

Андрій Щербина

ФОРМИ ЕФЕКТИВНОГО УПРАВЛІННЯ ОБ'ЄКТАМИ ЖИТЛОВОЇ НЕРУХОМОСТІ СПІЛЬНОЇ ВЛАСНОСТІ

Андрей Щербина

ФОРМЫ ЭФФЕКТИВНОГО УПРАВЛЕНИЯ ОБЪЕКТАМИ ЖИЛОЙ НЕДВИЖИМОСТИ СОВМЕСТНОЙ СОБСТВЕННОСТИ

Andrii Shcherbyna

THE FORMS OF EFFICIENT MANAGEMENT OF JOINT HOUSING PROPERTY

Taking into account the depreciation level of the housing stock in Ukraine, the effective management of its preservation requires the improvement of legislation and, at the level of homeowners, the search for new organizational and legal forms of management of apartment buildings. The article considers several combinations of models of joint ownership of residential real estate with the organization of management without the creation and with the creation of a legal entity. The Ukrainian model of residential building co-owners' association has been critiqued. Compared with the shortcomings of the organization of domestic condominiums three other models have been studied on international level: first, the dualistic model of condominium is analysed, which combines joint ownership of a house and a plot, individual ownership of an apartment and the organizational form of the owners' association; second, unitary model of association with joint ownership of the entire property and the rights to use the apartment; third, Finnish unitary model of a housing enterprise with the creation of a limited liability company. In the considered models the mechanisms of mobilization of funds of owners and possibilities of attraction of external financing for realization of capital repairs are compared. The main task in Ukrainian case is to focus exactly on the management and repair of common parts of apartment buildings and to attract investment resources for these purposes, which will be more transparent for the investor in the unitary model of a Finnish housing company. Conclusions have been drawn about some other advantages of the Finnish model, in particular for new residential buildings and complexes, the situations with complicated decision making process, the legal procedures of company registration.

Keywords: condominium; model; property; house; apartment; association; enterprise.

References

1. Zakon o zhilishchnykh kompaniiakh [Housing Companies] Act. 1599 (22.12.2009) (Ukraine). *Finlex*. <https://www.finlex.fi/fi/laki/ajantasa/2009/20091599>.
2. Zakon o zhilishchnykh operatsiiakh [Housing Transactions] Act. 843 (23.09.1994) (Ukraine). *Finlex*. <https://www.finlex.fi/fi/laki/ajantasa/1994/19940843>.
3. Ministerstvo finansiv Ukrainy [Ministry of Finance of Ukraine]. (2019). *Komentar do zakryttia biudzhethnoho 2019 roku: Operatyvni dani [Commentary on the closing of the budget year 2019: Operational data]*. https://www.mof.gov.ua/uk/news/komentar_do_zakryttia_biudzhethnogo_2019_roku_operativni_dani-1974.
4. Nikolaiev, V. P., Shcherbyna, A. A. (2020). Modeli formuvannia prav i vidnosyn vlasnosti v upravlinni obiekty zhytlovoi nerukhomosti [Models of the formation of property rights and relations in the residential real estate management]. *Internauka. Seriya: "Ekonomichni nauky" – Internauka. Series: "Economic Sciences"*, 7(39). <https://www.inter-nauka.com/issues/economic2020/6/6139>.
5. Nikolaiev, V. P., Shcherbyna, A. A. (2017). Model rynku zhytla i zhytlovo-komunalnykh posluh z urakhuvanniam platospromozhnosti spozhyvachiv [The model of the housing market and housing and communal services taking into consideration solvency of consumers]. *Budivelne vyrobnytstvo – Construction production*, 63/3, pp. 34-41.
6. Nikolaiev, V. P., Shcherbyna, A. A. (2018). Upravlinnia utrymanniam zhytloвого fondu neefektyvnykh vlasnykiv budynkiv [Management of housing maintenance of inefficient home owners]. *Naukovyi visnyk Mukachivskoho derzhavnoho universytetu. Seriya: Ekonomika – Scientific Bulletin of Mukachevo State University. Series: Economics*, 1(9), pp. 11–18.

7. Nikolaieva, T. V. (2013). *Naukovo-metodychni osnovy upravlinnia hospodarskymy systemamy domovolodinnia* [Scientific and methodical bases of management of economic systems of housekeeping] [PhD dissertation abstract, Econ. Institute of the Ministry of Economic Development and Trade of Ukraine].
8. Nikolaieva, T. V. (2012). Rezervy zdeshevlennia zhytla ta mekhanizmy vidtvorennia zhytlovoho fondu v umovakh obmezhenoi platospromozhnosti hromadian [Reserves for cheaper housing and mechanisms for the reproduction of housing in the conditions of limited solvency of citizens]. *Formuvannia rynkovykh vidnosyn v Ukraini – Formation of market relations in Ukraine*, 7(134), pp. 109–114.
9. Panteleiev, P. O. (2014). Modeliuvannia vartosti kapitalnoho remontu zhytlovoho budynku [Modeling the cost of overhaul of a residential building]. *Komunalne hospodarstvo mist – Municipal utilities*, 113, pp. 67–76.
10. Derzhavna sluzhba statystryky Ukrainy [State Statistics Service of Ukraine] (2020). *Pro oplatu naselenniam zhytlovo-komunalnykh posluh u travni 2020 roku* [On payment by the population of housing and communal services in May 2020]. <http://www.ukrstat.gov.ua/express/expr2020/06/80.pdf>.
11. Shcherbyna, A. A. (2019). *Balansova model rozvytku rynku zhytlovo-komunalnykh posluh z urakhuvanniam platospromozhnosti spozhyvachiv* [Balance model of the development of the housing and communal services market taking into consideration solvency of consumers] [PhD dissertation, Kharkiv National University of Municipal Services named after M. O. Beketov].
12. *Around the world in dollars and cents*. What price the world? Trends in international real estate trading (2016). Savills. <https://pdf.euro.savills.co.uk/global-research/around-the-world-in-dollars-and-cents-2016.pdf>.
13. Bundesrecht konsolidiert: *Gesamte Rechtsvorschrift für Wohnungseigentumsgesetz 2002, § 2. Begriffsbestimmungen*. Fassung vom 07.07.2020. <http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20001921>.
14. Çağdaş, Volkan; Stubkjær, Erik; de Vries, Walter Timo; Van der Merwe, Cornelius; Paasch, Jesper; Paulsson, Jenny; Schwery, Nadja; Ploeger, Hendrik; Isikdag, Umit; Kara, Abdullah (2018). *Co-ownership shares in condominium: A comparison across jurisdictions and standards*. Proceedings of the 6th International FIG 3D Cadastre Workshop. Copenhagen, Denmark : International Federation of Surveyors (FIG), pp. 217-242. http://www.gdmc.nl/3DCadastres/workshop2018/programme/Workshop2018_12.pdf.
15. Dutch Civil Code. 1992, Article 5:106 *Establishment of apartment rights*. <http://www.dutchcivillaw.com/civilcodebook055.htm>.
16. Martti Lujanen (2010). Legal challenges in ensuring regular maintenance and repairs of owner-occupied apartment blocks. *International Journal of Law in the Built Environment*, 2(2), pp. 178–197.
17. Nikolaiev, V., and Kucherenko, O. (2019). *Prevention of housing stock collapse in Ukraine requires extraordinary strategic decisions*. In 26th Annual European Real Estate Society Conference. ERES: Cergy-Pontoise, France. https://eres.architexturez.net/system/files/P_20190822113136_7823.pdf.
18. *Reinvigorating commonhold: the alternative to leasehold ownership* (2018). Law Commission. https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jxou24uy7q/uploads/2018/12/Commonhold_summary-report_FINAL.pdf.
19. Schweizerisches Zivilgesetzbuch vom 10 Dezember 1907. Stand am 5 December 2008. www.admin.ch/ch/d/sr/c210.html.
20. Van der Merwe, C. A. (2002). Comparative Study of the Distribution of Ownership Rights in Property in an Apartment or Condominium Scheme in Common Law, Civil Law and Mixed Law Systems. *Georgia Journal of International and Comparative Law*, 31(1), pp. 101–138.

Щербина Андрій Анатолійович – кандидат економічних наук, генеральний директор, Комунальний концерн «Центр комунального сервісу» Київської міської державної адміністрації (вул. Кирпоноса, 10/8, м. Київ, 03190, Україна).

Щербина Андрей Анатольевич – кандидат экономических наук, генеральный директор, Коммунальный концерн «Центр коммунального сервиса» Киевской городской государственной администрации (ул. Кирпоноса, 10/8, г. Киев, 03190, Украина).

Shcherbyna Andrii – PhD in Economics, General Director of Municipal Concern “Centre of Municipal Service”, Kyiv City State Administration (10/8 Kyrponosa Str., 03190 Kyiv, Ukraine).

E-mail: a.a.shcherbina@gmail.com