
SMART PRACTICES IN PUBLIC ADMINISTRATION TO END HOMELESSNESS: THE EXAMPLE OF SCANDINAVIAN COUNTRIES

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Smart public administration, municipality, non-governmental organizations, smart goals to help reduce homelessness, strategies to prevent homelessness, homeless people

ABSTRACT

Homelessness is a phenomenon for which the scale is growing at an alarming rate in Europe. It leads to the exclusion of people affected by it, to the denying of human dignity, and it constitutes a threat to human health and life. It is a multidimensional phenomenon in its substance and causes that lead to it. Therefore, it is necessary for the European states to take steps to prevent and reduce its scale. This requires thoughtful, sometimes innovative activities that bring with them a serious financial outlay for their implementation. It also concerns Poland, where the basic form of assistance to the homeless people is still a shelter, which is far from the level of assistance provided to the homeless people in the countries of Western Europe, especially in countries such as Finland, Denmark or Norway. The aim of the article is a theoretical overview of the notion of smart practices in public administration to end homelessness in selected Scandinavian countries and its state affair in Poland, using relevant scientific literature. The article provides the reader with information about the homelessness strategies implemented in Finland, Denmark and Norway, and refers them to the Polish conditions.

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I. INTRODUCTORY REMARKS

The concept of smart organization has been developed on the basis of the science of organization and management, and – as is often the case in science – it has been successfully applied on the basis of other sciences, in particular administration sciences, which related the rules governing it to the public administration. The science of organization and management defines a smart organization as an organization that uses the intelligence of its employees and creates the right conditions for engaging and developing its participants in order to make more effective actions possible for its clients and partners.¹ In turn, the smart administration – whose functioning does not determine, as in the case of private organizations and market mechanisms – is such an organization that ‘follows the principles of logic, rationality criteria and rules of fairness without additional organizational efforts, financial outlays and people can, acting in accordance with the law, enrich the values that underlie its creation and functioning, and at the same time better settle an individualized case or sequence of individualized cases, or avoid losses that, in a given circumstance, less smart administration would undoubtedly suffer, or would be suffered by the addressee of its activities’.² As a result, specific goals are set before the smart administration. The first of these is the consolidation of the belief in society that it is smart and that its functioning in the state is indispensable. Its second goal is to conduct public activities in which the element of smartness would contribute to deeper respect for these activities as a venture that is beneficial, just, fair and lawful for the citizen.³

II. PREVENTING AND REDUCING HOMELESSNESS AS AN IMPORTANT SMART PUBLIC ADMINISTRATION TASK

There are areas of public administration activity, for which the element of smartness is particularly important in terms of their functioning. The remark made concerns those areas of public administration activity, the implementation of which often determines human existence. Such areas of public administration

¹ Barbara Czerniachowicz, ‘Koncepcje organizacji uczącej się i inteligentnej w jednostce samorządu terytorialnego’ (2011) 77 *Ekonomiczne Problemy Usług* 66–67

² Jan Boć, ‘Ku administracji publicznej jako organizacji inteligentnej’ in Anetta Dębicka, Mariusz Dmochowski, Barbara Kudrycka (eds), *Administracja publiczna a współczesne państwo* (Stowarzyszenie Edukacji Administracji Publicznej 2004) 31

³ Jan Boć, ‘Administracja publiczna jako organizacja inteligentna’ in Jan Boć (ed), *Nauka administracji* (Kolonia Limited 2013) 370

activity include its legally defined activity in the field of preventing homelessness and helping those who are in a state of homelessness. This is due to many factors. First of all, because ‘Homelessness (...) belongs to the most difficult social problems to solve. (...) It arouses (...) many emotions due to the difficulty in establishing its causes, stigmatization of individuals experiencing it, lack of unambiguous methods of solving it and tragic consequences – from stripping one of his dignity, through serious health detriment to deaths due to hypothermia in winter. It is a symbol and a reflection of problems in the implementation of the state and self-government caring functions.’⁴ This is not, contrary to the general belief, the problem of several winter months.

Despite the fact that homelessness in Poland is one of the most important social problems, there are no appropriate legal solutions to it.⁵ Polish social policy concerning the fight against homelessness is not consistent;⁶ legal provisions relating to it is distributed in a number of legal instruments,⁷ and the basic form of assistance for homeless people is still giving them temporary shelter in institutional support facilities, which in the current legislation are hostels, shelters and the so-called ‘warming-up’ facilities.⁸ To talk about smart solutions to homelessness in the Polish conditions, it becomes necessary to tap into solutions developed in this regard in other countries and to consider which of them could be used in Poland. It should be noted that the adoption of new solutions in the field of implementation by the public administration of its legally assigned tasks must take into account not only the provisions of the applicable law, but also the organizational and financial conditions of the state in which a particular public administration functions.

⁴ Jakub Wilczek, ‘Wstęp. O potrzebie zmiany systemu przeciwdziałania bezdomności’ in Jakub Wilczek (ed), *Programy mieszkaniowe w przeciwdziałaniu bezdomności – dobre praktyki i refleksja systemowa* (Biuro Rzecznika Praw Obywatelskich 2017) 7

⁵ Radosław Mędrzycki, ‘Problem bezdomności w świetle wybranych regulacji prawnych’ (2016) 4 *Przegląd Legislacyjny* 35

⁶ Radosław Mędrzycki, ‘Bezdomność w świetle orzecznictwa sądów administracyjnych – wybrane aspekty’ (2013) 1, *Kwartalnik Prawa Publicznego* 186

⁷ Starting from Article 75 of the Constitution of the Republic of Poland of 2nd April 1997 (*Dziennik Ustaw* – Official Journal of Laws of the Republic of Poland 1997, No. 78, item 483 as amended), through the Act of 12th March 2004 on Social Assistance (consolidated text of the *Dziennik Ustaw* – Official Journal of Law of the Republic of Poland of 2019, item 1507 as amended), hereinafter: the Social Assistance Act, and numerous acts of international and EU law to which Poland is a party, including EU strategies and resolutions of a non-binding nature

⁸ In the current legal status, shelter is regulated by the Social Assistance Act in Articles 48 and 48a. In the light of the provisions of this Act, providing shelter to those in need is a compulsory task of the municipality, and it is provided in Article 17, paragraph 1 item 3 of the Social Assistance Act and non-monetary benefits in the field of social assistance

III. SMART PUBLIC ADMINISTRATION GOALS AND STRATEGIES FOR PREVENTING AND REDUCING HOMELESSNESS

Smart public administration goals in the area of homelessness prevention are usually determined by specific strategies and action plans, which in their content indicate the main directions and priorities of public administration activities within the framework of the public tasks assigned to it. Smart strategies for reducing homelessness exist at various levels. Because the competence to provide assistance to homeless people, in accordance with the principle of subsidiarity,⁹ is often located at the level of local authorities, it is local strategies that play a key role in coping with homelessness in a given municipality, city or neighbourhood. Western-European literature emphasizes that national and/or regional governments also play an important role in this respect, as they usually provide an overarching framework that enables and helps local authorities to combat homelessness. Hence, national and regional homelessness strategies usually set common policy objectives, create a legal framework for local strategies, provide access to resources, and support and guide local policies.¹⁰

It is assumed that the goals set in smart administration strategies, including the ones addressing homelessness, should be determined using the SMART method, according to which, they should be:

1. specific – this means that the goal set for the implementation of the organization must be specific and clearly and correctly defined;
2. measurable – it is necessary for the goal to be controllable and measurable. Measurability allows one to unambiguously determine whether the goal has been achieved;
3. attainable – the goal should be ambitious, it cannot be easy, because it should be a challenge; at the same time, it cannot be too difficult to achieve;
4. realistic – the goals assigned to an organization should be attainable and achieved using the resources it owns;
5. time bound – the goal must have a clearly defined deadline. The deadlines play an important role, especially for complex goals, when

⁹ It is worth noting that in Poland, the rule of subsidiarity is directly expressed in the Preamble to the Constitution. According to the Preamble to the Polish Constitution, ‘Constitution of the Republic of Poland as the basic law for the State, based on respect for freedom and justice, cooperation between the public powers, social dialogue as well as on the principle of subsidiarity in the strengthening the powers of citizens and their municipalities.’

¹⁰ Ruth Owen, *Achieving Goals: Strategies to End Homelessness (Summer 2015)*, ‘The Magazine of Feantsa. Homeless in Europe 2015, Achieving goals: Strategies to end homelessness’ 2<http://www.feantsa.org/download/homeless_in_europe_summer_20151781902169973565937.pdf> accessed on 29th December 2017

the implementation of one goal triggers other goals included in the project.¹¹

However, it should be borne in mind that in public administration, SMART goals should primarily recognize the law that is the foundation of public administration activity. They should also respect the principles of constitutional and administrative law.

IV. SMART SOLUTIONS TO END HOMELESSNESS ON THE EXAMPLE OF THE SCANDINAVIAN COUNTRIES

In the Western European literature, homelessness strategies adopted by the European countries and goals set in them are often compared in order to show the different ways of addressing homelessness, evaluate their results, and ultimately develop optimal standards for smart assistance for the homeless. Quite often, the strategies implemented by the Scandinavian countries, that is, Denmark, Norway and Finland, are mentioned,¹² because in these countries the scale of homelessness is relatively low compared to the other European countries, and in the case of Finland and Norway, it even shows a downward trend. What is more, the solutions adopted by them go far beyond the standard assistance provided in countries where the ladder model continues to prevail in the case of help offered to the homeless. This does not mean, however, that homelessness is not a serious social problem in the Scandinavian countries. On the contrary, Denmark, for instance, from which we will begin a review of the strategies for homelessness, which in 2017 recorded an 8% increase in the number of homeless people in comparison with 2016.¹³

¹¹ Krzysztof Janasz, Joanna Wiśniewska, *Zarządzanie projektami w organizacji* (Difin 2014) 55. When it comes to the goals of smart public administration determined in strategies addressing homelessness, according to the European Federation of National Organisations Working with The Homeless, hereinafter: FEANTSA, they assume that: '1. no one should live on the street; 2. the stay in interventional accommodation establishments should be limited only to crisis situations; 3. temporary accommodation in intervention centres should be a stage on the way out of homelessness; 4. no one should leave aid institutions without a housing option; 5. no young person should be at risk of homelessness due to entering adulthood'. As cited in: 'Rozwiązywanie problemu bezdomności: Podręcznik dla twórców polityki społecznej' <http://www.feantsa.org/download/feantsa_handbook_pl_final-27371109979175927595.pdf> accessed on 29th December 2017

¹² Cf.: Lars Benjaminsen, Evelyn Dyb, 'The Effectiveness of Homeless Policies – Variations among the Scandinavian Countries' (2008) 2, *European Journal of Homelessness* 45–63

¹³ Currently, the number of homeless people in this country is estimated at 6,635 people. As cited in: Lars Benjaminsen, 'Rapport Hjemløshed and Danmark 2017. National kortlægning' <https://pure.sfi.dk/ws/files/923630/Hjeml_shed_i_Danmark_2017.pdf> accessed 31st December 2017

In the case of Denmark, the first strategies for homelessness emerged in this country as early as in the 90s of the last century.¹⁴ An example of innovative solutions designed to address the homeless people in Denmark in this period was, inter alia, the state project from 1999: 'Queer houses for queer existences'.¹⁵ The first national strategy for tackling homelessness was however adopted in this country only in 2008 under the name of 'A Strategy to Reduce Homelessness in Denmark'.¹⁶ This strategy, adopted by the Danish parliament, was the implementation and continuation of the assumptions of the earlier national programs aimed at strengthening social services for socially excluded people, including the homeless.¹⁷

'A Strategy to Reduce Homelessness in Denmark' is an example of one of the few European national strategies using the Housing First formula and assumptions to achieve its goals, which covered over a thousand Danish citizens during its implementation.¹⁸ Its overall goal was to reduce the scale of homelessness in Denmark, which started to increase since 2009.¹⁹ In order to achieve this goal, specific goals were adopted in the discussed strategy, according to which:

1. no one should live on the street,
2. young people should not stay in shelters for the homeless,
3. no one should stay in a homeless shelter for more than 120 days,
4. better housing solutions should be available to people who are released from prisons or leave hospitals and other medical facilities.²⁰

It should be pointed out that the Danish strategy of 2008 was characterized by a close partnership between the municipalities and the national level. 17 of the 98 Danish municipalities, comprising about two-thirds of the homeless population

¹⁴ Rozwiązywanie problemu bezdomności (n 11)

¹⁵ Agnieszka Zaborowska, *Europejskie strategie walki z bezdomnością* (Polskie Towarzystwo Polityki Społecznej, Politechnika Radomska 2009) 14. See also: Lars Benjaminsen, *Homelessness in a Scandinavian welfare state: The risk of shelter in the Danish population*, 'Urban Studies' (May 2015), SAGE Publishing <10.1177/0042098015587818> accessed on 30th December 2017

¹⁶ Implemented between 2008 and 2012

¹⁷ Lars Benjaminsen, 'Policy Review Up-date: Results from the Housing First based Danish Homelessness Strategy' (2013) 2, *European Journal of Homelessness* 110

¹⁸ Lars Benjaminsen, *Sustainable ways of preventing homelessness (Copenhagen, 22nd November 2013). Results from the Housing First based Danish Homelessness Strategy and the challenges of youth homelessness. Host country paper*, Peer Review on homelessness (Denmark 2013) 1–2

¹⁹ Benjaminsen, 'Policy Review Up-date' (n 17) 110

²⁰ *ibid* 114

living in Denmark, were involved in its implementation.²¹ The municipalities participating in the implementation of the strategy were obliged to undertake an analysis of homelessness on their territory. On the basis of the analysis carried out, the Danish municipalities chose areas to be worked on as part of the strategy implementation until 2012.²² The municipal councils participating in the implementation of the strategy were the main actors in implementing its assumptions. It was emphasized, in accordance with the principle of subsidiarity, that the initiative for the benefit of homeless people should be created in municipalities.²³ Interestingly, also in Poland the main burden of helping the homeless rests with the municipalities. This is an expression of the already mentioned principle of subsidiarity in public life.

It is noteworthy that the Danish strategy for tackling homelessness combined three main elements to reduce its scale. First, it was to strengthen the services available to the homeless people by providing additional financial resources in the amount of DKK 500 million (EUR 67 million) for initiatives within its scope in the years 2009–2012. Financial support was provided, for example, for the construction or conversion of housing for homeless people, for coordination and housing support, as well as for assistance in dealing with homeless people. Second, the strategy was to help one to focus on better monitoring of initiatives throughout the homelessness prevention process. The municipal councils participating in its implementation had to set specific homelessness goals in line with the goals of the national strategy. Progress in achieving these goals was to be the basis for a continued dialogue between the Danish Ministry of Social Affairs and the municipalities. Third, the strategy was to support the development of improved methods for assessing the effectiveness of existing and new approaches to homelessness.²⁴

Another country – Norway, where 42% of the entire homeless population lives in four Norwegian cities: Oslo, Bergen, Trondheim and Stavanger,²⁵ adopted in 2004 a national strategy to prevent and combat homelessness, ‘The Pathway to a Permanent Home’. The strategy was implemented in 2005–2007 in cooperation with municipalities and the non-governmental sector,²⁶ and its assumptions were

²¹ Benjaminsen, *Sustainable ways of preventing homelessness* (n 18) 1–2

²² ‘The Government’s Homelessness Strategy: A strategy to reduce homelessness in Denmark 2009–2012’ <http://www.feantsa.org/download/danish_strategy_pjece_om_hjemlosestrategien_en2099678898977608548.pdf> accessed on 30th December 2017

²³ *ibid*

²⁴ *ibid*

²⁵ According to the Homeless World Cup Organization

²⁶ Evelyn Dyb, ‘Counting Homelessness and Politics: The Case of Norway’ (2017) 2, *European Journal of Homelessness* 15–16

based on the results obtained during the implementation of the national homelessness project in 2001.²⁷ Five main goals were adopted in the strategy: reducing the number of eviction orders by 50% and evictions themselves by 30%; it was assumed that persons terminating imprisonment should not go to shelters; it was further assumed that no one should be obliged to stay in the shelter as a result of referral to it by the public administration; that no one should reside in the so-called temporary accommodation for more than 3 months²⁸ and staying in a shelter is possible only after signing the so-called ‘quality agreement’.²⁹ The national strategy for reducing homelessness adopted in 2004 was characterized, like the Danish strategy from 2008, by the participatory approach, according to which all its partners should be involved in its implementation, including in particular public authorities and non-governmental organizations, and also people who are experiencing homelessness. Only this approach, according to the creators of the discussed strategy, guarantees its success.³⁰ The fact that the approach contributes to real help for homeless people can be proved by the fact that their number in Norway in recent years has been decreasing.³¹

Currently, the national strategy ‘Housing for Welfare’ is in force in Norway. The period of its implementation has been planned for the years 2014–2020³² and its main goals are:

1. everyone should have a good place to live,
2. everyone with a need for the services to receive assistance in managing their living arrangements,
3. public effort shall be comprehensive and effective.³³

It is noteworthy that an important part of the strategy currently implemented in Norway is ‘The Social Housing Development Program’, which began in 2009 and lasted until 2017.³⁴ This indicates an increase in the interest in social housing

²⁷ It is about the ‘Homeless Project’ implemented in 2001–2004, which was a collaborative project between the Government and the seven largest municipalities: Oslo, Bergen, Trondheim, Stavanger, Kristians, Tromsø and Drammen

²⁸ Barbara Schluz, ‘Problem bezdomności w Norwegii – skala zjawiska, uwarunkowania, przeciwdziałanie’ (2015) 1, *Seminare. Poszukiwania Naukowe* 112

²⁹ Rozwiązywanie problemu bezdomności (n 11)

³⁰ *The Norwegian Strategy to prevent and tackle homelessness (2005–2007)*, ‘Feantsa Shadow Peer Review’ 16 <http://www.noticiaspsph.org/IMG/pdf/EN_2006PeerReview-2.pdf> accessed on 30th December 2017

³¹ In 2016, there were 3,909 homeless people in Norway. More: News: ‘Strong Decrease of Number of Homeless People in Norway’ < <http://www.feantsa.org/en/news/2017/09/08/news> > accessed on 31st December 2017

³² Dyb (n 26) 30

³³ *ibid* 31

³⁴ *ibid* 16

in this country as one of the tools for solving the problem of homelessness and for the housing-led policy recommended by the European Union.

As far as Finland is concerned, the first strategies for preventing homelessness started to be implemented as early as 1987. The country remains one of the most representative examples of smart actions for homeless people, because it is currently the undisputed European leader in the number of places in apartments for homeless people.³⁵ Finland is also recognized as a pioneer in the field of 'Housing First' solutions. In addition, it is a country, in which the scale of homelessness has dropped significantly in recent years.³⁶ Already at the end of 2015, the number of homeless people for the first time in the history of this country amounted to less than 7 thousand, but it is stressed that this decline in homelessness is due to the introduction of national programs aimed at reducing the number of long-term homeless people in Finland.³⁷

One of the most important activities undertaken in Finland to reduce the number of long-term homeless people was the adoption of the Paavo I program implemented in 2008–2011, the introduction of which was preceded by the decision of the Finnish government of 14th February 2008.³⁸ One of the main objectives of the Paavo I program was to provide at least 1,250 new flats and support residences for long-term homeless in the participating cities. This was to be done by replacing temporary beds with permanent residential premises and through housing consultancy and launching a national housing project supporting young people.³⁹ Through these activities, it was intended to halve the number of homeless people by 2011.⁴⁰

The Paavo I program included ten Finnish cities with the highest percentage of homeless people, that is, Helsinki, Espoo, Vantaa, Tampere, Turku, Lahti, Jyväskylä, Oulu, Joensuu and Kuopio. Each of the cities participating in the program signed letters of intent with the state administration in the scope of its

³⁵ Wilczek (n 4) 15

³⁶ Due to the Homeless World Cup Organization since the 1980s, there has been a 50% reduction in the number of homeless people across Finland

³⁷ Juha Kaakien, 'Lessons from Finland: helping homeless people starts with giving them homes' <<https://www.theguardian.com/housing-network/2016/sep/14/lessons-from-finland-helping-homeless-housing-model-homes>> accessed on 30th December 2017

³⁸ Nicholas Pleace, Dennis Culhane, Riitta Granfelt, Marcus Knutagård, *The Finnish Homelessness Strategy. An International Review* (Reports of the Ministry of Environment – Helsinki 2015) 17. Paavo I was administered by the Minister of the Environment, and its implementation included the Ministry of Social Affairs, the Criminal Sanctions Agency, the Housing Finance and Development Centre of Finland and Finland's Slot Machine Association

³⁹ *ibid* 17

⁴⁰ During the implementation of this program, subsidies amounting to EUR 21 million were allocated to residential construction in 2012-2013, and a further EUR 13.6 million were allocated to the development and provision of services, EUR 34.6 million in total

implementation. Many non-governmental organizations also joined the program, which determined its multi-sectoral aspect⁴¹ and expressed the implementation of the principle of subsidiarity, also recognized in the Danish and Norwegian strategies. It should be mentioned that the same tripartite approach, connecting the state, municipalities and non-governmental organizations was used in the next Finnish Paavo II homelessness reduction program scheduled for 2012–2015, whose goals were:

1. elimination of long-term homelessness by 2015,
2. reducing the risk of long-term homelessness due to increasing the efficiency of using rents for the rental of social housing,
3. creating more effective measures to prevent homelessness.⁴²

Comparing Paavo I with Paavo II, it needs to be noted that the latter focuses more on the development of distributed housing alternatives with fluent support and preventive services.⁴³ In particular, housing support services for young people were developed and the participation of experts in the implementation of the program at all its levels (national, local, non-governmental) was increased.⁴⁴

Another action plan to prevent homelessness in Finland was adopted for 2016–2019 and it is the third stage in the implementation of the integrated strategy for preventing homelessness in this country, which began in 2008.⁴⁵ This plan is based on the assumptions of Paavo I and II programs, as well as on the results of the international review of their implementation from 2015. The plan states that Finnish housing, social, health and employment services, established in 2016, did not allow early identification and prevention of homelessness. Thus, a new multidisciplinary plan developed in conjunction with the strategy to further increase the available housing supply, including 2,500 new apartments (ordinary and supported), which is another step towards preventing and reducing homelessness in Finland. In addition, the plan drew attention to such issues related to homelessness as:

1. gender, including the experience of women in the field of homelessness,
2. homelessness among families and youth, which, as noted, is disproportionately experienced by migrants,

⁴¹ Pleace *The Finnish Homelessness Strategy* (n 38) 17

⁴² Nicolas Pleace, 'The Action Plan for Preventing Homelessness in Finland 2016-2019: The Culmination of an Integrated Strategy to End Homelessness?' (2017) 2, *European Journal of Homelessness* 97–98

⁴³ *ibid* 97–98

⁴⁴ Pleace (n 38) 20

⁴⁵ Pleace 'The Action Plan for Preventing Homelessness in Finland 2016-2019' (n 42) 96–97

3. homelessness of migrants, defined as persons who have been granted a residence permit in Finland.⁴⁶

Against the background of the presented Scandinavian countries, Sweden is an interesting example. In this country, prevention of housing exclusion in the broad sense occupied an important place in the national social policy until 1991, and at the end of the 1990s. In the twentieth century, the interest in homelessness and measuring the scale of its occurrence increased.⁴⁷ In the period of 2002–2009, limited funds were allocated in Sweden for local projects addressing homelessness and for their evaluation, and the Swedish government even adopted a homelessness strategy for 2007–2009 called ‘Homelessness, Multiple Faces, Multiple Responsibilities – A Strategy to Combat Homelessness and Exclusion from the Housing Market’.⁴⁸ Nevertheless, until now, no official strategy or action plan for homelessness has been presented in this country.⁴⁹

V. CONCLUSIONS

The solutions addressing homelessness adopted in the Scandinavian countries are characterized not only by their innovativeness and participatory character, but also by the necessity of incurring significant financial outlay for their implementation. The presented strategies implemented in the past or at present in Denmark, Norway and Finland show a departure from the traditional ladder model of help for the homeless in favour of solutions based on access to housing or on the housing market. This is in line with the housing-first and housing-led policy recommended in the European Union. In addition, in these countries, attention is paid to the issues of the need of monitoring the undertaken activities and to evaluating them, and the multidimensional character of homelessness, including this problem among migrants, women and youth. There is also a need of helping homeless people with mental disorders and including and cooperating in the implementation of national strategies of the local and non-governmental levels.

Referring the solutions accepted in the Scandinavian countries to the conditions of providing assistance to the homeless in Poland, it should be emphasized that:

⁴⁶ Pleace (n 38) 8

⁴⁷ Ingrid Sahlin, ‘Searching for a Homeless Strategy in Sweden’ (2015) 2, *European Journal of Homelessness* 162

⁴⁸ ‘Sweden. FEANTSA Country Fiche’ <http://www.feantsa.org/download/sweden_final1166868367939978871.pdf> accessed on 30th December 2017

⁴⁹ Sahlin (n 47) 162

1. forms and instruments of providing housing assistance in Poland are diverse and depend not only on the situation of people who seek for it, but first and foremost on the organizational and financial possibilities of municipalities that provide this assistance;⁵⁰
2. still, the main form of assistance provided to homeless people in Poland is providing shelter in the facilities of institutional support, and the assistance is provided in accordance with the assumptions of the ladder model;
3. there is a deficit of social housing that could form the basis for housing-first and housing-led policy support solutions;
4. in addition to the existing housing deficits, there are quality deficits;⁵¹
5. the introduced legal solutions to help homeless people or those exposed to homelessness are far from being smart. An example of this is the local tenancy institution, making eviction onto the street possible, referred to in Article 19f of the Act of 21 June 2001 on Tenants Rights, Municipal Housing Stock and the Civil Code Amendment.⁵² The second example was the provisions of Article 48a of the Social Assistance Act in the version before the amendment of this act of 8 February 2018,⁵³ according to which people unable to self-service were not allowed to stay in shelters, night shelters and ‘warming-up’ facilities for the homeless. It was only as a result of the aforementioned amendment to the Social Assistance Act that a new type of shelter for homeless people was introduced, that is, the shelters for homeless people unable to self-service;
6. the national homeless people assistance system lacks solutions aimed at helping the homeless refugees.

⁵⁰ Andrzej Przyemeński, ‘Pomoc mieszkaniowa dla zmarginalizowanych ekonomicznie gospodarstw domowych jako element systemu zabezpieczenia w Polsce’ (2014) 179 *Studia Ekonomiczne* 241

⁵¹ See: Annex to Resolution No. 115/2016 of the Council of Ministers of 27th September 2016 regarding the adoption of the National Housing Program, RM-111-119-16 <<http://mib.bip.gov.pl/budownictwo/programy.html>> accessed on 30th December 2017

⁵² According to Article 19f, Paragraph 3 of the Act of 21st June 2001 on Tenants Rights, Municipal Housing Stock and the Civil Code Amendment (consolidated text of *Dziennik Ustaw* – Official Journal of Law of the Republic of Poland 2019, item 1182 as amended) to the contract for institutional lease of premises is attached a tenant’s statement in the form of a notarial deed of submission to enforcement and the obligation to empty and deliver the premises used under the institutional lease agreement on the date indicated in the request to empty the premises and the acknowledgment that if necessary to perform the above obligation, there is no entitlement to the right to social housing or a temporary room

⁵³ Act of 8 February 2018 amending the Social Assistance Act of 12 March 2004 (*Dziennik Ustaw* – Official Journal of Law of the Republic of Poland 2018, item 700)

Considering the existing conditions (extra-legal and legal) in the scope of providing assistance by public administration in Poland to the homeless or those threatened with homelessness, it should be recognized that a paradigm shift in the approach to the existing forms of assistance is necessary. It is justified to move away from the ladder model of assistance for the homeless, which is still functioning in Poland, and to introduce into the Social Assistance Act active forms of assistance to the homeless (in addition to the already existing passive forms of assistance, such as providing shelter, providing necessary meals and clothing). In order to prevent homelessness, it is also necessary to strengthen the protection of tenants' rights, change the state housing policy paradigm and recognize the need to provide housing assistance to the homeless as part of reducing homelessness. The need to regulate the obligation for municipalities to operate sanitary facilities such as baths and laundries for homeless persons should also be indicated. There is currently no such obligation on the part of municipalities in Poland. Finally, it should be recognized that despite the limitations of the possibility of using many solutions adopted in the European countries existing in Poland, one should not be discouraged but patiently explaining the sense of their implementation, to what extent it blends into the general problem of housing accessibility for the poorest and excluded, and, above all, why the homeless are a social group, which needs to be provided with a special and, dedicated to them only, support,⁵⁴ always associated with the need to pay specific public funds.

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Benjaminsen Lars, 'Sustainable Ways of Preventing Homelessness (Copenhagen, 22 November 2013). Results from the Housing First Based Danish Homelessness Strategy and the Challenges of Youth Homelessness' (2013) 1–2 *Host Country Paper, Peer Review on Homelessness Denmark*

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⁵⁴ 'Ze słowa wstępnego Rzecznika Praw Obywatelskich dr A. Bodnara' in Julia Wygnańska (ed.), *Najpierw mieszkanie. Rzecznictwo oparte o dowody. Materiały źródłowe* (Warszawa 2015) 7

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