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Selected Legal Problems of Housing Cooperatives in a Dynamically Changing Socio-Economic Reality

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ABSTRACT

The article analyses the problems faced by housing cooperatives and housing communities in Poland, focusing on the lack of effective supervision, the inefficiency of the judicial path, and the limitations connected with administration and bureaucracy. For years, cooperative members have observed that the absence of real control over cooperatives' activity leads to the dependence of the supervisory board on the management board, which hinders the transparency of actions and effective control. External supervision, exercised by the Auditing Union of Housing Cooperatives of the Republic of Poland, is also limited by its connections with cooperative activists. There is a need to change the regulations, including the introduction of supervision by independent institutions such as the Supreme Audit Office, and the improvement of court and prosecutorial procedures. The article also presents proposed solutions, such as the creation of energy cooperatives and investment in renewable energy sources, which may improve management efficiency and reduce costs. In sum, the article points to the need for reforms in the supervision and management of housing cooperatives and communities in order to improve their functioning and ensure greater transparency.

KEYWORDS

housing cooperatives, housing communities, supervision, management efficiency, control of activity, energy cooperatives, renewable energy sources, legal reform, housing conflicts

1. Introduction: The Evolution and Challenges of Housing Cooperatives in Poland — One Hundred Years after the First Cooperatives Act

1.1 An Analysis of the Legal and Organisational Problems of Housing Cooperatives in the Context of Contemporary Socio-Economic Change

Housing cooperatives have been part of the Polish system for many years. In 2020 the cooperative community celebrated the centenary of the first Polish Cooperatives Act of 1920.[1] Investments of this type can be traced back still further: the first housing cooperatives founded on Polish soil reach back to 1890 in Bydgoszcz and Poznań, with further ones following in Toruń in 1902.[2]

Housing cooperatives play a key role in the Polish housing system, constituting one of the organisational pillars ensuring access to dwellings. The centenary of the first Polish Cooperatives Act became an occasion for reflection on their role in a changing socio-economic reality. The present text aims to examine the evolution of housing cooperatives, the challenges they face, and the legal solutions that may assist in adapting their activity to contemporary conditions. The purpose of this study is to analyse selected legal problems of housing cooperatives in the context of the dynamic changes taking place in Polish society and economy.

The article addresses the question of how cooperatives can meet challenges such as changing legal regulations, the need to adapt infrastructure to new social requirements, and citizens' rising expectations regarding quality of life. The examination of these issues aims to identify possible legal solutions that may improve the functioning of housing cooperatives in the future. Attention is also devoted to the problem of the right of ownership, and the influence of social and economic change on decisionmaking processes within cooperatives is analysed.

[1] Act of 29 October 1920 on Cooperatives (Journal of Laws 1920, no. 111, item 733).

[2] Hanna Milewska-Wilk, *Działalność i znaczenie spółdzielni mieszkaniowych w Polsce* (Warszawa–Kraków 2023), 9.

2. The Evolution of the Phenomenon of Housing Cooperativism over the Years

2.1 Changes in the Housing Stock of Cooperatives in Poland: History, Declines, and the Causes of the Falling Number of Dwellings

The history of housing cooperatives records that the first building cooperatives arose at the beginning of the nineteenth century in England, followed by others in Germany, Switzerland and the USA.[3] On Polish soil the first housing cooperatives arose, as mentioned above, in 1890 — these were the Bydgoszcz Housing Cooperative and the *Pomoc* Building Company Society in Poznań.[4]

The system of transferring houses into ownership did not initially resolve the problem of the availability of dwellings for low earners, that is, for the working population.[5]

The year 1908 contributed to the emergence of tenant housing cooperatives, which engage in the construction of multi-dwelling houses. The Chorzów Housing Cooperative was established, as well as cooperatives in Gniezno, Bydgoszcz, Grudziądz, Katowice, Bielsko and Inowrocław.[6] The Cooperatives Act of 1920 provided for two models of cooperative operation: the ownership model and the tenant model.[7] Ownership cooperatives developed more strongly, since they brought together wealthier merchants, officials and the military, whereas tenant cooperatives were characterised by a shortage — even though such cooperatives might have resolved the housing problem among poorer persons. In Poland in 1935 there existed 7,900 dwellings of an average area of 85 square metres in 164 ownership cooperatives, and 5,700 dwellings of an average area of 59 square metres in 46 tenant cooperatives.[8]

In 1938, 617 building-and-housing and housing cooperatives functioned in Poland. The most active 252 cooperatives had at their disposal around 16,000 dwellings, which in relation to the 7.1 million dwellings in Poland constituted 0.2% of the national housing stock.[9] In 1956, in turn, the Union of Housing Cooperatives was founded, which soon transformed into the Central Union of Housing Construction Cooperatives. In the years 1956–1961, with its participation, key legal regulations arose which established

[3] History of the Chorzów Housing Cooperative, https://www.chsm.com.pl/historia (accessed: 26 June 2025).
[4] History of the Bydgoszcz Housing Cooperative, https://www.bsm.bydgoszcz.pl (accessed: 26 June 2025).
[5] History of the Chorzów Housing Cooperative, https://www.chsm.com.pl/historia (accessed: 26 June 2025).
[6] Ibidem.
[7] Act of 16 September 1920 on Housing Cooperatives (Journal of Laws 1920, no. 99, item 613).
[8] Central Statistical Office, *Raport o stanie mieszkalnictwa w Polsce*, 1935 (available in the GUS archives), 123–125.
[9] Central Statistical Office, *Raport o stanie mieszkalnictwa w Polsce*, 1938.

cooperativism as a significant executor of the State's housing policy.[10] In 1956 the cooperative housing stock amounted to around 20,000 dwellings, in 1960 to 54,000 dwellings, and in 1963 to 108,000 dwellings.[11] From 1967 housing cooperatives began to deliver more dwellings than the other State investors. In 1970 the cooperatives' housing stock amounted to around 606,000 dwellings, which constituted 8% of the general housing stock in Poland.[12] In 1978 the number of cooperative dwellings reached 1.6 million, and in 1989 — 2.7 million, which constituted 24% of all dwellings in Poland.[13] In 2000 this figure rose to 3.4 million, and the share amounted to 29%.[14] From 2007, however, a decline in the number of cooperative dwellings is discernible — in 2010 it amounted to 2.6 million, and in 2016 it fell to around 2 million.[15] This decline was the effect of provisions enabling the buy-out of cooperative dwellings at prices that did not take into account increases in market value from the time of construction.[16] These data derive from the reports of the Central Statistical Office (GUS), which publishes annually detailed information on the housing market in Poland.

3. The Legal Status of the Organisational-Legal Vehicle of the Housing Cooperative in Poland

3.1 The Characteristics and Role of Housing Cooperatives in the Polish Housing System

A housing cooperative is an organisation possessing legal personality — a voluntary association of an unlimited number of persons, of variable membership and a variable share fund, which conducts common economic activity in the interest of its members.[17] Its purpose is to conduct activity consisting in the satisfaction of the housing needs of the persons dwelling within it. It may have an unlimited number of members. The membership of a cooperative is variable, as is the share fund, which may change depending on the number and value of the shares contributed by members.

In accordance with the definition contained in Polish law, a housing cooperative is a subject of civil law which combines the characteristic features of a non-profit organisation with elements of economic activity. At the European level, cooperatives may also be created as "European cooperative societies" under Council Regulation (EC) No 1435/2003 of 22 July 2003,

[10] Act of 15 December 1956 on Housing Cooperatives (Journal of Laws 1956, no. 51, item 276).

[11] GUS, *Raport o stanie mieszkalnictwa w Polsce*, 1960 (available in the GUS archives).

[12] GUS, *Raport o stanie mieszkalnictwa w Polsce*, 1970 (available in the GUS archives).

[13] GUS, *Raport o stanie mieszkalnictwa w Polsce*, 1978 and 1989 (available in the GUS archives).

[14] GUS, *Raport o stanie mieszkalnictwa w Polsce*, 2000 (available in the GUS archives).

[15] GUS, *Raport o stanie mieszkalnictwa w Polsce*, 2007 and 2016 (available in the GUS archives).

[16] Act of 10 July 2001 on Housing Cooperatives (Journal of Laws 2001, no. 79, item 855), together with the implementing provisions concerning the buy-out of cooperative dwellings.

[17] Milewska-Wilk, *Działalność i znaczenie spółdzielni mieszkaniowych w Polsce*, 8.

which permits the creation of a cooperative of cross-border reach.[18] A European cooperative society differs from national cooperative organisations not only in its structure but also in the possibility of conducting activity in various Member States of the European Union.

The activity of a housing cooperative is determined by the statute it adopts, which contains the organisation's particulars — its name and address — as well as the object of its activity, its duration, the list and particulars of its members, the rules for admitting and excluding members, the amount of membership fees, the rules for appointing bodies, and all the obligations and rights of its members, including electoral rights. A housing cooperative may not derive property profits at the expense of its members.

A housing cooperative carries out the following tasks: constructing or acquiring buildings in order to establish, for the benefit of members, cooperative tenant or ownership rights to dwellings located in those buildings; constructing or acquiring buildings in order to establish, for the benefit of members, separate ownership of dwellings or of premises of another designation, as well as a share in the co-ownership of multi-stand garages; constructing or acquiring single-family houses in order to transfer to members ownership rights to those houses; providing assistance to members in constructing residential buildings or single-family houses themselves; and constructing or acquiring buildings in order to let or sell the dwellings or premises of another designation located in those buildings.[19]

Members of a cooperative are obliged to cover the costs connected with the maintenance of the property attributable to their dwellings, as well as the costs connected with the operation of the properties constituting the cooperative's assets. Charges are paid in accordance with the provisions of the cooperative's statute.[20] At present, housing cooperatives offer several forms of holding a dwelling: the cooperative ownership right to a dwelling, separate ownership of a dwelling, and the cooperative tenant right to a dwelling.[21]

Over the last thirty years, significant changes have taken place on the housing market in Poland. Not only the systems of building dwellings have changed, but also the percentage share of the individual systems in satisfying housing needs. Comparing the data on the share of the individual housing-construction systems on the market in 1991 with the data from 2007, one may observe that cooperative dwellings in 1991 constituted as much as 61% of the total number of dwellings, whereas in 2007 their share

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[18] Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE), OJ L 207, 18.8.2003, p. 1.

[19] Act of 15 December 2000 on Housing Cooperatives, Article 4(1).

[20] "Spółdzielnia mieszkaniowa," Infor, https://www.infor.pl/prawo/encyklopedia-prawa/ (accessed: 26 June 2025).

[21] Milewska-Wilk, *Działalność i znaczenie spółdzielni mieszkaniowych w Polsce*, 9.

amounted to only 5%.[22] The economic crisis that began in 2008 deepened the difficult situation in the construction sector, particularly in the area of housing investment. Although in recent years a considerable decline in the share of housing cooperatives may be observed, they remain, alongside development companies, significant investors on the housing market.[23]

4. The Contemporary Tasks and Challenges of Housing Cooperatives in Poland

4.1 The Challenges and Dilemmas of Managing Housing Stock in Polish Housing Cooperatives

The greatest interest among the population of housing cooperatives centres to a large degree on matters concerning new housing construction, whereas little attention is paid to matters connected with the management of the existing housing stock. This management constitutes the second most important element, alongside investment-and-construction questions, whose principal aim is the satisfaction of the housing needs of the population.[24]

In the literature the notion of "housing-stock management" is not unequivocally defined. Some authors refer to this term only in the context of economic activity, encompassing the economic and technical problems of managing the existing housing stock so as to keep it in a state in which it can fully fulfil its designation. Other authors broaden the definition, including within it also social questions and matters connected with the use of dwellings, such as the right of access to dwellings and their appropriate division and distribution. The solutions adopted with regard to the organisation and financing of the operation and maintenance of the housing stock cannot ignore questions connected with the distribution of dwellings, the setting of charges for their maintenance, and the fairness of these actions in the context of housing policy. The decisions taken in this respect lead to concrete effects in the efficient management of the existing housing stock.[25]

In the context of housing cooperatives, income from the management of the housing stock encompasses revenues obtained from the use of the housing stock, such as rents and charges for utilities.[26] Case-law also em-

[22] Central Statistical Office (GUS), *Raport o stanie rynku mieszkań w Polsce, 1991–2007* (Warszawa 2007).

[23] Bożena Hoła and Marek Sawicki, *Problemy realizacji inwestycji mieszkaniowych w sytuacji kryzysu gospodarczego* (Wrocław 2010).

[24] Jan Walewicz, *Wybrane problemy gospodarki spółdzielczymi zasobami mieszkaniowymi* (Łódź 1980).

[25] Tadeusz Żelawski, *Ekonomiczne aspekty gospodarowania wielorodzinnymi zasobami mieszkan- iowymi* (Bydgoszcz: Wyższa Szkoła Gospodarki, 2008).

[26] Individual tax ruling 0114-KDIP2-1.4010.555.2023.2.MR1 (Director of the National Fiscal Information), OpenLEX (accessed: 26 June 2025).

phasises that commercial premises do not form part of the housing stock, since their residential function is not the essential distinguishing feature.[27]

The whole problem of managing the existing housing stock comprises three groups of issues: questions connected with the current operation of the housing stock; the problem of maintaining the stock in proper technical condition; and questions connected with the modernisation of the housing stock.[28]

Let us consider the first issue, which concerns the current operation of the housing stock. This operation consists in carrying out all the daily work intended to ensure residents proper conditions of living and of using the dwelling, the building and its immediate surroundings. These activities therefore comprise: taking buildings and their associated installations into operation and their efficient technical supervision over the whole housing stock; maintaining cleanliness, tending greenery, and maintaining order and fire safety in buildings and their surroundings; ensuring, as far as possible, residents' access to the use of municipal services connected with the dwelling; and the administrative servicing of the housing stock.[29] The activities listed above constitute the "basic activity" in the field of operation.[30]

A further element of the management of the existing housing stock is the maintenance of the technical condition of the housing stock. One definition holds that maintaining the technical condition is equivalent to the works whose performance is indispensable for keeping a building, together with its installations, in its initial state.[31] Another definition states that the maintenance of the technical condition of the stock is to be understood as "the work undertaken in order to observe that stock or in order to remove damage that has arisen."[32] The definition that best captures the notion of "maintaining the technical condition" is one referring to "the performance of conservation and repair works intended to halt the process of the technical wear of buildings and their associated installations."[33]

In respect of the works intended to maintain the housing stock in proper technical condition, a division of repairs into categories is distinguished according to three principal criteria. First, the material scope of the repairs, which is divided into current and capital repairs — within current repairs, conservation repairs are sometimes distinguished; current repairs are regarded as, for example, the repair of minor damage, whereas a capital re-

[27]Individual tax ruling IPPB3/423-342/14-2/EŻ (Tax Chamber in Warsaw), OpenLEX (accessed: 26 June 2025).

[28]Walewicz, *Wybrane problemy gospodarki spółdzielczymi zasobami mieszkaniowymi*, 48.

[29]Ibidem, 48.

[30]Ibidem, 48.

[31]*Informator w sprawie realizacji inwestycji i remontów budowlanych w PGL LP* (accessed: 26 June 2025).

[32]*Instrukcja o naprawach budynków*, "Dziennik Urzędowy Ministerstwa Gospodarki Komunalnej", 1970, no. 1.

[33]Adam Andrzejewski, *Zarys polityki mieszkaniowej* (Warszawa 1969).

pair is work consisting in the repair or replacement of the structural parts of a building. Second, the scale of the financial outlay, which may likewise be divided into current and capital; this is a more measurable and more precise division than the former. Third, the sources of financing the repairs, which is connected with the conditions of use and the charges for dwellings; here two kinds of repair may be distinguished — those financed by the building manager and those financed by the user of the dwelling from their own funds, beyond those connected with the charge for the maintenance of the premises.[34]

Housing stock is subject not only to technical wear but also to intangible wear, as a result of the continuously occurring technical progress and of socio-economic transformations. As a result of technical progress, the quality of new buildings is ever better. These factors cause that part of the housing stock which is technically sound to cease to correspond to the requirements set by users. Such stock is treated as socially worn out, which poses a considerable problem for managers, since they consider whether to withdraw it from use or to undertake works intended to bring it up to a standard regarded as minimal. In assessing the advisability of modernisation, it is important to determine the minimal standard to which a residential building should correspond. Among the essential elements are: the equipping of buildings and dwellings with technical devices and installations; the layout and size of functional dwellings; and the manner of the development and building-up of the residential stock.[35]

The final issue discussed with regard to the management of the housing stock is that of the financial needs connected with current operation, the modernisation of the housing stock, and the maintenance of its technical condition. In assessing the financial needs connected with current operation, it is important to take into account the cost structure, which comprises, among other things: the remuneration of, and surcharges on the remuneration of, white-collar workers; the remuneration of, and surcharges on the remuneration of, manual workers; the costs of water and sewage; charges for refuse removal; expenditure on non-durable items, materials and energy; costs connected with management; expenditure on conservation, repairs and depreciation; write-offs for special funds; and other costs.[36]

The level of the unit costs is influenced by factors that are for the most part independent of the manager of the housing stock and that operate with varying intensity in individual buildings, estates and cities. Among these factors are: the equipment and technical age of the stock; the size of the housing stock operated; the level of the rates of charges for municipal services; general wage conditions; the structure of dwellings and the

[34] Walewicz, *Wybrane problemy gospodarki spółdzielczymi zasobami mieszkaniowymi*, 50–51.
[35] Ibidem, 52–53.
[36] GUS 2022; Act of 15 December 2000 on Housing Cooperatives.

intensity of their occupation; and the level of prices of the materials indispensable for the current operation of the stock.[37]

The greatest affliction of the housing cooperative is the absence of repairs, neglected buildings, and indebted cooperatives, coupled with high remuneration for the management board and the members of the supervisory board. A considerable problem of housing cooperatives in Poland is the fact that, in many cases, they exist not for the people dwelling within them but for the people who manage them. To quote the words spoken in 2017 by the Minister of Infrastructure, Andrzej Adamczyk: housing cooperatives are created by residents and for residents, and therefore the signals from the Constitutional Tribunal as to the need to increase the protection of cooperative members and to raise the transparency of the management of their resources had to meet with a decisive reaction from the ministry. As early as 20 July 2017 the Sejm passed an amendment to the Act on Housing Cooperatives.[38] Its basic premise was that the fate of a cooperative should be decided exclusively by its members, and that only persons connected with the cooperative by a legal title could be such members. Several years later this Act was found by the Constitutional Tribunal to be inconsistent with the Basic Law.

The 2017 Act did not in any way address the pathology whereby the presidents of cooperatives build their "teams," securing themselves many years of rule. One basic concept was that a free assembly was to be organised on the premises of the housing cooperative; it could also be held in a park or on a local sports field when the weather was favourable, or in a hall where the cooperative members were divided into several rounds. Another premise was the conduct of all votes by secret ballot at the general assembly. In the view of some cooperative members, a considerable proportion of employees and associates would not have cast their votes for the current authorities had they not feared the consequences of breaching the discipline imposed on them.

In creating the 2017 amendment, a curious error was committed which deprived certain persons of membership in housing cooperatives. A transitional provision of the amendment indicated that, on the day of the entry into force of the Act, membership of the cooperative would be lost by all persons not entitled to: a cooperative tenant right to a dwelling; a cooperative ownership right to a dwelling; the right of separate ownership of a dwelling; or a claim for the establishment of a right of separate ownership of a dwelling or a claim for the establishment of a cooperative tenant right to a dwelling.[39]

[37]Walewicz, *Wybrane problemy gospodarki spółdzielczymi zasobami mieszkaniowymi*, 53–54.
[38]Act of 20 July 2017 amending the Act on Housing Cooperatives, the Act — Cooperative Law and the Act — Code of Civil Procedure (Journal of Laws 2017, item 1596).
[39]Act of 15 December 2000 on Housing Cooperatives, Article 6 (Journal of Laws 2001, no. 4, item 27, as amended).

Entirely forgotten were the persons who held a claim for the establishment of a cooperative ownership right to a dwelling — that is, persons holding a so-called *ekspektatywa* (expectancy). This resulted in 500,000 Poles losing, in a single moment and by operation of law, their membership of housing cooperatives. Professor Ewa Łętowska — the first Commissioner for Human Rights and a retired judge of the Constitutional Tribunal — summarised the matter in the columns of *Dziennik Gazeta Prawna*: the legislature repeatedly proclaimed that it was time to have done with the "concrete" and the communist residue in the cooperatives, whereas in reality it handed the representatives of that "concrete" a razor to use on the cooperative members.[40]

The Constitutional Tribunal ruled on 10 June 2020 that Article 4 of the amendment to the Act on Housing Cooperatives of 20 July 2017 was inconsistent with the Constitution. Within twelve months of the promulgation of the judgment, the legislature was directed to set the matter right and to restore all rights to the persons who had been forgotten; to this day, however, that judgment has not been implemented.[41] Currently, in accordance with the provisions in force, the legislative process concerning changes to the provisions on housing cooperatives is still ongoing. The Sejm is working on an amendment to the Act on Housing Cooperatives, in which it is planned, among other things, to regulate the question of membership in cooperatives and of entitlements to dwellings.[42] Experts such as Dr Pałka, who monitor the legislative processes and consult on changes to the provisions concerning housing transactions and cooperative systems, are invited to the sittings of the Sejm committees.[43]

The aforementioned amendment clearly specified that cooperatives do not collect an entrance fee from new members: one either is a member or is not, and this is decided by the right to a dwelling, not by a fee paid. There arose estate senior clubs, art circles for children, and even circles of enthusiasts of game hunting. Many cooperative members considered the presidents' actions to be unlawful; the courts, however, hold that the charges levied are in most cases consistent with the law. It follows that people must pay for interest circles that do not function in practice, and moreover cover the costs of bailiffs and court proceedings. Politicians simply forget that cooperatives are governed by specific laws. In the years 2021–2022, for example, a solution was introduced to limit the rise in gas prices, under which citizens did not bear higher charges for gas, the additional costs being transferred to entrepreneurs. This was regulated within the framework of the anti-crisis measures and the provisions connected with assistance

[40]"Patologie w spółdzielniach," Klub Jagielloński, https://klubjagiellonski.pl/2022/10/13/patologie-w-spoldzielniach/ (accessed: 26 June 2025).

[41]Ibidem.

[42]*Projekt ustawy o spółdzielniach mieszkaniowych*, Sejm print no. 426, 2023, Sejm of the Republic of Poland.

[43]Sitting of the Infrastructure Committee of the Sejm of the Republic of Poland, 22 February 2023.

for entrepreneurs in the context of rising energy prices.[44] In consequence, at that stage it was forgotten that provisions on the existence of housing cooperatives were needed: cooperative members were allowed to pay less for gas, but only those in whose cooperatives no entrepreneur operated. In practice these provisions applied in no cooperative, since the majority of Poles have businesses registered in their dwellings, and hairdressing salons, small shops and bakeries operate in cooperative blocks.

5. Conclusion

Active cooperative members have for years perceived that their problems remain unresolved. First, there is a lack of real supervision over housing cooperatives. The judicial path available to cooperative members is entirely ineffective, and prosecutors do not understand the essence of cooperative pathologies. The premise of a housing cooperative is that the day-to-day affairs of the cooperative are conducted by the management board, whose actions are controlled by the supervisory board. In accordance with theory and the provisions of the law in force, the supervisory board ought to perform the role of a supervisory and controlling body in relation to the management board, and its position within the structure of the cooperative ought to be superior to that of the management board. In practice, however, as experience shows, it is frequently the president of the management board who plays the role of the leading figure in the cooperative, while the members of the supervisory board become in many cases largely dependent upon him.

Such a situation may lead to a disturbance of the proper functioning of the supervisory mechanisms in cooperatives, since control over the activity of the management board becomes limited and the independence of the supervisory board may be jeopardised. This is caused by the fact that the management board disposes of the cooperative's assets and, in some cooperatives, simply buys the support of the members of the supervisory board. It surprises no one that well-paid posts are distributed among the families of the persons sitting on the cooperative's bodies.[45]

Supervision over the activity of housing cooperatives is exercised above all by the Auditing Union of Housing Cooperatives of the Republic of Poland, which performs a controlling role.

Nevertheless, in practice this supervision is exercised chiefly by persons connected with the given milieu, including current and former cooperative activists.

A supervisory structure of this kind may raise concerns as to the objectivity and transparency of the decisions taken, which affects the security

[44] Article 6(1) of the Act of 27 August 2021 amending the Act on the Protection of Competition and Consumers and certain other acts (Journal of Laws 2021, item 1618).

[45] "Patologie w spółdzielniach," Klub Jagielloński (accessed: 26 June 2025).

of legal transactions and the coherence between the factual and the legal state.[46] For this reason, cooperative circles have for years postulated that supervision over housing cooperatives be exercised by an independent institution, for example the Supreme Audit Office (NIK).[47] A change of this kind could ensure greater independence in the control of cooperatives' activity.

Within the existing legal system, members of a cooperative have the right to challenge a resolution of the general assembly before a court. The conduct of such a dispute, however, is burdened with costs for the person bringing the complaint, which may discourage some persons from pursuing their rights.[48] Many members of housing cooperatives direct their cases to the prosecutor's office, yet in practice the majority of these are discontinued. The reason is often the insufficient knowledge of prosecutors as to the specificity of the functioning of housing cooperatives, as well as inadequate legal provisions that do not adapt to the concrete situation. As a result, the injured persons do not receive effective legal protection. A change of the regulations and the introduction of more precise provisions could improve the situation and enable the better enforcement of the rights of cooperative members.[49]

In sum, a housing cooperative offers advantageous financial conditions with regard to the supply of utilities and enables the effective management of an internal budget. Nevertheless, its principal challenge remains an excessively expanded administration and growing bureaucracy, which may impede efficient management and decision-making. A further disadvantage is the unclear question of liability for debts in the event of insolvency, together with the large area to be maintained and managed.

As regards housing communities (*wspólnoty mieszkaniowe*), the right of ownership to the property is clear, as is the real influence over the functioning of the community and control over the budget. Housing communities, however — despite these advantages — struggle with difficulty in decisionmaking, especially where neighbours are in conflict. The limited form of the community does not provide such broad possibilities for negotiating the terms of contracts as exist in extensive cooperatives, and a further disadvantage is that paying an administrative company is a necessity.[50]

In order to improve the effectiveness of housing communities, it is worth considering the introduction of more flexible solutions, such as the creation of energy cooperatives or engagement in virtual and collective prosumer

46 Ibidem.

47 Supreme Audit Office, *Raport o nadzorze nad działalnością spółdzielni mieszkaniowych w Polsce* (NIK 2018), 45.

48 Act of 16 September 1982 — Cooperative Law (Journal of Laws 1982, no. 30, item 210), Article 33.

49 "Patologie w spółdzielniach," Klub Jagielloński (accessed: 26 June 2025).

50 "Wspólnota mieszkaniowa a spółdzielnia mieszkaniowa," https://www.jkn.com.pl (accessed: 26 June 2025).

schemes. Such initiatives could not only improve the profitability of property management but also reduce energy costs. An important step would also be the creation of more favourable conditions for joint investment in renewable energy sources, which could bring both financial and environmental benefits. Additionally, it is important that both communities and cooperatives be supported by appropriate regulations that will enable easier decision-making and the more effective management of common resources.

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