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Post-industrial zombie buildings and “lex developer” – a wasted chance to “revive” them?

Abstract: Many cities in Poland were affected by the crisis in the 1990s due to the political transformation. Large production factories had to close their operations, leaving properties that have turned into zombie buildings. The fight against this type of real estate requires appropriate legal regulations, which are rather missing in Poland. However, individual provisions of “lex developer” or the new Act on Spatial Planning and Development seem to provide some opportunity to take action in these areas. This article aims to present the problem of zombie buildings, especially concerning post-industrial areas, and to check whether the provisions of “lex developer” and changes in the Spatial Planning and Development Act can affect the revival of this type of facility in Poland.

Key words: zombie buildings, lex developer, post-industrial areas, residential real estate

Introduction

Cities have developed for thousands of years, but their rapid development began in Europe with the Industrial Revolution at the turn of the 18th and 19th centuries (see Piesowicz 1964). Early industrialization focused on finding better ways to meet basic human needs, such as clothing, food, transportation, and more. The introduction of fertilizers and the consolidation of small farms into large-scale once revolutionized food production, freeing labor for new industries (Meyer 2000).

As a result of migration from rural areas to cities, many cities in Western Europe and America have significantly increased their population (Mehdipour, Nia 2013). People found work in the factories and often lived in tenement houses built nearby (compare: Nevell 2011, World History... 2020). The era of industrialization partially contributed to the increase in the wealth of society, previously

largely dependent on agriculture, and to the improvement of living conditions (World History...2020). It also had a significant impact on the formation of cities and social behavior in newly established urban areas (Mehdipour, Nia 2013).

After World War II, industry still played a significant role, but employment slowly increased in other sectors of the economy. Ultimately, since the 1950s and 1960s, a decline in the share of industry workers could be observed in Great Britain and the US (compare: Kitson, Michie 2014, Field 2023). Since the 1980s, the problems of the production sector, such as a decline in profitability in the face of increased competition from, for example, Chinese manufacturers, with the simultaneous lack of investment outlays on the modernization of machinery, have been growing (Alder et al. 2014, Kitson, Michie 2014). Moreover, the gradual transfer of some branches of production to non-urban areas and the development of new technologies have contributed to many changes (Badura 2021) of an economic, social, and, consequently, spatial nature in many cities, which not all of them were able to cope with. Post-industrial areas have become deserted, contributing to many negative social phenomena in their surroundings, such as increased unemployment, poverty, and crime levels (Kazimierczak 2014). It, in turn, resulted in further degradation of these areas. Surviving buildings are often valuable substances that must be preserved and protected (compare: Gyurkovich 2019). However, some of them, were demolished so that new investments could be implemented in their place (Gyurkovich 2022).

The post-communist countries of Central and Eastern Europe (CEE) lag slightly behind Western Europe in terms of the regeneration of post-industrial areas. In the second half of the 20th century, while heavy industry was in decline in Western Europe, the development of cities in Central and Eastern Europe was based, among other things, on intensive industrialization (Kazimierczak, Kosmowski 2018). It was also the case in Poland.

Some claim that the crisis in many cities in the CEE region after 1990 resulted, among others, in an industry decline. It contributed to the increase in unemployment and impoverishment of society, which was most experienced by industrial cities, especially their central areas (compare Majer 2014, Haase et al. 2016, Ładysz, Mayer 2016). As research results show, 20% of degraded spaces in Polish cities are post-industrial areas (Jarczewski 2009), and in Łódź even 23% of the city center itself consisted of such areas (Kaźmierczak, Kosmowski 2018).

Post-industrial areas, but also post-railway and post-military areas, are a specific type of areas whose common feature is "loss of previous function and exclusion from use, and most often lack of permanent inhabitants" (Domański, Gwosdz 2010, p. 46). In a broader context, post-industrial areas also include space not used directly for production but degraded due to production, i.e., contaminated land, polluted watercourses, high radioactive waste dumps, etc. (Domański 2000).

Post-industrial areas are currently barriers to the development of many cities. However, on the other hand, they constitute an essential urban capital (Stasiak 2020), as they act as a development reserve that can be used instead of green-field areas, following the principle of sustainable development and the idea of a

compact city (cf. Jeffrey, Pounder 2000). Post-industrial areas constitute a significant investment potential for third and fourth-sector institutions, among others, due to their location and specific cultural values of preserved facilities (Kazimierczak, Kosmowski 2018, del Giudice et al. 2020). Yet, some spaces are still underfunded, neglected, and often abandoned. Abandoned properties (including post-industrial ones) whose owners are not interested in developing them or whose legal status is not regulated at all can be called zombie buildings, and this issue is already being discussed abroad, although to a small extent. In Poland, this topic still needs to be recognized.

In Poland, the reconstruction of post-industrial spaces is possible based on the Act of October 9, 2015, on revitalization. However, it should be noted that only some facilities of this type are located in revitalization areas, and even if this is the case, only sometimes municipalities have the financial resources or the idea to take care of them properly. So other solutions are needed.

Therefore, the article aims to present the problem of zombie buildings, especially concerning post-industrial areas, and to check whether the provisions of the Act of July 5, 2018 on facilitating the preparation and implementation of housing investments and accompanying investments (commonly called “lex developer”) and changes in the Act of March 27, 2003 on spatial planning and development can affect the revival of this type of facility in Poland. To achieve the above goal, the author used three research methods in this article: desk research, case study, and comparative analysis.

Literature review

The concept of zombies in economic sciences is nothing new. It was first used about zombie banks in 1987 by economist Edward Kane (Nelms 2012). Currently, this concept is also quite commonly used concerning enterprises (see Nelms 2012, Golub, Lane 2015, Banerjee, Hofmann 2018), which, due to lack of profitability, should have already declared bankruptcy but still exist on the market (Banerjee, Hofmann 2022). They cannot invest and repay their liabilities, and their functioning is ensured by financial resources provided by banks (Nehrebecki 2023). The concept of zombies also occurs in the real estate market. It is commonly used in the United States (“zombie buildings”, “zombie properties”, “zombie subdivisions or “arrested developments”), as well as in the United Kingdom and Ireland (as “ghost estates”). In Poland, these concepts still need to be revised. It does not mean, however, that the phenomena covered by these concepts do not exist in Poland at all (see more: Antczak-Stepniak et al. 2020).

The definitions of “zombie buildings” or “zombie properties” appearing in foreign literature and press articles are pretty diverse (cf. Collins Dictionary 2010, Grinsburg 2010, Goulding et al. 2011, Clark 2015, Weiss 2015, Caloir 2018, Historic Albany Foundation 2016), however, from the point of view of this article, referring to already existing abandoned buildings, the two presented in Table 1 seem most appropriate.

Table 1. Selected definitions of zombie buildings

Specification	Definition
Goulding et al. (2011)	empty properties with an owner who is not interested in them – they do not ensure optimal physical condition and high energy efficiency;
Ginsburg (2010)	real estate that has such significant capital limitations that its owners are unable to finance modernization to adapt the premises to market needs.

Source: own elaboration.

As the above definitions indicate, the reasons for the emergence of post-industrial zombie properties are mainly economic. However, these reasons are also institutional if such objects get “stuck” in bankruptcy proceedings. Many post-industrial zombie buildings are the result of the deindustrialization mentioned above. This concept is defined in various ways in the literature, as indicated by Lever (1991). However, most often, this concept refers to the decline in employment in industry in highly developed economies (Rowthorn, Ramaswamy 1997), which could be observed in most countries of the world since the 1950s.

Zombie properties, including abandoned post-industrial areas, generate many negative consequences, especially for the surroundings. If inadequate or no security exists, abandoned facilities are exposed to various weather conditions. Therefore, they often accumulate water, which destroys walls’ foundations and causes corrosion of metal elements. Easy access to such unsecured facilities means that they often become a shelter for homeless people, truant youth, people abusing alcohol and drugs, etc. It causes, among other things, fire hazards, increased crime, and decreased safety in their area. Besides, graffiti usually appears in such facilities, disfiguring the property and impairing the investment area’s attractiveness (see more: National Vacant Properties Campaign 2005, Shane 2012, Klein 2017, Antczak-Stepniak et al. 2020). The decrease in safety and low attractiveness of the facility may, in turn, contribute to the decline in the value of neighboring properties (Weiss 2015, Bello, Caico 2016), and consequently, the surroundings are degraded and depopulated. The costs are also visible concerning municipal budgets (see Antczak-Stepniak 2022). Police and fire brigade interventions generate direct costs. Indirect costs, in turn, include lower income from real estate taxes because the current owners do not always pay these taxes. In the case of countries with a value-added tax, these losses are even more significant (see Weber 2017).

It should be noted that while modern architects underestimated the spatial potential of post-industrial zombie properties, contemporary representatives of this profession recognize their ability to meet the various needs of society. Therefore, actions are taken to reuse them instead of producing new objects (Protomastro 2022). It would mean reviving previously beneficial and productive land, now abandoned, to become valuable and profitable. Such activities are referred to as urban recycling. It involves introducing existing but physically destroyed, functionally inappropriate, or socially degraded objects into a new, optimal life cycle, using their existing social, cultural, and economic potential (Gligorijević

1997, Palej 2015). However, for such actions to be taken, it is necessary to be aware of the existence of such properties and their consequences.

Moreover, there are many of them, as indicated above. Meanwhile, the multitude and diversity of post-industrial zombie properties, often their historic character and surroundings, require comprehensive strategies and activities of both the public and private sectors. It involves creating legal regulations allowing for the “revival” of such facilities.

Reserach methods

To achieve the goal set in the introduction, the author used three research methods in this article: desk research, case study, and comparative analysis. Desk research allows us to obtain data “from behind your desk”. It involves analyzing data collected initially for another purpose, including statistical data, source texts (Nowak, Kaniewski 2016), reports, legal acts, etc. In this study, data was obtained primarily from Public Information Bulletins and websites of individual city offices, provincial official journals, and press articles.

The case study allows the researcher to thoroughly examine a case in a specific context. Typically, a small geographic area or a minimal number of people is selected as a case study (Zainal 2007). According to Stake (2003, p. 134), “case study is not a methodological choice but a choice of what is to be studied”. This article examines post-industrial areas where investors have submitted applications for a location decision under the “lex developer” procedure in voivodship cities.

Comparative analysis, in turn, focuses on similarities and differences concerning the values of variables, the shape of the relationship between them, the occurrence of events, or even their patterns (Pickvance 2001). In this case, the comparison will include cities where investors decided to invest in post-industrial areas under the “lex developer” provisions. At the same time, the investments themselves will be compared in terms of compliance of the planned functions with city planning documents.

Therefore, the research in this article was carried out in several stages:

1. firstly, the introductory provisions of the “lex developer” and the amended Act on spatial planning and development were presented in the context of the areas discussed;
2. secondly, data was collected based on Public Information Bulletins regarding applications for issuance of location decisions based on the provisions of the Special Housing Act, submitted by developers in voivodship cities;
3. then, the submitted applications were analyzed in terms of location and the use of the area;
4. the share of post-industrial areas in the total number of locations for which applications were submitted was also calculated, and the information was verified whether positive or negative resolutions were adopted concerning them;

5. those applications relating to post-production/post-railway areas were checked for compliance with the provisions of local plans and the study of conditions and directions of the spatial development of the commune.

Voivodship cities were subjected to the study due to the more significant number of post-industrial areas. The study was conducted on investments for which applications were submitted by April 22, 2024.

The importance of “lex developer” for post-industrial zombie properties – research results

The most important legal provisions in the context of private post-industrial areas

Post-industrial areas in Poland are not regulated by one specific legal act. There are several different regulations relating to these types of areas, depending on their location, age, and the nature of the owner. If these areas are located in revitalization areas, the possibility of developing these areas may depend on the requirements set out by the Act of October 9, 2015, on revitalization (e.g., an investor needs to obtain a commune certificate on not exercising the right of pre-emption). If they are entered in the register of monuments, they are subject to the provisions of the Act of July 23, 2003, on the protection and care of monuments. In addition, they will be subject to special protection in local development plans, if any are in force in this area. Legal restrictions do not encourage investments in these areas because they usually involve additional costs. Moreover, sometimes, the purpose specified in local plans or even in the study of conditions and directions of the spatial development of the commune is different from the one that an investor would be willing to implement in these areas. According to the author, although unintentionally, additional opportunities to fight post-industrial zombie properties are also provided by the Act of July 5, 2018 on facilitating the implementation of housing investments and accompanying investments (commonly “lex developer”). It entered into force on August 22 of the same year. This Act is a *lex specialis*; therefore, its duration was limited to 10 years. As indicated in the justification for its project, it was intended to reduce administrative and legal barriers to the construction of apartments for households with moderate income. The Act was designed to be a tool enabling the reduction of the housing deficit, both in terms of the quantity and the quality of entire housing complexes (in terms of transport services or access to necessary services, including social services, which also include recreational areas) (Justification for Act...).

“Lex developer” allows the implementation of housing investments and accompanying investments regardless of the provisions of local plans (if any have been adopted), but they must be consistent with the requirements of the study of

conditions and directions of the spatial development of the commune¹. To obtain a location decision, the applicant must prepare an architectural and urban planning concept for the investment and demonstrate that the planned project will meet the urban planning standards specified in the Act and local urban planning standards if municipalities have adopted them. The basic requirements concern direct access to a public road, access to the water supply, sewage and electricity networks, and the distance of the investment from public transport stops, primary schools, and recreational areas (Act of July 5, 2018...). According to the provisions in force before the Spatial Planning and Development Act amendment, investments in post-industrial areas could be implemented even contrary to the function specified in the study. In the current version of the Act, this provision has been deleted.

Due to the solutions adopted, especially the possibility of derogating from the provisions of planning documents, the “lex developer” act is criticized in the literature on the subject (Orłowski 2019, Jakubowski 2019, Kruś 2019, Zelewski 2019) and in the press, although not everyone sees it as “the devil incarnate”. Some opinions see positives in the entire Act or some of the provisions (see Krzyżanowska 2018, Nosiński 2024). Pawłowski (2020) also points out that the finally adopted version of the “lex developer” act is better than the draft initially submitted for consideration. However, it seems that the actual effects of using this Act differ from those assumed and additionally they can contribute to many negative phenomena, i.e., urban sprawl, urban chaos, etc. (cf. Szlachetko 2019). Nevertheless, the author sees one advantage of this legal regulation relating to areas that have already been developed and are currently degraded or unprofitable, including post-industrial areas, which are the subject of this article. This issue will be discussed in the next section.

Additionally, on September 24, 2023, the first provisions of the amendment to the Act of July 7, 2023, on spatial planning and development entered into force, significantly changing the planning system in Poland and many other legal provisions. They cause, among others, changes in the Lex Developer Act. Some changes will come into force at later dates. Significant changes affecting the possibilities of developing post-industrial zombie properties in Poland include:

1. the period of validity of the Special Housing Act, which was shortened by two years – it will be in force until the end of 2025 (Article 59 of the Act of July 5, 2018, on facilitating the implementation of housing investments and accompanying investments);
2. introducing integrated investment plans and municipal urban planning standards into the Act on Spatial Planning and Development – following the current Special Housing Act example. It means that from 2026, post-industrial areas can be developed as part of integrated investment plans, but it will be necessary to sign an urban planning agreement between local authorities and the

¹ After changing the provisions of the Act on Spatial Planning and Development, the study of conditions and directions of spatial development will be replaced by a general plan for the commune. Then, the location of the housing investment will have to be consistent with its provisions (from January 1, 2026).

- investor, the requirements of which may discourage developers from purchasing and transforming existing areas (Article 35ae-37ag of the Act of spatial planning and development);
3. the need to demonstrate compliance of the investment with the general plan of the commune (it will replace the study of conditions and directions of the spatial development of the commune), regardless of the type of land, which means that post-industrial areas will no longer be treated specially (Article 13a of the Act on Spatial Planning and Development; Article 5(3) of the Act on facilitating the implementation of housing investments and accompanying investments);
 4. removing from the “lex developer” the provision that allowed the location of housing investment in post-industrial areas, even if it was contrary to the requirements of local plans and the study (Article 5(4) of the Act on facilitating the implementation of housing investments and accompanying investments).
- Unlike the “lex developer”, additional requirements imposed by this Act may discourage investors from investing capital in post-industrial areas.

Post-industrial areas under the developer lex

Contrary to the legislator’s assumptions, the “lex developer” is not a popular solution (Załączna, Antczak-Stepniak 2022). As of April 22, 2024, 114 locations have been identified in voivodship cities for which applications have been submitted.

It should be noted that in some cases, applications for one location were submitted several times – even three times. It’s because, sometimes, developers withdraw their applications, local authorities leave them without consideration due to formal deficiencies or adopt a negative resolution about them in previous

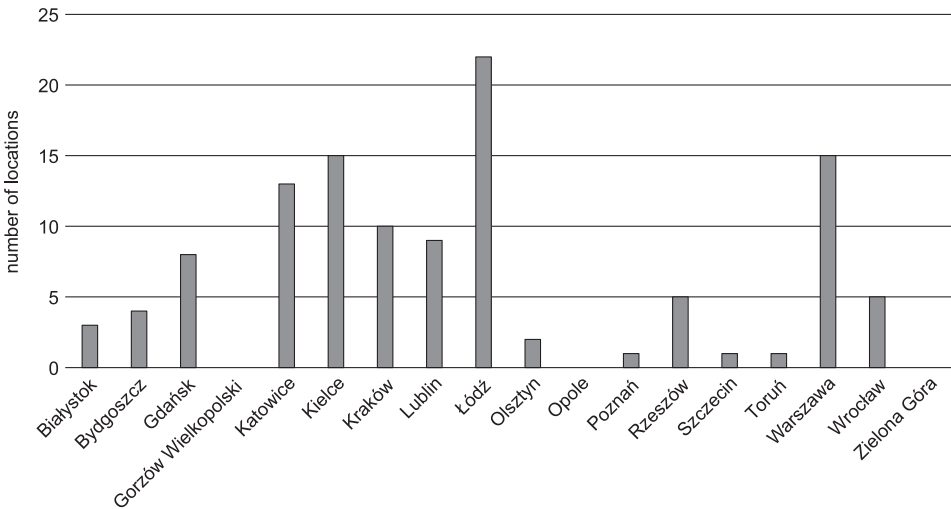


Fig. 1. Number of locations for which applications were submitted
Source: own study based on the Bulletin of Public Information (BIP) of the surveyed cities.

proceedings. Such a location in Figure 1 was taken into account only once. Interestingly, most locations applying to implement investments under the “lex developer” are in Łódź, Warsaw, and Kielce. There are also cities where developers do not apply for the location of a housing investment under “lex developer” at all. These include Zielona Góra, Gorzów Wielkopolskie and Opole.

Developers want to implement new residential investments in various areas. In fact, the Special Housing Act does not introduce many restrictions on the choice of locations, except that they should be located within the administrative boundaries of cities and at an appropriate distance from technical and socio-service infrastructure. Under this Act, investments are allowed in undeveloped and already-developed areas. Allowing the development of undeveloped properties under “lex developer” seems to be a little risky. Thanks to this, developers try to implement projects in poorly developed areas, among single-family buildings or green areas. It is the reason for many complaints from residents of these areas, who file lawsuits in administrative courts (see more: Antczak-Stępnia, Załączna 2023). In the case of post-industrial, former railway areas or other properties already developed, the implementation of investments under the “lex developer” may positively impact cities’ development.

The data presented in Figure 2 show that most of the planned investments would be implemented in currently undeveloped areas. Some are located in highly urbanized areas, in “fills” between existing buildings (often, these areas were freed after demolishing buildings in poor technical condition), but some are poorly urbanized. Currently, 20 locations contain service, office, or warehouse

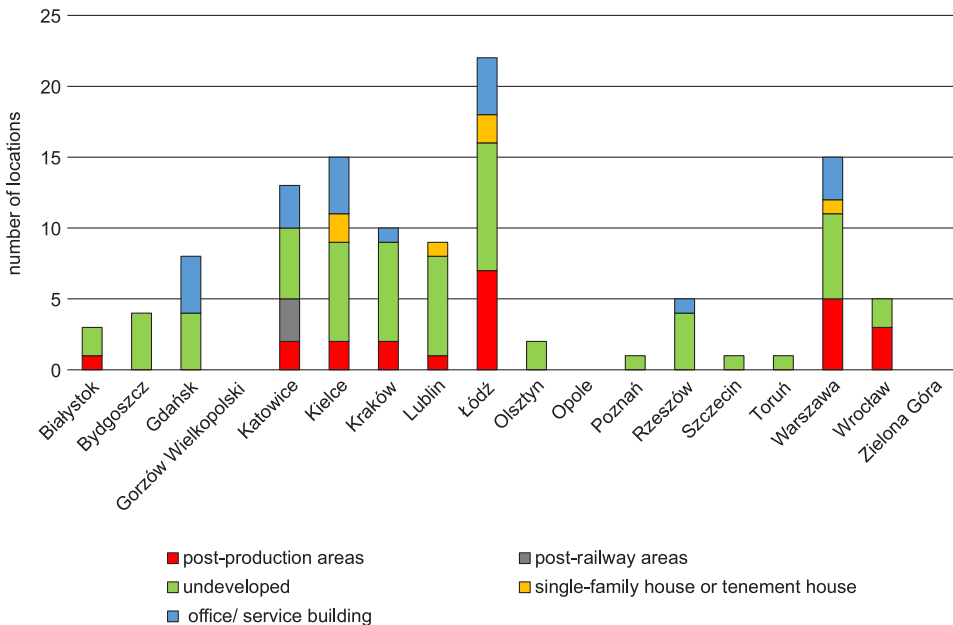


Fig. 2. Number of locations for which applications were submitted, broken down by land use Source: own study based on the BIP of the surveyed cities.

facilities that have ceased to fulfill their functions due to a lack of profitability, or the profits they bring are lower than expected. 26 locations were defined as post-industrial areas – there was previously production/post-railway activity in their area, which was discontinued. They were identified only in eight voivodship cities, constituting around 23% of all analyzed locations. The most significant number of such areas was recorded in Łódź (as many as seven, which constitutes approximately 32% of all locations in this city), Warsaw (five – 33%) and Katowice (five – 38%). In percentage terms, most applications for such areas were submitted in Wrocław (75%). As mentioned earlier, due to the problematic nature of such properties, it seems necessary to look for solutions that will bring them back to life. It is good that developers are willing to purchase and

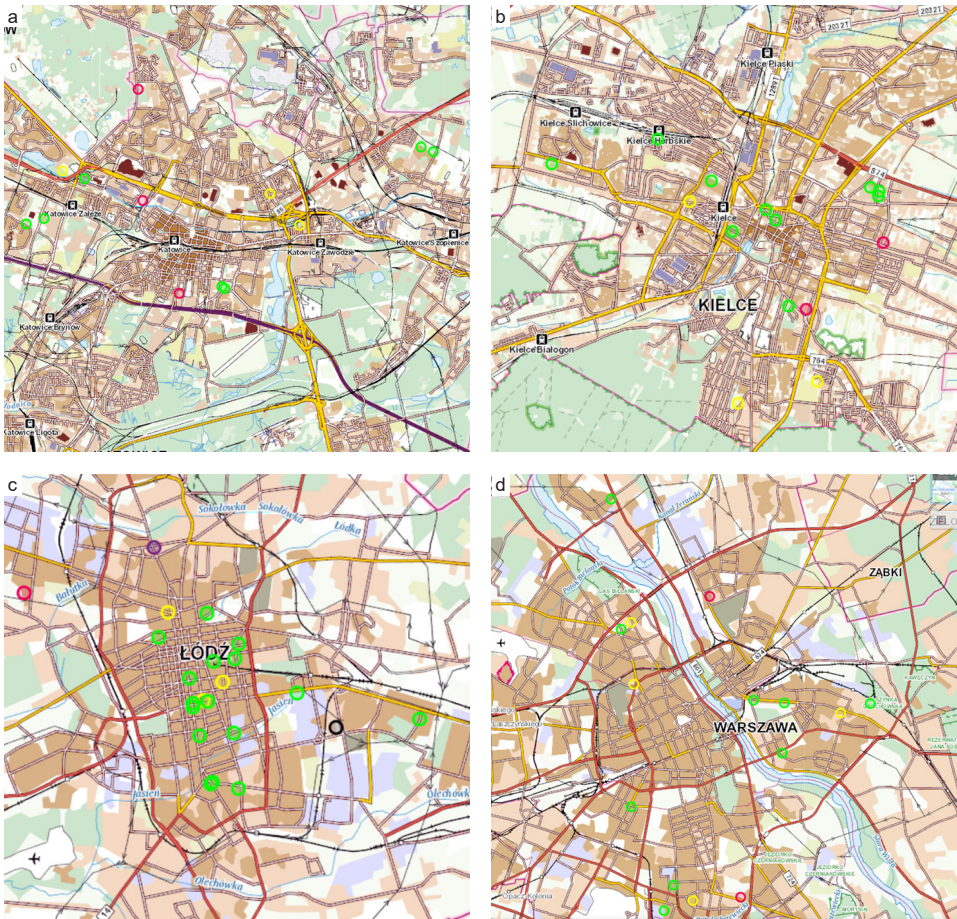


Fig. 3. Locations for which applications have been submitted in selected cities divided by their status

a – Katowice, b – Kielce, c – Łódź, d – Warszawa.

*green – positive decision, yellow – without consideration, red – negative decision

Source: own study based on Geoportal and BIP of city offices.

transform such properties. It should also be emphasized that out of 26 identified locations, only two received adverse decisions (one was also during proceedings, and one was not considered by local authorities), which shows that the acceptance of “lex developer” in such areas is significant (22 positive decisions). One positive resolution was appealed against by the voivode and invalidated by the administrative court. The acceptance of the development of post-industrial areas under “lex developer” may result from the fact that it isn’t easy to find an investor who would like to develop these facilities as specified in the local spatial development plan. Facilities that stand unused without proper protection deteriorate, becoming zombie buildings. Therefore, they generate costs for municipalities and owners of neighboring properties mentioned in the literature review. For example, press materials contain much information about fires in abandoned factories (see Buczek 2013, Wyszowski 2016, Pawliński 2019, Zwoliński 2021), and interestingly, most information on this subject was found in Łódź (Urazińska 2018, Zemła 2023, Witkowska 2024). Fires were reported, among others, in two factories (Kałach 2013, Pożar dawnej fabryki... 2013), where two developers obtained location decisions. Moreover, there are many such abandoned buildings and municipalities do not always have ideas for specific properties (see: Rutkiewicz 2018). Transforming such areas into residential or multifunctional ones seems to be an opportunity for their development. Therefore, the possibility of “correcting” ineffective local plans whose changes are too cost-intensive is perhaps the only advantage of the discussed provisions. It may be particularly beneficial in the case of post-industrial areas located in the central parts of cities. In Łódź, most investments that have received positive resolutions under “lex developer” are planned in such areas (almost all, except for one investment, concern investments located in areas inside the Agglomeration Railway). In the remaining cities examined, the locations for which applications were submitted under the Special Housing Act seem more dispersed (Fig. 3).

It should be also noted that in Łódź, the “lex developer” provisions seem to be more often used than in other voivodship cities. Besides, approximately 32% of applications were submitted for post-industrial areas, and another 27% for other built-up areas, e.g., service or office facilities, which may help reduce the negative impact of these buildings on the surroundings.

The data in Figure 4 show that most of the post-industrial areas analyzed are already intended for other functions in the studies of conditions and directions of spatial development of municipalities. These areas are often multi-functional, which enables changing the current use of the facilities, e.g., to residential use. It means that municipalities are aware of the changing needs of their cities and, at the same time, the degradation of these areas. However, in several cases, the planned investments, for which applications have been submitted, were not fully or partially consistent with the study (this was not necessary before the amendment). This concerned 11 investments (three cases each in Łódź, Katowice, and Wrocław and one case each in Kraków – negative resolution, and in Lublin). If there are already multi-family housing facilities in the vicinity and the infrastructure necessary to support them, implementing such an investment will improve

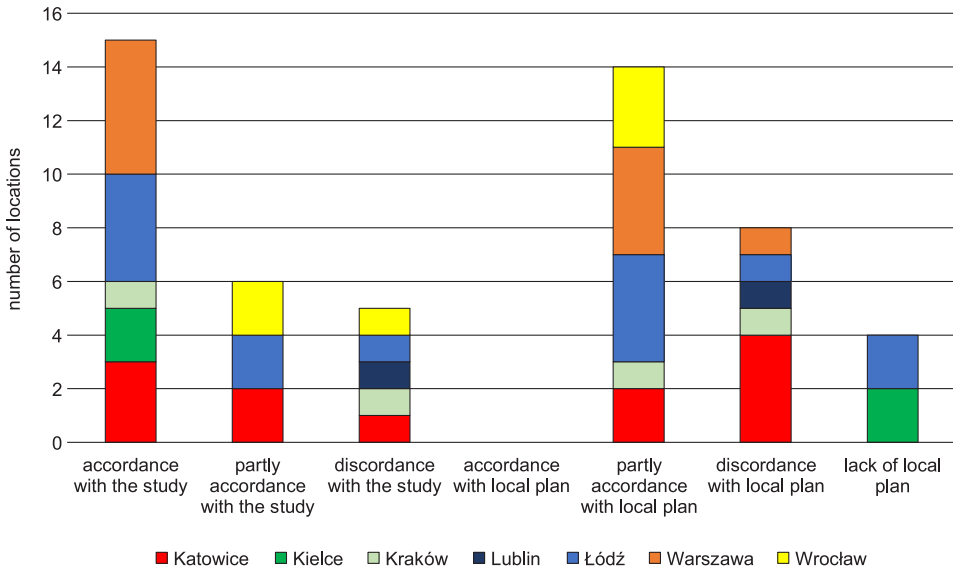


Fig. 4. Compliance of the planned investments on post-industrial areas with the functions specified in the study and local plans of the studied cities

Source: own study based on BIP and planning documents of the analyzed communes.

the attractiveness of these areas and allow them for further development rather than progressive degradation. However, it is essential for housing to have the surrounding neighborhood manageable – otherwise, the investment will fail. It is good that the local authorities (which knows the conditions of a given city) adopt resolutions on this matter.

The discrepancies between the investments planned in post-industrial areas (for which applications have been submitted) and local plans are much more significant than in the case of the study. In fact, none of them is entirely consistent with the functions or development parameters and biologically active surfaces specified in the local development plan. Without a doubt, planning documents are necessary to maintain spatial order and principles of sustainable development in municipalities (Wiśniewski 2015). However, their provisions do not always keep up with the changing urban landscape. The process of adopting them is long and expensive. The structure of the plans is very fragmented. It happens that plans adopted several years ago have become outdated for some reasons. Due to their specific function, some areas do not develop. Still, on the contrary – they undergo further degradation (the example of the Carpentry Factory in Łódź, whose historic buildings were destroyed by fire).

Sometimes, the study also requires updating. Currently, the need to introduce general commune plans based on the amendment to the Spatial Planning and Development Act provides an opportunity to correct the functions of individual areas. Lex Developer also provides such an opportunity in a shorter time – currently only concerning local plans. However, the author believes this possibility should

be reserved only for already built-up or highly degraded areas, e.g., post-industrial or post-railway areas.

Discussion and Conclusions

It should be noted that the statistical data collected during the research are subject to a specific risk of error. It is primarily due to the lack of transparency of data presented in the public information bulletins of individual cities (especially when applications for location decisions were submitted several times), as well as the data contained in the considered applications themselves (sometimes the necessary information had to be looked for in several annexes). Nevertheless, certain conclusions can undoubtedly be drawn from these data.

During the six years of its validity, the “lex developer” was met with some criticism, which the author does not oppose. The goals assumed in the justification for the draft act are not achieved, and in many cases, it even contributes to disputes between the investor and the local authorities or neighbors. Nevertheless, in the context of the research conducted, the author sees one positive aspect of this act, especially in the example of Łódź. Many Polish cities have a post-industrial character and struggle with the problems of re-developing post-industrial areas to restore them to their former glory and thus improve the area’s attractiveness, which would attract additional capital and improve the living conditions of residents. Many such places are still terrifying, as befits zombies, and generate costs for municipalities. The possibility of correcting the intended use resulting from local plans, sometimes already outdated, seems to be a good solution in the case of these facilities, giving them a chance for quick regeneration. However, the decisions enabling the implementation of housing investment in post-industrial areas, contrary to the provisions of the study of conditions and directions of the spatial development of the commune (see Skorczyńska 2019) and significantly increasing the development rates specified in local plans, seem controversial. Nevertheless, considering the scale of post-industrial areas and the lack of specific solutions to the “zombie” phenomenon in Poland, the “lex developer” seems to be, perhaps, imperfect but still a substitute for rights enabling private entities to combat this problem.

It is worth considering why, among the voivodship cities, Łódź had the most significant number of locations for which applications were submitted under “lex developer” and, simultaneously, the largest number of positive decisions issued. According to the author, this may be due to several factors.

Firstly, it is worth mentioning that in the Łódź Voivodship, also in Łódź, a fairly pro-investment policy has been pursued for years (Sokołowicz 2010, Jabłońska, Pastusiak 2013). Łódź is changing rapidly. Many infrastructure projects (e.g., underground railway tunnel) and modernization of buildings are currently being realized. Also, the revitalization of several areas is being completed, while others are still waiting in line (Żurawicz 2024). It contributes to improving the

investment attractiveness of Łódź, which also encourages the implementation of private housing projects.

Secondly, in Łódź, there is a relatively low level of housing prices. According to Central Bank of Poland data, in the second quarter of 2024, the average transaction price on the primary market in Łódź was PLN 9,837 per m², which was lower than in 9 other voivodship cities. It encourages investors to buy apartments for further rental purposes.

It is also indicated that the profitability of renting apartments in Łódź is one of the highest in Poland (Property News 2023). So developers are expecting an increase in demand for apartments and, therefore, an increase in their prices/rents.

Thirdly, an argument for many applications in “lex developer” mode may be the availability of investment land that meets the urban standards set by the communes. In Łódź, there are quite a few such areas, also in the city center. Some are “released” due to demolishing buildings in poor technical condition, some of them are also post-industrial areas.

Another reason may also be the spatial policy of cities. For example, in Łódź, a relatively small area of the city is covered by local plans (according to the Central Statistical Office data for 2023 – 40.7%, while in 11 other voivodship cities, this indicator exceeds 50%). Some cities may be less inclined to act contrary to the provisions of local plans.

A large number of positive decisions in Łódź under “lex developer” mode may result, among others, from the fact that developers in Łódź submit applications for the “renewal” of already developed areas or undeveloped but in intensively urbanized areas, which favors the implementation of the goals set out in the Development Strategy of the City of Łódź 2030+.

Taking into account the research results, it should be emphasized that “lex developer” should not be used for every type of property. According to the author, it should be reserved only for post-industrial and post-railway areas and other developed properties that are no longer profitable. At the same time, the changes introduced by the Spatial Planning and Development Act through the tool of integrated investment plans and local urban planning standards will also enable such activities. However, the need to conclude urban planning agreements (unavailable under “lex developer”) may discourage investors from operating in such areas.

When analyzing these two legal acts, it would be necessary to consider a “Golden mean” that, on the one hand, would effectively help in the fight against the phenomenon of zombie post-industrial real estate and, on the other hand, would limit the abuse of this tool both in the context of inappropriate locations and significant deviations from applicable spatial planning documents.

Conflict of interest

The author declares no conflicts of interest and assures that the work is the result of her own creation.

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Poprzemysłowe obiekty zombie a “lex developer” – zaprzepaszczone szansa na ich ożywienie?

Zarys treści: W latach 90. XX w. wiele miast Polski zostało dotkniętych kryzysem z powodu transformacji ustrojowej. Duże zakłady produkcyjne musiały zamknąć działalność, pozostawiając po sobie nieruchomości, które z czasem zamieniły się w budynki zombie. Walka z tego typu nieruchomościami wymaga odpowiednich regulacji prawnych, których w Polsce raczej brakuje. Jednak niektóre przepisy „lex developer” czy nowej ustawy o planowaniu i zagospodarowaniu przestrzennym dają, jak się zdaje, pewną szansę na podjęcie działań na tych obszarach. Niniejszy artykuł ma na celu przedstawienie problemu budynków zombie, zwłaszcza na terenach poprzemysłowych, oraz sprawdzenie, czy przepisy „lex developer” i zmiany w ustawie o planowaniu i zagospodarowaniu przestrzennym mogą wpłynąć na odrodzenie się tego typu obiektów w Polsce.

Słowa kluczowe: obiekty zombie, lex developer, tereny poprzemysłowe, nieruchomości mieszkaniowe