of the country's housing and quality of housing services. This caused an increase of social tension — as outlined above due to the constant rise in prices for housing and communal services, opacity calculation of tariffs and charges for services. Attempts to reform the bases of housing and communal services of Ukraine continue for more than 20 years, but there are no real positive results of these reforms.

Analysis of recent research and publications. Operation and development of housing sphere was analyzed in the scientific works of M.D. Andriychuk, I.V. Zablodska, I.N. Salukvadze, V.I. Kravchenko V.V. Palyvoda, V.A. Polyachenko, M.N. Lebedev, V.A. Rudenko. However, these studies highlighted issues related to reforming housing and communal cities of Ukraine in general, vocational and labor aspects of this sector considered insufficient, little attention paid to the implementation of management practices in housing and communal services of professional real estate management.

The article is rationale for improving the management system of housing and utilities in large cities and agglomerations implementing the international experience in improving the professional skills of managers in real estate as well increasing requirements for licensing managers.

The results of the research. The experience of Central Europe shows that the most effective way to overcome the crisis in housing in big cities is to

attract owners of commercial finance institutions (bank loans) in combination with the state program support.

However, today in Ukraine effective reform program has not been created, there is no sufficient legal basis for the modernization of the housing and communal services. The main reasons of this situation are:

- outdated system maintenance and managing multi-housing. 95 % of the apartments are privately owned, the owners of flats are co-owners of common property in multi-flat building, however, the maintenance and management of the home owners are not transferred and remains in utilities creating condominiums cannot always solve the problem;

- the lack of an effective mechanism for decision-making in common property in multi flat building, where no representative organization established owners (condominiums or housing cooperative). The general rule of absolute consent of co-owners for making any decision that required by law is inefficient and makes it difficult to ensure proper maintenance and management of buildings;

- the inability to get a loan condominium. The current legal form Condominiums makes it difficult to assess this association as a prospective borrower, and in homes where no association created non-existent opportunity to attract borrowed funds;

- reliance on condominium associations the main burden of housing management has not justified, because the actual condominium associations designed not so much to manage, how to control the management;

- lack of an effective mechanism of state support for reforms. [1]

The lack of adequate and clear resolution of several important relationship in the apartment building does not allow to effectively solve the urgent problems of urban housing, much of which the Ukrainian residential sector is chaotic. There is no comprehensive and systematic way — the key to stable relationship and residential housing development. The result was the consequence of inefficient reforming of housing management.

In the context of modernizing the organizational and analytical support services in housing in Ukraine noteworthy is the European experience in housing management major cities.

For example, Poland, which since independence has chosen uniquely European way of development, based on democratic values and free market

economy benefited from the experience of Germany and France to reform the housing and communal services.

In Poland, the first stage of reforms in housing (1989-1995) included administrative and legal changes, including the adoption of a number of relevant laws on the privatization of housing, administrative changes in the management of housing, reforming the housing and utilities. So, is the Law «On the role of local authorities in the management and privatization of housing stock», «On Local Government» (1990); «On the Protection of Rights Renter public housing» and amendments to the Civil Code (1994). It was restored ownership of the former owners of dwellings (apartments, private homes), conducted mass privatization of state and municipal housing. Privatization held in Ukraine for the similar scenario took place although not entirely free but determined amount proved feasible for almost all co-owners. But over time, Poland has recognized flaws and shortcomings in this mass privatization. In particular, it was recognized that the implementation of the privatization fee or at greatly reduced prices was justified because some residents could pay large sums for the opportunity to get the property once given free housing the state because local budgets rid significant source of income. In addition, rates for rent for a long time were too low, creating additional difficulties for co-owners in the maintenance of joint property buildings [2].

An interesting finding of the Polish privatization, according to experts, is «unjustified privatization of dwellings in which people live on low incomes». This is because such a person could not par with other owners to pay fees for maintenance of the building, created housing associations, whereas if their apartment still remained in municipal ownership, this burden could take over local governments.

Since the mid 1990 the second stage of reforms took place, which included issues of effective housing management. It was then faced with the problem most acute management of common property apartment building utilities management inefficiencies and complexity for most housing associations organize effective management and maintenance of their home. During the 1994-1997 biennium adopted the law «On ownership of space», «On real estate management», which was implemented by the Institute residential property managers and defined the basic requirements for their qualifications.

Thus, the Law «On Property on the Premises» identified the legal regulation establishing ownership of the premises and introducing new forms of management for residential real estate. Law for determine binding brownies creation of local communities who have to manage themselves in their homes, including care for reducing the cost of consumption of utilities and maintenance of their common property. This law, among other things, also founded that the costs of managing property (e.g. renting commercial premises) is part of privately owned housing company and designed exclusively for the maintenance of the property, partially removed to participate in the management of buildings, created the conditions for privatization of public funds as a result of increased efficiency of management. For a short time after the adoption of this law in Poland was formed over 80 000 housing societies, and in 2005 the number of residential communities already exceeded 110 000 and is still growing. Today in Poland there are several million people who are the owners of privatized apartments, and including their family members, this number increases by 2-3 times. This means that the ownership has become a representative of the scale of the entire housing stock in Poland. More than 15 years of this law in practice proved its effectiveness and efficiency. Other important provision of the law «On Property in the Room» was the position that the activities on education and public awareness should implement the Ministry of Construction, which developed the law. These educational activities should take place primarily through the distribution of educational materials on the management of an apartment building, on the principles, methods, tools such management. Implementation of this idea, however, did not happen for several reasons, including the failure to call the main ministries to organize such courses, measures to inform a large number of participants. The result is a lot of initiatives «from below», particularly in 1996 founded the association «Housing Company» which operates to this day, becoming an important subject among housing associations and professional managers.

The third and final stage of actual reform was the introduction of certain provisions to the law «On the Real Estate Management» which obligates managers to pass the mandatory certification and significantly toughen requirements to their qualifications. This aspect of the comprehensive reform of housing and communal reform in Po-

land covered management and maintenance of residential and nonresidential property of the country's transition to market principles of management, the establishment of its new organizational forms [3, p. 25].

First reform on housing and communal services in Poland that affected utilities started simultaneously with the program of privatization of housing in the 1990. It was determined that the public utility company is a subject to liquidation and reorganization based on new organizational forms of management companies in accordance with the requirements of market economy. An important factor that also contributed to transition of operations in housing and utilities sector was a significant decrease in granting funds for public service enterprises that were forced to move to self-financing. Rates were released that finally started to show its real value and the real cost of housing maintenance.

Since 1990 the former public utility companies have started to manage the municipal property. However, the quality and standards of services that provide communal housing enterprises often do not meet the requirements of consumers. The law was adopted that says that housing management can be performed by commercial companies not only municipal institutions. This gave an impulse to the development of housing management started with private management companies in the polish market which came to foreign management companies; utilities began to feel competition from private companies and therefore had to adapt to market requirements on money management services [3].

Over the three-year transition period (1994-1997's.), communal service enterprises received «protection» period, during which they had to reform their structure management companies, with the state guaranteeing them during these three years past in conservation management facilities. Ownership of such a company could remain communal. These measures helped to develop the Polish market property management, and to avoid social tension in society and without shocks reforming housing and communal services in Poland. Also, the ministry obliges to develop educational programs and create all the conditions to become the new manager of a licensed profession.

Full transition of operations in housing market in Poland took place after 1997. The major innovation in the field of housing and communal services

was the introduction of the Law «On the Real Estate Management». This law was adopted in 1997 and became the most important legal instrument in this area [1]. It regulates the legal aspects of property management, introduces the concept of professional real estate manager, establishes minimum of qualification requirements, the requirements for the licensing managers etc.

From 1997 to 2000 the law «On Property Management» provided a three-year transition period after which became effective provisions on the concept of a real estate manager, including compulsory licensing, creating certified managers database, substantially higher requirements for education. The law defines a property management as professional activity performed on the basis of stewards by law. This property management is about making decisions and performing actions that should ensure adequate economic and financial management, and security use and correct operation of real estate, including the current property management and actions aimed at keeping property in a condition not worse than the original according to its purpose, as well as a reasonable investment in this property. The law stipulates real estate management as professional activity — subject to licensing. A manager can be a person only with appropriate professional license given by special authorities. To obtain a license in property management for carrying out professional activities in real estate field several legal conditions have to be met. The main is the diploma of higher education and postgraduate studies and passing six-month practice exam. The law specifies that the license is granted only to individuals who have completed all the specified requirements. Entrepreneurs (legal entities) may engage in activities in the field of property management, if the work in this area will be carried out directly by managers in real estate (as individuals) with appropriate licenses. After successfully completing all phases the manager receives a license number, which is entered in the central registry. Property management in Poland without a license from 2005 threatens criminal liability. Since the introduction of a central register of property managers person acquires the right to engage in professional activities, and to take the title of «estate manager». Professional title of «estate manager» is protected by law.

Management of residential real estate involves the regulation of relations between the owner

and property manager. According to the Law «On the Real Estate Management» management is an activity which is carried out by third parties. In Poland the manager signs a contract with the housing association, which clearly defines all the rights, obligations and conditions that have to be met. There is No. need in signing an individual contract with each apartment owner in the building. A real estate management company is often responsible for the whole building and income that it provides. Any investment can be made only with the consent of the owner. Steward property must be insured against losses, which may be caused by professional activities. Person (Housing Society), in favor of which the property management in the event of loss related to this activity may bring proceedings for their compensation from insurance.

Consequently, Poland has carried out the complex of reforms in housing by 2000 by adopting laws and amendments in this area.

Attempts to solve such problems in Ukraine lasted much longer. In particular, in 1992 the Law «On Privatization of Public Housing» was adopted [4], in 2001 — the Law «On the Unification of Condominiums» [5], which could not be a catalyst for positive change in housing, including the transfer of responsibility from the management of buildings to their owners. The same applies to the Law of Ukraine «On Housing Services» [6] and a number of other regulations, including the draft of «Housing Code» in Ukraine [7]. Neither in the draft nor in the Law «On Privatization of Public Housing», «On Housing Services», «On Associations of Condominiums» legislators took into account the interests of owners, while trying to keep up the rights and duties on building local government and creating favorable conditions for existing housing offices and other utilities. If the house is not set up condominium associations or No. housing cooperative, such a building actually remains the owner. Housing offices and local authorities in these homes are not formally freely disposed of their property rights. Obviously, until the legal status of the land under and around the house is not defined, there will be no clear mechanism for collective decisions in the building, there will be no foundation for reforms to attract investment companies.

Thus, currently the main problems of the country multifamily housing are:

- privatization of apartments (living space) in the house took place without reference to the

joint ownership of the house. Today the relations in the building are regulated on the basis of the joint home ownership, including rights and obligations of the owner of the apartment, responsibility of the owner to maintain joint ownership, the mechanism of setting and so on. Accordingly, the property is still on the balance of local governments;

- land under and around the building was not associated with ownership of the apartment. This has led to the problem of determining the origin of local area;

- no reasonable principles of choice of forms of government buildings. There is no mechanism to resolve the problem of choosing home owners form of government, which is elected by the owners (if no association or condominium). It also could be considered a lack of effective decision-making mechanisms owners (one hundred percent agreement of all owners, according to the Civil Code);

- no profile act to regulate the institution of property in an apartment house. This problem, as well as housing issues, indirectly regulated by not peculiar legislation — Law of Ukraine «On housing services» and «On Associations of condominiums». Thus, the Law of Ukraine «On the unification of condominiums» only rather solve the problem of building management, which created condominium associations, outlines owners choose the method of management. Even on these aspects to this law is seriously claimed by experts. Today, any legal act is not resolved the basic problem mutual ownership in the house, the distribution of obligations to its contents, no effective and transparent mechanisms for the election of the owners home control method.

Systematic analysis of housing in large cities and agglomerations in Ukraine showed that deterioration and neglect can be explained by a reduction in construction from the period of 1985 and their growth only in 2010. It should be noted that there is no state or individual developer to dominate the market of housing in Ukraine (in 2010, with 9 million 939 thousand sq. m. of commissioned housing accounted for 66 % of the share of individual developers). In addition, the share of housing built with public funds since 2000, averaged 1.6 % of the total housing, and in 2010 dropped to 0.3 % [8].

The analysis of housing agglomerations found that the majority of it is in disrepair or outdated and in need of repair. But at the state level has not

conducted analytical studies on what is more profitable to carry out major repairs of buildings (first built during the reign of Khrushchev) or build a new home, while the old bear, freeing up space for new construction. About 40 % of housing Ukraine is represented by multi-apartment buildings, home to 47 % of the population. 80% of multi-family housing needs full or partial modernization and a significant increase in energy efficiency. In these activities, according to experts, you need 15 to 50 billion US dollars. In addition, the volume of housing per capita in Ukraine is lower than the European indices and social standard of Organizations of the United Nations, according to which one citizen has to have at least 30 square meters of living space. Almost 7153 (42 %) of Ukrainian households are equipped with living area, less than 13.65 square meters per person is below the standard required by the Housing Code of Ukraine.

Enough is regulated housing in large cities due to the so-called «investment funds» and other forms of housing loans, where citizens self-financing or co-financing has not yet built housing. Exposure of citizens in legislation, in particular the lack of guarantees of security of their deposits from the state led to the fact that many families lost their contributions housing investment due to bankruptcy and disappearance of these companies. As a result, citizens have lost confidence in these construction companies and investment funds regarding the so-called «social housing», the provision of state housing vulnerable populations, this program in Ukraine exists only on paper. Missing as a means for social housing and its functioning has become a model that could be implemented in practice.

The above determines the need to modernize the organizational and analytical support service housing, by which we mean a system of organizations providing services for housing maintenance, the relationship between them and the local authorities, the formation of complex accounting and analytical information about their activities, the use of which is able to promptly identify and eliminate weaknesses in this area.

Summary. There are three aspects that characterize reforming of housing management in the post-socialist countries:

- privatization of housing, which started in the early nineties. Although privatization — a characteristic phenomenon reforms in all post-Soviet

and post-socialist countries, but the actual post-socialist states were able to carry out this reform at the highest legal level — clearly stipulates that it is privatized residents: not only the area bounded by the walls of the apartment, but all other common property building as integral property complex.

- formation of housing associations as a collective body building management was the next important stage of reform. In Poland it was enshrined in law as a mandatory moment in the privatization of more than half of the apartments in the building. The owner faced with problems of quality control, the need to undertake execution of non-core functions (in fact, the head of such societies become stewards of the house and taught a new skill), and lack of market professional management, not to mention the lack of healthy competition in this market.

- creation to address housing associations and local authorities, requiring professional market management, legislative preconditions for the emergence and development of the private professional management and ensure healthy competition in the market. Public service enterprises received certain benefits provided by the state and the time required for its own reorganization and reduction of its activities in compliance with the laws and requirements of the market; also new private management companies were created to work on market principles. As housing companies, local authorities are able to choose for themselves the best option among a sufficient number of companies and thus exercise effective cost control and investment in their property.

In general, in the world there are several models of organization and management of housing and communal services. The German model is based on the fact that there is a system of independent municipal enterprises practically providing utility services. This model is common in the Nordic countries. Second is French model, based on public-private partnerships. This concession is a form of public-private partnership between municipalities (communes) and private companies that provide these services.

It is implemented in the countries that joined the European Union, such as Poland and Romania. The third model is English, where the sphere of housing and communal services belongs to private firms. This model is common in the USA. Efficient operations in Housing, in particular housing services require the development and imple-

mentation of effective sectoral and local programs of modernization of housing and communal services. Particular attention should be paid to investment programs and programs of international cooperation, including international financial institutions. The study of these problems will be a promising field of scientific research in the area of modernization management service housing.

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Надійшла 24.05.2017

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**ЗАРУБЕЖНЫЙ ДОСВИД
УПРАВЛІННЯ ЖИТЛОВО-КОМУНАЛЬНИМ
ГОСПОДАРСТВОМ ВЕЛИКИХ МІСТ
ТА АГЛОМЕРАЦІЙ: ЕКОНОМІКО-ПРАВОВІ
ТА ПРОФЕСІЙНО-ТРУДОВІ АСПЕКТИ**

Досліджено зарубіжний досвід управління житлово-комунальним господарством великих міст та агломерацій на основі підвищення рівня професійно-трудової діяльності управителів у даній сфері. Проаналізовано умови погіршення стану житлово-комунального господарства міст України та запропоновано шляхи подолання кризових явищ у ньому з урахуванням європейського досвіду. Зроблено висновок щодо необхідності удосконалення

системи управління житлово-комунальним господарством великих міст та агломерацій на основі використання зарубіжного досвіду підвищення рівня кваліфікацій професійних управителів нерухомим майном та підвищення вимог до ліцензування діяльності управителів у сфері житлово-комунального господарства міста.

Ключові слова: житлово-комунальне господарство, управління, зарубіжний досвід, професійні та трудові аспекти, кваліфікація, професійні управителі нерухомим майном.

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**ЗАРУБЕЖНЫЙ ОПЫТ УПРАВЛЕНИЯ
ЖИЛИЩНО-КОММУНАЛЬНЫМ ХОЗЯЙСТВОМ
БОЛЬШИХ ГОРОДОВ И АГЛОМЕРАЦИЙ:
ЭКОНОМИКО-ПРАВОВЫЕ
И ПРОФЕССИОНАЛЬНО-ТРУДОВЫЕ АСПЕКТЫ**

Исследован зарубежный опыт управления жилищно-коммунальным хозяйством крупных городов и агломераций на основе повышения уровня профессионально-трудовой деятельности управляющих в данной сфере. Проанализированы условия ухудшения состояния жилищно-коммунального хозяйства городов Украины и предложены пути преодоления кризисных явлений в нем с учетом европейского опыта. Сделан вывод о необходимости совершенствования системы управления жилищно-коммунальным хозяйством крупных городов и агломераций на основе использования зарубежного опыта повышения уровня квалификации профессиональных управляющих недвижимым имуществом и повышения требований к лицензированию деятельности управляющих в сфере жилищно-коммунального хозяйства города.

Ключевые слова: жилищно-коммунальное хозяйство, управление, зарубежный опыт, профессиональные и трудовые аспекты, квалификация, профессиональные управляющие недвижимым имуществом.