

ABSTRACT OF THE DOCTORAL DISSERTATION

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title: “ Execution of premises eviction to address housing needs in light of enforcement proceedings”

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This doctoral dissertation analyses the enforcement of residential premises eviction within the context of enforcement proceedings rules. Over several years of research, it has become evident that eviction is subject to varying and sometimes inconsistent regulations compared to other enforcement methods.

The study examines the functioning of regulations related to residential premises eviction from the perspective of enforcement proceedings. Existing literature and studies highlight the complexities of forced eviction, including challenges faced by displaced individuals, local social housing management, and the fragmented legal framework governing this execution method. Frequent amendments to eviction laws further contribute to the complexity.

The research achieves its objectives through three methods:

1. Survey: Conducted among bailiffs and municipalities.
2. Interviews: Bailiffs’ insights were gathered.
3. Statistical Analysis: Examining eviction and court proceedings data from enforcement authorities.

The hypothesis posits that applying enforcement rules to eviction cases often results in inconsistency. Comparing these rules with legal provisions and case law reveals that fulfilling court judgments does not always yield the intended effect,

The dissertation comprises four chapters, preceded by an introduction and concluded by a summary.

The first chapter delves into the conditions governing premises eviction. It covers historical, social, and economic aspects. It defines residential premises and

discusses the role of municipalities. The scale of the eviction problem is highlighted, and practical insights from Germany, France, and Italy are considered. Legislative changes related to tenant rights protection are also discussed, emphasizing the significance of Article 1064-4 of the Criminal Code in eviction execution.

The second chapter reflects on the rules governing the execution of residential premises eviction. It begins with an introduction to general principles, considering axiological aspects. Subsequently, individual enforcement rules are characterized, specifically in their application to eviction proceedings. Topics covered include formalism, equality, openness, communication, cooperation between creditors and bailiffs, enforcement authority initiatives, management, truth, contradictions, and disposition. Due to the multiplicity issuing a local regulations, separate paragraphs address issues related to the initiation of enforcement proceedings, the institution of exemption from costs, as well as matters concerning bailiff exclusion.

The third chapter presents a comprehensive research study with five key components. A survey was sent to municipalities, primarily focusing on topics related to temporary accommodation, social facilities, housing, and homelessness. Two independent surveys addressed bailiffs: one explored the practical functioning of enforcement rules, while the other focused on obstacles encountered during eviction execution. Additionally, interviews with law enforcement agencies provided insights into eviction proceedings, considering practitioners' perspectives. The most critical part of this study involved an open-ended question seeking proposals for procedure improvement. Bailiffs' demands were categorized thematically into judicial, execution, communal, and general areas. Finally, statistical data analysis examined court rulings in years 2018 - 2022 and bailiffs' activities related to evictions in years 2020-2022.

The fourth chapter focuses on conclusions drawn from the research. It highlights the lack of correlation between court judgments and their implementation at the municipal and bailiff levels. An expediency analysis considers enforcement principles in conjunction with territorial self-government tasks. Additionally, the chapter addresses the temporary ban on evictions introduced in Polish legislation during the COVID-19 pandemic. The proposals were intended to assess whether the rules of enforcement proceedings effectively fulfil their role in enforcing eviction judgments and whether modifications or new rules are necessary for this distinct type of procedure.

The dissertation concludes by summarizing the topics discussed, considering both the postulates de lege ferenda and the postulates of good practices. Within this context, proposals were made to modify procedures, rules of conduct or behaviour, aiming to facilitate the application of the eviction procedure during forced residential premises vacating.