



# ” #StopPatho-development?

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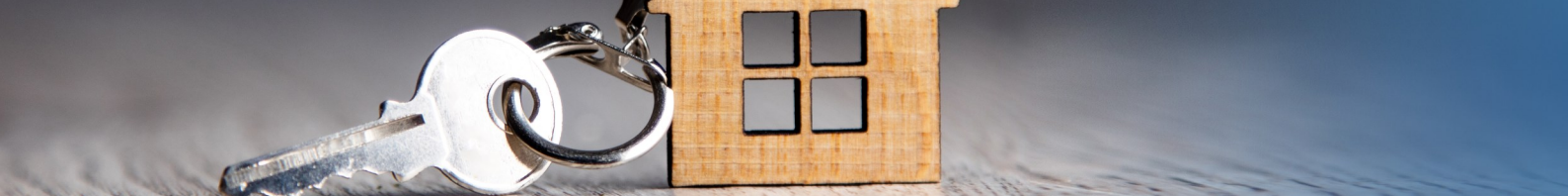
Although the subject of “patho-development” (not necessarily under this name) has been presented in the public debate for a very long time, in recent weeks it appeared again due to the conflict related to the Bliska Tower, JW Construction investment, also known as the “Warsaw's Hong Kong”. At the same time, the problem of housing quality was noticed also by the Ministry of Development and Technology – at the press conference held on March 31, 2023 the Ministry’s representatives presented a number of solutions aiming at counteracting this phenomenon.

So-called “patho-development” is a term referring to (according to Wikipedia) “*all the activities of construction developers, which, due to the actions towards clients and the way of designing facilities, are in contradiction with good practises*”. Admittedly, this definition seems quite imprecise, but the term itself is very capacious and describes all disfunctions of the Polish housing market, ranging from the consequences of the lack of housing policy or the inefficiency of the spatial planning system in Poland, i.e. issues significantly exceeding the scope of developers responsibility, to actual, individual cases of breaking the law, low-quality projects and their implementation, or even disgraceful lack of respect for architectural monuments or nature devastation.

The plan to improve the situation on the housing market presented by the Ministry of Development and Technology provides for changes in the law regulations, including the Regulation on technical conditions of buildings, the Act on spatial planning and development, and implementation of a number of new solutions aimed, among others, at improving access to information on the housing market. The largest part of the proposed solutions are changes to the Regulation on technical conditions, i.e.:

- increasing the distance between buildings on neighbouring plots – change aims on increasing the minimum distance of a multi-family building with a height of more than 4 above-ground storeys from the plot border from 3 to 5 meters, excluding situations when the neighbouring plot, according to the local spatial development plan, is not intended for development;
- increasing the minimum distance between production and storage facilities and residential buildings to 30 m – this provision is intended to apply to buildings with a built-up area exceeding 1 000 sqm;
- changes in the requirements for parking spaces for the disabled – according to the new regulations, the number of parking places for disabled persons located close to the windows of buildings is to be reduced to a maximum of 6% of all parking places built as part of a single investment;
- fight against “concrete disease” – the project assumes the need to provide at least 20% of the biologically active area in public squares exceeding 1 000 sqm;
- friendly playgrounds and places for recreation for people with special needs – the project assumes the introduction of new requirements regarding the size and equipment of playgrounds for children, depending on the size of the investment;
- introduction of a limit of 25 sqm area of commercial premises, aimed at eliminating from the market the so-called “micro-apartments” sold as commercial premises. Commercial premises with a smaller area will be allowed to be built only on the ground or first floor of the building, provided that access to them is ensured from the outside of the building;
- introducing regulations ensuring privacy on balconies, better sound insulation of apartments, consideration in the design requirement of special rooms for bicycles and prams, as well as accessible adult change facilities (only in public buildings).

As regards the amendments to the Act on spatial planning and development, it is assumed that the method of determining the intensity of development will be changed by calculating the floor area along the outline of external walls, without balconies and terraces. In addition, the Ministry plans to improve the situation on the housing market by limiting the flipping phenomenon by banning the assignment of reservation agreements and limiting the possibility of assigning development agreements, but also improving access to information on real estate prices by introducing the obligation for developers to publish real estate prices on websites, in prospectuses and catalogues, as well as launching a nationwide, free online service with transaction prices.



The list of Ministry's planned initiatives also include limiting wholesale purchases of real estate and increasing the availability of apartments by exempting from the tax on civil law transactions on the purchase of the first apartment. The presented package of proposed solutions can be assessed as rather disappointing, giving the impression of not systemic solution, but a simple catalogue of actions relating to the Internet lists of "patho-development" cases. It is difficult to resist the impression that we are dealing with a hastily prepared, pre-election response of the government to a problem that is at the moment popular in the media. Nevertheless, some of the planned solutions must be assessed as good and expected. They definitely include solutions preventing the "concrete disease" (although the question remains whether 20% of the biologically active area is enough), putting in order the issue of parking sites for the disabled, regulations on sound insulation standard or even exemption from the tax on civil law transactions for people purchasing the first apartment. Some of the proposals may be surprising, such as launching of a website with transaction data, despite the fact that such services, both free and paid, have been operating on the market for a long time. Most of the proposed changes, however, are at least debatable solutions. In conditions of the Polish housing market, new limits on the area, distance or number of apartments that an investor can buy, are potential sources of creativity and potentially further pathologies. It is also hard to believe that these measures will significantly change or organize the situation on the market. The basic problem of the housing market in Poland and the source of most pathologies is still the lack of state housing policy and the inefficient spatial planning system. As long as developers build on expensive, unprepared, sometimes even accidental plots of land, on the basis of discretionary planning decisions, while trying to adapt to sometimes questionable legal requirements (do we really need mandatory playgrounds for children in every housing estate?), we will keep on dealing with the "patho-development" phenomenon. Or maybe it's time to seriously consider that the issue of the quality of space and housing in Poland is indeed a significant civilizational challenge, which is at least as important as the construction of the Central Communication Port, for the implementation of which the state didn't hesitate to make a number of bold and unpopular decisions.



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