

The property restitution in Warsaw: renaissance or decline of pre-war buildings?

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Abstract This paper aimed to provide an understanding of the segment of pre-war buildings in Warsaw (Poland) and its position within the housing stock in the light of restitution of private properties. Although the majority of the buildings were destroyed during the Second World War, enclaves of the pre-war buildings still exist in the central districts of the capital city of Poland. The communalization of land in Warsaw in 1945 considerably reduced the proportion of private ownership. In the following years, the scarcity of funds for repairs and rehabilitation of the pre-war buildings contributed to their poor maintenance, resulting in worsening housing conditions. Since 1989, the political and economic transformation in Poland strengthened the privatization and paved the way to restitution of communalized properties to their previous private owners or their heirs. However, lack of law on property restitution and the complexity of groups of interest involved in this process (former private owners, “buyers of claims,” municipality and tenants) entail different tensions. In this way, the private owners struggle for years with restitution procedures, “buyers of claims” attempt to make profit on restitution, and sitting tenants defend their right to stay and to pay lower rents after the building is returned. Finally, the renaissance or decline of restituted pre-war residential buildings in Warsaw is strongly influenced by the type of existing ownership structure of individual dwellings in a building which may facilitate or hamper its refurbishment.

Keywords Pre-war residential buildings · Restitution of private property · Reprivatization · Post-socialist city · Warsaw · Poland

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1 Introduction

The segment of pre-war buildings in Warsaw has been, to some extent, neglected by research within social geography over recent years. A number of studies have been dedicated to the question of the maintenance of large housing estates (Węclawowicz et al. 2003, 2004a, b) as well as their future attractiveness (Celińska 2010; Szafrńska 2014). Another group of recently conducted research concentrated on the newly built estates, especially gated and guarded, which became one of the most widely recognized features of urban space in Warsaw (Chabowski 2007; Gąsior-Niemiec et al. 2007; Gądecki 2009; Mostowska 2009; Górczyńska 2012a, b). Only certain studies concerning housing policies or living conditions included brief information about the segment of old buildings and dwellings; however, rare investigations particularly dedicated to this segment of buildings were elaborated in Warsaw (e.g., Czczerda 1986, 1991). Perhaps, one of the reasons for this limited interest is due to a low level of dynamics concerning this segment of housing over the years: continuing degradation under management of the State and then by the local authorities. On the other hand, in the case of Warsaw, the share of the pre-war buildings in the total number of housing units in the city is less important than the share of newly constructed dwellings.¹ This probably resulted in more studies concerning new housing, considered as the levers for social redevelopment and gentrification (Górczyńska 2012a, b; Stępiak and Mendel 2013), especially in the case of luxury apartment buildings in the city center (Śleszyński 2004; Smętkowski 2009), which particularly attract the metropolitan class² (Jałowicki et al. 2004).

Nevertheless, important changes that occurred in the ownership structures of the pre-war buildings in Warsaw from the beginning of the twentieth century until today place this segment of housing stock in a new position. In 1945, the Decree on the communalization of private property in Warsaw was introduced and the majority of pre-war buildings became the property of the State. Since the collapse of the socialist regime in Poland in 1989, the process of the restitution of private properties has slowly commenced, escalating in recent years.³ This in turn raises the question of whether the vicious circle of the decline of pre-war buildings in Warsaw has finally been broken.

Bearing in mind the aforementioned processes, this paper addresses a question: How does the process of the restitution of private property impact the position of pre-war buildings and dwellings within the housing stock in Warsaw? The goal of this paper is threefold. Firstly, it is aimed at providing knowledge about the segment of pre-war buildings in Warsaw, with particular insight into the historical preconditions that shaped their contemporary position and state. The second goal is to explain the complicated configurations of ownership formed under the influence of three processes: communalization of private property, privatization of dwellings and the restitution of private property. To this end, the term “hybrid tenure/ownership structures” was introduced. Finally, this paper presents a different axis of the discourse in the Polish media concerning the restitution of private property in Warsaw and attempts to illustrate the nature of escalating conflicts and the scenarios of changes concerning the segment of pre-war buildings in the future.

¹ Dwellings in buildings constructed till 1945 constituted 10.8 % while buildings constructed between 1989 and 2011: 26.0 % (National Population Census 2011, CSO).

² The concept of metropolitan class coined by Jałowicki relates to the concept of the world class (Kanter 1995) and to the housing classes (Rex and Moore 1967).

³ The demands for the property restitution were also placed in the previous years, but the majority of them were rejected.

2 Theoretical overview on property restitution and privatization in Central Europe

In this paper, the problematic nature of pre-war buildings covers a whole spectrum of issues regarding this segment of buildings and particularly concentrates on the housing stock. Due to the problems of rent policy, bureaucratic and inefficient organization of maintenance, small capital investment and ownership rights which occurred during the socialist period, a gradual deterioration and decay of the housing stock became a common problem in Central and Eastern Europe (among the others: Pichler-Milanović 1994; Sailer-Fliege 1999). In the case of many pre-war buildings, which mainly dominate in the inner cities, lack of investments during the socialist era resulted in their poor quality which contributed to their continuing deterioration, both physical and social (e.g., Kovács 2012). The construction of large housing estates on a grand scale became an alternative to the old tenement buildings as they offered much better living conditions at that time and in this way attracted new inhabitants. Since the 1990s, the continuing degradation of the inner cities has been progressively slowing down through public and private reinvestment in certain post-socialist cities. The residential function has been declining paving the way for the commercialization of inner city areas (Sýkora 1999). The renewal operations conducted by public or private investors may be inhibited by property restitution. Hence, the investors may be reluctant to become involved in operations in those areas with unregulated property status, and as a consequence, pre-war buildings may be left vacant for long periods (Reimann 1997; Ashworth and Tunbridge 1999).

Almost all the former socialist countries in Central Europe struggled to a different extent with the communalization of land and properties after the Second World War and the restitution afterward. The existence of restitution is a unique feature of housing privatization in Eastern European countries, not to be found in the West (Clapham 1995). In Germany, the law on property restitution had already been prepared in 1945 and was extended to East Germany in 1989 (Reimann 1997), but in other European countries, only after the demise of the socialist regime was an opportunity created for private owners or their heirs to regain their properties. Nevertheless, the theme of restitution has not yet been discussed exhaustively. The bulk of articles analyzes the issue of restitution claims under a wider theme of the privatization of housing⁴ and land (e.g., Bodnar and Molnar 2010). However, scholars have rarely analyzed, in detail, the consequences of property restitution (Lux and Mikeszova 2012), especially in terms of the possible social changes in urban space that they may provoke. Many studies primarily shed light on different restitution strategies and on institutional regulations toward privatization as adopted in different countries in Central and Eastern Europe (e.g., Pichler-Milanović 1994, Marcuse 1996; Kozminski 1997). In the majority of post-socialist countries, regulations toward property restitution were introduced shortly after the collapse of the socialist regime (e.g., in Germany, Czech Republic, Estonia). In recent studies conducted in the Czech Republic (Lux and Mikeszova 2012), the process of property restitution was analyzed from a sociological perspective. The discourse analysis adopted by those authors provided a better understanding of property restitution through the examination of different texts: policy documents, newspapers articles and in-depth semi-structured interviews with those

⁴ It should be also stated that almost all publications and articles dealing with transformation of the housing market in the CE countries refer to the process of privatization of public dwellings. As this process concerns not only pre-war buildings, but also those constructed during the socialist period, this issue is not discussed in detail in this paper.

involved in the public discourse on housing policy. That investigation also shed light on the perception of the restitution process as well as on its consequences. The latter refers to the impact of property restitution on the perception of the private rental sector (Lux and Mikeszova 2012) as well as on the impact of regulations and interventions on tenure choice, the formation of social norms and the perception of private renting (Lux et al. 2012). Among the others, the authors revealed a general decline in the demand for private rental housing which was explained by the shift in the definition of the rental sector: from a lifelong option to somewhat more transitory accommodation (Lux and Mikeszova 2012). Indeed, property restitution induces important changes in the tenure structure; however, similar to the privatization of the housing sector, it does not have the same consequences on the tenure structure in different countries. Other factors, such as the type of established legal framework for the rental sector or homeownership, significantly impact the residential strategies of households (Bodnar and Molnar 2010).

As the privatization of communal dwellings proceeded differently in post-socialist countries and produced various tenure structures, this in turn shaped different backgrounds. Marcuse (1996) drew attention to the conflicting set of interests represented by the different groups involved in the process of the privatization of housing: producer-/owner-type interests, former owners of the property and resident-type interests. He claimed that the interests represented by each group were often in conflict with each other. The applicability of these observations is not solely restricted to privatization, but may also reflect the conflicting set of interests of the different protagonists involved in the restitution process.

The restitution of private property is often substantiated by social justice (Habermas 1997), labeled as “historical justice” (Kozminski 1997) or as an ideological or political project as much as a legal or economic one (Feldman 1999); however, the implications of this process are often opposing: positive and negative. From this perspective, the restitution of private property has had an impact on the creation of new polarizations, especially between tenants and landlords (Clapham 1995; Reimann 1997; Feldman 1999; Górczyńska 2014). Moreover, it may contribute to the renovation of the old buildings and the creation of a new proposition of luxury apartments for high-income residents, as has already been the case in certain areas of Prague, which mainly attracted foreigners (Sýkora 1999).

Poland is still lagging behind in the field of legal framework for reprivatization⁵ which perhaps justifies the scarcity of studies dedicated specifically to Poland or to the capital city (e.g., Chodakiewicz and Currell 2003). However, it does not follow that the issue of property restitution in Poland has been completely overlooked by the scholars; nonetheless, in the majority of publications, these questions are discussed briefly with regard to Poland as another example of structural changes in the housing system in a post-socialist country.

Concerning Warsaw, it is hardly possible to find any specific studies within urban geography dedicated to the restitution of pre-war buildings. One of the rare examples of such a study might be a three-volume publication elaborated by art historian Stopa and photographer Brykczynski (2010, 2011, 2013) dedicated to the history of pre-war buildings in Warsaw and their inhabitants. Nevertheless, the narration in these publications focuses very strongly on the architectural features of the pre-war buildings as well as on their historical paths.

Over the years, the pre-war buildings in Warsaw experienced both degradation and valorization. Due to the process of imposed industrialization after the Second World War, the housing sector, especially the segment of pre-war buildings in Poland, was slightly

⁵ Apart from restitution claims in Warsaw, other restitution claims in Poland concern nationalized land, forests, as well as urban or industrial properties.

neglected in terms of investments in maintenance. This approach has contributed to the deterioration and degradation of the majority of old housing stock (e.g., Węclawowicz 1990) because of reduced funds for their modernization and maintenance. Even the buildings exhibiting great architectural value were falling into ruin, and districts (or their parts) characterized by an important share of pre-war buildings were often associated with dereliction and degradation (see Jałowicki 2000). Concerning valorization of pre-war buildings, perhaps the most visible process of renovation concerns privately owned pre-war villas in the most prestigious and traditionally affluent areas in Warsaw, e.g., Żoliborz, Mokotów (Bouloc 2013). Only in recent years have some of the tenement houses also been embraced by these operations carried out by private persons (Stopa and Brykczyński 2013) or in the framework of publicly run urban renewal schemes (Gawlas 2011).

3 Privatization and property restitution in Warsaw since 1945

The analysis of profound changes in the ownership of the pre-war estates in Warsaw is conducted on two different levels. The first level of investigation refers to the modification of the ownership of whole buildings and the second to the changes in the ownership of individual dwellings within a building. After Second World War, the Decree on the property and the use of land in the capital city of Warsaw (October 26, 1945) imposed communalization of private property in the city of Warsaw. The former private owners could have received⁶ a right for perpetual lease or a right for construction according to the land use directions defined by the building plan. In this way, nearly 40,000 properties (developed or unbuilt real estate) were communalized (around 94 % of buildings⁷ and land in the city within the limits in 1939). In order to accelerate and facilitate the redevelopment of the city after WWII, an additional approach was introduced within the framework of housing policy. The Decree on the public management of dwellings and rent control⁸ (December 21, 1945) pinpointed professional groups that might have applied for the acquisition of a dwelling, namely those whose professional occupation or position required living in the city. The Decree also imposed strict rules concerning the average floor space per person in a dwelling and introduced “rent under special regime” (pl. *szczególny tryb najmu*). As a consequence, the property owners were deprived of the right to dispose of their property, while the local authorities could have given the accommodation in a dwelling to additional tenants if the dwelling was considered to be under populated (according to the criteria adopted). With regard to the same objective, the public authorities could have divided a dwelling composed of more than three rooms into smaller independent housing units in order to accommodate additional tenants. Moreover, because of the ongoing housing crisis after the war, rent control was introduced. As a result, there were no longer free rents in the communalized buildings or in those which were still privately owned. These housing policies strongly influenced the social composition of the pre-war buildings as well as the housing conditions of the population at that time. After the

⁶ The private owners of land had to place a claim within 6 months from the communalization was established.

⁷ Although the Decree did not claim the communalization of buildings, practically the procedure also covered them.

⁸ Pl. *Dekret o publicznej gospodarce lokalami i kontroli najmu* (Dz. U. Nr 4, Poz. 27.). The public management of dwellings was introduced in Warsaw and also in the biggest cities in Poland: Łódź, Gdańsk, Lublin, Kraków, Katowice and Poznań.

Table 1 Ownership of pre-war residential buildings in Warsaw in 1988 by districts

District	Number of buildings constructed till 1944	Of which (%)	
		Communal buildings	Private buildings
Mokotów	2517	29.0	71.0
Ochota	2204	26.2	73.8
Praga Południe	4650	26.6	73.4
Praga Północ	1807	43.2	56.8
Śródmieście	661	93.2	6.8
Wola	1137	33.1	66.9
Żoliborz	1360	13.5	86.5
Total	14,336	31.4	68.6

Source: National Population Census (1988)

communalization of private property, the majority of pre-war buildings became the property of the State, namely the property of “national council” (representative of the State at the local level). In 1950, due to the liquidation of councils, communalized properties were assigned to the public Treasury.

During socialist regime many deposed restitution claims were unlawfully examined and refused, while others have been still waiting for consideration (Hetko 2012). At the end of the 1980s, almost one-third of pre-war residential buildings were still publicly owned with their strong concentration in the central district of Śródmieście (Table 1). More continuous and visible process of restitution can be observed since the beginning of the 1990s. Certain researchers claim that the gradual recognition of the rights of expropriated owners at the beginning of the 1990s could have been caused by the specific structure of the ruling group at that time. The members of the Communist party Nomenklatura still continued to dominate Poland’s banks, industry and media and were presumably opposed to property restitution (Chodakiewicz and Currell 2003).

In 2001 and then in 2008, the attempts have been made to pass the law on reprivatization in Poland but without success and the legal framework for the property restitution is still lacking (e.g., Węclawowicz and Gaudray-Coudroy 1998). The discussions concerned, among the others, the value of compensation for lost properties varying in different propositions from 50 to 20 % of their value (Frey 2011, 2012). Over the years, certain restitution claims were blocked or refused if concerned properties were destined for public use, which was altered only in 2008 by favorable decision of the Supreme Administrative Court in Poland (Frey 2012). What is more, for many years, only the former private owners of single-family houses or land zoned for single-family housing who had been deprived their property rights, could have made a claim for compensation. In 2011, the decision of the Constitutional Court in Poland enlarged this right also on the owners of other communalized real estate (e.g., multi-family tenement houses) which paved the way for compensations. In 2011, the scale of restitution claims in Warsaw was estimated at 40 billion Polish zloty (Frey 2011). Nevertheless, without law on restitution, each claim is examined individually. The intervention of the legislature is particularly required to regulate the issue of compensation or damages (Hetko 2012), especially in the case of claims concerning built-up lands with education facilities in Warsaw.

We should be aware of the important expenditures for the public budget generated by restitution claims (whenever it includes return of the property or monetary compensation),

which, perhaps, was also one of the reasons for delay in voting restitution law. The communalization embraced the land within the city limits in 1939, which is the central part of the contemporary city and *de facto* one of the most attractive and expensive. Only last year the city of Warsaw was assigned additional resources from the National budget (600 million Polish zloty) to pay compensation between 2014 and 2016, but this sum is only a drop in the ocean of needs. The restitution of buildings entails other difficulties such as the relocation of sitting tenants. In 2009 the city of Warsaw adopted a revised act on the attribution of communal dwellings which states that tenants in the reprivatized buildings should become one of the priority groups on the list for a municipal dwelling.

Although reprivatization has not been regulated by any act of law, it does not discourage private owners from placing their claims. Since the demise of the socialist regime, the number of claims submitted by former owners or their heirs in Warsaw has continued to grow. At the beginning of the 1990s, it was estimated that around 510,000 citizens inhabited buildings covered by restitution claims and that almost one-third of them lived in the Śródmieście District (Kęsicka and Puch 1992). That time, the Ministry of Construction estimated that 7000 ha of land and approx. 6000 buildings in Warsaw may become the object of restitution in the following years (Rawska 1992).

In 2014, the Office of Real Estate Management in the City Hall indicated that over the period 1990–2014,⁹ more than 3500 claims (Table 2) were approved giving the right for perpetual lease of terrains to the former owners (Biuro Gospodarki Nieruchomościami 2014). The list contained the general number of properties (without distinction on developed and unbuilt real estate) which made the assessment of the scope of restitution of buildings difficult. For example, around 36 restitution claims concerned the Parade Square in the heart of Warsaw which is currently unbuilt real estate but had been densely built-up before the WWII.

The properties restituted in Warsaw between 1990 and 2014 concentrated in three districts: Praga Południe, Mokotów and Śródmieście which represent different kind of pre-war residential structures. Śródmieście is dominated by the multi-family buildings, Mokotów with multi-family buildings and small enclaves of single-family buildings (in Wierzbno quarter) and Praga Południe with its pre-war villas concentrated in Saska Kępa quarter and multi-family buildings along the Grochowska Street. Though, the restitution claims covered both individual houses and multi-family buildings. Thus, the return of buildings in these districts may generate completely different outcomes: single investments in refurbishment in the case of single-family houses and more apparent changes in the case of restitution of multi-family houses, resulting in the future in the sale of renewed apartments on the housing market.

However, the number of current demands for property restitution¹⁰ in Warsaw is still important and attained almost 2000 in 2014. Comparing the number of requests for property restitution, again three districts gained the highest numbers (Table 3): Śródmieście, Praga Południe and Mokotów. Despite being updated each year, it seems that the list also contains the properties that have already been returned¹¹; thus, it may only be used to sketch a general picture of the phenomenon of restitution in the coming years in

⁹ The state on the March 18, 2014.

¹⁰ This list was prepared by the local authorities of Warsaw but displays the annotation “informal estimation, not for legal procedures.” It contains all the demands for property restitution: both for developed and unbuilt real estate.

¹¹ This remark is based on the knowledge gained during the field studies conducted by the author of this article.

Table 2 Number of restituted private properties in Warsaw between 1990 and 2014 by districts

District	Number of restituted properties 1990–2014	Share of restituted properties (1990–2014)
Białołęka	17	0.5
Bielany	269	7.5
Mokotów	823	23.1
Ochota	155	4.3
Praga Południe	953	26.7
Praga Północ	162	4.5
Śródmieście	570	16.0
Targówek	227	6.4
Ursynów	6	0.2
Wola	186	5.2
Żoliborz	201	5.6
Total	3569	100.0

Source: Biuro Gospodarki Nieruchomościami (2014)

Table 3 Number of demands placed for the restitution of the private property in 2014

District	Number of claims
Białołęka	10
Bielany	149
Mokotów	347
Ochota	106
Praga Południe	419
Praga Północ	128
Śródmieście	474
Targówek	131
Ursynów	1
Wola	136
Żoliborz	46
Warsaw	1947

Source: List of real estate covered by the Decree of October 26, 1945 on the ownership and use of land within the city of Warsaw, for which the claims have been placed, March 31, 2014

Warsaw. Nevertheless, the number and the location of the estates as the subject of restitution shall be associated with potential changes that would, in all likelihood, take place in these areas. The direction and the pace of these changes are, however, strongly influenced by another type of ownership change occurring in the pre-war buildings.

The second dimension in the changes of ownership cannot be neglected; it concerns the micro-level, namely the property changes concerning single apartments within a pre-war building. Till the mid-1990s, dwellings in the communalized buildings played the role of municipal dwellings.¹² Since 1972, the sitting tenants were given the option to buy their apartments. After the collapse of the socialist regime, in the revised Act on land use and

¹² Inhabited by municipal tenants.

expropriation (September 29, 1990),¹³ the possibility of selling apartments in the buildings appertaining to the municipality or to the public Treasury was explicitly indicated. This step in housing policy may be explained by an acute housing crisis in the 1980s and insufficient supply of newly constructed dwellings together with poor funds for repairs and maintenance of the existing housing stock.

In 1990, self-government units were created¹⁴ and replaced previous national councils. Local governments received numerous tasks and responsibilities, including the management of buildings appertaining fully or partially to municipalities.¹⁵ Not only communal dwellings but also the former dwellings of enterprises soon came under the management of local authorities. The acceleration of sales of municipal dwellings to the sitting tenants was partially caused by the introduction of important reductions in prices. Tenants living in a dwelling for more than 10 years could have bought it for 10 % of its price.¹⁶

The opportunity to buy communal dwellings at a reduced price has also had a great impact on the pre-war buildings. Due to privatization, certain tenants in these buildings became the owners of their dwellings; others (who did not desire or could not have afforded it) continued to be municipal tenants. It is important to note that the group of tenants who became owners was not homogenous. Considering the size of the reductions offered by the local authorities for those interested in buying municipal apartments, the group was mixed in terms of socioeconomic status. In some cases, upper classes benefited from the opportunity to regain their ownership which they were deprived of after the communalization or as a result of the introduction of the public management of dwellings (Bouloc 2013). This group not only has appropriate financial resources, but is also strongly attached to the importance of symbolic capital that they were deprived of during socialism (ibidem). Hence, they should be considered as potential investors that will carry on the renovation and rehabilitation of the pre-war buildings. In other cases, less affluent tenants could have bought the property rights to the dwelling and have become an owner because of the favorable terms of sale. However, they were probably not aware of the costs of maintenance, repair and renovation that they would face in the future (Pichler-Milanović 1994).

In addition to the socioeconomic differentiation between owners, one cannot ignore the changes in the economic situation of tenants living in municipal apartments over the years. It is necessary to explain that there is no legislation in Poland allowing local authorities (in charge of municipal dwellings) to regularly verify the level of tenants' incomes, once they are occupants of the dwelling. This means that some of the municipal dwellings are inhabited by households which no longer fulfill the income criteria or even surpass them. Exceptional rules solely concern the relocation of tenants from one municipal dwelling to

¹³ Pl. *Ustawa o gospodarce gruntami i wywłaszczeniu*, Dz. U. Nr 79, Poz. 464.

¹⁴ On the basis of the Act on self-government units (pl. *Ustawa o samorządzie terytorialnym*), March 08, 1990 (Dz. U. Nr 16, Poz. 95).

¹⁵ The Act on division of tasks and competences defined in specific acts between local authorities and central government bodies and on changes on certain acts (pl. *Ustawa o podziale zadań i kompetencji określonych w ustawach szczególnych pomiędzy organy gminy a organy administracji rządowej oraz o zmianie niektórych ustaw*), May 17, 1990 (Dz. U. Nr 34, Poz. 198).

¹⁶ These regulations were defined by each municipality and were undergoing changes in the following years. For instance in Warsaw, since 2011, important changes in this field were introduced and the reductions in prices of municipal dwellings attain 50 % for tenants living in the dwellings for 10 years (additional 1 % of reduction for each consecutive year of inhabitation in the dwelling, but the total reduction cannot overpass 70 %).

another. In order to accomplish the procedure of relocation, local authorities are allowed to verify the incomes of the household.

The return of former private owners of the pre-war buildings and the process of restitution of private property contributed to hybridization of ownership structure (Fig. 1). First of all, we have to distinguish between two types of the ownership: on the one hand, the ownership of a building and on the other hand, the ownership of individual apartments in this building. Those among sitting municipal tenants who had bought their dwellings before the building was restituted to private owner stayed in the restituted buildings as homeowners, while others quite suddenly become tenants “on the private market.” Those among these tenants, who still fulfilled the criteria for attribution of municipal dwelling, could still have expected the support of the local authorities which were in charge of their relocation. Conversely, those who no longer fulfilled the conditions to receive municipal dwelling were left on their own. Since the restitution of private property, former municipal tenants have been considered as private tenants, and the private owner of the building could have significantly raised the rents. As a result, the tenure structure as well as the structure of residency in the pre-war buildings took a hybrid ownership structure (Fig. 1).

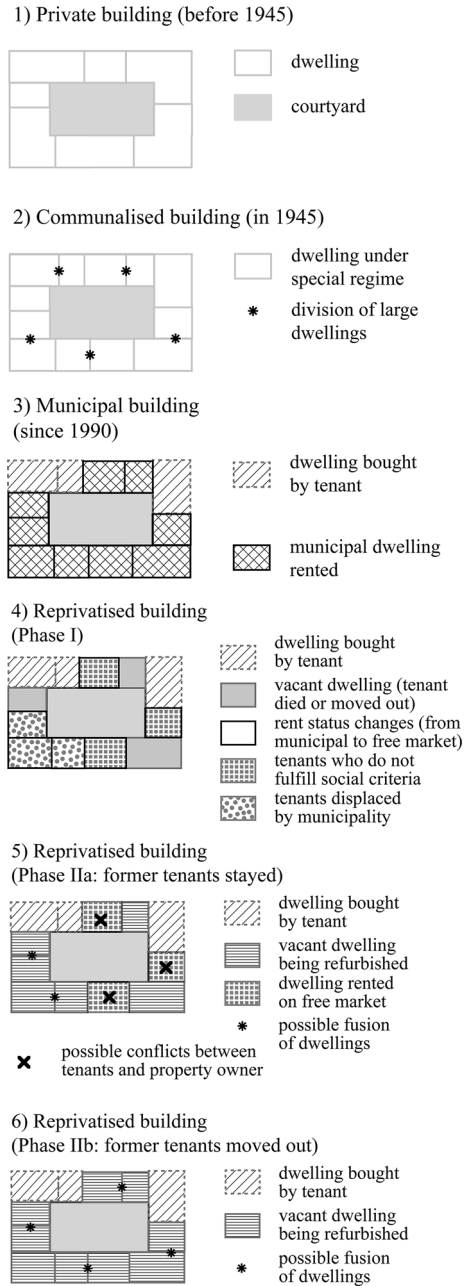
Depending on the complexity of the created tenure structure, it may contribute to the escalation of conflicts between the private owners of the pre-war buildings and the tenants who are not capable of paying increased rents but feel attached to the dwellings which have been their homes for many years (Górczyńska 2014). Alternatively, it may contribute to important changes in the social composition within these buildings if the former tenants moved out or were relocated by the local authorities, and provided that the share of already privately owned apartments is low.

Apart from reprivatization, buildings with tenants were also sold to private buyers. This procedure concerned both the communal buildings and former buildings of public enterprises, especially in the mid-1990s (Klukowska and Kuglarz 2004). Only in the revised version of the Act on real estate management (2004),¹⁷ were the sitting tenants in dwellings of former enterprises, given preemption rights (*ibidem*). In Warsaw, the first pre-war buildings with tenants were sold to a private investor in Śródmieście District in 1999 (Zubik 1999). The procedure mainly concerned old and deteriorated buildings with 100 % ownership of municipal dwellings, where the costs of renovation were too significant to be covered by the local authorities. The new owner of the building was in charge of locating substitute dwellings for the tenants (*ibidem*).

In this way, the number of municipal dwellings in Warsaw continues to decrease from around 220,000 at the beginning of the 1990s to around 82,000 in 2013 (Fig. 2). Though, the share of municipal dwellings dropped, respectively, from 36.8 to 9.3 % in the capital city. It should be highlighted that in the last few years this decrease was chiefly explained by the sale of municipal dwellings (70.6 %), while restitution process (22.4 %), demolitions and other actions (7.0 %) had a lower impact on this change (Long-term Program for housing stock management in Warsaw, 2013–2017). The latest decisions of the Supreme Administrative Court and the Constitutional Court in favor of restitution probably contributed to acceleration of the process and to increase in the number of claims deposited. According to the forecast for changes in the number of municipal stock between 2013 and

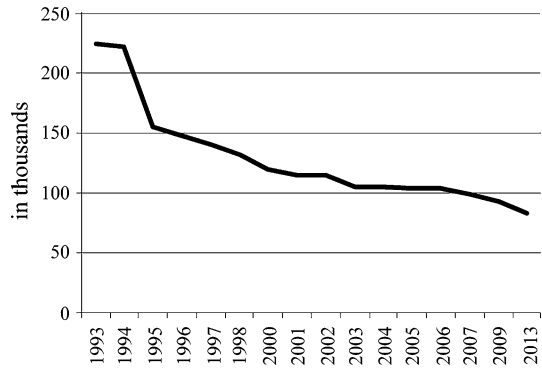
¹⁷ Pl. *Ustawa o gospodarce nieruchomościami*.

Fig. 1 Paths of hybrid tenure structure within schematized pre-war building (*top view*). *Source:* based on Górczyńska (2014), changed



2017, the downward trend is set to continue (Long-term Program for housing stock management in Warsaw, 2013–2017). However, it is envisaged that at first the restitution process (50.4 %) and then sale of municipal dwellings (41.3 %) will play the most influential role in the decrease in municipal stock.

Fig. 2 Number of municipal dwellings in Warsaw between 1993 and 2013. *Source:* Central Statistical Office



4 Privatization and restitution in the media: actors and conflicts

The previous sections revealed that the segment of pre-war housing stock has recently been undergoing perhaps even more profound changes in its position on the housing market than the dominating large housing estates from the socialist era. However, lack of data with regard to the pre-war buildings, their physical as well sociodemographic characteristics and their evolution hinders investigations in this sphere in Warsaw. In order to provide an insight into the problem of the pre-war buildings in Warsaw, and particularly their restitution to former private owners, I analyzed the content of newspaper articles which enabled me to shed a light on different actors involved and the nature of conflicts that these procedures entail. To this end, I browsed the archives of *Gazeta Wyborcza*, one of the leading newspapers in Poland,¹⁸ using two groups of key words in order to narrow the choice and to select only relevant documents: “Warsaw pre-war building restitution claims,” and “Warsaw pre-war building communal.” In the first category, 133 articles were found, among which 92 were relevant for this category. In the second category, 356 articles were found and only 156 were relevant for this category. After having eliminated the duplicate articles present in both categories, the total number of articles attained was 208 (Fig. 3). The articles dealt with a diverse range of topics which were classified into ten categories according to the main theme that was developed by the journalist (Table 4).

In general, the number of articles undertaking the themes of pre-war buildings fluctuated between 1991 and 2014, and five specific periods can be distinguished (Fig. 3). At the beginning of the 1990s, the articles concerning these themes were rather scarce; however, the question of property restitution has already been discussed, mainly in terms of the lack of legal framework for restitution. The increased number of articles between 1998 and 2005 corresponds to the debates about the withdrawal of regulated rents in private and public dwellings and the beginning of the sales of pre-war buildings with tenants (articles published between 1998 and 1999) as well as the repercussions of the former decision which particularly impacted upon tenants in private pre-war buildings (articles in 2005). The increased attention on the pre-war buildings can be perceived over the last 6 years. The articles tackling the question of restitution mainly discuss the new phenomenon of “buyers of claims” as well as growing tensions between tenants and the new owners of the buildings. In addition, the most recent articles address the question of the poor quality of pre-war communal buildings together with the lack of an appropriate number of communal

¹⁸ The articles published between January 01, 1989 and February 20, 2014.

Fig. 3 Number of articles dedicated to pre-war buildings published in *Gazeta Wyborcza* between January 01, 1989 and February 20, 2014. Asterisk in 2014, only January–February. Source: Own elaboration on the basis of archive of *Gazeta Wyborcza*

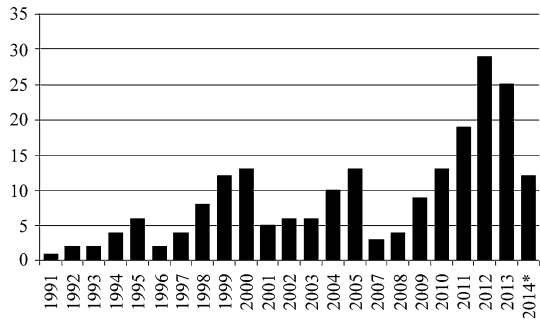


Table 4 Analysis of the content of articles in *Gazeta Wyborcza*

Themes undertaken	Number of articles published in the following periods					Total number of articles
	1991–1997	1998–2000	2001–2005	2006–2008	2009–2014	
Tensions between groups	2	2	0	1	22	27
Deregulation of rents	4	4	17	0	1	26
Poor housing conditions in pre-war buildings	2	2	2	1	15	22
Renovation of housing stock	0	0	0	0	9	9
Privatization of public dwellings and buildings	1	7	1	0	5	14
Property restitution as a business	0	3	0	0	9	12
Property restitution as a way to regain private property	2	1	2	0	1	6
Restitution as political challenge	6	7	5	3	21	42
Insufficient number of communal/social dwellings, problems with rent arrears, relocation of tenants	3	3	10	1	19	36
Others related themes (pre-war buildings on the real estate market, etc.)	1	4	3	1	5	14
Total number of articles	21	33	40	7	107	208

Source: Own elaboration

dwellings due to privatization and reprivatization processes, among others. Through the analysis of the content of articles, we may distinguish four types of challenge that the local authorities of Warsaw face nowadays with regard to the pre-war buildings: (1) tensions between groups of owners and tenants, (2) legal framework for restitution, (3) an

insufficient number of communal and primarily social¹⁹ dwellings as well as (4) the poor condition of the public pre-war housing stock. The City Hall has adopted new regulations toward public housing management for the coming 5 years, but without regulations concerning property restitution fixed at the national level, these problems will continue for years.

The analysis of the content of the articles also elucidates the complexity of actors involved in the process of property restitution as well as different tensions and group interests that these processes entail. Broadly speaking, four main groups may be distinguished: those who place the restitution claim (private owners or “buyers of claims”), those who accept/refuse the claim (local authorities of Warsaw and specifically the Department of Real estate management), those who are in between these two groups but are not a formal partner in the restitution process (tenants in dwellings, tenants of commercial premises) and those who attempt to defend the rights of the latter group.

Regarding the pre-war buildings, the local authorities of Warsaw face a difficult set of problems nowadays. Firstly, the local authorities have to tackle the question of restitution without the legal support for this task and attributed financial support is not sufficient. Secondly, due to the changes in the pre-war borders of plots, the restitution claims sometimes additionally concern public spaces (e.g., parks, squares) or public facilities (e.g., school buildings, playing fields) and their return to former owners arouses objections from local inhabitants.

Apart from preoccupations linked to property restitution, local authorities are responsible for the quality of living in the pre-war municipal buildings. Around 80 % of the municipal buildings were constructed before the Second World War and struggle with poor maintenance. At the end of 2011, it was estimated that 9 % of the municipal buildings²⁰ required important investments in modernization and repairs (including basic installations as well as repairs of roofs, renovation of facades), whereas 14 % were classified for demolition (Long-term Program for housing stock management in Warsaw, 2013–2017). The scope of needs in municipal buildings for the period 2013–2017 was estimated at 1273 millions Polish zloty, while the expenditures were estimated to be 575 million Polish zloty (covering roughly half of existing needs). In addition, around half of all the calculated needs related to one district with the highest number of the pre-war buildings (Praga Północ). Since the previous Long-term Program for housing stock management in Warsaw (2008–2012), the local authorities have launched a strategy for the selective sale of municipal dwellings in order to achieve a more homogenous private ownership structure in buildings instead of mixed public–private homeownership associations.²¹ Apart from the sale of single municipal dwellings to sitting tenants, there is also a share of pre-war municipal buildings that have been sold to private persons. Usually it concerns the buildings in the worst condition that require profound modernization. The procedure slowly started in Warsaw in 1999 with just a few buildings sold in the Śródmieście District (Zubik 1999).

¹⁹ Social dwellings constitute the part of the municipal stock but may offer lower standard and are reserved for fixed-term lease to the tenants evicted from previous dwelling by the judgment of the court.

²⁰ Municipal buildings which are 100 % property of the municipality, without a single dwelling sold to a sitting tenant.

²¹ Pl. *wspólnota mieszkaniowa*. In 2011, 65.8 % of municipal dwellings were situated in the buildings managed by public–private homeownership associations (Long-term Program for housing stock management in Warsaw, 2013–2017). In other words, in these buildings, certain apartments were bought by sitting tenants, while the others were still occupied by municipal tenants.

The second important group—private owners attempting to regain their property—is quite diverse. Despite the fact that in the majority of articles, its representatives are presented in a rather negative manner, it should be highlighted that this is not the case in all situations. Private persons who regain their property are sometimes incapable of managing it as it generates significant costs. Some of them sell their property, or even the rights to the property, to other entities. Due to regulated rents, private owners of pre-war buildings could not have covered the costs of their maintenance. This situation was partially changed after a favorable decision of the Court of Human Rights in Strasbourg in 2008 which gave a right for compensation for Maria Hutten-Czapska (the heir of pre-war villa in Gdynia) for her financial loss because of regulated rents. This decision partially contributed to rent release and paved the way to further support in the form of bonus compensation and repair for renovation and refurbishment works in pre-war buildings (several amendments to the Act on thermo-modernization and renovation in the following years).

More and more often private investors search independently for the owners of pre-war estates and propose transactions. The City Hall estimates that one-third of restituted properties go to the “buyers of claims” (Szpala and Zubik 2014). This is, to some extent, reminiscent of the case study of East Berlin, where most of the original owners of restituted properties sold their returned properties (Reimann 1997). Undoubtedly, the entirety of the buyers of claims is interested in high returns but at present has different attitudes toward tenants and adopts various methods to reach their goals. Certain individuals, called “cleaners of tenement houses,” simply mistreat the tenants in an effort to force them to move out²² (e.g., cut off water, gas, electricity, commit acts of vandalism). In 2014, two amendments to existing laws were reported in order to limit this kind of practices. The first one concerned the changes in the construction law and the law on public water supply, while the second one referred to changes in the criminal law, according to which the harassment of tenants by the intentional destruction of a building would be considered as an offense punishable by imprisonment of 3 years.

For the press, particularly eye-catching are the cases of old people, being unaware of the true value of their property, selling it to businessmen at a very low price.²³ However, there are also positive examples to be found. A descendant of the Jabłkowsy family²⁴ had been trying for many years to recapture his property. After having recaptured one of the pre-war tenant houses, he started small repairs and managed to negotiate, with sitting tenants, the individual conditions of their tenancy or departure. In addition, there also exists a group of investors who buy the rights to empty buildings (or at least without sitting municipal tenants) which simplifies the renovation works. As there are no detailed studies concerning the owners of restituted estates, one should be cautious in judging the situation only on the basis of press releases. Nevertheless, the *Gazeta Wyborcza* paints this picture in rather bleak colors. It is also necessary to mention that among the buyers of claims, certain persons reappear in different operations. Unfortunately, these speculations are not confirmed by hard data as the local authorities do not collect information about the owners of restituted properties. It is not surprising that considering the growing number of restitution claims, certain law offices in Warsaw have begun to specialize in dealing with

²² These investors buy buildings with “meat insert” (pl. *wkładka mięsna*)—this is how they label the sitting tenants.

²³ One of the examples tells about 50 Polish zloty (approx. 12 €) for the participation in the property ownership.

²⁴ At the beginning of the twentieth century, the family opened in Warsaw one of the biggest department stores in Poland and probably in Europe.

reprivatization issues. Similar orientation also appeared in the case of certain real estate agencies operating in the housing market in Warsaw: Some of them focus specifically on the operations within the segment of pre-war buildings (both apartments in these buildings and the buildings themselves).

Perhaps, municipal tenants are in the most uncomfortable position as they are not formal partners in the restitution process; however, they do have to deal with its consequences. Municipal tenants are more or less active in defending their dwellings in reprivatized buildings. In the majority of articles, they are presented as victims of reprivatization that are obliged to struggle with the new private owner who raises the rents and sometimes even proceeds to illegally evict. Their attachment to the apartment is understandable as sometimes they have spent their whole lives in this place and have well-established social relationships with neighbors. Moreover, the tenants are often of the elderly generation and not financially prepared for moving out and paying higher, private rents. Some of them, despite low revenues, cannot be relocated by the local authorities as they exceed the income criterion or the criterion for usable floor space in the current apartment.

Similar problems apply to the tenants in commercial premises. For instance, one of the well-known theaters in Warsaw (TR, former name Teatr Rozmaitości) located in a pre-war building with a restitution claim launched a fundraising attempt in order to buy the building from the private owner. With the growing number of restitution claims and the threat of expulsion, local associations and groups of local activists started undertaking this challenge, e.g., Association of People embraced by communalization Decree “Dekretowiec”²⁵ (pl. Zrzeszenie Osób Objętych Dekretem Warszawskim), residents’ initiative “Social Warsaw” (pl. Inicjatywa Mieszkańców “Społeczna Warszawa”), association “City is ours” (pl. “Miasto jest Nasze”). They support the tenants but also provide them with knowledge about their rights and possible courses of action to defend those rights.

The process of property restitution impacted strongly upon the role of the apartments in the pre-war buildings on the housing market in Warsaw. In the last few years, the demand for luxury apartments in renovated pre-war buildings “with character” has increased, although they still constitute a niche segment on the real estate market. Perhaps, this scarcity of pre-war buildings also contributes to their luxury image and justifies one of the highest prices of apartments.²⁶ The types of commercials used to attract the customers are also striking. Below are a few quotes of slogans that can be found on the webpages of developers selling the apartments or directly on the buildings:

Through careful restoration of this building, we would like to demonstrate that buildings in the city-centre whose splendor has been restored, may become an alternative in terms of classic housing estates²⁷ (69, Koszykowa street, Śródmieście district, Warsaw).

“Live with the spirit of history”, “In the heart of Warsaw history saved one such house...”, “Prestigious address, perfect location” (22, Wilcza street, Śródmieście district, Warsaw).

“Here, the luxury apartments are being created in the building from 1910 under rehabilitation” (16, Poznańska street, Śródmieście district, Warsaw).

According to one of the developers who specialize in the renovation of pre-war buildings, this niche offer on the housing market in Warsaw attracts mainly two groups.

²⁵ The association solely tackles with the restitution question in Warsaw.

²⁶ According to the estimation of Metrohouse (Gazeta Prawna) the price of 1 m² in the pre-war building is in average 1000 Polish zloty higher than the average price of 1 m² in general.

²⁷ In this context, “classic housing estates” refers to the housing estates built during the socialist period which are dominant type of architecture in urban space of Warsaw.

The first constitutes of affluent people aged 40–50, who have already been living in an individual house or villa in the suburban area but are fed up with traffic jams while commuting each day to the city center. The second group constitutes of young professionals around 30 years old, working for transnational corporations who appreciate living in the city center. Moreover, there are also people from other cities in Poland who are interested in buying a luxury apartment as a second home in Warsaw or as an investment. Foreigners, however, are still underrepresented among the potential buyers of apartments in the pre-war buildings compared with other post-socialist cities (e.g., Prague).

5 Conclusions: different scenarios for the future

With regard to the complicated ownership structure and the ongoing process of property restitution, the future of the pre-war buildings will be strongly dependent upon specific circumstances. First of all, the location within the city: in an already more invested in and functionally diversified part of the inner city on the left bank of Vistula River (e.g., Śródmieście) or on the less invested in and more decapitalized right bank (e.g., Praga Północ). In terms of perception, the old districts on the left bank make an effort to build their new image on the pre-war culture and heritage, but the process is still under work. Certain clubs, cafés or galleries have become trendy, but is it a sufficient driver for change? Perhaps, more powerful would be private and public investments in the built environment. Preliminary attempts to renovate pre-war public houses on Ząbkowska Street (Praga Północ) or other operations envisaged in the forthcoming Local Revitalization Program, together with private investments may save the depreciation of these areas and protect them from further decline. On the one side, considering the estimated costs of the modernization of the pre-war buildings, property restitution seems to be quite a positive means in order to lessen the responsibility of renovation from the municipality's shoulders. On the other side, single actions, undertaken by individual investors having different financial resources and plans with regard to their property, would be unlikely to bring about the desired results. This would perhaps only contribute to the creation of new enclaves of wealth.

While location plays an important role, the architectural quality of the building together with possibilities for renovation also constitute a significant set of characteristics that may or may not attract investors. Through profound renovation and refurbishment, the investors attempt to create luxury options for demanding and affluent clients who would appreciate not only the location but also the historical value of the place, restored architectural details and elements of original finishing (e.g., stuccoes, door handles, flooring and parquetry).

The hybrid tenure structure is another factor that impacts strongly upon the future of the restituted pre-war buildings in Warsaw. Apart from the question of tensions between tenants and owners, the share of the owners in a building and their socioeconomic status would either accelerate renovation or maintain a state of stagnation. The dynamic of changes is also impacted upon by the type of the private owner to whom the building was returned. Personal owners are seemingly more reluctant to undertake profound renovation operations, whereas private investors and entrepreneurs buy the rights to pre-war buildings with a clear goal to gain a return after the renovation.

To conclude, the future of the restituted pre-war buildings will strongly influence the existing social composition in the areas where this stock dominates. Local tensions and expulsion are already visible in certain places and, one can assume, will be reinforced in the coming years regarding the growing number of accepted restitution claims. This may

contribute to the gradual replacement of a poorer population living in communalized pre-war buildings by more affluent households. This process would be one of the modalities of the gentrification process, however, induced by reprivatization. Moreover, property restitution may also bring about functional changes as the returned buildings may be transformed to offices, hotels or commercial spaces owing to their central location in the city.

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