

# AMBITIOUS PRINCIPLES OF THE “HOUSING FIRST” PROGRAMME IN THE POLISH HOUSING REALITY

## SUMMARY OF THE FEASIBILITY STUDY FOR “HOUSING FIRST – EVIDENCE BASED ADVOCACY” PROJECT

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*The authors used both the experience of the original Housing First program developed and described by Sam Tsemberis Ph.D. (Tsemberis, 2010), and subsequent European programs as summarized by Nicolas Pleace (Pleace, 2012) which were translated into Polish and included in the electronic publication “Najpierw mieszkanie – materiały źródłowe” (Wygnańska, 2014) prepared for the “Housing First – evidence-based advocacy” Project by the Ius Medicinæ Foundation under the program “Citizens for Democracy” financed by EEA.*

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HOUSING FIRST  
EVIDENCE BASED ADVOCACY



## THE RIGHT TO HOUSING IN POLAND

The constitutional obligation of the public authorities to pursue policies facilitating the satisfaction of the citizens' housing needs necessitates the development of various forms and instruments of support by the central and local governments. In compliance with the principle of subsidiarity, Article 75 of the Basic Law enumerates public mechanisms requiring a broad degree of involvement on the part of the administration at a variety of levels, adequate to the needs of various groups. The regulation talks about “supporting activities aimed at the acquisition of a home” undertaken by the most active persons who are able to buy a flat. At the same time, they specify the activities the administration should perform for the benefit of those persons who are unable to satisfy their housing needs. In particular, the Constitution specifies two forms: “combating homelessness” and “promoting the development of low-income housing”, where, in compliance with the regulations on the protection of the rights of tenants, flats should be designated for persons facing a loss of their home by eviction.

Without any doubt, various projects aimed at supporting the homeless in the achievement of a stable life situation in independent accommodation fall within the above framework of activities assigned to the public authorities in Poland. These include traditional programmes, to which literature refers as “ladder” or “staircase” programmes (Wygnańska, 2015). By definition, the requirements posed to the participants of such programmes are graduated until they acquire a home. The homeless are first encouraged to take basic steps towards independence in life, which are also to be preparatory steps to life in a separate housing unit. A certain type of a social welfare contract, providing that the acquisition of a flat should be preceded by concrete progress in their life, is signed with the

participants. This includes many challenges, including often the completion of therapy treating addiction to alcohol and the preservation of the maintenance of abstinence. A flat from the commune, a non-governmental organisation, or any other sponsor, is then organised for the few “winners” who manage to satisfy the demanding preparatory conditions. In the case of such programmes, the housing stock can be theoretically organised at the advanced stage of activities, because flats are as a rule designated to those homeless persons who manage to successfully satisfy the subsequent, gradually increased requirements.

The requirements concerning the organisation of programmes based on the “Housing First” (HF) idea, however, are different, since it is necessary to have housing stock available at their very onset. Such programmes are addressed to people who in view of the type of their disorders and life experience are unable to satisfy the conditions marked by a graduated difficulty of requirements. The possibility to make the appropriate flats available at the very beginning is a precondition for starting the entire programme. Here, the “satisfaction of housing needs” discussed in the Constitution is not only the goal of all the activities and the main benefit for the participant, but also, in contrast to other programmes, it is the basic instrument of therapy. What is a novelty in the area of combatting homelessness, and the basic advantage of the HF approach, is that the very keeping of a household in an independent flat effectively contributes to the individual getting better. People staying in an ordinary flat from the beginning of the programme overcome their broader disorders, which often gave the basis for their homelessness. The long-term keeping of a flat is therefore much more than just the basic measure of the effectiveness – normally used for the comparison of results of the particular programmes – of moving out of homelessness. It is a method of bringing the homeless person back to different areas of his/her lost life: health, family, and community.

The high effectiveness of HF programmes proves that the satisfaction of housing needs is rightly indicated among the basic human rights: those which, when not satisfied, result in the degradation

of other areas of life (as in the case of chronic homelessness). Exactly this approach is presented in the Polish Constitution, discussing the housing question in the chapter “The rights and obligations of citizens”. The human right to the satisfaction of housing needs is expressed, just like many other rights, through the indication of the related duties of the public authorities, as indicated in Art. 75 of the Basic Law.

Therefore, we should consider it beneficial that apart from discussion, the appropriate axiological assumptions for the implementation of the HF programme types are present in the Polish Constitution. However, even very sound legal foundations do not make the availability of the housing stock automatic or simple. Although the Polish legal system recognises having a home as a civil and human right, it is common knowledge in Poland that many groups, not only those remaining without a roof over their head or staying in facilities for the homeless, do not have decent housing conditions. This difficult situation involves such phenomena as:

- high rents on the free market;
- a sudden increase in the cost of the upkeep of flats in entirely privatised buildings, which is completely incompatible with the budget of households, which are unable to acquire any other flat;
- unstable situation of families: the amount of their mortgage loans exceeds the current value of their flats due to fluctuating exchange rates or when the loan payment increases to a level threatening the satisfaction of the basic livelihood needs of the household.

Additionally, the local authorities' backlog in the area of the securing of housing for the poorest members of their communities is considerable, while the scale of new communal projects is limited in comparison with the needs. The dynamics of the activity of social housing associations have become similarly limited, although the group of potential social housing clients seems to be growing along with their loss of creditworthiness towards the purchase of their own home. This, in general, is the current housing situation in Poland – a significant context for analyses of the feasibility of the

provision of the appropriate housing stock necessary to launch HF programmes in Poland.

## THE SUBJECT OF ANALYSIS

In order to find concrete housing possibilities for the programme participants, we will primarily analyse regulations at the sub-constitutional level. However, in order to be able to assess the practical chances for the use of the particular housing forms, we will need to supplement the review of the current regulations with an analysis of non-legal factors applying to a given solution in the context of the goals of the method.

Without doubt, during the subsequent dip of the housing crisis, organisational factors (including their economic aspects) will have a particular significance. Also, the fact that flats are in general perceived as goods which are difficult to acquire in Poland particularly strengthens the significance of those factors which may result from the social perception of flats being designated for social welfare programmes. Since programmes for the homeless will involve public stakeholders, decisions of the so-called elected authorities pertaining to the designation of the housing stock and financial resources will to some extent depend on the public opinion's view on the appropriateness and purposefulness of such an involvement. Also, the general view of the public concerning a given form of housing will have an impact on its reception by the programme's participants. This is all the more important as the HF approach stresses in particular the role of the empowerment of the homeless persons and their sense of security for achieving long-term effects of the programmes.

Summing up, in order to reliably assess whether or not it is practically possible to use a given housing form in Poland, it will be necessary to analyse the legal basis, the more significant practical organisational and cost-related factors, and the expected social perception in relation to the concrete features of the housing stock, which have already proved successful in the "Housing First" programmes implemented in other countries since the 1990s.

## WHAT HOUSING ARE WE LOOKING FOR?

A review of the principles specified in source materials (Wygnańska, 2014) will be our starting point for the analysis of the implementation of the HF programme in Poland. On the basis of the review, we may identify housing stock-related guidelines which have proved the obvious strongpoints of the housing stock in the programmes implemented so far. In view of the specific nature of the Polish reality, when anticipating the need to search for substitutes for the housing stock used in the Western programmes, we identified some key aspects of programme organisation, which could be executed owing to some concrete advantages of the housing stock, although they were not described openly in the source materials. A list of criteria containing both sets of features was used for the assessment and evaluation of the availability of resources in Poland.

### Independence and privacy first

The first feature stresses the role of making a flat available separately from support: "You do not have to earn the flat, you have got the right to it. Flats are independent, and the security of lease is legally guaranteed" (Wygnańska, 2014). The above provides some significant guidelines which should be followed when organising the housing stock for the programme. Sam Tsemberis, the founding father of the method, presents this principle as the foundation of the programme

*"When people first enter the PHF programme, they invariably ask for a safe and secure place to live, eat, and sleep; they need a place for friends and family to visit, a place allowing privacy away from public scrutiny. Having somewhere to live, to call one's own, is a basic human necessity, the foundation from which a person can begin to attend to mental and physical health" (Tsemberis, 2010, p. 48)*

Although the participant is obliged to accept a weekly home visit (which has many valuable functions in the programme) from programme staff, the visit, as indicated in the guidebook, should be consistent with certain overriding principles:

*“As they enter, the Staff conducting the home visit must respect the client’s rights to privacy as a tenant and honour the sanctity of each client’s home. Staff members must make appointments to schedule a visit and they do not enter a client’s flat without permission or invitation (except in an emergency). When visiting a client, staffers are mindful that they are guests in the client’s home”* (Tsemberis, 2010, p. 49)

Support in the house-keeping area and other matters to do with the flat, which is offered to the participant during the visit, does not infringe his/her privacy. With the help of their visits, staff members can additionally help the client to regain their independence and strengthen their autonomy in taking decisions concerning the use of the flat. As the author points out:

*“Serious problems arise when newly housed clients find it difficult to balance maintaining the safety, security, and privacy that their new home affords against the urgent requests from old friends – who may still live on the streets – to stay under their roof. (...) But problems emerge when one guest turns into several guests, or when guests overstay their welcome and become additional tenants.”* (Tsemberis, 2010, p. 49)

The requirement of the sense of privacy and full security can be satisfied in independent premises. Such premises should also be independent in terms of sanitary installations and access to a space in which meals can be cooked (this does not have to be a separate kitchen, a basic kitchenette is fine as well). From the point of view of the programme, what is most important is functional independence consistent with the definition of the independence of a dwelling as provided in the Act on the Ownership of Premises of 24 June 1994:

*“The Act defines an independent dwelling as a room or a group of rooms separated with permanent walls within a building, designated for a permanent stay of people, which together with ancillary rooms are to satisfy their housing needs”* (Act on the Ownership of Premises, Art. 2 Clause 2).

For the purposes of the programme, it will be of no importance whether a given dwelling has been granted a certificate of independence, since such a

document is only required for sales transactions. Similarly, it will not be important whether or not it has a land and mortgage register.

Apart from the discussed independence status, other detailed technical features of housing units or their physical standard, including their possession of technical devices and installations, will not be analysed herein. Although differences in this scope may be important for the programme's participants, for the purposes of the search for housing stock it will be enough to assume that only housing stock meeting the indispensable legal requirements defined for housing units, in force on the date on which the building was built, will be taken into account. Under the regulations, housing units designed for the permanent residence of people are to meet the conditions provided in the implementing rules to the Construction Law of 7 July 1994, i.e. in the regulation of the Minister of Infrastructure of 26 October 2005 on the technical conditions to be satisfied by telecommunication structures and their location.

We must remember that we should not apply the current, more restrictive building standards to older housing units. The current requirements apply to building works carried out in the period during which the regulations are in force and to new housing units which are created by means of extension or modernisation of a previously existing building. In practice, the housing units, which may be of interest to the organisers of the programme, will have the appropriate status shown in their construction documentation as the basis for the confirmation that they were put to use by the appropriate body, and in the case of privately-owned housing units, their residential function will be additionally entered in documents such as a notarial deed, Land and Mortgage Register (which is currently available in the internet database on the basis of its number), etc.

### **Social inclusion and standard rules pertaining to the use of housing units**

The next features of the housing stock have been expressed in the source materials as follows:

“People are given the right to make a choice, and the users of services extensively use this option.

They are not required to undergo treatment or maintain abstinence under threat that otherwise they will not get their flat or be evicted” (Wygnańska, 2014)

A ban on drinking alcohol is in place as a standard among the rules and regulations of traditional programmes using flats, as well as in communal facilities. As explained further on:

*“users of the services help in the planning of support. The “Housing First” programme primarily aims at decreasing the risk of losing the flat or failing social integration due to poor mental health or the absence of social inclusion by providing the dwellers with ontological safety focused on maximising their ability to lead a normal life in their own home”* (Wygnańska, 2014, p. 4)

Both participants’ commitments are stressed in the programme, i.e. the payment of a part of rents and subordination to other general principles of social coexistence in the flat, are the same as those which apply to other residents and owners of flats. The only special requirement is the participants’ consent to accept a weekly visit from the programme’s staff, which is to comply with the socially accepted customs concerning the payment of visits. This does not exclude the possibility of more frequent, even daily visits aimed at providing the client with the necessary and desired assistance by way of therapeutic cooperation under the programme. Under the agreement, participants also have the right to have guests.

The location of a flat is also of special importance in the HF method in view of social inclusion. During the selection, districts with good access to shops, services and public transport are taken into account. The already quoted publication describing the organisational realities in the USA provides that the desired neighbourhood – one which meets the above requirements, but at the same time has rents falling within the budget of the programme – is normally a district populated by the lower middle class. We should also remember that in the course of the organisation of programmes, the selection of housing units from the top market segment should be avoided in favour of flats which seem to be friendly in the eyes of the service users. As has been shown, too high a standard of the flat, the building

or its neighbourhood, may have a negative impact on the sense of inclusion in the local community (Bush-Geertsema, 2007).

Referring the above to Poland, we should take into account the different Polish social and political realities which have shaped the planning and development of Polish towns and cities. After almost 50 years of social integration conducted with a “top-down” approach, and specific ownership structure, there are as yet hardly any homogenous areas and typical districts inhabited by the lower middle class, while the term “ghetto” most often refers to the closed, protected housing estates mostly inhabited by the upper middle class. There is also a less distinct division into larger areas with a markedly different “ethnic, racial, and cultural character” as mentioned by the founding father of the method. For the purposes of the analysis, we should assume that the desired flats should not be located in a dysfunctional neighbourhood, as this would increase the probability that the neighbours would themselves be in a life crisis, and perhaps even facing eviction and homelessness. Hence, it is important for participants to live in the buildings and neighbourhoods in which, on a daily basis, the vast majority of residents comply with the standard principles of social coexistence, respect the housing regulations and public order, and duly pay their rents.

The thus-formulated criterion seems to comply with the role of the location and neighbourhood of housing units in the PHF programme as described by Tsemberis when stressing the advantages resulting from the scattering of flats:

*“The scattered-site model allows clients to live in normal community settings. The likelihood of stigma associated with being a member of a psychiatric treatment programme is reduced, because the programme is not visible on site, and clients live in normal settings. Clients frequently interact with their neighbours at the local market, laundromat, movie theatre, coffee shop, or park. The clients share the same community and socialisation opportunities as their nondisabled neighbours”* (Tsemberis, 2010, p. 54)

In order to stress the absence of differences in the use of the flats, housing units in the first “Pathways

to Housing” programme are not marked in any way, which prevents their users from being socially stigmatised as a special or different type of resident who uses social support. Tsemberis (2010) writes that flats are not “labelled as flats of mentally ill persons, inhabited by people with special needs”.

Summing up, we can express the significant analysis criteria resulting from the above as social inclusion and standard rules of using the flat. They should be understood as an absence of additional regulations enforcing special rules of behaviour and usage of the flats, as well as their location in a so-called “normal” neighbourhood, among other “ordinary” flats.

### The scattering of participants’ flats

Being inseparably connected with the guidelines discussed above, this feature is very important and worth separate stressing in the analysis of the availability of a variety of housing stock. The chances for the acquisition of housing units in locations separate from other flats and buildings occupied by persons moving out of homelessness, will be considered a superiority of a given housing formula (despite the fact that it is sometimes impossible to provide it and despite the resignation from its provision in some HF programmes outside Poland). The meeting of this criterion obviously also strengthens such already discussed “therapeutic” advantages of flats as their independence, privacy, ordinariness of rules regulating the use of the flats, and social inclusion – which have been described above along with their consequences, which are of decisive importance for the meeting of the programme’s goals.

This feature should also be appreciated in view of the experience of the first PHF programme, in which the participants were offered housing stock of their choice (collective or scattered). A vast majority selected an independent separate flat in a community (Tsemberis, 2010). Under the “Pathways to Housing” programme, the scattering condition is met when not more than 20% of flats in a given building are rented for the purposes of the programme; in the case of small houses with many housing units, the scattering conditions are slightly different. As pointed out by Tsemberis, what is important are not detailed rigid rules, but: “the

programme’s commitment to socially integrated housing” (Tsemberis, 2010), the therapeutic importance of which has been discussed above.

### Participant’s influence on the choice of the flat

The already mentioned “clients’ participation in the planning of support” in some implementations of the HF programme begins at the very beginning and is expressed in the participant’s personal impact on the selection of the flat. Tsemberis quotes an admissions coordinator:

*“I try to pick a flat with the client – some place where they are going to be happy and walk around and feel safe and feel good and feel like “Yes, I can be here. I can do this. I can start my life here.” (Tsemberis, 2010, p. 50)*

This fact differentiates HF programmes from other programmes and is one of the clearest signs of their empowering nature, which is responsible for the effectiveness of the approach. As the author of the method maintains:

*“It results from our experience and research that the probability of success is bigger when the client actively participates in the selection of the flat” (Tsemberis, 2010)*

There is no doubt that although this condition is not universally feasible (e.g. in the majority of CHF programmes conducted in a single building), when conducting analyses of the particular forms of housing, we should nevertheless consider it as an advantage of a given housing stock. It does not involve an unlimited free selection of a flat by every participant, but a certain defined influence of the beneficiary on the decision within some (e.g. financial or geographic) boundaries.

As Tsemberis explains, in practice it looks as follows:

*“Typically, clients are informed that they will be shown a number of units, and that they can select the one they like best. In practice, this number usually does not go beyond three, and most clients, like eager adoptive parents, tend to fall in love with the first flat they are shown” (Tsemberis, 2010, p. 52)*

In the original programme, the selection also applied to the furnishing of the flat, and the client

had the right to choose his/her furniture and the basic devices they needed, which were financed from the programme funds. For the purposes of the housing stock necessary to launch the first programmes it is difficult to decide in advance whether the acquisition of empty housing units which need to be furnished will be beneficial or will constitute an additional financial barrier to the launching of such programmes. Also, assuming that this question can be regulated in accordance with the organisers' preferences and abilities and that it will hardly hamper the establishment of cooperation with the owners of flats on the free market or from other stock, the question of furnishing the leased flats will be intentionally omitted in the analysis.

We will treat decisions concerning renovations (whether the lessee or programme organisers are obliged to make them) in a similar way. The regulations in force provide as a default that housing units must be fit for habitation when provided, but this is not a uniformly mandatory principle, so in at least some of the housing units this question can be agreed in compliance with the principle of the free drawing up of contracts.

### **Legal guarantees of secure use of the flat by the participant**

A general legal guarantee securing a stable use of a given housing unit is yet another characteristic feature of the HF programmes. The possession of a concrete legal title to the unit by the participant is a starting point for the above.

The legal title initially offered in New York (Tsemberis, 2010) can be transferred to the Polish reality as a kind of a free-of-charge use, which is referred to as lending in the Polish regulations. This applies in particular to the beginning of participation in the programme, when the contract is not signed by the client directly with the owner of the flat, and the client's payment is lower than the organiser's cost of the acquisition of the unit. And even, as the author provides:

*“As for clients with no source of income, the programme must anticipate that it will serve a small number of clients who cannot contribute to the rent and include that calculation into its budget so that*

*the programme can pay fully for the rent”* (Tsemberis, 2010, p. 50)

A more extensive discussion of the possibilities for making flats available on the basis of private law contracts in the chapter devoted to the acquisition of housing units on the free market will be an opportunity to discuss lease and lending options in terms of their adequacy to the programme.

### **The programme's stable and autonomous right to use the flats**

The programme's stability of the right to use the housing units and the possibility to make realistic offers of flats to homeless persons will be a feature assessed mainly from the organiser's point of view, but it translates into the reliability of the promise made to the potential participants of the programme. If from the participant's point of view legal guarantees are the basis for the therapeutic process, then when assessing the housing forms available in Poland we also need to evaluate the chances for an autonomous use of a given type of stock by the programme organiser.

An ethical and appropriate placement of an offer to the participants may take place when the organiser has a constant and undoubted right to decide about the use of the flats. What is important, in the HF method the possibility to use a housing unit without satisfying any preconditions is the organiser's first message to the participant, as well as a significant element of recruitment to the programme. At its initial stage, at the beginning of participation, the legal title is granted and keys to the flat are handed over. What can be a problem is that at that moment people having the right to the housing unit (be it from private or public stock) cannot yet be provided with any convincing evidence of progress in the life and therapy of the future tenant – as is usually the case in traditional programmes. At this stage there is often simply no person, institution or organisation, which would know a given person and issue some sort of references, or an opinion showing the high probability that he/she would comply with the house rules or complete their addiction therapy. And at the same time, a promise of a concrete, not distant date on which the housing unit can be made available is an important part of

the offer made by the programme to the potential participant.

In practice, this means that the organisers should also be well empowered and considerably autonomous makers of decisions concerning a certain number of flats, and that the availability of this stock will not be affected by any future legal opinion, bureaucratic barriers, or other impediments which might otherwise undermine the reliability of the entire project in the eyes of the service users.

Additional problems may arise during long-term participation in the programme and may involve a material breach of contract principles. According to Tsemberis (2010), such situations are related to the ingestion of addictive substances and illegal tenants in the flat. In similar circumstances, the logic of the minimisation of the risk and consequences of disorders is used. As the author put it:

*“(...) and eviction is avoided by a quick relocation of the client into another unit (...). The (...) relocation rate (...) can be as high as 20 to 30 percent, especially when a high percentage of clients have severe addiction disorders. The rates of relocation from the second flat to the third is about half the rate of the first relocation”* (Tsemberis, 2010, p. 70)

Therefore, giving the client subsequent chances in other flats is a part of the programme's method, although the subsequent attempts are covered by a growing number of conditions, be it only resulting from the natural consequences connected with the necessity to change a housing unit and account for the furnishing purchased by the programme. In connection with the necessity to limit the risk connected with the client's dangerous behaviour, the search for new flats becomes limited to a smaller number of options and as a result requires more time.

Naturally, both the offering of subsequent flats and the rule of making them available unconditionally to persons “with a past history”, without any preparation under the HF programmes, may raise controversies. However, as both relocation and the provision of a flat as a second (and often more than second) chance are a characteristic mark of HF programmes, in such cases the organisers will all

the more need to have a guarantee that they will be able to make decisions concerning some units, even if their number is significantly limited, also for the benefit of persons who failed their first flat-related chance.

In view of the above, it will be important for the selected housing stock to be organised in a way facilitating the taking of decisions on the granting of a flat to the particular person in compliance with the autonomous internal rules of the programme, which largely differ from those which apply in the other, typical (in terms of contracts and conditions) forms of public assistance to persons experiencing a difficult housing situation. In view of this discrepancy, it would be good if the organisers could implement the programme being sure that no impediments (including those resulting from the reported social controversies) will prevent them from keeping the promise of a flat made to a homeless person who was qualified to the HF programme, and that in the case of a failure the supporting team will continue to treat the person as a participant who is still entitled to support.

This question was also discussed by Tsemberis:

*“The ACT or ICM team [programme staff] decides who is admitted into the PHF programme and who will get housing. Staff from the housing department or housing agency that is finding and renting flats for the programme also meet with every client – but never to determine eligibility or admission”* (Tsemberis, 2010, p. 69)

Representatives of the flat's owner are contacted to participate in deciding about the termination of the contract and eviction only if significant contract conditions are violated.

Summing up, when evaluating the particular housing forms in terms of the criterion in question, it will be important to make sure to what extent the organisers may decide about the use of the stock in a stable manner and with the autonomy guaranteeing them being the main decision-makers in matters concerning making the flats available to participants, which will allow them to make realistic offers to the eligible participants.

Incidentally, it is worth stressing that contrary to what might be expected, giving the stock or



individual flats to the disposal of the programme organisers is actually advantageous for the owners, because they clearly define the organisers' responsibility for the course and consequences of the novel programme, largely relieving the owner of the stock from responsibility (possibly with the exception of technical questions, but this also depends on the detailed contract provisions).

### **Flexibility of contract deadlines and the possibility to prolong residence**

Another significant requirement results from the feature described as the last distinguishing element of HF programmes in source materials: "support is not limited by any date and is flexible; its users are not forced to achieve any concrete goals or related deadlines" (Wygnańska, 2014, p. 5).

The next important feature of the housing stock related to flexibility is the option (as recommended by Tsemberis) of the flat being rented directly by the participant, without the intermediation of the programme. However, the author simultaneously indicates that in practice the organiser of the HF programme often acts as the lessee, because "*such leases are often preferred by the owners who are reluctant (...)*" (Tsemberis, 2010)

In such cases, one of the programme staff acts as an intermediary in the contract providing for the use of the flat, playing the role of the main lessee authorised to make the unit available to the programme participant. Another option, which was also used in the first programme, was a contract of lease signed simultaneously by the client and a programme employee guaranteeing the payment of the rent and the coverage of the cost of repair or any losses.

Regardless of the type of contract of lease, the participant and the programme are bound by an agreement under which the participant undertakes to designate a specific amount towards the payment of the rents and accepts weekly visits. This last tool facilitates the natural, regular monitoring of the correct use of the flat required in the "main" contract of lease and thus makes it possible to provide the necessary support on time and prevent eviction.

### **Prospects related to the particular housing forms for participants**

Although initially intermediary contracts may be a necessity, as the founding father of the method stresses: "*It is a long-term goal of PHF programmes for clients to sign contracts personally*" (Tsemberis, 2010). The attainment of this goal results from the many described successful cases from the first Pathways to Housing programme. The person who successfully finishes the period of the closest support continues to live in the same flat, paying the rents independently, without the help from the programme or in a different flat obtained under the same formula – in the case of New York, mainly on the free market.

For this reason, without any doubt it is worth to conduct an analysis of prospects for the availability of units from a given housing stock to participants (and former participants) in a longer time horizon. At the same time, it is necessary to indicate in the beginning that failure to meet the criterion does not have to be tantamount to the impossibility to use a concrete housing stock for the purposes of the programme, so this will not be decisive and critical for the assessment of the stock.

It is obvious that prospects largely depend on economic factors. An analysis of this item will therefore partly refer to the cost of residence. Calculations carried out to evaluate such criteria may prove helpful to the potential organisers when planning programme budgets.

The possibility to use the flat (located in a proven and friendly environment) following the completion of participation in the programme raises positive associations, because it contributes to the healing process, and can be exceptionally significant for the reinforcement of progress in therapy. It should also be taken into account that considering the participant's mental condition, the change of all housing conditions may be a considerable challenge, because apart from the change of address it is also tantamount to different rules concerning the use of the flat and payment, and location in an entirely different building and environment (e.g. a block of flats with only

communal flats with their specific nature). Similarly, a person who under the programme would live in a communal flat (but one marked by a full standard) in a building with privately-owned flats, after the end of the lease from the commune could be unsuccessful in the case of renting a flat from the free market, in contact with an estate agency, despite being provided with partial financing.

Sudden changes after the completion of the programme could be negative for the participants' mental welfare and their motivation to be independent developed with the help of intense support from programme staff. The HF approach is superior to other approaches owing to its gentle and gradual introduction of the client to the realistic target conditions of their life. This is why it seems that in a longer perspective, chances for the keeping of the flat or the acquisition of another, similar unit, under the same conditions, including the financial ones, will be another criterion of the evaluation of the possibility to use the given housing stock without financial assistance.

The feature of the housing stock consisting in the realistic possibility of an independent prolongation of the lease of the occupied flat is referred to as the prospective nature of a given housing formula consisting in the presence of an option of leasing the flat without the intermediation of the programme.

### **Flexibility of organisational and financial obligations resulting from the programme**

We still need to take a look at the circumstances which are slightly less important for the success of the therapeutic process, but which can have an impact on the cost of service, and which are therefore important for the decision of the launching and keeping of the programme. We are talking here about a situation when the user parts with the programme before the agreed time and voluntarily leaves the flat on the date agreed in the internal programme rules or about other frequent cases, when further correct execution of the programme will call for an immediate relocation of the service user to another flat (e.g. due to problems with the neighbours, which started only after the commencement of his/her stay in the flat).

According to source materials, relocations are permanent elements of the programme, and they apply to about 20 to 30% of first-time flat users, although people are rarely removed from the programme. However, it is worth noting that when the termination notice period is long, the organiser (who at the same time is an intermediary in the flat's lease) will be required to pay the rents even if the flat is left, which will increase the cost of the programme in an unjustified way and limit the funds designated for the lease of a flat in another location.

In view of the above, the forms of housing in which this period may be shortened as much as possible – but not at the cost of the stability of the right to decide about the use of the flat – should be considered advantageous (though as will be discussed in detail together with the particular types of housing stock, these aspects may be mutually exclusive). What is necessary is to guarantee such a flexibility of obligations as to minimise the cost of the flat when it is no longer necessary but the rents still have to be paid during the termination notice period.

The importance of this question depends to some extent on the way in which the flats are made available – i.e. on whether the programme is an intermediary in the lease or lending of the flats in use, or whether the participants have independent contracts with the flat owners. However, regardless of who is to pay for the flat during the termination notice period, it is worth minimising the fees.

It should be noted that the suggested approach to the above criterion is in this case different than the opinion of the founding father of the method. Tsemberis claims that situations in which flats need to be emptied suddenly may bring about operational advantages to the programme and refers to the possibility of the flat being used by another client:

*“These “ready units” can be offered as an option to a newly admitted client, and, if the unit is acceptable, the client’s move-in process can be greatly expedited” (Tsemberis, 2010, p. 55)*

This advantage applies to activities which are continuous and open to new participants – just like

the ones conducted by “Pathways to Housing”, which provides support to about 70 persons simultaneously. It should be pointed out that HF programmes can be conducted on a different scale, although from the point of view of the profitability of both the organisation of the housing stock and possibly the employment of supporting specialists, the optimum size would be several dozens of participants, although at the stage of the implementation of the first pilot programmes in Poland it would be worth to look for resources marked by a more extensive flexibility, covering a possibility of the efficient relieving of the organisers from the rents for those flats which are no longer necessary. After all, the finding of housing stock with an option of fast handing-over does not have to exclude the possibility of prolonging cooperation wherever it is advantageous for the programme, e.g. when a new participant is admitted.

### **The efficiency and cost of the recovery of flats**

Another organisational aspect is not significant for the results of the therapeutic process. It consists in the possibility of the use of other solutions (within the given housing forms) shortening the time of flat recovery and increasing its efficiency. This applies to the special cases when a participant resigns from further participation in the programme or automatically violates programme rules, demonstrating a complete lack of cooperation (the programme would offer him/her a “second chance” flat if he/she wanted to continue participation), not leaving the unit voluntarily on dates agreed in the internal programme principles.

In such situations, the organisers have to conduct an eviction and bear its cost. This is why it is worth to analyse opportunities for the provision of a flexible solution in the area of the recovery of flats of a given type within a relatively short time. This feature is all the more problematic as it may sometimes stand in contrast with the stability (legal guarantee of security), as well as the possibility, to prolong the lease at the participant’s request.

For the organiser, the strong protection of the tenant, which is the decisive factor behind the stability of the civil lease formula in Poland, will be an impediment in such cases. The protection applies to a vast majority of housing forms based on

legal relationships in the Polish civil law (with very few exceptions, such as occasional leases or bank enforcements). It involves a ban on changing the owner and a ban on the enforced emptying of flats other than under a decision on eviction taken by a civil court (which applies to the majority of civil lease contracts). Such a decision is taken only if a given person no longer has any right to use the flat, i.e. when the notice of termination has been successfully delivered to him/her. The successful delivery is understood as the handing-in of the owner’s or programme representative’s declaration of intent in writing to the person interested. In the light of the Polish law, the above may be problematic if the programme participant returns to life in the public space, leaving his/her belongings in the flat and failing to give the keys back.

### **Features of the housing stock for “Communal Housing First” programmes**

As for the differentiation between projects which are currently considered HF programmes, we should naturally remember that many programmes in the USA and Europe have been organised basing on only some of the assumptions of the first PHF programme and that they primarily draw on their philosophy of work with the participants. The participants live at the same address, although they have individual flats in functional terms.

In compliance with the typology suggested by Pleace (2013), it is the different type of the housing stock which differentiates the second type of the HF programmes. They are conducted in flats located in the same building (CHF), in contrast to PHF programmes, which are organised in scattered flats.

The evaluation of individual housing forms in terms of the above items – naturally not taking into account the criterion of scattering and the features which are related to it, such as social inclusion and individual choice – will also generally apply to the potential opportunities of the use of flats in congregated buildings by the programmes.

Summing up, when looking for the appropriate housing stock for HF programmes in Poland, the criteria discussed above will be applied. Let us stress that the sequence in which they were discussed is not tantamount to their priority. The

list includes such features of the stock which will have the highest impact on the key therapeutic questions, which will be noticed and appreciated by the participants, and such matters which are purely organisational and are more important for the potential organisers of the HF programmes. All of them, however, may contribute to the success of the programmes – understood as attaining the best therapeutic results.

## POTENTIAL PROGRAMME IMPLEMENTATION

Although it is mostly the mechanism of rental on the private market which is used for the purposes of HF programs in other countries, in Poland this solution is a hardly intuitive option for social welfare programs. For this reason, the search for housing stock for the purposes of implementation of abovementioned ambitious HF principles was carried out in an open manner, without initial

limitations concerning the type of resource. The following five types of housing stock were distinguished (they are specified in the sequence reflecting their share in the total number of housing units):

- private/free market
- public property belonging to communes
- public property belonging to the State Treasury
- social rental housing belonging to Social Housing Associations
- supported/protected housing

Analysis results show that each of the housing forms taken into account largely meets the requirements determined for HF programs. None of them however meet all the specified conditions for the housing stock.

**Table 1. A list of the analysed criteria of HF programmes for the particular types of housing stock**

Desired features of the housing stock for HF programmes:	Free market	Communal	State Treasury	Supported/protected housing	Social Housing Associations
Independence and privacy	+	+	+	+/-	+
Social inclusion and normal rules applying to the use of flats	+	+	+	+	+
Scattering of flats of individual participants	+	+	+	+	~
Influence on the choice of flat	++	+	+	+	~
Legal guarantees protecting the use of the flat by participant	+	+	+	+	+
Programme's right to decide about flats	+	~	+	+	+
Flexibility of contract dates	+	-	+	+	+
Flexibility of programme obligations	-	+	+	+	+
Efficiency and cost of flat recovery	-	-	-	~	-
Participant's prospects related to a given housing formula	--	++	~	+	+

### SYMBOLS:

+ condition which has been satisfied

– condition which has not been satisfied

+ + condition which has been satisfied and would considerably facilitate the organisation of the programme using the particular type of stock

– – condition which has not been satisfied to a degree making the use of the particular type of housing stock for the programme impossible

~ simultaneously significantly advantageous and hampering the satisfaction of a given condition

### Private/Free market

The free housing rental market used in the programs in countries other than Poland provides many benefits and facilitations for programs, including the immediate availability of flats which are ready to be inhabited. Unfortunately, the absence of financial prospects for the continuation of direct rental by a given member after the completion of his/her participation in the program constitutes a significant barrier to the use of such resources in HF programs in Poland. In Polish economic reality, the rental of flats on the free market requires considerable additional financial resources at the initial stage of the program, and will be available in few income-related situations at the stage of the target satisfaction of housing needs. For the majority of potential program “graduates” it may be simply unrealistic if the flat rental is no longer subsidised by program funds.

### Communal housing

Regional housing resources (i.e. those owned by communes) are cheap from the participant’s point of view and marked by stability and good prospects for further rental. However, if they are not acquired as protected housing, they will considerably limit the flexibility of contract duration as well as the program’s independence in flat management. This results from the possible collision with highly detailed procedures ruling the management of communal housing contained in separate regulations. The potential availability of communal resources to HF programs is also lowered by strong competition to all social welfare programs requiring housing resources, i.e. all the other extensive tasks communes need to fulfill.

### State Treasury Housing

Resources of the State Treasury meet almost all the criteria. The only exception is the low efficiency of flat recovery, but this aspect, which is connected with strong protection of the tenant’s rights, applies to all the housing forms under analysis. This particular feature is of lesser importance for the comprehensive evaluation of the suitability of the housing stock, since it applies to events which are rare in HF programs. It has been discussed to signal a problem which may result in additional costs for

program organizers. Unfortunately, despite all the strongpoints, there is little chance of the execution of programs on the basis of this type of resource due to its scarce availability. The possibility of designation of resources belonging to the Treasury for the execution of social welfare programs is not regulated (i.e. it is neither imposed nor limited) by the regulations in force. The decisions on whether or not to make the flats available lie with the individual governors of provinces and also depend on recommendations of district *starosts* as administrators of the resources. Advocates and potential organizers of programs will be finally able to reach them.

### Social Housing Associations

Resources belonging to social housing associations (SHA) are scarce and very popular among people with medium income. It seems that there will be few empty flats available – a number sufficient perhaps for pilot programs. Obviously, in view of the deficit of housing for social welfare programs, the organizers may seek the use of SHA resources using clear social-oriented guidelines contained in the regulations concerning this form of housing, but as a supplementation of the pool of flats from other resources. The above will also be justified taking into account that the use of a higher number of SHA flats in a single program would be connected with a drawback in the form of hardly any scattering of the flats and participants’ limited impact on their choice.

### Protected/Supported Housing

Protected housing, which should be designed to meet social welfare goals and is the only form of supported housing regulated by law, meets the most important criteria for the housing stock sought. Unfortunately, since 2012 it has been burdened with the regulation requiring that each protected housing unit be wheelchair-adapted, which provides additional difficulty in both the development and the functioning of the existing protected housing.

### Mixed formula?

Since none of the available types of housing stock is fully adequate, when planning the start-up of Housing First programs it is necessary to consider a

mixed formula, i.e. using various housing forms depending on the program participation progress, which will make it possible to avoid the inconveniences of the particular housing types in their pure form.

The solutions that come to one's mind first include the use (in the initial stage of the program) of resources belonging to the State Treasury, Social Housing Associations, and flats rented on the free market, for example in the organizational form of protected housing, with simultaneous application to the commune for the granting of a communal flat with social rent to program participants after the anticipated completion of the program.

It is also possible to use a single form of ownership, or for participants to keep the flats under the same address when mixed organizational formula is used: initially as a protected flat from communal resources, and then as accommodation rented on the basis of a civil law agreement as social housing or for an indefinite period.

However, the above suggestions seem to be crisis solutions. An optimum solution would involve the development of new regulatory framework for supported housing, covering principles of the construction and development of the resources. The preparation of improved systemic organizational solutions would contribute to a more targeted use of EU funds from the point of view of the new financial perspective until 2020, in which supported housing was indicated as a priority in the area of the implementation of projects using funds from the European Social Fund, and the European Regional Development Fund (Minister of the Infrastructure and Regional Development, 2015, p. 27). This would be highly appropriate for the facilitation of availability of housing stock for a variety of social policy projects, not only "Housing First" programs.

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