



Urban Regulations and Political Memory: Towards understanding Spatio-
Temporal aspects of Urban Development+

Social housing, comparison of Warsaw and Milan

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1 Introduction

Social housing includes a housing that is provided and managed by the state or nonprofit entities, such as housing associations and community housing providers, and is rented mostly to people with low incomes.

Both Milan and Warsaw are significant worldwide known urban centers and economic powers, that attract numerous inhabitants. Therefore, by suffering from the housing crisis, including social housing, which usually affects the most vulnerable social groups and is defined differently in each country¹.

The main aim of the study is to analyze the similarities and differences in the development of social housing in the cities of Milan and Warsaw. We will also focus on the current situation through the perspective of geography and law.

Firstly, we will overview the historic development of housing and the influence of socialism and the market economy on both cities. Since Warsaw presents a post-socialist city and Milan a global one, there are also differences in current urban processes. Social housing situation nowadays in both cities will be analyzed, including solutions for the ongoing housing crisis. Followed by the international law interpretation of rights to housing and how they are guaranteed in Poland and Italy.

We expect to identify crucial differences and similarities, including good practices, which can be used also for the development of solutions in the future, and emphasize the importance of social housing.

2 History of Social housing in Milan and Warsaw post-World War II

2.1 The developments in Milan

Following World War II (WWII), rapid industrialization, and urbanization drove Milan's transformation from a city to a global metropolis. During its growth phase (1950-1973), Milan solidified its role as Italy's leader in industrial and housing development. Large industrial complexes and housing projects changed the urban landscape, accommodating waves of internal Italian migration². Mass production of housing ended by the late 1970s. Since the 1990s, global economic migration has dramatically internationalized Milan's demographics, coinciding with its shift from an industrial base to a service-oriented economy³. Additionally, Milan's housing stock is facing the challenges of aging infrastructure⁴.

¹ International Encyclopedia of Human Geography. 2020. ISBN 9780081022962.

² P. Petsimeris, 1998. Urban Decline and the New Social and Ethnic Divisions in the Core Cities of the Italian Industrial Triangle. *Urban Studies*, 35(3), 449-466. Available at: <https://doi.org/10.1080/0042098984853> (15.2.2024).

³ M. A. Goldstein Bolocan, & S. Botti. (2006). *Milano oltre Milano. Racconti della città che cambia 1990-2005*, 1-2.

⁴ EIB, 2023. Italy: Social Housing - EIB and Investire SGR sign €34 million loan to build more than 200 housing units in the centre of Milan. Available at: <https://www.eib.org/en/press/all/2023-472social-housing-eib-and->

Compared to other European nations, Italy had a more limited and sporadic commitment to national social housing policy. The Italian welfare model traditionally positioned government housing support as a supplement to the housing market, targeting those unable to afford market prices rather than seeking wider market regulation⁵. Private providers have always played a role in Italy's housing landscape. Government policies sometimes blur the lines between public and private sectors to try and control rent levels. Nonetheless, Italy boasts some of the earliest large-scale European social housing projects, such as Milan's Gratosoglio development (1962-1965)⁶.

2.1.1 Milan's Housing Development

Social housing has a long tradition in Milan, starting with the city's 1909 Mac Mahon project – a mixed-use scheme promoting community amenities. Shortly after, the Institute for Public Housing (IACP) began constructing working-class neighborhoods with quality dwellings that aligned with the era's focus on hygiene. Private actors like Società Umanitaria joined forces with the public sector during this time, further developing large housing complexes within the city. After World War II, IACP played a central role in meeting the surge of housing demand caused by wartime destruction and rapid postwar migration⁷.

Two national social housing programs further drove development after the late 1940s (Di Biagi, 2010)⁸. Financing came from worker deductions, employer contributions, and the state. They were meant to address housing shortages and bolster employment in the building sector. The goal was eventual homeownership for tenants. While criticized by some for promoting social segregation, these programs significantly expanded housing stock. Milan's economic and social landscape was radically transformed by the postwar so-called "economic miracle" (late 1960s). Large social housing estates became central to this shift as industrialization, urbanization, and modernization surged. Milan led the way, evolving from a city to a metropolis⁹.

Milan's economic and social landscape was radically transformed by the postwar so-called "economic miracle" (late 1960s). Large social housing estates became central

[investire-sgr-sign-eur34-million-loan-to-build-more-than-200-housingunits-in-the-centre-of-milan](#) (15.2.2024).

⁵ P. Petsimeris, 2018. Social and Ethnic Transformation of Large Social Housing Estates in Milan, Italy: From Modernity to Marginalisation. In: Hess, D., Tammaru, T., van Ham, M. (eds) Housing Estates in Europe. The Urban Book Series. Springer, Cham. Available at: https://doi.org/10.1007/978-3-319-92813-5_2 (15.2.2024).

⁶ Unire Milan, 2020. Gratosoglio Milano: tra case popolari e la mancanza di prospettive. Available at: <https://www.unitremilano.it/1589/luoghi/gratosoglio.html> (15.2.2024).

⁷ V. Castronovo, 1970. L'Istituto autonomo case popolari di Milano dal 1908 al 1970 in Edilizia Popolare. Case Popolari Urbanistica e Legislazione Milano 1900–1970, 13–96.

⁸ P. Di Biagi, 2010. La grande ricostruzione. Donzelli virgola, Milano, 185-200.

⁹ M. Tafuri, 1986. Storia dell'architettura italiana: 1944-1985, 50-85; B. Secchi, Il settore edilizio e fondiario in un processo di sviluppo economico. Lo spreco edilizio. Marsilio Editori, Padova 1972, 3-46.; F. Indovina, 1974. Lo spreco edilizio. Marsilio Editori. Vol. 22, 120-300; C. Carozzi, A. Mioni, 1970. L'Italia in formazione: ricerche e saggi sullo sviluppo urbanistico del territorio nazionale, 75-215.

to this shift as industrialization, urbanization, and modernization surged. Milan led the way, evolving from a city to a metropolis¹⁰.

2.2 The developments in Warsaw

2.2.1 Socialist-Era Housing Development

After World War II, Poland embraced a distinctly socialist housing model. It initially aimed to create egalitarian "housing estates" – self-contained districts with ample social and physical infrastructure. However, economic strain and heavy industry prioritization limited dwelling sizes and the number of rooms allocated per family. Centralized planning dictated Warsaw's development, resulting in architecturally uniform large housing estates while central districts fell into disrepair¹¹. After WWII, reconstruction efforts in large cities, particularly the capital, focused on areas that had been destroyed. Warsaw, as the capital, received significant resources for rebuilding. The Bierut Decree of 1945 nationalized land in the Warsaw area, but not the surviving real estate. Private building owners maintained their status but were not allowed to use their property. These "private under a special leasing scheme" dwellings could be used by local public administration to house tenant families, following the Soviet Komunalka model. Additionally, postwar arrangements included freezing rents at their 1939 levels¹².

2.2.2 The Shift to a Market Economy

Warsaw's transition to a market economy at the end of the 1980s was transformative. Land value regained importance, local government power increased, and distinct social and spatial divides emerged. These shifts visibly reshaped the urban landscape¹³. Privatization efforts began in the 1970s but intensified with the fall of socialism in the 1990s. Municipal ownership of Warsaw's housing stock lowered to only 12% and the rise of homeowners. This caused immediate affordability issues for those

¹⁰ L. Gambi, 1973. *Da città ad area metropolitana*, 310-403. E. Dalmasso., A. Caizzi, D. Gibelli, 1972. *Milano capitale economica d'Italia*. F. Angeli, 244-554.

¹¹ K. Bartnicka, I. Szybiak, 2001. *Zarys historii wychowania*. Wydaw. Akademickie Żak, 48-123; G. Węclawowicz, 1994, *The selected market transformation challenges and risk for Warsaw*, [w:] Ed. Ch. Vandermodten, *Planification et strategies de developpement dans les capitales Europeennes*, *Aménagement du territoire et environnement*, Editions de l'Universite de Bruxelles, Bruxelles, 285-292.

¹² K. Azarova, 2007. *L'appartement communautaire: l'histoire cachée du logement soviétique*. Editions du Sextant, 2007, 150-215.

¹³ G. Węclawowicz, 1998, *Social polarisation in postsocialist cities: Budapest, Prague and Warsaw*, [w:] Ed. Gyogyenyedi, *Social change and urban restructuring in Central Europe*, Akademiai Kiado, Budapest, 55-66.

unable to purchase dwellings, especially since privatization policies allowed the sale of units below market value¹⁴.

3 Social housing nowadays in Milan and Warsaw

3.1 City of Milan

Nowadays, Milan is the second-largest city in Italy and the economic capital of Italy and a global financial center. It's the regional capital of Lombardy. The city has a population of about 1.4 million, while its metropolitan city has 3.2 million residents. The municipality has a size of 181.76 km², while the metropolitan area expands to 576 km²¹⁵. Milan is divided into nine municipalities, each holds a local government¹⁶.

3.1.1 Urban processes in Milan

After periods of urbanization and suburbanization, European cities underwent a re-urbanization wave in recent years. The attractiveness of central cities, gentrification, and immigration stayed enhanced due to economic expansion and recession. Those processes had an important influence on inner cities and the housing market. In Milan, intense re-urbanization was indicated after 2008. Demographic trends show periods of suburbanization and economic repolarization. Areas between the inner city and suburbs indicated a stable increasing population, while decline was associated with the historic center. Therefore, different strategies and programs were introduced to attract specific economic groups.

Italy became mostly a society of homeowners, like the rest of southern European countries, in the post-World War II situation. Homeowners present the majority, while social housing accounted for just 3,8% in 2020¹⁷.

¹⁴ S. Tsenkova, 2014. The social housing sector in Prague and Warsaw: trends and future prospects. *GeoJournal*, Vol. 79, No. 4, Special Issue on Housing Policy and Housing Transformation in Post-Socialist Cities (2014), 433-44.

¹⁵ Britannica, 2024. Milan. Available at: <https://www.britannica.com/place/Milan-Italy> (10.2.2024); M. Carlucci, F.M. Chelli; L. Salvati, Toward a New Cycle: Short-Term Population Dynamics, Gentrification, and Re-Urbanization of Milan (Italy). *Sustainability* 2018, 10, 3014. <https://doi.org/10.3390/su10093014> (15.2.2024).

¹⁶ Comune di Milano, 2024. Municip. Available at: <https://www.comune.milano.it/comune/palazzomarino/municipi> (10.2.2024).

¹⁷ S. Mugnano, P. Palvarini, 2013., Sharing space without hanging together: A case study of social mix policy in Milan, *Cities*, Volume 35, 417-422. Available at: <https://doi.org/10.1016/j.cities.2013.03.008>, (15.2.2024).; M. Bricocoli, R. Cucca, 2016. Social mix and housing policy: Local effects of a misleading rhetoric. The case of Milan. *Urban Studies*, 53(1), 77-91. Available at: <https://doi.org/10.1177/0042098014560499>, (15.2.2024).

Housing Ownership in Milan (2019)

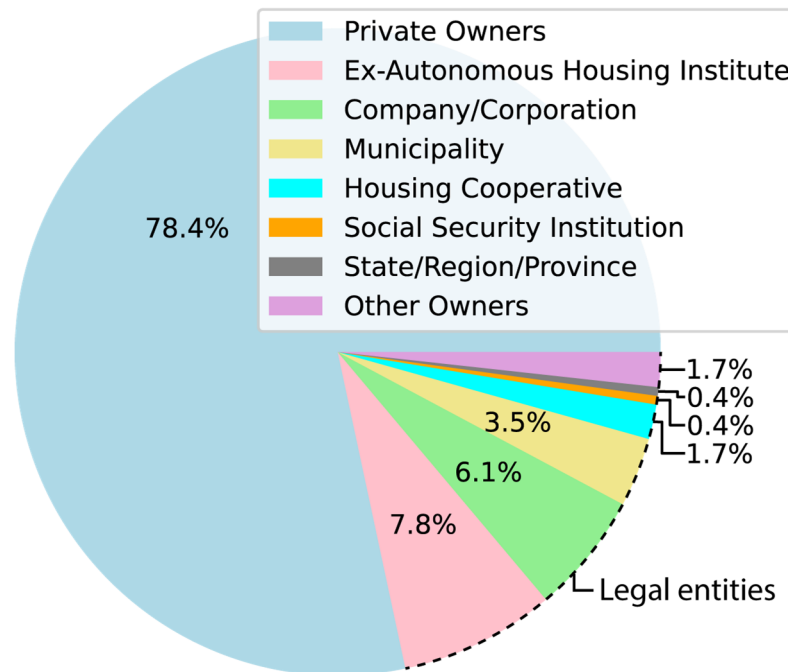


Figure 1: Housing ownership in Milan (2019), which included property of the private sector (632 360 properties) and property of legal entities (174 600 properties).
[1]

3.1.2 Social housing crisis in Milan

The shift from national to local welfare in Italy happened in 2010, which also influenced housing policies towards multi-level local governance. Milan policies emphasized the social mix in the case of social housing developments and regeneration programs. Its goal is to avoid segregation and enhance social cohesion. Social mix concepts were used in Italy already after WWII with Piano INA Casa. After the 1970s, public investments in housing policy declined. Policies after the housing crisis in the 1990s moved towards area-based regeneration programs; each Italian Region implemented its specific policies. In Lombardy Region, social mix has been an essential element in programs (PREPR) since the beginning of the 2000s to meet the housing needs of low-income households and to tackle the problem of urban segregation. Implementation of those policies can be seen as a shift from built environment to social aims. Mostly only the positive effects of mixed communities are highlighted, but they are based on beliefs rather than facts. Not all social groups are provided with equal opportunities to participate in initiatives, and there is also the risk of artificial actions¹⁸.

Spatial segregation does not significantly impact Milan compared to other cities in Europe, even though it is one of the most unequal cities in Europe regarding income

¹⁸ S. Mugnano, P. Palvarini, 2013, Sharing space without hanging together: A case study of social mix policy in Milan, *Cities*, Volume 35, pp. 417-422. Available at: <https://doi.org/10.1016/j.cities.2013.03.008> (15.2.2024).

distribution. Social housing represents only 11% of the housing stock. The rental market is small and unregulated, which leads to limited affordable housing.

New social housing projects, which have mostly private nature, frequently lead to a trade of reduced blend of social tenants for the advantage of higher rents and overall rentability of housing projects. In this case, the social mix can enhance new inequalities rather than urban justice. Effects are connected to displacement and the right to access the city¹⁹.

The City of Milan is actively working on solving the housing crisis, also with the involvement of different stakeholders in discussions such as the Housing Forum in 2023²⁰. Even though Milan sets aside a portion of new apartments for social housing, the demand and population growth outpace the availability of affordable homes²¹.

3.2 City of Warsaw

Warsaw is the capital city of Poland and its most important economic center. It's also the capital of Mazowieckie województwo (province). It has a population of almost 1.8 million and covers an area of 517 km². Together with neighboring municipalities, it forms the Warsaw Metropolis, one of Europe's most rapidly developing areas with about 3 million residents²². Warsaw is governed by a City Council and consists of eighteen districts²³.

3.2.1 Urban processes in Warsaw

Socialist ideology based on egalitarian principles and a centrally planned economy highly influenced reconstruction after WWII. Consequently, the inner city remained socially and functionally mixed until the collapse of the socialist regime at the end of the 80s, which brought political and economic transformation. In the 90s, private investments increased, and the 21st century brought more reinvestment in the city center. That caused an expansive spatial and social change, including socio-spatial disparities and income inequalities. Post-socialist countries adopted different privatization strategies after 1990. Estates in pre-war times managed by the State were returned to private hands.

¹⁹ M. Bricocoli, R. Cucca, 2016. Social mix and housing policy: Local effects of a misleading rhetoric. The case of Milan. *Urban Studies*, 53(1), 77-91. Available at: <https://doi.org/10.1177/0042098014560499> (15.2.2024).

²⁰ OECD, 2023. Milan's masterplan: working together for affordable homes. Available at: <https://oecdcoigo.blog/2023/06/08/milans-masterplan-working-together-for-affordablehomes/> (10.2.2024).

²¹ Politico, 2022. Milan's struggle to tame gentrification. Available at: <https://www.politico.eu/article/milan-struggle-tame-gentrification/> (10.2.2024).

²² Warsaw, 2024. City brand, <https://en.um.warszawa.pl/-/city-brand> (10.2.2024); Britannica, 2024. Warsaw. Available at: <https://www.britannica.com/place/Warsaw> (10.2.2024).

²³ S. Tsenkova, 2014. The social housing sector in Prague and Warsaw: trends and future prospects. The social housing sector in Prague and Warsaw: trends and future prospects. *GeoJournal*, Vol. 79, No. 4, Special Issue on Housing Policy and Housing Transformation in Post-Socialist Cities (2014), pp. 433-44.

But the process of restitution of public buildings was delayed in Warsaw, due to lack of legal framework. Reinvestment in postsocialist cities was restricted due to a lack of resources. That in combination with little construction until the end of the 1990s resulted in a limited inflow of new residents²⁴.

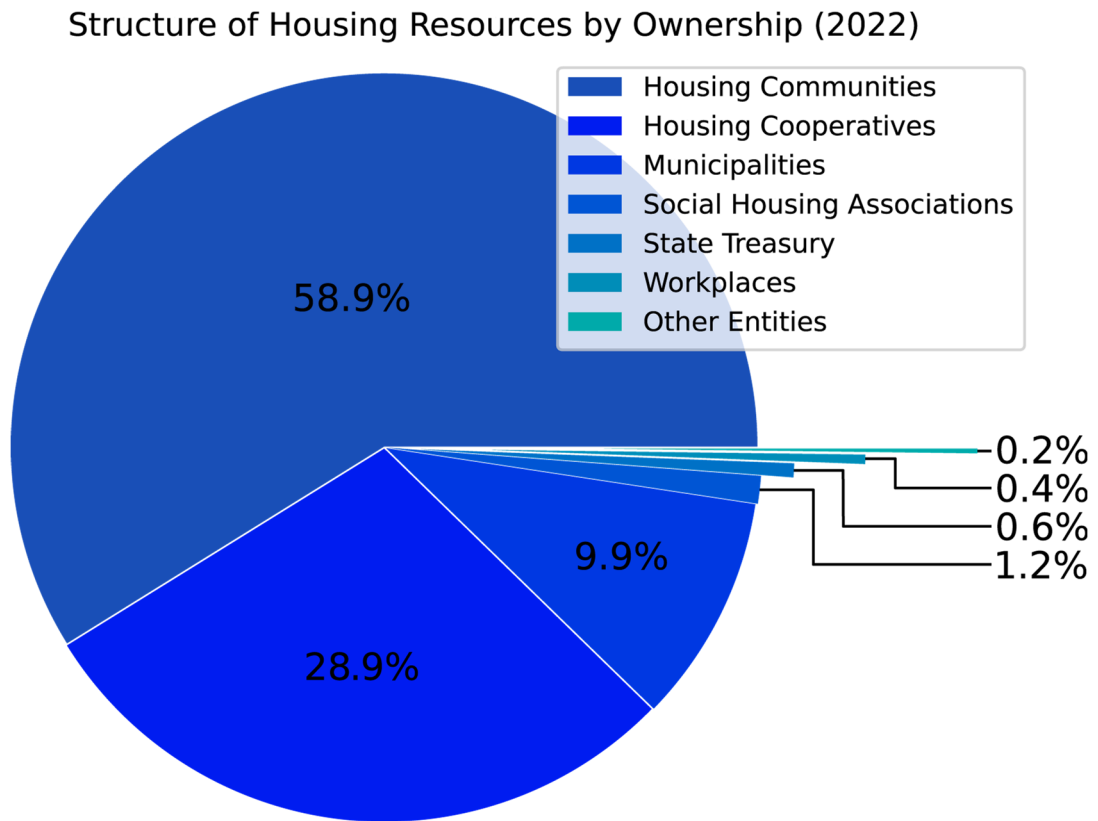


Figure 2: The structure of housing resources according to ownership in Warsaw (as of December 31st, 2022) [4]

At the end of the socialist period, the inner city already faced depopulation and residential segregation, with the process of suburbanization that started in the 1990s. Even the socio-spatial structure of Warsaw at the beginning of the 21st was diverse, some elements of concentric and sectoral models evolved. Social segregation strengthened at a very micro level. Urban regeneration occurred later

²⁴ M. Górczyńska, 2017. Gentrifiers in the post-socialist city? A critical reflection on the dynamics of middle- and upper-class professional groups in Warsaw. *Environment and Planning A: Economy and Space*, 49(5), 1099-1121. Available at: <https://doi.org/10.1177/0308518X16688218> (15.2.2024); M. Górczyńska, 2014. Zmiany zróżnicowań społecznych i przestrzennych w wybranych dzielnicach Warszawy i aglomeracji paryskiej: dynamika i aktorzy. (Prace Geograficzne; Vol. 246). Instytut Geografii i Przestrzennego Zagospodarowania PAN, 253-260. Available at: <http://rcin.org.pl/igipz/publication/73524>, (15.2.2024).

(after 2004) and can be divided into public and private interventions²⁵. Approximately 10% of housing stock is social housing nowadays²⁶.

Besides those conditions, low public intervention and ownership-oriented private projects contributed to one of the highest rates of owner-occupation in Europe. While lots of those properties are in poor condition²⁷.

3.2.2 Social housing crisis in Warsaw

Privatization reduced housing subsidies and passed responsibilities for housing the poor to municipalities. The main challenges affecting the social housing sector in post-socialist cities were a lack of stable social housing policy, no efficient rent reforms, lack of adequate public finance, underdeveloped non-profit institutions, and due to limited political commitment. Social housing in Poland is not strictly and formally defined, but generally includes the following sub-sectors: dwellings owned by municipalities; dwellings owned by non-profit housing associations, provided by public and private companies called TBS (Towarzystwa Budownictwa Społecznego), which are companies established under the legislation governing social housing provision by non-profit organizations since 1995; and dwellings owned by companies²⁸.

Like other transition economies, rising income inequality, informal employment, and intergenerational wealth transfers impacted housing in Poland in general and Warsaw in specific. Those excluded from market access were the most vulnerable. Poland stands out for continued investment in social housing subsidies. TBS offered generous support, but these programs were criticized for targeting overly generous income caps and fueling privatization initiatives. Currently, the future of the TBS model is in question²⁹.

The lack of affordable homes is one of the main reasons for the housing crisis in Poland, since the property prices are too high compared to income. The rental market is underdeveloped. Warsaw faces rent control dilemmas, with regulated rents far below market value and straining the maintenance of the aging municipal stock³⁰.

²⁵ M. Górczyńska, 2014. Zmiany zróżnicowań społecznych i przestrzennych w wybranych dzielnicach Warszawy i aglomeracji paryskiej: dynamika i aktorzy. (Prace Geograficzne; Vol. 246). Instytut Geografii i Przestrzennego Zagospodarowania PAN, 253-260. Available at: <http://rcin.org.pl/igipz/publication/73524> (15.2.2024).

²⁶ Statistical Office in Warszawa, Ed. [Online]. Available: <https://warszawa.stat.gov.pl/en/publications/others/>, (10.2.2024).

²⁷ La Fabrique de la Cite, 2019. Warsaw: is there any way forward without rental housing stock? Available at: <https://www.lafabriquedelacite.com/en/publications/warsaw-is-there-any-wayforward-without-rental-housing-stock/> (15.2.2024).

²⁸ S. Tsenkova, 2014. The social housing sector in Prague and Warsaw: trends and future prospects. The social housing sector in Prague and Warsaw: trends and future prospects. *GeoJournal*, Vol. 79, No. 4, Special Issue on Housing Policy and Housing Transformation in Post-Socialist Cities (2014), 433-44.

²⁹ J. Hegedus, V. Horvath, E. Somogyi, 2014. The Potential of Social Rental Agencies within Social Housing Provision in Post-Socialist Countries: The Case of Hungary. *European Journal of Homelessness* volume 8, No. 2, 41-67.

³⁰ S. Tsenkova, 2014. The social housing sector in Prague and Warsaw: trends and future prospects. *GeoJournal*, Vol. 79, No. 4, Special Issue on Housing Policy and Housing Transformation in Post-Socialist Cities (2014), 433-44.

People are forced to spend $\frac{2}{3}$ of their income on rent, while homeownership is a life goal for lots of Poles. Therefore, the housing crisis was also one of the main debates in pre-election campaigns in 2023³¹.

4 Right to housing in Milan and Warsaw

4.1 International Law

The right to housing is a human right, and it is guaranteed in numerous international law acts. One of them that established the most basic human right is the Universal Declaration of Human Rights. Article 25 (1) forms a right for everyone to have the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care, and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control³².

But the right to housing is not only guaranteed on an international, worldwide level. There are other legal systems, both international and local, that articulate and specify this universal right, which draws its source from human dignity.

One of these is the European Social Charter, which defines social policy goals and protects fundamental social and economic rights³³.

General provisions in acts of international law delineate the obligation of state parties to act to ensure that citizens can realize their rights, and the obligation to refrain from actions that could violate the rights of citizens. States, to ensure better protection, may create regulations to guarantee respect for the right to housing. Assuming that housing is a right of every person means, that access to housing and support for its maintenance should be provided to any person who cannot meet housing needs on his or her³⁴.

4.2 Right to housing in Italy

The right to housing isn't recognized as a fundamental constitutional right by Italian Law³⁵. However, the principle of equal rights and dignity for all is per art. 3 of the Constitution, which requires the legal system to guarantee everyone a dignified

³¹ Balkan Insights, 2023. Desperate measures as the housing crisis grips Poland. Available at: <https://balkaninsight.com/2023/03/21/desperate-measures-as-housing-crisis-grips-poland/> (10.2.2024).; Notes from Poland, 2023. Poland is facing a housing crisis, but politicians are offering the same failed solutions. Available at: <https://notesfrompoland.com/2023/03/31/poland-is-facing-a-housing-crisis-but-politicians-are-offering-the-same-failed-solutions/> (10.2.2024).

³² Universal Declaration of Human Rights 1948 art. 25 (1) Official Journal Unified text from 1948.

³³ Respecting International Standards On Home Evictions Seventh Overview Of Housing Exclusion In Europe 2022; Feantsa - Fondation Abbé Pierre; 74.

³⁴ P. Olech: Mieszkanie jako podstawowe prawo osoby w Bezdomności ngo.pl. Available at: <https://publicystyka.ngo.pl/piotr-olech-mieszkanie-jako-podstawowe-prawo-osoby-wbezdমনności> (19.2.2024).

³⁵ The Constitution of The Republic of Italy, 1948, Giunti Editore, 2022, hereinafter cited as: the Italian Constitution.

existence. As a member of both the European Union and the Council of Europe, Italian citizens can rely on a multilevel system of rights protection³⁶.

Art. 117 of the Italian Constitution states the legally binding value of international agreements. Therefore, Italian judges are obligated to misapplication an Italian law that contradicts EU's Treaties and self-executive laws when an adequate interpretation is not possible³⁷. Controversial questions are usually resolved by the European Court of Justice in dialogue with the Constitutional Court of Italy.

Controversial questions are usually resolved by the European Court of Justice in dialogue with the Constitutional Court of Italy. The European Union's Charter of Fundamental Rights recognizes a right to social and housing assistance. Every State has the power to decide the right's protection level, considered more suitable with internal law's principles and structure. This framework provides the contest for the Italian Constitutional Court's jurisprudence openness to the right to housing protection. It is significant that judgment no. 168 of 2014³⁸, in which the constitutional judges stated that "public residential estate legislation aims to art. 34 CFR's goal of ensuring decent existence for all those who lack sufficient resources".

The European Charter of Fundamental Rights explicitly quotes in the preamble the rights recognized by the Council of Europe's Social Charter³⁹. Therefore, it would be legitimate to interpret, as the EU Court of Justice has already done, CFR's disposition with the correspondent ESC ones, even if the legal obligation towards this conjunct interpretation isn't specifically stated. In other words, even if Italian law only recognized the right to housing in a "financially conditioned" form, the State must however provide a minimum continent's protection that cannot be denied to citizens. Judges must also act for its recognition. Even if we reject a direct invokeability theory of ESC dispositions, it should at least be recognized for its interpretative value for national judges. It would be considered a major valorization of CSE in Italian jurisprudence, considering 117 Art. of the Constitution as a parameter.

Italian policies on public housing changed radically in the last fifty years. During the last two decades, urban development and housing policies happened under the sign of public-private partnership, characterized by: private investment's promotion, consideration of both public and profit-driven private interest in urban development and housing policies, and decreasing taxation and building burdens in private's favor.

Like most of the disciplines in the Italian Law framework, public housing is defined at different power levels. Since the Title V Constitutional Reform in 2001 didn't include

³⁶ J. Polakiewicz, 2016. Europe's multi-layered human rights protection system: challenges, opportunities and risks, Tokyo. Available at: https://www.coe.int/en/web/dlapil/speeches-of-the-director/-/asset_publisher/ja71RsfCQTP7/content/europe-s-multi-layered-human-rights-protection-system-challenges-opportunities-and-risks (10.2.2024).

³⁷ The Italian Constitution

³⁸ Judgment no.168, The Constitutional Court of Italy, 2014, Charter of fundametal rights of European Union, Di Majo, Ferrari, Rizzo, Giuffrè Lefebvre,2022.

³⁹ Charter of Fundamental Rights of the European Union, 2000; European Social Charter, Council of Europe, Revised in 1996. Available at:

https://www.cortecostituzionale.it/actionSchedaPronuncia.do?param_ecli=ECLI:IT:COST:2014:168# (20.2.2024).

public housing either among the State's exclusive competence (art.117 part. 2) nor concurrent legislative competence (art. 117 part. 3) public housing falls under the regional residual competence not explicitly mentioned in the Constitution⁴⁰.

Social and economic factors led to a wider range of people who cannot afford a house with their resources: low-income families, immigrants, elderly people, young couples, and one-parent families. Moreover, only 20% of housing has a social rent, despite a 43% EU average⁴¹. Since 2004, the Government started to act to fight the housing emergency by producing several laws in favor of leaseholders, like extensions of evictions and 2008's National House Plan. The City of Milan developed through the years the "Social Residential Housing" (ERS) aimed to guarantee a wider offer of quality housing at agreed rents, thanks to a publicprivate partnership for the construction of affordable housing⁴².

Social Residential Housing is meant to guarantee access to housing to those citizens who don't meet the requirements for public housing. Nevertheless, they don't have the economic capacity to afford a real estate economic market proposal. The assignment and management of Social Residential Housing is completely entrusted to private operators. Even so the social housing crisis continues to affect millions of people, as it has transformed into a market-managed system without the market. Housing emergency affects especially foreign people. An ISTAT survey conducted in 2014 in 154 Italian municipalities revealed that 58.2% of homeless people are of foreign origin⁴³.

4.3 Right to housing in Poland

In Poland, the right to housing is guaranteed in Article 75 of the Constitution of the Republic of Poland. It states that (1) Public authorities shall carry out policies conducive to meeting the housing needs of citizens, in particular, preventing homelessness, supporting the development of social housing, and supporting the efforts of citizens to obtain their housing. (2) Protection of tenants' rights shall be determined by law⁴⁴. To realize the rights guaranteed through an overarching legal act, there are statutes in Poland that regulate housing in detail and provide the right to housing.

In accordance with Article 20 of the Act of 21 June 2001 on Protection of resident's rights, municipal's dwelling stock and alteration in the Civil Code⁴⁵, the municipality allocates parts of its housing stock, which are designated for rental as social housing.

⁴⁰ Public Housing Dossier, Italian Senate, October 2010. Available at:

https://www.senato.it/documenti/repository/dossier/studi/2010/Dossier_248.pdf (20.2.2024).

⁴¹ Housing Emergency Studies, Parliament, 2015. Available at:

<https://www.camera.it/temiap/d/leg17/D14047?social-share> (20.2.2024).

⁴² Municipal Governance Plan Of the City of Milan(PGT). Available at:

<https://www.comune.milano.it/aree-tematiche/edilizia/edilizia-residenziale-sociale-ers> (15.2.2024).

⁴³ ISTAT, National Research on Homelessness in Italy,2014. Available at:

https://www.istat.it/it/files/2014/06/17915_senza_dimora.pdf (20.2.2024).

⁴⁴ Art. 75 of the Constitution of the Republic of Poland 1997, Official Journal from 1997, No 78, item 483 with changes, hereinafter cited as: Constitution of the Republic of Poland.

⁴⁵ Art. 20 of the Act of June 21, 2001, on Protection of residents rights, municipal's dwelling stock and Alteration in Civil Code, Official Journal Unified text from 2023, item 725 with changes.

The municipality carries out its tasks through its bodies, according to the division of competencies provided for them. According to the provisions of the Act of March 8, 1990, of the Commune self-government act [Ustawa o samorządzie gminnym], the municipal council [rada gminy] is the legislative body in the municipality, while the mayor is the executive body⁴⁶.

According to the content of Article 21 of the Act of June 21, 2001, on Protection of resident's rights, municipal's dwelling stock and alteration in the Civil Code, it is the municipality's obligation to create conditions to satisfy the housing needs of the local community. The municipal housing stock now consists of two categories: council housing and social housing. While municipal apartments and social apartments (known as social housing) belong to the municipality, they do not have identical characteristics. Municipal apartments adhere to the same standards as those available on the open market. In contrast, social housing often features a reduced standard, encompassing shared facilities like kitchens utilized by unrelated individuals, shared bathrooms, adjoining rooms, or rooms that may require renovation. The lease agreement for council housing is concluded indefinitely. Typically, council housing is employed by individuals who, due to low incomes, cannot purchase a property through a mortgage. Social housing is also a type of communal dwelling, from which individuals with the lowest incomes often benefit, frequently after evictions⁴⁷. Social housing is defined as a place suitable for settlement owing to equipment and technical condition, in which the surface of rooms per household member - i.e. one person in the case of residence of at least two people - cannot be smaller than 5 m², and in the case of one-person household – 10 m², with a possible lower standard of the dwelling⁴⁸.

The social premises rental contract shall be concluded for a fixed period and may be concluded with a person who has no legal title to the premises and whose household income does not exceed the amount specified in the resolution of the municipal council. The rent price for social premises cannot exceed half of the lowest rent price binding in municipal dwelling stocks⁴⁹. Furthermore, the court is prohibited from ruling on the lack of authorization to conclude a social renting agreement in specific circumstances (pregnant women, minors, unemployed, ect.)⁵⁰.

5 Conclusion

Both Milan and Warsaw grappled with significant housing needs, particularly after periods of war and rapid population growth. However, their paths diverged due to ideological differences and the level of state intervention. Milan's history shows

⁴⁶ Art. 30 (2) of the Act of March 8, 1990, of Commune self-government act, Official Journal Unified text from 2024, item 609 with changes.

⁴⁷ Mieszkanie.pl, 2020. Czym się różni mieszkanie komunalne od mieszkania socjalnego? <https://mieszkanie.pl/prawo/czym-sie-rozni-mieszkanie-komunalne-od-socjalnego/108> (10.2.2024).

⁴⁸ Art. 22 of the Act of June 21, 2001, on Protection of residents rights, municipal's dwelling stock and Alteration in Civil Code, Official Journal Unified text from 2023, item 725 with changes.

⁴⁹ Art. 23 of the Act of June 21, 2001, on Protection of residents rights, municipal's dwelling stock and Alteration in Civil Code, Official Journal Unified text from 2023, item 725 with changes.

⁵⁰ Art. 14 (4) of the Act of June 21, 2001, on Protection of residents rights, municipal's dwelling stock and Alteration in Civil Code, Official Journal Unified text from 2023, item 725 with changes.

early public-private partnerships and national programs aimed at eventual homeownership. In contrast, Warsaw's trajectory was heavily shaped by socialist ideology, centralized planning, land nationalization, and rent freezes. In recent decades, both cities have seen decentralization, privatization trends, and persistent affordability challenges, leading to greater reliance on allowances rather than building new social housing. Both cities are nowadays important economic centers in the world. Milan is one of the global cities, and Warsaw is important in the rising Polish economy. Which makes them attractive for immigration. Most European cities are dealing with similar urban processes, including re-urbanization, and gentrification, while also the process of suburbanization.

Warsaw was highly influenced by the socialist past, which led to high levels of homeownership after transition, which is also a characteristic of Milan. Consequently, both are battling with a limited rental market, poor housing conditions, and a lack of affordable housing. They don't manage to meet the needs for social housing, but they are differently defined and organized. While Milan focuses mostly on social mix policies, Warsaw's social housing has many sub-sectors, but primarily focuses on people with specific needs.

Right to housing is a human right, which is guaranteed in international law acts. In Poland, the right to housing is also guaranteed in Article 75 of the Constitution of the Republic of Poland, while the right to housing isn't recognized as a fundamental constitutional right by Italian Law. But citizens can rely on EU multilevel system of rights protection.

In Italy 1977's Reform increased territorial institution role in public housing, with regions programming duties and local institution's role in housing assignment. But the availability of decent and adequate housing has gotten worse with the years. In the span of a decade, from 2001 to 2010, the number of individuals in severe housing deprivation has tripled in the country, even though the majority of the national population owns the house. Housing emergency affects foreign people in particular. Therefore, job insecurity, unemployment, and discrimination by the potential landlords obstruct the path towards housing autonomy.

In Poland, the main burden of responsibility for meeting housing needs rests on the local authorities, and the municipalities. Poland has a stock of council flats, among which a specific subset known as social housing can be identified. Social housing, characterized by a lower standard, is intended for individuals facing eviction or those unable to sustain independent dwelling. The need for housing with reduced rents in Poland, also with increasing rents compared to incomes, is high, but state support for this type of housing remains minimal.

Feature	Milan	Warsaw
Early Development	Mixed-use focus, publicprivate collaborations	State-driven ideal of the socialist "housing estate"
Postwar Focus	Rapid construction of selfsufficient districts	Central planning, focus on meeting basic housing needs

National Influence	Benefited from national programs with an eventual ownership emphasis	Heavily shaped by centralized state policies, including nationalization and rent control.
Recent Trends	Decentralization, market orientation, affordability challenges, social mix	Privatization dominance, TBS experiment, ongoing affordability issues
Urban processes	Re-urbanization, gentrification, homeownership	Re-urbanization, gentrification, homeownership
Social housing	Multi-level governance, social mix policy	transition, sub-sectors
Social housing crisis	Limited affordable housing, private projects	Lack of affordable homes, the rise of rents
Right to housing	International law, regions, public-private partnership, ERS	Poland's constitution, municipalities, council and social housing

Table 1: The Evolution of Social Housing: Milan and Warsaw

Both countries, including the main economic centers, don't provide enough social housing. They are addressing the problem with different policies, mostly relying on the private sector, but none of them seemed to be effective enough. The right to quality and affordable housing is an expression of personal development and the autonomy of the individual. Therefore, its upholding as a fundamental right across Europe it's an essential factor for democracy's stability.

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