

KOMITET PRAW OBRONY LOKATORÓW

BROŃMY RAZEM NASZYCH MIESZKAŃ

The Committee for the Defense of Tenants' Rights



SOLIDARITY AND DIRECT ACTION

The Committee for the Defense of Tenants' Rights

The Committee, (formerly known as the Tenant's Defense Committee), was formed in 2009 in Warsaw. Tenants of two buildings in the Praga district had organized meetings in the street, in front of their houses, in response to attempts to reprivatize the buildings and to planned rent increases in municipal housing. Some activists of the Union of Syndicalists, who lived nearby and had been working on anti-gentrification issues, joined and some of the more active tenants proposed the creation of a tenants' organization.

Many tenants from all over Warsaw are now active in the Committee. Although it is still based in the Praga area of Warsaw, it has also been active in advising tenants and blocking evictions in a number of other cities.

Main Activities

Running weekly tenants advisory. Visited by around 100 people a month on average. Advisories and meetings are also frequently held in affected buildings, backyards and public places, like parks.

Blocking evictions. Using preventative actions like interventions, legal manouevres, pressure on owners and physical blockades. More than 150 evictions prevented.



At an eviction blockade



Helping with fight against landlord harrasment. Direct action and media campaigns.

Fighting against privatization. Blocked 2 building privatizations and partially blocked another. Some actions to make sale or privatization more difficult.

Protest against developer.

Fighting against rent increases

Fighting for housing. Helping to get housing or replacement housing for those having problems with the administration and for the homeless.



Fighting for the right to stay. This mainly effects tenants who have seen their municipal housing contracts terminated for various reasons.

Fighting for proper housing for the elderly and disabled.

Organizing rent resistance actions.

Fighting for better standard housing. Many buildings are unhealthy or unsafe.

Fighting against arson and other forms of property speculator terror.

Taking action against gentrification and the relocation of long-term residents from gentrifying communities.

Offering legal help. Help with court procedures, starting lawsuits, answering lawsuits, etc. *Protest against arson.*



Consulting and taking action concerning policy and legislation. Giving concrete suggestions for the improvement of local housing policies, compliance with the Act on Protecting Tenants' Rights and blocking anti-tenant reforms. The Committee has also proposed legal solutions to the privatization crisis.

Other types of related intervention:

Fighting against removal of children who suffer inadequate housing and placing them in children's homes

Helping victims of domestic violence. Helping get new, separate housing for victims.

Helping get debt reduction or restructuring.

Helping in wage theft cases.

It sometimes turns out that people have not paid rent because the boss has not paid them. The union ZSP invites tenants with such problems to join them and take action.

We will present some background information on the general housing problem in Warsaw and explain more about some specific issues related to our main areas of activity.



General Problems

There is a lack of affordable housing and many historical specifics.

During World War 2, Nazis destroyed most of the city. They also murdered many of its inhabitants. Many people were left homeless. On the other hand, some buildings were left without owners as people were killed or fled.

Several things happened after the war:

- People were encouraged to help rebuild Warsaw. They physically rebuilt many building with the own hands and were promised they could live there in return.
- People were sent to live in abandoned properties, which came under the control of the city. They had contracts as municipal tenants.
- People just went to live where they could. Many, but not all of these tenancies were later formalized
- People were sent to live in private properties by the city, but they were tenants of the owner.
- People pretended to be owners of abandoned properties. Some of these later came under the control of the city.
- The city built new, municipal housing.

Many of the older buildings which became municipal housing were not kept up or renovated. In the Praga neighbourhood, up until the most recent time, 70% of buildings did not have central heating, many flats had no toilet or running water. There is also general disregard for basic safety. For example, there are no fire extinguishers, safe escape routes, etc. etc.



*Tour of public housing conditions in the Praga neighbourhood.
Although some of the flats are empty, this building is inhabited by at least 50 families.*

The municipalities never built enough housing, so always there was more demand and long waiting lists. This situation has been made worse by the planned reduction of public housing. This is done in several ways:

- Taking many units and some buildings out of use due to poor technical state
- Selling off buildings that the city could instead renovate
- Looking for ways to terminate rental agreements under any pretext and evicting the tenants
- Giving buildings away under the „reprivitization” process. People who get building are often not even heirs of the original owners but people who have falsified documents, set themselves up as in charge of the estate or have bought claims.

In addition to this, the EU co-funded gentrification process, cynically known as „revitalization” is displacing people as their homes get renovated for wealthier categories of tenants. This is only beginning on a larger scale in Warsaw. In Lodz a mass displacement has already taken place.



Rent strike protest.

Currently, many municipal tenants are uncertain of their future as houses get reprivatized and they are transferred as tenants to private owners who can change the conditions. Another part await displacement in the gentrification process.

Below we present more details of some of the particular problems related to our struggle.

Reprivatization

There is much evidence that many privatizations are the result of the joint scheme of city officials and a small group of lawyers and „mafia” who get documents, forge documents or in various ways buy or obtain claims. We have seen forged documents such as wills written from Auschwitz (in ballpoint pen) or fake suicide letters/wills. We know that the most notorious collector of claims now has „inherited” almost 100 properties in Warsaw, often by purchasing papers from senior citizens or by some strange machinations. The courts have also allowed people to claim that they have power of attorney from an old owner (whose age usually is over 100 and who usually are dead). They usually don't check this. The State made indemnization agreements and paid compensation to former citizens living in different foreign countries years ago, but the Ministry of Finance claimed that it „didn't have a list” of the properties paid for. Now this list (or at least a partial one) has been found. A recent scandal showed, for example, one property that was already paid for has been given to the business partner of a city official. In another case we know, the pre-war owner is still alive and has publically testified that he gave the property to the State Treasury – but that didn't stop the city from honoring a false claim. The property was then sold to a developer, who sold flats to others, with the tenants in them. In Poland, even if they determine the property was stolen, if it was bought by a third party in good faith, they honor the sale.

Tenants usually cannot get any information about a reprivatization process since the courts do not consider them parties in any proceedings. Therefore, they often hear about the reprivatization only after it happens.

Debt

Tenant debt is often caused by:

- High unemployment and limited unemployment benefits
- Limited social assistance
- Widespread use of trash contracts and jobs which do not provide even the minimum wage
- Low pensions
- Low payments to caregivers of persons with disabilities
- Imposition of contractual penalties on various categories of tenants



The latter means that many tenants were charged double rent as a penalty for various infractions including living without a valid agreement or having an agreement terminated. Persons who live without a valid agreement can include partners of tenants never recognized by the city or relatives not being spouses or children – something which is quite common. There also might be other reasons why the city would terminate an agreement, such as inviting a person to live with you without permission (for example, an evicted relative), falling into arrears with rent payments or even making renovations without permission. This has included terminating contracts with people who installed toilets 30 years ago. Many people who were given substandard housing have worked hard to make their places liveable.

An unemployed person who does not get adequate aid, may fall behind in rent and, as a punishment, the city used to double it. (This practice has since been changed thanks to our actions.) Added to this is interest. There are many poor people in Warsaw with debts of 10 or 20,000 euros or more.

The cities also hold relatives responsible for debts. So a person can inherit the debts of parents, brothers or sisters.

After much intervention, we were able to learn that more than half of the public housing debt (as of three years ago) resulted from penalties and interest. One of our demands is the abolition of housing debt. We consider the part related to penalties to have been illegally imposed. The city has not responded positively and more and more young people (even minors, which is illegal) are told to pay the debts of their relatives. It has done close to nothing to deal with the results of years of anti-social policies.

Action to stop building sale



A temporary program was developed to supposedly help tenants in debt, but it only applied to those who could pay off 30-50% of their debt upfront. This was absolutely no help to the thousands with serious debt who never could afford such

sums. Also, they did not accept all applicants to this program. Finally, they make a lot of PR about other „solutions” they have to help debtors. For example, they can work off their debt. We are opposed to this for several reasons, one being that most of the debt in Warsaw is the fault of the policy of penalties. The other is that jobs are lost to free labour. The last being that we are opposed to unpaid labour. If people had access to decent jobs, they never would have had such problems in the first place.

We can give a recent example of a 22-year old single mother, who spent most of her time in a „children's home”, not living with her parents. This means there was alcohol and abuse at home. She hasn't lived in that house for years but was sent a bill of around 25,000 euros to pay. As it is, she cannot make ends meet. She needs to work hard to provide for herself and her child, she needs to break the spiral of poverty that her family has probably been in for generations. We calculated that if she were to do the work proposed by the city, and provided the city would freeze interest on her debt, she would have to work 20 hours a week for the next ten years.

These policies are a noose around the necks of young people whose only „crime” was to be born into unfortunate situations.



Landlord or Owner Harrasment and Violence

If a landlord does not want to wait for an eviction decision from a court, or if there is no basis for it, they might bring rats, turn off electricity or water, destroy the toilets or invent any number of ways to get rid of tenants. A way to fight is through documentation and direct action. We have also filmed such actions several times and sometimes having evidence is enough to stop it. (Although once we were sued for putting a video of the owner on the internet without her permission.)



A few years ago, Jolanta Brzeska, a tenants' activist from Warsaw was burned alive. This brutal murder was most probably connected to her fight to stay in a home acquired by the infamous collector of claims, Marek Mossakowski.

In Warsaw, a series of arsons started in the Praga neighbourhood in 2012. Arsons had occurred before in some places „to be gentrified”, but not this was starting in a more coordinated way. For example, fires were started in 3 buildings near each other within a few minutes of each other. Members of the Committee lived in these buildings, including one of our founders. The ZSP union responded by organizing nightly self-defense patrols. The arsons stopped for a long time after this. (During the patrols we also documented all the fire hazards and places where arsonists have easy entrance to the buildings. Some of this has been fixed, but buildings are still not equipped with fire extinguishers, not all entrance doors have locks and there are no proper escape routes for residences.)

As a result of several well publicized campaigns of tenants fighting back against harrasment, (for example, also in Lodz and Poznan), the government made another one of their „show” laws that is supposed to discourage this. In reality, there already were laws that would have prevented this, but the authorities did not want to take action. And, as we expected, they still do not take action. Shortly after the law went into

effect, one owner who we had been fighting against attacked a pregnant woman who had won the right to stay in her lifetime home until the city could offer her a new social flat. Later he just changed her locks, performing an illegal eviction and although she asked the police to intervene, they did nothing. So much for their laws.

Removal of Children



Quite unfortunately, when a tenant is removed and does not have a replacement flat or is put in substandard conditions, the authorities sometimes try to remove the children. It is not the usual situation, but it happens. We have managed to

intervene and make pressure several times to get a better flat for the family. We have also tried to send suggestions during a recent legislative; they were presented at the meeting, but unfortunately, ignored.

Legislation and Policy

We have managed to win a few small policy changes on the local level. However this is much too small. We also managed to block unfavourable changes to the law three times already, by sending mass mailings, protest and legal arguments. Currently we were asked to consult a bill for a Reprivatization Act. We are against giving back or otherwise privatizing buildings with municipal tenants, which does not suit those trying to push this Act. We have presented all the legal bases which can be used to avoid privatizing these properties and have proposed what can be done for the victims of these processes. This is a pending process but we know we will have to take more action against those who seek to destroy the public sector. We note that some tenants organizations, political parties and organizations which speak about tenants' issues have supported privatization, or the ex-ruling party's (turbocapitalists) bill and this presents a serious problem in creating any common front.

We think that ideas for solutions should be generated firstly by the tenants themselves, in horizontal organizations. Often political parties or some civic organizations try to use these struggles for political capital and push solutions which are not the ones preferred by most tenants.

Rent Resistance

A large number of people who cannot afford new, raised rents, simply do not pay them. Some years ago we met with many such people who decided to politicize this situation by calling a rent strike. Unfortunately, there was also resistance to this idea by other tenant organizations who just felt this would fail and lead to their eviction. As a result, many tenants got scared, even some of those who declared they were „on strike”. The action proved to be premature for our society. Nonetheless, we have continued promoting this idea and building towards it. In the meanwhile, we have worked out various forms of rent resistance. We do not want to publish information about all the means, since owners can read this. However we can say that we have successfully fought rent increases in this way and that even the courts have held the side of the tenants – something that they do not do so often. There are now a number of buildings which have refused rent increases and still manage to pay the old price.

Conclusion

The Committee sees that it has years of struggle ahead of it, especially as the EU-funded gentrification programs will start in Warsaw on a serious scale in the next few months. Next to decaying municipal housing units, there are fancy new investments for yuppies, where flats cost 5000 euros per meter.



Neighbourhood tenants' meeting, Praga

The committee is a self-defense organization based on horizontal methods and public assemblyism. It encourages direct action and mutual aid as a way of fighting eviction and creates a solidarity and support method for tenants, many of whom are marginalized in many aspects of their life. Seniors and women have been especially active in the committee, as well as persons with disabilities. This has been a way for people to win back their dignity after years of abuse from the system and often having no way to solve elementary problems in isolation. On the other hand, the Committee is also full of tenants who have managed to fight for years and have shown remarkable self-organization and resistance in the face of adversary. The Committee is a place to share experience and find support.



The President of Warsaw, also known as „Queen of the Slums”

Finally, besides concrete postulates related to housing rights, we stand on the premise that everything that is public should be run directly by the public – not by elected and unaccountable representatives. One of our slogans is simply: **Housing in the Hands of the Tenants!**

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