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The Place and Role of the Municipality in Shaping the Local Housing Policy, with Particular Emphasis on Elderly People

Miejsce i rola gminy w kształtowaniu lokalnej polityki mieszkaniowej, ze szczególnym uwzględnieniem osób starszych

ABSTRACT

Housing policy is one of the most significant challenges for local government in Poland. According to the Act of 21 June 2001 on the protection of tenants' rights, municipal housing stock and on the amendment of the Civil Code, one of the tasks of the municipality (Pol. *gmina*) is to establish conditions for satisfying the housing needs of the local community. The implementation of the housing support instruments that take into account the specific needs of elderly people should be the primary objective of housing policy in the local government in Poland. The main objective of this study is a legal analysis of the applicable normative regulations on the conduct by public authorities of policies aimed at meeting the housing needs of citizens, with particular emphasis on the needs of elderly people. The subject of the analysis is also to examine the proposed legislative solutions in Poland, aiming to support, using municipal housing stock, elderly people with the ownership right to a dwelling and living in a building not equipped with a lift on the fourth above-ground level or higher.

Keywords: housing policy; local government; seniors' rental housing scheme; Constitution of the Republic of Poland

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INTRODUCTION

Housing policy is one of the key sectoral policies of the state, aimed at meeting people's housing needs, implemented both by public authorities – bodies of central-government administration and local government units – and the private sector.[1] The implementation of the main objective of housing policy in Poland is particularly important in the context of the growing ageing of the population, with an increasing number of citizens requiring housing solutions tailored to their needs.[2] According to the Statistics Poland data,[3] the population of people aged 60 and over in Poland in 2023 was almost 9.9 million, accounting for 26.3% of the total population. According to the Statistics Poland forecasts, in 2060, 11.9 million elderly people will live in Poland, accounting for 38.3% of the total population.[4] The growing number of elderly people, defined as those aged 60 and over, in accordance with the Act of 11 September 2015 on elderly people,[5] requires long-term measures to be taken as part of state policy on housing adapted to their needs.

One of the challenges faced by the state – in this context, central government bodies and the local government – is the fulfilment of the obligation to conduct housing policy that supports meeting the housing needs of citizens, as expressed in the programmatic norm in Article 75 of the Polish Constitution.[6] An important role in implementing this policy, through providing conditions to meet the housing needs of the community, is played by the municipality as the basic unit of local government.[7] The progressive process of population ageing requires public authorities to apply housing support instruments that take into account the specific needs of elderly people.

MATERIALS AND METHODS

The main objective of the study is a legal analysis of the applicable normative regulations on the conduct by public authorities of policies aimed at meeting the housing needs of citizens, with particular emphasis on the needs of elderly peo-

[1] P. Lis, *Polityka mieszkaniowa dla Polski. Dlaczego potrzeba więcej mieszkań na wynajem i czy powinno je budować państwo?*, Warszawa 2019, p. 3.

[2] L. Groeger, *Senior Housing Policy in Poland: Determinants and Desiderata*, "European Spatial Research and Policy" 2024, vol. 31(2), p. 209.

[3] Statistics Poland, *The Situation of Older People in Poland in 2023*, Warsaw–Białystok 2024, p. 14.

[4] *Ibidem*, p. 25.

[5] Journal of Laws 2015, no. 1705.

[6] Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws 1997, no. 78, item 483, as amended).

[7] D. Tyrawa, *Zaspokajanie potrzeb mieszkaniowych jako cel gminnych programów mieszkaniowych*, "Prawo i Więź" 2023, no. 4, p. 676.

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ple. The main objective is the starting point for defining the following research questions: What is the role and place of the municipality as the basic unit of local government in shaping local housing policy aimed at meeting the housing needs of the community, including elderly people? What other housing support instruments does the municipality offer as part of its social policy? What housing support instruments are the subject of legislative work carried out by public authorities?

This legal analysis is prompted by the legislative work, taken up at the central government level, concerning the introduction of a new manner of housing support in the form of seniors' rental housing scheme (Pol. *najem senioralny*).[8] In the study, the author analyses the proposed legislative solutions aiming to support, with the use of municipal housing stock, elderly people with the ownership right to a dwelling and living in a building not equipped with a lift, on the fourth above-ground level or higher. It is a challenge for public authorities to develop legal regulations in the field of housing policy, which, taking into account the ownership structure of residential premises in Poland, would create housing support instruments for people with special housing needs. Eurostat data indicate that in 2018, over 80% of Polish residents at the age of 65 and over, who live independently, had the right to own a dwelling or a single-family building.[9] On the other hand, research conducted by the Housing Europe Observatory indicates that in 2016 in Poland only 5.8% of people aged 65 and over lived in premises within the municipal housing stock or social housing, i.e. social rental, housing rental in the municipal stock, or rental as part of social housing.[10]

The leading research method adopted in the study is the legal-dogmatic method, which is used to analyse normative acts currently in force in the Polish legal system in the field of shaping the principles of housing policy intended to meet the housing needs of the local community. The research technique of analysis of the literature of reference was also used. The author, using the technique of direct participatory observation,[11] analysed and attempted to assess the proposed legislative solutions in the field of seniors' rental housing scheme.

[8] On 12 September 2025, the Governmental Legislative Process began, regarding the draft Act amending the Act on the protection of tenants' rights, municipal housing stock and amendment to the Civil Code. See Rządowe Centrum Legislacji, Projekt ustawy o zmianie ustawy o ochronie praw lokatorów, mieszkaniowym zasobie gminy i o zmianie Kodeksu cywilnego, https://legislacja.rcl.gov.pl/projekt/12402053/katalog/13155825#13155825 (access: 17.9.2025).

[9] Eurostat, *Ageing Europe – Statistics on Housing and Living Conditions*, 15.11.2023, https://ec.europa.eu/eurostat/statistics-explained/SEPDF/cache/80394.pdf (access: 29.9.2025).

[10] Housing Europe Observatory, *Ageing Well at Home*, https://www.housingeurope.eu/wp-content/uploads/2024/11/Ageing%20well%20at%20home.pdf (access: 29.9.2025).

[11] The author participated as a representative of a local government unit in the pre-consultation process regarding the proposed legislative changes in the field of seniors' rental housing scheme.

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RESEARCH AND RESULTS

1. Responsibilities of the municipality in housing policy

Article 75 of the Polish Constitution stipulates that public authorities shall pursue a policy aimed at meeting the housing needs of citizens, in particular by supporting the development of social housing. As stated earlier herein, this provision is a programmatic norm setting out the objectives of the activities of public authorities in the field of housing and does not define the right to housing as a vested right.[12] The case law shows that this provision co-creates the content of statutory norms, setting the direction for their interpretation, taking into account the function and purpose of the general right to housing.[13] Based on this provision, it should be pointed out that the public authorities have obtained a broad legislative freedom in the field of shaping policies aimed at meeting housing needs. The analysis of the applicable normative acts allows us to conclude that municipalities play a special role in shaping housing policy at the local level.

The municipality, as the basic unit of local government, within the municipality's own tasks specified in Article 7 (1) of the Municipal Self-Government Act,[14] meets the collective needs of the local community through municipal housing programmes. The municipality has been equipped with a significant part of the public authority tasks in the field of housing.[15] The role of the municipality in this area is also underlined by the Act of 21 June 2001 on the protection of tenants' rights, municipal housing stock and on the amendment of the Civil Code,[16] which in Article 4 provides that establishing conditions for satisfying housing needs of the local community is one of the municipality's own tasks. The structure of the legal provision towards extending it in relation to the Municipal Self-Government Act adopts municipality's own tasks in the field of housing, stating that the own tasks of the municipality include not only municipal housing, but also establishing conditions for meeting the housing needs of the municipality. This should be understood not only as the creation and management of the municipal housing stock, but also as the supporting by the municipality of other forms of satisfying housing needs,

[12] M. Florczak-Wątor, *Komentarz do art. 75*, [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, ed. P. Tuleja, Warszawa 2023.

[13] Judgment of the Supreme Court of 8 September 2020, V CSK 532/18.

[14] Act of 8 March 1990 on municipal self-government (Journal of Laws 1990, no. 16, item 95, as amended).

[15] H. Izdebski, *Konstytucyjny obowiązek władz publicznych prowadzenia polityki sprzyjającej zaspokojeniu potrzeb mieszkaniowych obywateli – miejsce i rola gminy*, "Samorząd Terytorialny" 2022, no. 7–8, p. 172.

[16] Journal of Laws 2001, no. 71, item 733, as amended, hereinafter: the Protection of Tenants' Rights Act.

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including those specified in the Act of 26 October 1995 on social forms of housing development,[17] such as social housing initiatives and social housing associations responsible for providing available residential premises for rent, and social tenancy agencies offering forms of intermediation in social tenancy on preferential terms.

However, it is necessary to highlight the basic task of the municipality related to establishing conditions for satisfying the housing needs of the municipality. The legislature has obliged the municipality to provide social housing and replacement housing, as well as to satisfy the housing needs of low-income households. The Protection of Tenants' Rights Act also stipulates that the municipality shall perform these tasks through the municipal housing stock or otherwise. This means that municipalities that do not have a housing stock are obliged to provide premises owned by entities other than the municipality, including private entities, with rent rates as those charged for premises from the municipal housing stock. The legislature adopts a legal definition of municipal housing stock as premises intended to meet housing needs owned by the municipality or sole proprietorship municipal companies to which the municipality has entrusted the performance of this task.

The rules for renting out premises that are part of the municipal housing stock are defined by a resolution of the Municipal Council. Under statutory authorisation, the municipality is obliged to adopt the principles specified in the Protection of Tenants' Rights Act. The municipality, implementing the provisions of the Protection of Tenants' Rights Act and in accordance with its assigned task of satisfying the housing needs of low-income households, determines the household's income criterion.[18] This does not mean that the municipal legislative body can freely determine the additional criteria, as the provisions of the resolution must comply with generally applicable law, as noted by the Supreme Administrative Court in its judgment of 25 June 2010 (I OSK 732/10).

In view of the above analysis, the municipal legislative body may establish additional eligibility criteria for selecting a prioritized group of individuals for a tenancy contract with the municipality. Consequently, it should be stated that the municipality may apply additional criteria concerning the disability or old age of the person applying for tenancy, taking into account the housing needs of the local community. Such a position is in line with the case law, which indicates that "a resolution on the rules of renting out premises should comprehensively and in detail regulate all issues specified in the Act, in a manner adapted to the particular needs of a given local community".[19]

[17] Journal of Laws 1995, no. 133, item 654, as amended.

[18] D. Fleszer, *Prawo do lokalu z gminnego zasobu mieszkaniowego na gruncie orzecznictwa*, "Samorząd Terytorialny" 2018, no. 4, p. 53.

[19] Judgment of the Voivodeship Administrative Court in Gorzów Wielkopolski of 14 November 2012, II SA/Go 791/12.

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2. Social forms of meeting housing needs

The housing policy carried out by local government bodies does not boil down to the creation and management of municipal housing stock. As the organiser of local housing policy,[20] the municipality should also provide conditions for satisfying the housing needs of the community by supporting social housing programmes offering affordable residential premises. Social housing usually includes the sector subsidised by the state, local government, or other public entities.[21] Within the framework of social housing, the municipality may be a shareholder in social housing initiatives and social housing associations, aimed at, among other things, meeting housing needs on a tenancy basis. The Act on social forms of housing development distinguishes a new instrument of social housing development, namely social tenancy agencies (Pol. *społeczne agencje najmu*, hereinafter: SAN). Due to the limited scope of the study and the novelty nature of social tenancy agencies, it is this form of social housing support that has been subjected to a detailed analysis in the further part of the study.

Social tenancy agencies were introduced into the Polish legal system in 2021 by an amendment to the Act on certain forms of supporting housing[22] and constitute a new form of support for housing. The primary purpose of SAN is to create a housing stock by leasing or purchasing residential premises or single-family buildings or non-residential buildings and adapting them to the residential function, and then renting premises out to natural persons designated by the municipality. For this purpose, a SAN operating in the form of a company with shares owned by the municipality, or an entity defined in the Act of 24 April 2003 on public benefit and volunteer work,[23] is obliged to conclude a cooperation agreement with the municipality for a period of 5 years. In the agreement, the municipality specifies in particular the number of dwellings to be rented by the SAN to persons designated by the municipality, including the number of dwellings to be rented to people with special housing needs. The legislature has decided to leave open the catalogue of entities with special housing needs, distinguishing only disabled persons or those who raise at least three children. Therefore, it should be assumed that the municipality, in carrying out the task of creating conditions for satisfying housing needs of the community, independently determines the catalogue of people with special housing needs, taking into account social, demographic, or economic realities. It can therefore be concluded that the municipality may, under the agreement with

[20] W. Urbańska, B. Uchman, *Rola samorządów lokalnych w rozwoju sektora społecznych mieszkań czynszowych*, "Problemy Rozwoju Miast" 2004, no. 1–2, p. 147.

[21] M. Cesarski, *Budżet a mieszkalnictwo i budownictwo społeczne w Polsce. Transformacja i perspektywy*, "Problemy Polityki Społecznej" 2011, no. 15, pp. 29–30.

[22] Act of 28 May 2021 amending the Act on certain forms of supporting housing (Journal of Laws 2021, item 1243).

[23] Journal of Laws 2003, no. 96, item 873, as amended.

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the SAN, reserve the availability of dwellings tailored to the needs of the elderly, defining this group as persons with special housing needs due to age or limited accessibility to public services. The legislative body of the municipality, in the form of an act of local law, determines the rules and criteria for applying for a tenancy contract with the SAN. Under the agreement, the municipality may allow the SAN to qualify individuals on its own, provided that the municipal legislative body allows this possibility. In addition, the Act allows the municipality, under the agreement with the SAN, to entrust the implementation of other social services for SAN tenants. According to the Act of 19 July 2019 on the implementation of social services by social service centres,[24] the catalogue of social services includes activities from pro-family policy, family support, social assistance, promotion and health care, or support for people with disabilities.

An analysis of the legal framework for the functioning of SAN allows us to conclude that the current legal regulations determine social tenancy agencies as partners of the municipality, supporting the implementation of local housing policy. However, it is pointed out that the creation of SAN is of an incidental nature and does not constitute a commonly used housing policy instrument.[25] Entering into an agreement with the municipality guarantees the SAN the preservation of the social character of the tenancy of dwellings originating mainly from the private housing market for the benefit of people who have housing needs and are not eligible for tenancy as part of the municipal housing stock. It is the municipality, as the holder of powers to determine local housing policy, that defines the catalogue of entities eligible to housing assistance under the SAN scheme. One of these groups may be the elderly, who, having met certain criteria established at the municipal level, may become a tenant of premises tailored to their needs. Consequently, it seems reasonable to put forward a postulate for the public authorities to take firm action to promote in local governments the idea of establishing SAN as a housing instrument supporting the availability of housing for people with legitimate housing needs.

3. Assisted dwellings as an element of welfare policy

A special mechanism of housing support for elderly people is assisted dwellings, which is a form of social assistance and a mandatory task of local authorities, as set out in Article 17 (1) (12) of the Act of 12 March 2004 on social assistance.[26] The Act defines a catalogue of persons eligible for living assistance services in the

[24] Journal of Laws 2019, item 1818.

[25] According to the information posted on the website of the Ministry of Development and Technology, 14 Social Tenancy Agencies were established in Poland. See Ministerstwo Rozwoju i Technologii, *Społeczne agencje najmu*, https://www.gov.pl/web/rozwoj-technologia/spoleczne-agencje-najmu3 (access: 30.9.2025).

[26] Journal of Laws 2004, no. 64, item 593, as amended.

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form of assisted dwelling, and one of the groups listed therein are elderly persons, without setting a specific age threshold at the statutory level. The legislature indicates that the support provided as part of assisted dwelling does not constitute the satisfaction of housing needs, which means that the provisions governing the rules for tenancy as part of the municipal housing stock do not apply. The primary purpose of referring an elderly person to the assisted dwelling programme is to provide living assistance and support in daily activities. The Act allows for the provision of support services for an indefinite period. The secondary legislation to the Act lay down the minimum standards of usable floor space and housing conditions for assisted dwellings, introducing the possibility of several beneficiaries living in one dwelling.[27] According to I. Sierpowska, the solution adopted by the legislature results from insufficient housing resources available to local government units.[28]

Assisted dwelling should be assumed to be a hybrid solution, combining elements of the municipal housing policy with the provision of social services. The municipality, within its housing stock, in accordance with Article 4 (2b) of the Protection of Tenants' Rights Act, may single out premises for the implementation of other tasks of the local government unit, including the implementation of municipality's own tasks in the field of social assistance in the field of creating and running training and assisted dwellings. As is apparent from Article 21 (1) (1) of the Act of 8 December 2006 on financial support for certain housing projects,[29] in the case of the implementation of housing projects included in the municipal housing stock and financed from the Subsidy Fund, it is allowed to change the purpose of municipal residential premises for training and assisted dwellings.

Granting an assisted dwelling to an elderly person is a form of social support and is not tantamount to fulfilling the obligation to create conditions for satisfying the housing needs of the local community. The granting of an assisted dwelling by way of an administrative decision is not dependent on meeting income criteria and the fact of not being an owner of a dwelling, as in the case of social tenancy or renting out a dwelling for people with low incomes. However, it can be an important element in shaping the housing policy of the municipality as a transitional form of housing support for the elderly, combined with assistant or care services.

[27] Regulation of the Family and Social Policy Minister of 30 October 2023 on training and supported housing (Journal of Laws 2023, item 2354).

[28] I. Sierpowska, *Komentarz do art. 53*, [in:] *Pomoc społeczna. Komentarz*, ed. I. Sierpowska, Warszawa 2023.

[29] Journal of Laws 2006, no. 251, item 1844, as amended.

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4. Seniors' rental housing scheme

As already noted, public authorities, both at the central and local levels, have broad discretion in shaping policies that support the satisfaction of housing needs within the scope of the programmatic norm specified in Article 75 of the Polish Constitution. As noted by K. Biskup-Grabowska and P. Kuczkowski, it is not possible to clearly derive the full spectrum of activities for fully meeting citizens' housing needs from Article 75 of the Polish Constitution.[30] The role of public authorities is to run policies that facilitate meeting housing needs, which also means undertaking legislative activities to introduce new housing support instruments while taking into account current social challenges in this area.[31]

The forms of housing support analysed herein, both in the area of housing policy and social policy pursued by the municipality, depend on meeting specific income criteria, the fact of having no ownership or housing cooperative right to a dwelling, or require granting support in the form of specific social services. A housing instrument, currently under preparation, addressed to elderly residents of the municipality is the seniors' rental housing scheme. The main objective of the bill amending the Protection of Tenants' Rights Act is to ensure stable housing conditions for elderly people in premises forming part of the municipal housing stock and adapted to their needs. The proposed regulations define the basic elements of the seniors' rental housing scheme. Firstly, the housing support instrument will only be offered to older people, understood as people over 60 years of age, in accordance with the Act of 11 September 2015 on elderly persons.[32] Secondly, an application to the municipality for seniors' rental housing will only be possible for a single person who is the sole owner or the sole holder of the cooperative member's ownership title to the premises. Thirdly, the premises inhabited by an elderly person is located in a building not equipped with a lift, on the fourth storey above ground level or higher. Fourthly, the criterion of household income justifying renting out a dwelling from the municipal housing stock will not apply to seniors' rental housing scheme. According to the explanatory memorandum[33] to the bill, the housing support instrument is addressed mainly to the

[30] K. Biskup-Grabowska, P. Kuczkowski, *Zaspokajanie potrzeb mieszkaniowych obywateli przez władze publiczne w rozumieniu art. 75 Konstytucji Rzeczypospolitej Polskiej ze szczególnym uwzględnieniem społecznych inicjatyw mieszkaniowych*, "Roczniki Administracji i Prawa" 2022, vol. 20(1), p. 35.

[31] S. Pawłowski, *Rola administracji publicznej w zaspokajaniu potrzeb mieszkaniowych w Polsce – potrzeba nowego podejścia*, "Zeszyty Prawnicze" 2024, vol. 24(1), pp. 30–33.

[32] Journal of Laws 2015, item 1705.

[33] Justification for the draft Act amending the Act on the protection of tenants' rights, municipal housing resources and amending the Civil Code. See Rządowe Centrum Legislacji, Uzasadnienie do projektu ustawy 29.08.2025, https://legislacja.rcl.gov.pl/projekt/12402053/katalog/13155825#13155825 (access: 17.9.2025).

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so-called "fourth-floor prisoners" who, due to restrictions of architectural accessibility, may be excluded from full participation in social life. The proposed housing policy support instrument aimed at meeting the housing needs of the elderly will provide people who are at particular risk of social exclusion with premises adapted to their needs, while maintaining the ownership right to the existing dwelling.

The key role in seniors' rental housing scheme will be played by the municipality, whose task, pursuant to Article 4 of the Protection of Tenants' Rights Act, is to create conditions for satisfying housing needs of the local community. The amendment assumes that the municipality will single out residential premises for elderly people from its housing stock. The bill limits the requirement for accessibility only to the criterion of the premises being located in a building equipped with a lift or on the first above-ground storey (ground floor). The legislature does not specify the obligation for municipal premises to meet the technical requirements for residential premises intended, among others, for disabled persons. The bill grants the municipality the right to sublet premises owned by an elderly person who enters into a seniors' rental housing scheme contract with the local government unit. Under the current regulations, premises sublet by the municipality from other owners, including natural persons, do not increase the municipality's housing stock, which means that they may be rented out for a fixed term. The rent rates adopted for municipal housing stock dwellings also apply to these premises.

The amendment of the Protection of Tenants' Rights Act and incorporating seniors' rental housing scheme into the legal framework will enable a real increase in the municipality's housing potential by allowing the municipality to manage premises of varying sizes and standards owned by elderly people. However, it is noted that the full implementation of the proposed changes and their application in local government practice will require lawmaking activity at the level of local government, mainly in the area of long-term housing stock management programmes and identification of premises within the housing stock that meet the criteria specified in the proposed legal provisions intended for seniors' rental housing scheme.

DISCUSSION AND CONCLUSIONS

To sum up, it should be noted that the legislature, by introducing the analysed housing support instruments, fulfilled the programmatic norm set out in Article 75 of the Polish Constitution. The solutions for building the municipal housing stock, specified in the Protection of Tenants' Rights Act, and those related to the development of social housing, adopted on the basis of the Social Forms of Housing Development Act, serve to meet the housing needs of citizens. The legislation guarantees a special role of the municipality in providing conditions for meeting housing needs of the community. Firstly, the legislature granted the municipality

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a statutory authorisation to determine, in the form of acts of local law, the criteria and rules for allocating premises that are part of the municipal housing stock. Secondly, it indicated that the municipality is obliged to provide premises on the terms of social housing and replacement premises, as well as to meet the housing needs of low-income households. Thirdly, it provided the municipality with the right to create municipal housing stock, and also enabled the transformation of premises that are part of the municipal stock into training and residential units, taking into account the needs for the provision of social services in a given municipality. Fourthly, as part of social forms of support for social housing, it granted the municipality the opportunities for developing social housing and other instruments of support in creating conditions to satisfy housing needs in the form of social tenancy agencies.

As mentioned herein, the legislative changes introduced in 2021 regarding the creation of a new housing support tool in the form of social tenancy agencies open up new opportunities for municipalities to meet housing needs, using not only the public housing stock, but above all private housing resources. Social tenancy agencies can also be a tool for meeting housing needs by offering dwellings that are architecturally accessible to elderly people. However, a comprehensive assessment of this legal instrument will only be possible after a longer period in force and the creation of SAN in municipalities characterised by diverse housing needs.

The proposed legislative solution in the form of seniors' rental housing scheme is consistent with the implementation of the long-term housing policy of the state. The direction of public authorities' policy to develop housing solutions dedicated for elderly people should be assessed positively. However, it should be noted that this solution is addressed to a limited group of recipients who meet the criterion of location of their property in a building not equipped with a lift, on the fourth storey above ground level or higher. In view of the ongoing process of ageing of the population, public authorities should continue to pursue a policy towards satisfying housing needs of citizens, including elderly people who run a household on their own, within the framework of the programmatic norm set out in Article 75 of the Polish Constitution. The state's housing policy through housing support programmes[34] should reward those municipalities which implement as part of creating conditions for satisfying housing needs of the local community, housing projects dedicated to the elderly through multi-family buildings combining residential premises of appropriate size and architecturally adapted to seniors with assisted dwellings with offered care services. The proposals for the law as it should stand include to extend the group

[34] Two housing programmes run by Bank Gospodarstwa Krajowego should be distinguished: the Programme for Supporting Social Rental Housing and Non-Repayable Support for Construction from the Subsidy Fund, which allow municipalities or social housing associations (both municipal and private-owned) / social housing initiatives (both municipal and private-owned) to be granted financial support for carrying out housing initiatives. See Bank Gospodarstwa Krajowego, *Programy*, https://www.bgk.pl/programy-i-fundusze/programy (access: 28.9.2025).

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of recipients of seniors' rental housing scheme, including also elderly people who are owners of premises, regardless of their location in multi-family buildings, along with the statutory limitation of the size of premises from the municipal housing stock intended for seniors' rental housing scheme. Municipalities, under statutory authorisations, taking into account the conditions of local housing policy and the possibilities of social support, should independently determine the criteria and rules of eligibility under seniors' rental housing scheme. In conclusion, municipalities in Poland are equipped with legal tools that allow them to create conditions for satisfying housing needs, taking into account the elderly, while the task of public authorities at the central level should be to develop a housing policy for seniors, setting further directions of changes in the ageing society in Poland.

REFERENCES

Literature

Biskup-Grabowska K., Kuczkowski P., *Zaspokajanie potrzeb mieszkaniowych obywateli przez władze publiczne w rozumieniu art. 75 Konstytucji Rzeczypospolitej Polskiej ze szczególnym uwzględnieniem społecznych inicjatyw mieszkaniowych*, "Roczniki Administracji i Prawa" 2022, vol. 20(1). **https://doi.org/10.5604/01.3001.0015.9082**

Cesarski M., *Budżet a mieszkalnictwo i budownictwo społeczne w Polsce. Transformacja i perspektywy*, "Problemy Polityki Społecznej" 2011, no. 15.

Fleszer D., *Prawo do lokalu z gminnego zasobu mieszkaniowego na gruncie orzecznictwa*, "Samorząd Terytorialny" 2018, no. 4.

Florczak-Wątor M., *Komentarz do art. 75*, [in:] *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, ed. P. Tuleja, Warszawa 2023.

Groeger L., *Senior Housing Policy in Poland: Determinants and Desiderata*, "European Spatial Research and Policy" 2024, vol. 31(2). **https://doi.org/10.18778/1231-1952.31.2.07**

Izdebski H., *Konstytucyjny obowiązek władz publicznych prowadzenia polityki sprzyjającej zaspokojeniu potrzeb mieszkaniowych obywateli – miejsce i rola gminy*, "Samorząd Terytorialny" 2022, no. 7–8.

Lis P., *Polityka mieszkaniowa dla Polski. Dlaczego potrzeba więcej mieszkań na wynajem i czy powinno je budować państwo?*, Warszawa 2019. **https://doi.org/10.5281/zenodo.3577307**

Pawłowski S., *Rola administracji publicznej w zaspokajaniu potrzeb mieszkaniowych w Polsce – potrzeba nowego podejścia*, "Zeszyty Prawnicze" 2024, vol. 24(1). **https://doi.org/10.21697/zp.2024.24.1.02**

Sierpowska I., *Komentarz do art. 53*, [in:] *Pomoc społeczna. Komentarz*, ed. I. Sierpowska, Warszawa 2023.

Statistics Poland, *The Situation of Older People in Poland in 2023*, Warsaw–Białystok 2024.

Tyrawa D., *Zaspokajanie potrzeb mieszkaniowych jako cel gminnych programów mieszkaniowych*, "Prawo i Więź" 2023, no. 4. **https://doi.org/10.36128/PRIW.VI47.661**

Urbańska W., Uchman B., *Rola samorządów lokalnych w rozwoju sektora społecznych mieszkań czynszowych*, "Problemy Rozwoju Miast" 2004, no. 1–2.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
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Legal acts

Act of 8 March 1990 on municipal self-government (Journal of Laws 1990, no. 16, item 95, as amended).
Act of 26 October 1995 on social forms of housing development (Journal of Laws 1995, no. 133, item 654, as amended).
Act of 21 June 2001 on the protection of tenants' rights, municipal housing stock and on the amendment of the Civil Code (Journal of Laws 2001, no. 71, item 733, as amended).
Act of 24 April 2003 on public benefit and volunteer work (Journal of Laws 2003, no. 96, item 873, as amended).
Act of 12 March 2004 on social assistance (Journal of Laws 2004, no. 64, item 593, as amended).
Act of 8 December 2006 on financial support for certain housing projects (Journal of Laws 2006, no. 251, item 1844, as amended).
Act of 11 September 2015 on elderly persons (Journal of Laws 2015, item 1705).
Act of 19 July 2019 on the implementation of social services by social service centres (Journal of Laws 2019, item 1818).
Act of 28 May 2021 amending the Act on certain forms of supporting housing (Journal of Laws 2021, item 1243).
Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws 1997, no. 78, item 483, as amended).
Regulation of the Family and Social Policy Minister of 30 October 2023 on training and supported housing (Journal of Laws 2023, item 2354).

Online sources

Bank Gospodarstwa Krajowego, *Programy*, https://www.bgk.pl/programy-i-fundusze/programy (access: 28.9.2025).
Eurostat, *Ageing Europe – Statistics on Housing and Living Conditions*, 15.11.2023, https://ec.europa.eu/eurostat/statistics-explained/SEPDF/cache/80394.pdf (access: 29.9.2025).
Housing Europe Observatory, *Ageing Well at Home*, https://www.housingeurope.eu/wp-content/uploads/2024/11/Ageing%20well%20at%20home.pdf (access: 29.9.2025).
Ministerstwo Rozwoju i Technologii, *Społeczne agencje najmu*, https://www.gov.pl/web/rozwoj-technologia/spoleczne-agencje-najmu3 (access: 30.9.2025).
Rządowe Centrum Legislacji, Projekt ustawy o zmianie ustawy o ochronie praw lokatorów, mieszkaniowym zasobie gminy i o zmianie Kodeksu cywilnego, https://legislacja.rcl.gov.pl/projekt/12402053/katalog/13155825#13155825 (access: 17.9.2025).
Rządowe Centrum Legislacji, Uzasadnienie do projektu ustawy 29.08.2025, https://legislacja.rcl.gov.pl/projekt/12402053/katalog/13155825#13155825 (access: 17.9.2025).

Case law

Judgment of the Supreme Administrative Court of 25 June 2010, I OSK 732/10.
Judgment of the Supreme Court of 8 September 2020, V CSK 532/18.
Judgment of the Voivodeship Administrative Court in Gorzów Wielkopolski of 14 November 2012, II SA/Go 791/12.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
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ABSTRAKT

Polityka mieszkaniowa jest jednym z najważniejszych wyzwań dla samorządu terytorialnego w Polsce. Zgodnie z ustawą z dnia 21 czerwca 2001 r. o ochronie praw lokatorów, mieszkaniowym zasobie gminy i o zmianie Kodeksu cywilnego jednym z zadań gminy jest tworzenie warunków do zaspokajania potrzeb mieszkaniowych wspólnoty lokalnej. W związku z postępującym procesem starzenia się społeczeństwa polskiego wdrożenie instrumentów wsparcia mieszkaniowego uwzględniających specyficzne potrzeby osób starszych powinno być nadrzędnym celem polityki mieszkaniowej w samorządzie terytorialnym w Polsce. Głównym celem opracowania jest analiza prawna obowiązujących regulacji normatywnych dotyczących prowadzenia przez organy władzy publicznej polityki zmierzającej do zaspokajania potrzeb mieszkaniowych obywateli, ze szczególnym uwzględnieniem potrzeb osób starszych. Przedmiotem analizy jest również zbadanie proponowanych rozwiązań legislacyjnych w Polsce, mających na celu wsparcie, przy wykorzystaniu mieszkaniowego zasobu gminy, osób starszych posiadających prawo własności lokalu mieszkalnego i zamieszkujących w budynku niewyposażonym w windę na czwartej kondygnacji nadziemnej lub wyższej.

Słowa kluczowe: polityka mieszkaniowa; samorząd terytorialny; program wynajmu mieszkań dla seniorów; Konstytucja Rzeczypospolitej Polskiej