

**CITY OFFICE
OF KRAKOW**

ML-29

Payment of compensation for failure of the municipality to provide a person entitled to conclude a municipal housing tenancy agreement for housing or failure to indicate temporary housing in connection with an ordered eviction

1. Handle the matter electronically

Not possible

2. Appendices

Statement for tax purposes

Information on the processing of personal data

3. Sign language version

No

4. Matter handled by

Housing Department, Rynek Podgórski 1, 30-533 Krakow;
Compensation Claims Related to Eviction Judgements Unit,
Marta Zimocha, telephone number 12-616-84-06,
Agnieszka Wołowicz-Korzeniowska, telephone number 12-616-84-47,
Anna Furtak, telephone number 12-616-82-39,
Dorota Świąch, telephone number 12-616-84-10.

5. Documents from the Applicant (client)

1. Application for the payment of compensation for failure of the municipality to provide a person entitled to conclude municipal housing tenancy agreement for housing or failure to indicate temporary housing in connection with an ordered eviction (after the municipality has previously requested the bailiff to indicate temporary premises) based on a final judgement of the court adjudicating eviction, including:
 - a) the applicant's personal data (PESEL / NIP / KRS / REGON, registered address / residence / registered office / correspondence address),
 - b) bank account number with the data of its administrator to which the compensation is to be transferred,
 - c) indication of the amount of the claimed compensation (monthly rate) and the period covered by the application with justification,
 - d) description of the premises (location in the building, technical condition, utilities),
 - e) a document confirming the surface of the premises.
2. A legally valid court judgement declaring eviction in a situation where it has not been previously sent to the Krakow City Office for registration.
3. A document confirming the ownership of the real estate, land and mortgage register number together with a statement that the legal status of the real estate has not changed as at the date of submitting the application.
4. Agreement on the use of the real estate (*quoad usum*), if concluded between co-owners.
5. Power of attorney (excluding litigation) when the applicant is represented by another person:
 - a) handwritten, submitted in the presence of an employee of the Housing

Department;

- b) confirmed at a notary public;
- c) notarial.

The above formal requirements do not apply to powers of attorney granted to a legal counsel / an advocate.

6. If there is a probation officer / court administrator in the case - a legally valid court decision on the establishment of probation / court administration of the real estate together with a document / annotation on the document about the validity of the authorization (obtained not earlier than one month before the date of submitting the application).
7. A list of payments made by the evicted persons, amounts received or rent extra allowances (MOPS, housing allowances) in the period covered by the application or a declaration of none of them existing.
8. Other documents confirming the damage suffered because of failure of the municipality to provide a person entitled to conclude municipal housing tenancy agreement for housing or failure to indicate temporary housing in connection with an ordered eviction
9. Statement by the bailiff on the ineffectiveness of the bailiff's enforcement in the event of a prior claim by the owner of the premises for compensation for the period covered by the application from the evicted persons.
10. A declaration for tax purposes completed by the owner / co-owners who are natural persons for whom the compensation will be paid - a model declaration is attached to this procedure.
11. Information on the processing of personal data signed by the owner / co-owners / proxy - the information model is attached to this procedure.

The documents should be submitted in original, duplicate or certified copies. A copy of the documents may be authenticated by an employee of the Housing Department, a notary public or the institution / body that issued the document.

Appendices constituting an integral part of the procedure should be submitted in the original.

6. Fees

The procedure is not subject to fees.

7. Form of consideration

1. Payment of due compensation to the bank account indicated by the applicant, based on:
 - a) a settlement concluded,
 - b) calls for payment of amounts recognized by the Krakow City Office after conducting explanatory proceedings.
2. Information about no legal grounds for the payment of the compensation / a positive settlement of the application.

8. Time of consideration

Immediately, no longer than within 2 months from the date of collecting complete documentation.

9. Documents obtained in the proceedings

1. Survey on the inspection of the premises (after prior appointment with the tenant / owner or an unannounced inspection) along with photo documentation - in justified cases.
2. A declaration of consent to the deduction of amounts from the settlement of the housing / construction contribution / deposit - in justified cases.
3. Documents influencing the procedure, as obtained within the Krakow City Office or other organizational units and offices.

10. Appeal procedure

Not applicable

11. Legal basis

1. Art. 18 par. 5 and art. 25e of the Act of June 21, 2001 on the Protection of the Rights of Tenants, Housing Resources of the Municipality and Amending the Civil Code
2. Art. 417 and Art. 917 of the Act of April 23, 1964 - Civil Code
3. Art. 1046 § 4 - Code of Civil Procedure

12. Accessibility of the procedure

The procedure is available at the seat of the Housing Department in Krakow, Rynek Podgórski 1 and in the Public Information Bulletin of the City of Krakow.

13. Additional information for the client

The use of documents and data at the disposal of the

Housing Department, including the following is permitted:

- reports and printouts from IT programs of the Krakow City Office,
- information on the content of land and mortgage registers available on the Portal of the Access Subsystem to the Central Database of Land and Mortgage Registers, available in the internet system: www.ms.gov.pl,
- reports and printouts of maps from the ISDP (Internet Spatial Data System) program,
- information collected from the Central Information of the National Court Register corresponding to the current excerpt from the register of entrepreneurs, pursuant to the Act of August 20, 1997 on the National Court Register, without calling the applicant to complete the missing documents or as a verification of the validity of the submitted documents.

Developed by:
First and last name:

Date:

Opinion presented by: Legal
Advisor
First and last name:

Date:

Approved by: Director / Deputy
First and last name:

Date: