

KARPACKI PRZEGLĄD NAUKOWY

NR 3(23)/2017

Krosno 2017

Redaktor naczelny:

prof. dr hab. Roman Pelczar

Redaktor prowadzący:

dr Jacek Cheda

Sekretarz redakcji:

dr Joanna Maj

Rada Programowa:

prof. dr hab. Pavol Dancák (Prešovská Univerzita)

prof. dr hab. n. med. Andrzej Denys (Akademia Humanistyczno-Ekonomiczna w Łodzi)

prof. dr hab. Ryszard Henryk Kozłowski (Politechnika Krakowska)

prof. dr hab. Pavol Odaloš (Univerzita Mateja Bela v Banskej Bystrici)

prof. dr hab. Ludwig Selimski (Velikoturnovski Universitet Sv. Sv. Kiril i Metodii)

prof. dr hab. Jan Szreniawski (WSPiA Rzeszowska Szkoła Wyższa)

Redaktor naukowy numeru:

dr Waldemar Basak

Redaktor językowy:

dr Renata Gliwa

dr Mirosława Świtała-Cheda

Redaktor statystyczny:

dr Piotr Oleksiak

Czasopismo recenzowane

Skład, łamanie:

Katarzyna Chochołek

Projekt okładki:

Jakub Niedziela

© 2017 KTNiO

© 2017 RUTHENUS

Wydawnictwo RUTHENUS

ul. Łukasiewicza 49, 38-400 Krosno

tel. (13) 436 51 00, e-mail: ruthenus@ruthenus.pl

ISSN 2353-9917

Nakład 300 egzemplarzy

SPIS TREŚCI

Od redakcji, <i>Waldemar Basak</i>	7
---	---

ROZPRAWY NAUKOWE

Zmiany systemowe w Polsce w 2016 roku, <i>Marian Kozaczka</i>	13
--	----

Polityka senioralna w Polsce, <i>Piotr Oleksiak, Marzena Pytel-Kopczyńska</i>	27
--	----

Ekskluzja społeczna w krajach UE-10 – analiza przestrzennego różnicowania sytuacji, <i>Łukasz Kozar</i>	37
---	----

Zastosowanie założeń teorii wymiany w procesie motywowania pracowników administracji samorządowej, <i>Ewelina Stasiak</i>	53
---	----

Selected legal and organizational aspects of the revitalization process in Poland, <i>Radosław Kamiński, Anna Janus</i>	67
--	----

Czynności elektroniczne notariusza w postępowaniu wieczystoksięgowym, <i>Emilia Szczęsna</i>	85
---	----

Zabór Galicji oraz organizacja jego struktur i podział administracyjny, <i>Robert Zawisza</i>	99
--	----

Kakure kirishitan – ruch społeczny, który doprowadził do wolności wyznaniowej w Japonii w XIX wieku, <i>Katarzyna Błaźniak-Basak</i>	117
Формування феміністських доктрин: історико-політологічні аспекти, <i>Grażyna Kęcicka</i>	127
Гимн о милости Крzysztofa Кieślowskiego, <i>Jarosław Eichstaedt</i>	141
SPRAWOZDANIA	
Sprawozdanie z I Dnia Japońskiego – Łódź 30.10.2015, <i>Katarzyna Błaźniak-Basak</i>	151
Sprawozdanie z II Dnia Japońskiego – Łódź 09.06.2017, <i>Katarzyna Błaźniak-Basak</i>	155

Selected legal and organizational aspects of the revitalization process in Poland

Radosław Kamiński, Anna Janus¹

Introduction

In the Polish legal system the reflection on the concept of revitalization lasted for a very long time, and the diagnosis carried out indicated that its activities would be included in the catalog of the lowest local governments² own tasks and that it would require extensive involvement of local communities. Actually, as a result of many years of experience, discussion and work, the current law contains provisions which broadly involve the stakeholders of the communes in the entire process of creating and implementing the revitalization programs. The current legal formula for creating documents that allow municipalities (gminas) to carry out such a process is very complex and requires strict adherence to the timetable, procedural steps, including the widest possible population. In addition, the possibility of co-financing the process of creating revitalization documents from the Structural Funds causes that many local governments in the country have decided to start such procedures.

The concept of revitalization

Act of revitalization from October 9th, 2015 stipulates that revitalization activities may be a subject to a crisis area due to the concentration of negative social phenomena, particularly unemployment, poverty, crime, low education or social capital, and insufficient participation in the public and cultural life. The concept of revitalization itself was permanently incorporated in the dictionary of architects and urbanists around the mid-1990s. In Western Europe (Germany, France, England), much of this happened in the 1960s. and 1970s. Knowledge of the process of revitalization is interdisciplinary. The coordination of revitalization programs therefore requires

1. Dr Radosław Kamiński, dr Anna Janus - Wyższa Szkoła Bankowa we Wrocławiu.

2. The concept of the municipality – i.e. the lowest level of local self-government in Poland – is used differently: the municipality, community (gminas).

extensive knowledge of architecture, urban planning, spatial planning, management and marketing, as well as economics, urban sociology and even social psychology³.

The roots of revitalization initiatives can be traced back to the period of systemic change. The immanent feature of the Polish political transformation was the privatization of the state-owned enterprises. As demonstrated by this practice, in most cases the main intention of a private investor was the willingness to take over the real estate of the company, mainly the land. This caused the following:

- Demolition of existing facilities, and in that area thus obtained new, usually commercial services, objects (eg large-scale commercial objects) or
- Radically changing the architectural form of existing facilities, enabling them to adapt to new – attractive market – functions (e.g. office)⁴.

One of the breakthroughs in thinking about revitalization was the idea of turning the city to face the river or other water. In the past, inland waterways, forming in the areas designated by the current borders of Poland, created unique ecosystems, decisive in many cases of the civilization (political, social and economic) development of the region, city, commune and rural areas. Economic, including the holiday-tourist use of these waters has lasted for centuries. Their definitive economic and technical degradation took place after the end of II World War⁵. With the change of attitude to the social role of the city, its function – began to find out the possibility of exploiting its potential. Many good practices have also been borrowed from the Western European countries, where revitalization processes have had very positive social and economic effects. Revitalization is a development which is a dynamic category and represents positive qualitative changes related to growth and progress on many levels of social life. They are important and deep and they have an impact on many planes of life⁶.

Revitalization in Poland

Attempts to a systemic approach to the revitalization activities and processes have been taking place in Poland since 1992, when the work on the project “Renewal of

3. M. Guździół, *Rewitalizacja jako uspołeczniony proces naprawy miast*, 2007, internet archive, way-back machine, <http://web.archive.org/web/20070422025124/miejsc.org/2007/rewitalizacja-miast/> pobrano: 08.06.2017r.

4. Tamże, s. 22.

5. W. Rydzik (red.), *Aspekty prawne i organizacyjne zarządzania rewitalizacją*, Kraków 2009, s. 20.

6. A. K. Piasecki, *Samorząd terytorialny i wspólnoty lokalne*, Warszawa 2009, s. 323.

Cities” (the “Revitalization Act”) was launched - the draft of the last version of the bill was commissioned by the Office for Housing and Urban Development in 2000 at the beginning of 2002 it was the subject of ministerial work (In 2002, further work on it was abandoned due to budgetary constraints). In the pre-accession period the urban revitalization projects used the URBAN Community Initiative. Opening of financial support for component projects of the so-called Local Revitalization Programs (LRP) was possible thanks to the IROP program⁷ for the years 2004-2006 (sub-measure 3.3.2 “Revitalization of post-industrial and post-military areas”). This program envisages applying the principle of sustainable development⁸.

This was also the time when decentralization processes were becoming more and more decentralized throughout the country, and the scope of local self-government competences increased, which also helped to increase the self-awareness of local communities. Nevertheless, all the discussions surrounding the concept were aimed at assuming that revitalization is a “coordinated process, jointly conducted by local government, local community and other participants, as a part of development policy and aimed at counteracting urban degradation by stimulating development and qualitative changes, by increasing social and economic activity, improving the living environment and preserving the national heritage while maintaining the principle of sustainable development”⁹.

Understanding the concept of revitalization requires an interdisciplinary approach and a comprehensive approach to the various fields that make up the functioning of a very complex urban organism. This concept, initially related to the conservation and revitalization of monuments, has evolved into a much broader issue relating to all spheres of city functioning. Revitalization has long been a subject of research. In the Western European countries, or the United States extensive literature on this subject can be found. It shows the complexity of the issues connected with the transformations of modern cities and the large variation in the interpretation of the revitalization process. The subject of revitalization is addressed in the works of geographers, so-

7. Zintegrowany Program Operacyjny Rozwoju Regionalnego, załącznik do Rozporządzenia Ministra Gospodarki i Pracy z dnia 1 lipca 2004 r. (poz. 1745)./ Integrated Regional Operational Program annex to the Regulation of the Minister of Economy and Labor, Dated 1 July 2004 (item 1745).

8. E. Strzelecka, *Rewitalizacja miast w kontekście zrównoważonego rozwoju*, Civil and Environmental Engineering / Budownictwo i Inżynieria Środowiska 2011, s. 665.

9. Definicjon of Scientific Committee of the Institute of Urban Development (from February 15, 2008).

ciologists, spatial planners, architects, urban planners, and economists. Each group of specialists accentuates its characteristic aspect of transformation as the most important¹⁰. The subject of urban renewal, revitalization, rehabilitation, restoration, or restructuring is nowadays often undertaken by persons dealing with the spatial and socio-economic issues of urban development¹¹. All the discussions surrounding the nature of the revitalization in Poland were intended to be considered as an important and complex process, consequently, it was going away from the fact that it was limited to urban or investment activities. All the time, the understanding of revitalization has also included its social aspect – as a result, the following definition has been adopted with the Act 2015: Revitalization is a process of bringing out from a state of crisis the degraded areas, conducted in a comprehensive way, through the integrated actions for the local community, space and economy. Focused territorially, conducted by revitalization stakeholders based on the municipal revitalization program. Act of revitalization from October 9th, 2015 stipulates that revitalization activities may be subject to a crisis area due to the concentration of negative social phenomena, particularly unemployment, poverty, crime, low education or social capital, and insufficient participation in public and cultural life. If there are also negative phenomena in the economic, environmental, spatial-functional or technical spheres. The law stipulates that the preparation, coordination and creation of the conditions for the revitalization, as well as its conduct within the competence of the municipality, are the tasks of the municipality. This provision also applies to cities with powiat status, whose authorities join the competent authorities of gminas and powiats¹².

Organizational-legal location of revitalization in Polish self-government

Territorial self-government is based on economic and social integration, on the creation of interrelated networks, on the basis of which local social capital is being built¹³.

10. E. Boryczka, *Rewitalizacja miast*, [w:] Z. Przygodzki red., *Eko Miasto # Zarządzanie, zrównoważony, inteligentny i partycypacyjny rozwój miasta*, <http://dx.doi.org/10.18778/7969-721-2.08>, pobrano: 08.06.2017r.
11. Zob. S. Kaczmarek, *Rewitalizacja terenów przemysłowych. Nowy wymiar w rozwoju miast*, Łódź 2001.
12. *Ustawa o rewitalizacji. Praktyczny komentarz*, Warszawa 2016, s. 9-10.
13. E. Kandeva, *Stabilization of Local Governments, Local governments in central and eastern Europe*, Budapest 2001, s. 29.

The whole process is based on a broad decentralization of competences, thanks to the successively implemented principle of subsidiarity. It is of vital importance in this process to have access to the structured funds that are dedicated to support local community activities¹⁴.

Today, in most Polish communities there are areas with neglected infrastructure and numerous social and economic problems. We call them degraded areas. The negative social, economic, spatial and technical phenomena are concentrated in them. The main causes of this situation are the decades of neglect and the socio-economic changes that followed after 1989, which local governments were unable to approach appropriately. No detailed or reliable urban studies and analyzes were conducted. The residents' needs were not regularly reviewed and the effectiveness of the measures taken was not monitored on the basis of adequate and objective indicators. In the new reality after 1989, there was a lack of knowledge in Poland about how to respond to the ever-changing needs of the population resulting from socioeconomic changes¹⁵.

Act of 9 October 2015 on revitalization¹⁶ is a response to the needs of self-governments in the area of revitalization and is supposed to enable these processes to run regardless of the size of the local government unit, the scale of its problems, and the sources of funding. The provisions of the act provide a number of practical tools that help in the preparation, management and implementation of the revitalization process¹⁷.

It should be stressed that these processes were previously lacking statutory regulations – but often they were not focused and comprehensive enough to have the effect of revitalizing degraded areas. Often, “revitalization” refers to activities that do not

14. N. Berndard, *Multilevel Governance in European Union*, The Hague-London-New York 2002, s. 99-105.

15. P. Kołacz, P. Wielgus, *Przepis na rewitalizację*, <http://www.pzr.org.pl/wp-content/uploads/2016/03/przepis-na-rewitalizacje.pdf>, pobrano: 08.06.2017r.

16. Revitalization Act (Journal of Laws of 2015, item. 1777, Act of 9 October 2015. Revitalization was adopted by the Parliament on the basis of a proposal by the Council of Ministers. The signing of the Act by the President of the Republic of Poland took place on October 28, 2015, and its publication in the Journal of Laws, under 1777 – on November 3, 2015. The provisions of the Act entered into force on November 18, 2015, From the property whose entry into force was marked on January 1, 2016, in accordance with the rules governing the entry into force of tax laws (see: *Ustawa o rewitalizacji, Praktyczny komentarz...*)

17. *Ustawa o rewitalizacji. Praktyczny komentarz...*, s. 3.

have characteristics such as the implementation of individual investments that do not have a substantial impact on the quality of life of local residents. The Revitalization Act does not create an exhaustive framework for running this process. It also does not regulate the way it is carried out, , for example, what specific projects are to be implemented to revitalize the degraded area. Statutory regulations are only a general framework for conducting revitalization in a participatory and coordinated way, but the final quality of the process is determined by the merits of its contractors¹⁸.

Revitalization is a coordinated process carried out jointly by the local authorities, the local community and other participants, as a part of development policy, aimed at counteracting the degradation of urbanized areas, by stimulating development and qualitative changes through increased social and economic activity, improving the living environment and protecting the national heritage, preserving the principles of sustainable development¹⁹. There is nowhere to write to enforce statutory law, which means that Communes that have started these processes can continue to use their own experience. By December 31st, 2023, there is a possibility of choosing a formal path of revitalization. By that date, the lowest level of a local government (gminy) may carry out the revitalization pursuant to art. 18 sec. 2 point 6 of the act on municipal self-government or on the basis of the act on revitalization. Communes that plan to start implementation of the whole process are not obliged to apply the law, (in such situations it is possible to create Local Revitalization Programs, which in the perspective will be transformed into the Commune Revitalization Programs – that is, implemented in accordance with the provisions of the law). However, the main consequence of not using the law is the lack of the possibility to use its facilities – the Special Zone of Revitalization and the local revitalization plan. This does not mean, however, that the revitalization processes will become impossible for the municipality to carry out. These tools serve to solve specific problems and should be used only when it is necessary to ensure the success of the revitalization process. For those municipalities wishing to comply with the law without commencing the revitalization process, the Act provides in transitional legislation the path to transform the revitalization program into a statutory municipal revitalization program²⁰.

18. Tamże.

19. Z. Ziobrowski, W. Jarczewski (red.), *Rewitalizacja miast polskich – diagnoza*, T. 8, Kraków 2010, s. 14.

20. *Ustawa o rewitalizacji. Praktyczny komentarz...*, s. 6.

Article 52 (1) indicates that the community may carry out its revitalization activities on its own by the end of 2023. The provision indicates that until December 31st 2023 the projects resulting from the program containing actions aimed at removing the degraded area from the crisis state, adopted by a resolution of the municipality council, are approved without passing a municipal revitalization program. In this case, the designation by the resolution of the degraded area and revitalization area, zones, and the adoption of the local revitalization plan is not admissible. The legislator has therefore faced the problem of referring the content of the law to the existing situations that the law may affect. Therefore, the regulation contains transitional regulations. This provision allows the municipality to continue revitalization activities based on the described economic programs (regardless of the title of the resolution) until the end of 2023. The Act in this respect is therefore optional – it means that the municipality run the revitalization activities on the day of its entry into force. Must comply with statutory regulations, revitalization on the basis of a program other than the GPR consequently does not allow the use of any statutory tools (designation by resolution of the degraded area and revitalization area, special regeneration zone, local revitalization plan)²¹.

The optional nature of the Act should not be construed as a possibility of non-observance of its norms, but merely as an opportunity (within the limits of its provisions) to not carry out revitalization activities under the terms defined therein during a transitional period. Moreover, the revitalization itself as the municipality's own task²².

It remains a non-compulsory task, but if the municipality chooses to do so, it must comply with statutory regulations. The optional nature of the law as defined in the transitional provisions also covers the possibility of adopting new revitalization programs based on art. 18 sec. 2 point 6 of the Act on municipal self-government. This is due to the wording of the art. 52 sec. 1, which does not specify the date of the adoption of these programs, by authorizing the implementation of projects specified in the programs. The date criterion appears in Art. 52 sec. 223. Another very important element in implementing revitalization assumptions is the widest possible integration

21. Tamże, s. 9-10.

22. M. Korolewska, *Informacja na temat, jakie zadania własne gminy mają charakter obowiązkowy*, *Zeszyty Prawnicze*, Biura Analiz Sejmowych Kancelarii Sejmu, , nr 4(40) 2013, s. 244–267.

23. *Ustawa o rewitalizacji. Praktyczny komentarz...*, s. 6.

into the procedure of creating institutions²⁴. Most often, the process of participation is equated with social participation and brought to the dimension of social consultations, or citizens' opinions presented by the public. Consultations are not a transfer of power to citizens. Social participation in the revitalization process allows authorities to properly define problem areas (crisis) by consulting with representatives of the local community that best knows the problems in the place of residence. The process of planning revitalization, carried out by a large, socialized method, also allows for the creation of many new solutions, which experts would not be able to indicate. It also mobilizes the creative potential of the inhabitants, encourages them to be active. It gives them the feeling that they can really influence the reality surrounding them. By activating the local community at the planning stage of the space, the road to social revitalization of the area is also emerging²⁵.

In the case of revitalization, the whole process is conducted with broad participation, which means that the recipients of this process must actively participate in the various forms of consultation. We have here a clear example of the dependence of public tasks on the so-called bottom-up initiative, where the legislator even makes the correct implementation of the provisions of the law dependent on the incorporation of the local community. The law contains an open list of stakeholders – groups that have an indirect or direct influence on the process of programming and implementing revitalization, or the recipients of it:

1. Inhabitants of the revitalization area, as well as owners, users of real estate agents and real estate managers located in the area, including housing cooperatives, housing societies and social housing societies;
2. Other inhabitants of the municipality, not living in the revitalization area;
3. Entities carrying out or intending to carry on business in the area of the municipality;
4. Entities conducting or intending to conduct social activities in the municipality, including non-governmental organizations and informal groups;
5. Territorial self-government units and their organizational units;
6. Public authorities;

24. Ustawa nazywa ich "interesariuszami"/ Act calls them "stakeholders".

25. A. Pudełko, *Partycypacja obywatelska w procesie rewitalizacji na przykładzie planowania zintegrowanego programu rewitalizacji osiedla Nikiszowiec w Katowicach*, Kraków 2015, s. 91-92.

7. Entities other than public authorities, performing in the area of revitalization of the Treasury (e.g. Treasury companies performing infrastructure investments, Military Property Agency).

In the case of such a large role of the society itself, a well conducted participatory procedure should have the following characteristics²⁶:

1. Revitalization can not be a mere power undertaking;
2. The right moment. The tradition of submitting projects to the public has gone haywire. It is easy to see that it triggers the presenters willing to defend the adopted solution at all costs. Meanwhile, as is known, to reach agreement, you need to seek assent to the objectives, not insist on your own solutions. All projects should therefore be discussed already in the phase of diagnosis and development of assumptions.
3. Cooperation. Gathering information about launched projects and initiating discussion and partnership cooperation on the project at its early stage.
4. Reality of dialogue. Recognition that the outcome of a dialogue may (though not necessarily) cause a need for change, delay of deadlines or cost increase. Enforce the transparency and access to information.
5. Do not limit yourself to discussions, projects or “expressions”. Striving for a partner solution design, taking into account not only the rights and needs, but also the partners’ role in the implementation.
6. Competence and cooperation of professionals – expert support.
7. Realism and courage, not demanding claims. This includes, inter alia, aware that a local government unit is a product of economy and subject to economic rules. The multiplication of claims and floods of NIMBY behavior (not in my backyard) and uncritical belief in the legitimacy of all projects or all residents’ protests make dialogue impossible²⁷.

Effective management of the revitalization process results from the ability to build a good revitalization plan, starting from the designation of the area concerned, selection of the appropriate contractors to the constructive cooperation of the local government and the users and owners of the property within the zone. It also requires

26. Catalog proposed in the publication of the Research and Social Innovation Laboratory by K. Herbst, *Participation in the revitalization*, The study was created within the framework of the program of the Civic Participation Laboratory, with the support of the. Stefan Batory.

27. Tamże, s. 8-10.

a different approach to managing the process of revitalization in the phase of selecting the concept of preparation of a local revitalization program, different from the management of the implementation phase of individual projects and tasks. The importance of good management of the next stages of the revitalization process manifests itself in achieving the intended combined effect of the actions taken. One of the most important elements that crowns the implementation of the local revitalization program is its most comprehensive assessment, which determines the effectiveness of actions taken at various stages of the revitalization process. The effective interaction of many participants in the local revitalization program is based on a good understanding of the needs of future users of the revitalized zone. Also the requirements and limitations of the program's implementers, starting from the conditions presented during the preparation phase of the program and the ability to respond to phenomena or problems arising during revitalization works²⁸.

Financing revitalization

The effective course of the revitalization process is determined by the financial capacity of its participants, the realization potential and, to a large extent, the desire for a constructive cooperation requiring compromise decisions and the resulting agreements; Cooperation deciding on specific solutions in the sphere of social, economic and material-spatial revitalized area²⁹. The revitalization program should be a document (council resolution), which, as part of the broader development strategy of the municipality, establishes the revitalization goals (in the spatial, spatial, economic and social spheres) in the spatial planning phase. Since Poland's accession to the European Union, interest in revitalization has increased considerably. As part of the Integrated Regional Operational Program 2004-2006, action 3.3 has been one of the priorities for accessing EU funds. "Degraded urban, post-industrial and post-military areas." It provides for EU funding for various types of infrastructure projects, modernization, but exceptions to historic buildings have not been financed by housing modernization projects. In the budgetary period (2007-2013), it is envisaged that EU funding will be available for a wide range of activities included in revitalization programs, such as infrastructure, housing renovation, environmental improvement, public safety, civic education and training, Medium-sized businesses and business environments, civic

28. W. Rydzik (red.), *Aspekty prawne i organizacyjne zarządzania rewitalizacją*, T. 6, Kraków 2009, s. 14.

29. Tamże.

development, social welfare and exclusion, limited tourism development, and ERDF housing. The allocation of funds for housing revitalization programs took place within the framework of the Regional Operational Programs, which are the responsibility of voivodship self-governments³⁰. The current Revitalization Act does not contain specific regulations on the sources of funding for this process. By establishing the elements of regeneration, the municipality's own task is to determine that it is possible to finance it from public funds. One of the main sources of funding for revitalization in 2014-2020 is EU funds. This process has been given significant importance in the financial perspective 2014-2020 by indicating it in the Partnership Agreement as one of the five so-called strategic intervention areas (cities and urban districts requiring revitalization). Revitalization projects are co-financed from regional and national operational programs. Most of the funds for revitalization were allocated under the Regional Operational Programs. In each of them separated part of the allocation, which can be spent only on revitalization projects. In turn national operational programs (Infrastructure and Environment, Knowledge, Education, Development, Eastern Poland, Polish Digital, Technical Assistance) are a complementary source of co-financing of revitalization projects. EU-funded revitalization can be carried out in both urban and rural and urban-rural areas. There are many different types of funding for such projects. Non-governmental organizations, local governments, cooperatives and housing communities or entrepreneurs³¹. The current funding formula encourages local governments to implement revitalization programs. This situation requires the implementation of a number of procedures designed to guarantee not only the correct course of the revitalization process, but also the care of public expenditure procedures. However, it should be noted that these are not the only lines for funding revitalization processes, in this respect generally the direct and indirect sources can be distinguished. Direct sources for funding revitalization include:

1. Public sources:

- international (EU funds, foreign non-refundable funds, loans from international financial institutions),
- national (government operational programs, national funds),
- regional and local (voivodship programs and contracts, regional and local funds, municipal budgets);

30. Tamże, s. 44-46.

31. *Ustawa o rewitalizacji. Praktyczny komentarz...*, s. 8.

2. Non-public sources:

- commercial (bank loans, leasing, bond issue, bank guarantees and subsidized loans);
- private (private sector investment, co-operative and housing funds, social participation, financing of obligatory activities),

3. The combination of public and private sources:

- public-private partnership;
- own contribution provided under operational programs.

In another approach, taking into account the criterion for matching instruments to the needs of revitalization financing, their use in Poland and prospects for use in the coming years are different:

1. Bank loans,
2. Municipal bonds,
3. The “project finance” method,
4. Public-private partnership,
5. EU grants available in regional operational programs,
6. Various financial engineering instruments³².

With regard to commercial sources, which can be used by private owners and private investors for revitalization, it is important to distinguish:

1. Equity – occurring in various forms, depending on the organizational and legal form of the economic entity. This includes the sum of principal capital, as well as the underlying business and undistributed profits. Equity of business entities can be increased by internal financing (eg profit generated, sales of assets) and externals (eg, acceptance of new contributions or shares by existing owners or shareholders, issue of shares, acceptance of new shareholders);
2. Investment loans and loans – granted by commercial banks to investment projects aimed at increasing the value of non-current assets. They may also be in the form of a credit line without the contractual terms and amounts of tranches specified in the contract. It is important to have your own contribution indicating your intention to participate in the project. Loan or investment loan is very often a mortgage or an investment;

32. A. Ryszko, *Analiza Możliwości Finansowania Rewitalizacji Terenów Przekształconych Antropogenicznie na Obszarach Gmin Górniczych*, Katowice, s. 130 - 135.

3. Leasing – a form of investment financing consisting in obtaining the right to use certain things for a certain agreed upon in the lease agreement³³.

The government performs public tasks, it gains legal personality and thus becomes a public entity, but also private. They may therefore be participants in economic trading as other legal entities, own their property, dispose of it themselves, incur liabilities³⁴ and generated profits to guide the improvement of the quality of life of the inhabitants, including revitalization.

Summary

The first stage of any revitalization is to indicate the territory on which the program will be implemented, the selection of tools and stakeholders. This is the indication of the degraded area – The law defined a degraded area (in Article 9) as a fragment of the territory of the municipality, which is in crisis because of the concentration of negative phenomena. The definition further details what the negative phenomenon is³⁵.

The degraded area must exhibit the intensity of negative social phenomena, without indicating them they can not be referred to as degraded. In addition to phenomena that negatively affect the social sphere, there must also be negative phenomena from at least one additional sphere, that is:

1. Negative economic phenomena – for example: low degree of entrepreneurship, poor local business condition;
2. Negative environmental phenomena – for example: exceeding environmental quality standards, the presence of waste that endangers life, human health or the state of the environment;
3. Negative spatial-functional phenomena – for example: insufficient technical and social infrastructure, poor technical condition of the infrastructure, lack of access to basic services or low quality of services, lack of urban solutions to changing functions of the area; Poor quality of public areas;
4. Negative technical phenomena – for example: degradation of the technical condition of buildings, including housing, non-functioning of technical solutions enabling efficient use of buildings, especially in terms of energy efficiency and environmental protection. However, it should be noted that all revitalization

33. Tamże.

34. B. Dolnicki, *Samorząd terytorialny*, Warszawa 2009, s. 63.

35. Tamże, s. 21.

subareas that make up the revitalization area can not exceed the statutory limits of the area (20% of the total area) and the number of inhabitants (can not exceed 30% of the population). The designation of sub-areas does not therefore imply the possibility of extending these limits, as they are examined on a community-wide scale. Examples of revitalization activities are many – they are social projects related to the activation of people living in the area, with particular emphasis on excluded groups such as: disabled people, seniors, poor people ect. professional). This is a series of participatory actions involving non-governmental organizations, local support groups. On the other hand, these are projects related to the development of entrepreneurship, the improvement of the energy efficiency for public and residential buildings, sustainable urban transport, the promotion of cultural activities, including the protection and care of monuments, the environment and the protection of green areas³⁶. On the one hand, revitalization has a social, cultural, economic and technical dimension and, on the other hand, has the task of creating a civil society³⁷. Huge importance in these processes is the original understanding of the revitalization itself, because it was always expected to improve the quality of life of the inhabitants. The development of technology, green and ecological areas undoubtedly contributed to positive revitalization processes³⁸. It is worth noting that the Act on Local Self-Government enumerates as mandatory tasks a number of elements that may be included in revitalization activities such as, for example: spatial planning, maintenance and construction of infrastructure, maintenance of communal housing stock. However, the realization of these tasks in revitalization takes place in an integrated manner and in the form of concentrated intervention.

The law appeared in the legal system at a time when many municipalities were carrying out the tasks related to revitalization, therefore, in the provisions of art. 52 sec. 1 contains transitional regulations so that from 2023 all Communes have the opportunity to make the widest possible use of available tools and instruments to create revitalization areas. Revitalization in Poland is an example of a difficult process, based on many legal regulations, but with so many “constraints” of involving society

36. Tamże, s. 21-22.

37. M. Ramleee, D. Omer, R. M. Yunus, Z. Samadii, *Revitalization of Urban Public Spaces: An overview*, Asian Conference on Enviroment-Behaviour Studnies, Luty 2015, s. 362.

38. Stacey A. Sutton, *United States Urban Revitalization Resech Project*, 2008, s. 3-8.

in the realization of revitalization assumptions, thus the diagnosis of these needs takes place with direct involvement of interested social groups. Thanks to this legal structure, the municipality has the opportunity to realize its ideological mission – to carry out activities in line with the needs of the local government. At this point it is also necessary to pay attention to the complexity of the understanding of revitalization itself – the legislator has repeatedly made it clear that the priority of realization of its notion is primarily social support. Revitalization is aimed at preventing revitalization area inhabitants exclusion from the possibility of using the positive effects of the revitalization process for The whole area of the local government³⁹.

Streszczenie

Wybrane aspekty prawne i organizacyjne procesu rewitalizacji w Polsce

Proces i pojęcie rewitalizacji w Polsce doczekały się znaczącego miejsca w polskim systemie prawnym, a także organizacyjnym polskich samorządów. Artykuł na ogólnym poziomie porusza kilka istotnych kwestii, dzięki którym polskie samorzady mogą sprawnie przeprowadzić procedurę wdrożenia projektów rewitalizacyjnych, a tym samym podnieść jakość życia oraz poprawić konkurencyjność subregionu. Niezwykle ważnym aspektem jest włączenie w proces społeczeństwa, które za pomocą narzędzi konsultacji społecznych może wypowiedzieć się o kierunkach rozwoju swojej gminy.

Słowa kluczowe: rewitalizacja, samorzady, programy rewitalizacji.

Summary

Selected legal and organizational aspects of the revitalization process in Poland

The process and concept of revitalization in Poland have seen a significant place in the Polish legal system as well as the organizational structure of Polish self-governments. The article at the general level raises a number of important issues through which Polish local authorities can efficiently carry out the implementation of revitalization projects, thus improving the quality of life and improving the competitiveness of the subregion. It is extremely important to include in this process of society, which, through the tools of social consultations, can express itself about the direction of the development of its municipality.

Keywords: revitalization, local governments, programs of revitalization.

39. *Ustawa o rewitalizacji. Praktyczny...*, s. 12-17.

Bibliography/Bibliografia

- Berndard N., *Multilevel Governance in European Union*, The Hague – London – New York 2002.
- Boryczka E., *Rewitalizacja miast* [w:] Z. Przygodzki (red.), *Eko Miasto # Zarządzanie, zrównoważony, inteligentny i partycypacyjny rozwój miasta*, <http://dx.doi.org/10.18778/7969-721-2.08>.
- Dolnicki B., *Samorząd terytorialny*, Warszawa 2009.
- Guździol M., *Rewitalizacja jako uspołeczniony proces naprawy miast*, 2007, <http://web.archive.org/web/20070422025124/miejsca.org/2007/rewitalizacja-miast/>
- Kandeva E., *Stabilization of Local Governments, Local governments in central and eastern Europe*, OSI/LGLI, Budapeszt, 2001.
- Kaczmarek S., *Rewitalizacja terenów przemysłowych. Nowy wymiar w rozwoju miast*, Łódź 2001
- Kołacz P., Wielgus P., *Przepis na rewitalizację*, <http://www.pzr.org.pl/wp-content/uploads/2016/03/przepis-na-rewitalizacje.pdf>.
- Korolewska M., *Informacja na temat, jakie zadania własne gminy mają charakter obowiązkowy*, *Zeszyty Prawnicze Biura Analiz Sejmowych Kancelarii Sejmu*, nr 4(40) 2013.
- Piasecki A. K., *Samorząd terytorialny i wspólnoty lokalne*, Warszawa 2009.
- Pudełko A., *Partycypacja obywatelska w procesie rewitalizacji na przykładzie Planowania zintegrowanego programu rewitalizacji osiedla Nikiszowiec w Katowicach*, *Prace Geograficzne, Zeszyt 142*, Kraków 2015.
- Ramleee M., Omer D., Yunus R. M., Samadii Z., *Revitalization of Urban Public Spaces: An overview*, *Asian Conference on Enviroment-Behaviour Studnies*, Luty 2015.
- Ryszko A., *Analiza możliwości finansowania rewitalizacji terenów przekształconych antropogenicznie na obszarach gmin górniczych*, *Zeszyty Naukowe Politechniki Śląskiej, Seria: Organizacja i Zarządzanie, Z. 62 Nr kol. 1875*, Katowice 2012.
- Rydzik W. (red.), *Aspekty prawne i organizacyjne zarządzania rewitalizacją*, T. 6, Kraków 2009.
- Stacey A. Sutton, *United States Urban Revitalization Resech Project*, USA czerwiec 2008.
- Strzelecka E., *Rewitalizacja miast w kontekście zrównoważonego rozwoju*, *Civil and Environmental Engineering / Budownictwo i Inżynieria Środowiska*, Łódź 2011.
- Ziobrowski Z., Jarczewski W., *Rewitalizacja miast polskich – diagnoza*, T. 8, Kraków 2010.

Wykaz aktów prawnych

- Ustawa o rewitalizacji (Dz.U. z 2015, poz. 1777).
- Zintegrowany Program Operacyjny Rozwoju Regionalnego, załącznik do Rozporządzenia Ministra Gospodarki i Pracy z dnia 1 lipca 2004 r. (poz. 1745).