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ACTUAL PROBLEMS OF THE IMPLEMENTATION OF REGIONAL PROGRAMS FOR THE REPAIR OF APARTMENT BUILDINGS

Summary

In this article, the author analyzes the implementation of regional programs for major repairs of the common property of apartment buildings, taking into account the need to solve the problems of modernization of the housing stock, including improving its energy efficiency.

Keywords: regional programs for major repairs, major repairs, energy efficiency.

Federal Law № 271-FZ of December 25, 2012 «On Amendments to the Housing Code of the Russian Federation, Certain Legislative Acts of the Russian Federation and the Invalidation of Certain Provisions of Legislative Acts of the Russian Federation» (hereinafter referred to as Federal Law № 271 – FZ) [1]. Amendments were made to the Housing Code of the Russian Federation (hereinafter referred to as the Housing Code) [2], which defined the legal and organizational basis for major repairs of the common property of apartment buildings.

Given that in the Russian Federation the regulatory framework for regulating relations in the field of capital repairs is generally formed, it seems appropriate to regularly analyze the implementation of regional capital construction programs in order to determine their impact on the overall state of the housing stock, as well as to identify the main problems that hinder the successful implementation of these programs.

The assessment of the impact of the measures taken in the field of capital repairs of the common property of apartment buildings on the general condition of the housing stock, as well as changes in its technical characteristics, including energy efficiency, within the framework of the implementation of the Strategy for the Development of Housing and Communal Services in the Russian Federation can be carried out only after receiving all the necessary information from the majority of the subjects of the Russian Federation.

The analysis of the existing problems of legal regulation, as well as information support for the organization and implementation of major repairs of the common property of the apartment buildings in the framework of the implementation of the Strategy for the Development of Housing and Communal Services in the Russian Federation is particularly relevant now, when it is necessary to assess the level of implementation of the state program of the Russian Federation «Providing affordable and comfortable housing for citizens of the Russian Federation», as well as the national project "Housing and Urban Environment».

The Ministry of Construction of the Russian Federation developed 10 federal laws, 4 resolutions of the Government of the Russian Federation and 9 orders of the Ministry on various issues of capital repairs of the common property of apartment buildings in 2016-2019, which were adopted in accordance with the established procedure.

Measures on regulatory and legal regulation are carried out by the Ministry of Construction of the Russian Federation, including as part of the implementation of the List of Instructions of the President of the Russian Federation V. V. Putin dated December 31, 2016 No. Pr-2591 (hereinafter – the List of Instructions) based on the results of the audit of the implementation of legislation and decisions on the organization of major repairs of common property in apartment buildings [3].

According to item 2 of the List of Instructions, the Government of the Russian Federation should give the federal executive authority the authority to monitor the validity of the amounts of contributions to the capital repairs of common property established by the executive authorities of the subjects and the implementation of capital repair programs.

As part of the implementation of this order, the Government of the Russian Federation adopted Resolution № 941 of August 7, 2017 «On Amendments to the Regulations on the Ministry of Construction and Housing and Communal Services of the Russian Federation», which clarified the powers of the Ministry [4].

According to this Resolution, the powers of the Ministry of Construction of the Russian Federation, approved by Government Resolution № 1038 of November 18, 2013 (hereinafter referred to as Regulation № 1038), are set out in the following wording: «monitors the implementation of regional programs for major repairs of common property in apartment buildings, as well as the minimum contribution amount for major repairs of common property in apartment buildings» [5].

At the same time, the procedure for implementing this monitoring is not defined by the legal act of the Ministry of Construction of the Russian Federation. In 2016-2019, the Ministry of Construction of the Russian Federation sent reports to the Government of the Russian Federation on the implementation of regional capital repair programs in accordance with the requirements of the Housing Code, prepared, among other things, taking into account materials received from the Housing and Utilities Fund.

Within the framework of the event, an analysis of the responses received from the state authorities of 85 subjects was carried out on the existing problems during the overhaul of the common property of apartment buildings, as well as on the proposed methods and mechanisms for their solution. As the analysis showed, the main problems include:

- organization of state accounting of the housing stock,
- reliability of determining the technical condition of apartment buildings,
- taking into account the impact of the repairs carried out on reducing the wear and tear of apartment buildings,
- financial stability of regional capital repair operators.

The assessment of changes in the state of the housing stock of the Russian Federation and its technical characteristics, including energy efficiency, taking into account the ongoing measures for major repairs of the common property of apartment buildings can be carried out taking into account the data of Rosstat. According to these data, the total area of the housing stock in the Russian Federation as of January 1, 2019 was 3,779. 7 million square meters, of which 2,501. 6 million square meters. m is the area of residential premises in the apartment buildings.

Compared to 2015, the total area of residential premises in 2018 increased by 198.4 million square meters, or 5.5%, the area of residential premises in the apartment buildings -by 107.7 million square meters, or 4.5%.

As follows from the data of Rosstat, a significant part of the housing stock in the Russian Federation consists of residential premises that do not meet modern requirements necessary for a comfortable stay of citizens. Of the total housing stock as of January 1, 2019, only 2,538. 4 million square meters, or 67.1%, are equipped with water supply, drainage, heating, hot water, gas or electric stoves at the same time.

As part of the implementation of the provisions of the Housing Code, Government Resolution No. 1115 of October 29, 2014 approved the Regulation on Monitoring the Use of the Housing Stock and Ensuring its Safety (hereinafter referred to as the Regulation) [6]. The list of indicators for monitoring the use of the housing stock and ensuring its safety was approved by Order No. 654 of the Ministry of Economic Development of the Russian Federation dated December 6, 2017 [7].

As part of the event, the Ministry of Construction of the Russian Federation presented reports on the results of the analysis of the use of the housing stock and ensuring its safety for 2015-2017, sent to the Government of the Russian Federation.

Despite the existence of a new system of major repairs of the common property of apartment buildings in the Russian Federation since 2014, there is a significant number of apartment buildings that actually belong to the category of dilapidated housing with physical wear and tear from 66 to 70% (8.2% of the total number in 2017), and houses with a degree of physical wear and tear of more than 70%, i.e. actually belong to the category of emergency housing stock (3.78% of the total number in 2017).

At the same time, in 2017, the total number of apartment buildings with a degree of physical wear and tear of more than 70%, compared to 2014, increased by 21,863 units, or 24.5%.

Thus, taking into account the available data of Rosstat and the Ministry of Construction of the Russian Federation, it can be stated that the implementation by the subjects in 2014-2018 of regional programs for major repairs of the common property of apartment buildings did not lead to an overall improvement in the state of the housing stock of the Russian Federation.

Major repairs of the common property of apartment buildings are aimed at preserving and maintaining the housing stock in a proper and safe condition for operation, preventing the growth of dilapidated and dilapidated housing stock on the territory of the Russian Federation.

Therefore, major repairs should guarantee the minimum duration of effective operation of the elements of an apartment building in accordance with the repair deadlines.

Major repairs include troubleshooting all worn-out elements, restoring or replacing them with more durable and economical ones that improve the performance of the buildings being repaired. The required amount of work for each structural element, which guarantees the minimum duration of effective operation of this element in accordance with the inter-repair terms, is determined when designing major repairs based on the results of a survey of the technical condition of an apartment building in accordance with the assessment of physical wear, taking into account the fact that the common property has reached the level of the established maximum permissible reliability and safety characteristics.

Meanwhile, the Ministry of Construction of the Russian Federation does not assess the impact of the ongoing overhaul of the common property of apartment buildings on the state of the housing stock of the Russian Federation, including changes in the degree of its physical wear and tear, as when monitoring the use of the housing stock and ensuring its safety through indicators approved by Order of the Ministry of Construction of the Russian Federation No. 285/pr13 of April 16, 2015 [8]. At the same time, it should be noted that the major repair of the MCD is the restoration or replacement of elements of building structures and engineering systems of houses in order to restore their original technical characteristics.

Thus, the main purpose of major repairs is to reduce the degree of wear and tear of apartment buildings. However, information about the reduction in wear and tear based on the results of major repairs is not recorded and is not collected. The main reporting documents on the results of major repairs are acts confirming the performance of certain works and their cost, which do not contain information about changes in the level of wear of apartment buildings.

Despite the provision by the subjects of a large amount of information as part of the monitoring and reporting forms for the implementation by the subjects of regional programs of capital repairs of common property in apartment buildings, this information also does not contain information about the change in the degree of physical wear of apartment buildings after the capital repairs of their common property.

The lack of information on changes in the degree of physical wear and tear does not allow us to assess the impact of the regional programs of capital repairs of the general property of apartment buildings on the general condition of the housing stock.

One of the problems hindering the implementation of regional capital repair programs is the actual lack of a unified system of technical accounting of housing stock in the Russian Federation.

This system was discontinued due to the adoption of Federal Law № 221-FZ of July 24, 2007 «On the State Real Estate Cadastre», in accordance with Part 1 of Article 43 of which normative legal acts in the field of state technical accounting and technical inventory of capital construction objects were applied until January 1, 2013 [9].

In accordance with the List of instructions of the President of the Russian Federation V. V. Putin, based on the results of the audit of the implementation of legislation and decisions on the organization of major repairs of common property in apartment buildings, the Government of the Russian Federation had to ensure the creation of a system of technical accounting of the housing stock.

To date, the Government of the Russian Federation has not fulfilled this order and is under control.

According to the Ministry of Construction of the Russian Federation, the current legislation allows for timely inspection of apartment buildings in order to assess their technical condition and take measures to prevent violations of their proper maintenance, as well as the safety of technical documentation on them.

At the same time, part 5 of Article 19 of the Housing Code provides that the state accounting of the housing stock, along with other forms of its accounting, should provide for technical accounting of the housing stock, including its technical inventory and technical certification (with the registration of technical passports of residential premises – documents containing technical and other information about residential premises related to ensuring compliance of residential premises with the established requirements).

According to the Ministry of Construction of the Russian Federation, the creation of an additional system of technical accounting of the housing stock is not required. Only changes to the Housing Code are necessary in terms of excluding the provisions that require the registration of technical passports of residential premises.

These changes are reflected by the Government of the Russian Federation in the draft Federal Law № 107057-7 «On Amendments to the Housing Code of the Russian Federation» (in terms of improving the procedure for state registration of housing stock and conducting technical surveys of apartment and residential buildings and premises in them), which was adopted by the State Duma in the first reading on July 5, 2017 [10].

At the same time, previously, when drawing up a technical passport for a building, information about the physical wear and tear of the building was included in it, including without fail. Currently, the inclusion of such an indicator as the physical deterioration of the building is not provided for in the preparation of the cadastral passport of the property. According to Rosreestr, entering information about the technical condition of common property in apartment buildings in the Unified State Register of Legal Entities is impractical, since this information is not a characteristic that allows you to identify a real estate object as an individually defined thing.

As already noted, one of the main problems in carrying out major repairs of the MKD, the state authorities of the subjects of the Russian Federation include the organization of state accounting of the technical condition of the housing stock. The lack of a proper system of technical accounting of the housing stock leads, among other things, to the systematic inclusion by the subjects of the Russian Federation in the regional program of capital repairs of dilapidated houses that are subject to demolition and reconstruction, or dilapidated ones, the repair of which is economically impractical.

As a result of the joint work of the Housing and Utilities Fund with the subjects of the Russian Federation during the first half of 2019, conflicting information on 1,805 apartment buildings was eliminated. However, despite the measures taken, according to the results of the inspection conducted by the Housing and Utilities Fund, as of July 1, 2019, 2,593 apartment

buildings included in the regional capital repair programs and previously recognized as emergency were identified.

It should be noted that there is a significant potential for a significant reduction in utility payments of citizens in the case of equipping houses with metering devices, including in the framework of ongoing measures to overhaul the common property of apartment buildings.

According to the Housing and Utilities Fund, in 2016-2019, there is a negative trend in the number of apartment buildings, the energy efficiency class of which was increased as a result of major repairs.

So, if in 2016, out of 41,424 renovated houses, the energy efficiency class was increased in 1,497 houses, or 3.6%, then in 2017-2018, out of 42,353 and 47,988 renovated houses, the energy efficiency class was increased in 170 and 62 houses, or 0.4% and 0.12%, respectively. In the first half of 2019, out of 13,793 renovated houses, the energy efficiency class was not increased in any of the houses.

The Ministry of Construction of the Russian Federation also provides the operator of the state information system in the field of energy saving and energy efficiency improvement (hereinafter referred to as the System) with data on the progress and results of the implementation of energy saving and energy efficiency measures in the housing stock. Meanwhile, the relevant information is not sent to the System operator by the Ministry of Construction of Russia.

Despite the fact that the total number of apartment buildings included in the regional programs remains almost unchanged during 2015-2018, during this period there is a significant increase in the area of these apartment buildings, as well as the residents living in them.

Thus, compared to 2015, the total area of apartment buildings included in the program increased by 193,251.9 thousand square meters, or by 8.3% (from 2,338,666.0 thousand square meters - in 2015 to 2,531,917.9 thousand square meters - in 2018), and the number of citizens living in them by 9,586.8 thousand people, or by 11.5% (from 83,407.2 thousand people - in 2015 to 92,994.0 thousand people - in 2018).

Capital repairs are carried out by the subjects of the Russian Federation within the framework of the regional programs of capital repairs of the common property of apartment buildings adopted by them. There is a slight increase in the total number of renovated apartment buildings. Compared to 2015, the number of apartment buildings renovated in 2018 increased by 5,686 houses, or 13.7%, the total area of apartment buildings - by 35,938.8 thousand square meters, or 26.6%, the number of citizens living in apartment buildings-by 912.0 thousand people, or 17.4%. In 2018, despite the overall increase compared to 2017 of capital renovated houses by 859 units, or 1.9% (from 46,251 houses to 47,110 houses), their total area decreased by 1,897.2 thousand square meters, or 1.1% (from 172,817.6 thousand square meters to 170,920.4 thousand square meters), and the number of citizens living in them - by 153 thousand people, or 2.4% (from 6,297.0 thousand people to 6,144.0 thousand people).

According to the passport of the national project «Housing and Urban Environment», the national goal of «Improving the living conditions of at least 5 million families annually» is expected to be achieved by 2024, including through major repairs of the main structural elements.

As the monitoring conducted by the Housing and Utilities Fund shows, the subjects of the Russian Federation, when updating regional capital repair programs, do not set new planned deadlines for the repair of structural elements of apartment buildings that were previously completed.

As of January 1, 2019, a total of 5,583.1 thousand types of works (services), or 92.9% of the total number of works (services) that should have been included in the programs in accordance with the Housing Code²⁹ (6,009.6 thousand types of works (services), based on the total number of apartment buildings and the complexity of the capital repairs, were included in the regional capital repair programs.

Federal Law № 434-FZ of November 28, 2018, amended paragraph 1 of Part 2 of Article 168 of the Housing Code, according to which, on the basis of the relevant regulatory legal act of a subject of the Russian Federation, houses with less than 5 apartments may not be included in the regional capital construction program.

According to the information provided by the subjects of the Russian Federation, the share of houses consisting of less than 5 apartments ranges from 1% in the Penza region to 25.3% in the Arkhangelsk region. As of July 1, 2019, a total of 55,355 apartment buildings consisting of less than 5 apartments were included in the regional capital repair programs.

As of September 1, 2019, most regions have adopted or developed and submitted for approval amendments to regulatory legal acts that provide for the exclusion of multi-apartment buildings with less than 5 apartments from regional capital repair programs.

The decision not to include (exclude from) multi-apartment buildings with less than 5 apartments in the regional program is mainly due to the development of action plans by the constituent entities of the Russian Federation to improve the financial stability of regional capital repair programs. Measures to exclude such houses are recommended by the model plan developed by the Housing and Utilities Fund as a measure to improve the financial stability of the regional program.

However, in our opinion, instead of excluding this category of houses from regional capital repair programs, it is necessary to work out different approaches to carrying out their capital repairs, taking into account the financial capabilities available both to the owners of residential premises and to regional and local budgets.

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