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ANALYSIS OF THE EFFECTIVENESS OF APARTMENT BUILDING MANAGEMENT IN UKRAINE: ENERGY EFFICIENCY AND ENERGY AUDIT

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The article considers the current situation of housing and communal services of Ukraine in parts of management of apartment buildings. A detailed analysis of the effectiveness of apartment building management in various aspects of management. The organizational efficiency of apartment building management, the efficiency of the regulatory system, the effectiveness of involving co-owners of apartment buildings in management, the efficiency of communications in the management of apartment buildings and energy efficiency are considered. The role of local governments in the process of forming an effective homeowner is determined. The advantages of homeowner from achieving a high level of energy efficiency by the house are analyzed. The goals of the energy audit are indicated. The main reasons for the lack of attention to the formation of the institution of an effective owner in Ukraine are identified. The conditions for the creation and stimulation of a competitive market for the management of apartment buildings, by the introduction of the profession of manager of a residential building (or groups of buildings). There main methods of state support for the introduction of energy efficiency in the management of apartment buildings are subscribed. There are issues that reduce trust in the management of condominiums: low awareness of co-owners of the management of condominiums for their benefit, complete or partial lack of financial reporting of the administration of condominiums to homeowners, lack of constructive dialogue between condominium participants, lack of proper approach to communication administration of condominiums. The problem of uncertainty of the legal status of the land plot under the apartment house and its legal uses is subscribed. The problem of debt collection to condominiums and mechanisms for its solution has been given. The legal framework on this issue, its dynamics and development prospects has been studied. The biggest obstacle to effective reform of the industry is the lack of understanding by both co-owners and managers of the issues and mechanisms of the owner's institution and inefficient housing and communal services in the country.

Keywords: housing and communal services, association of co-owners of apartment buildings, energy efficiency, energy audit.

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Introduction and problem statement

Analysis of the effectiveness of apartment building management should include all aspects of this process, however, due to limited statistical and other information on apartment building management across the country as a whole, rather than by individual cities or regions, it seems appropriate to analyze individual aspects of the management process.

The institute of apartment building management

in Ukraine does not have a significant period of development, as only in recent years there have been positive trends, many apartment buildings have significant problems with the organization of their management.

One of the biggest obstacles to effective reform of this sector is the lack of understanding by both co-owners and managers of the issues and mechanisms of the institution of ownership and inefficient activities of housing and communal



services in the state. The reason for the first obstacle is caused by the processes of free privatization, which formed the consumer attitude of citizens to their property: they often treated it without the necessary responsibility, refused to bear the burden of its maintenance. As for the management of common property, the situation is even worse - the co-owners are poorly aware that the premises and adjacent areas that are jointly owned by the co-owners of an apartment building, also need their attention and effort to care, and refuse to maintain or do so too passive.

A significant number of apartment buildings face the problem of uncertainty about the state of ownership of individual adjacent areas to the ownership of an apartment building or city council. Also in Ukraine there is no open single land cadastre, the information of which could be obtained by anyone (about the owners, their property, the amount on the basis of real estate tax, etc.). We believe that this gap is due to the reluctance of the authorities to create appropriate conditions for the protection of private property in the country.

This problem has been going on for more than a year, all the new problems caused by the imperfection of the legal regulation of this issue are constantly accumulating, which significantly hinders the development of management mechanisms for apartment buildings and reduces their efficiency.

Analysis and research of publications

The current state policy on the formation of such a concept as «effective homeowner» is imperfect. This is confirmed by the absence of adopted laws or resolutions of the Cabinet of Ministers of Ukraine, designed to solve this issue and problems since 2006.

It is also very significant that in the process of developing and promoting political programs of various parliamentary political parties, attention was not paid to the formation of an effective homeowner. We singled out this episode as significant due to the fact that it is well known that election programs, among other things, promote and promise voters the most relevant issues.

Such insignificant attention to the formation of the institution of effective owner in Ukraine can be explained by the following main reasons:

- this problem is not relevant for voters, because otherwise political parties would include the solution of these problems in the development of election programs in order to attract the attention and commitment of voters and win the election;
- lack of interest of political parties in solving the problem.

In general, during the 2006 – 2020 election campaigns, the following efforts to create an effective owner institution deserve attention.

1. The Lytvyn Bloc promised and implemented

amendments to domestic legislation, which allowed dormitory residents to privatize their own housing by dormitory residents, provided that they had lived there for at least 5 years.

2. The Lytvyn Bloc together with the OU-PSD (Our Ukraine – People’s Self-Defense) also managed to establish and ensure fair tariffs.

3. BYT (Bloc of Ylia Tymoshenko) only promised to stimulate the construction of new housing, create financial preferences for developers and, together with the Lytvyn Bloc, reduce lending rates to citizens when applying for loans to purchase housing. These promises were never fulfilled, and the situation, on the contrary, worsened.

4. The Party of Regions promised the introduction of land auctions, the funds of which were to go to local budgets for new construction, in particular – municipal housing.

Taking into account the above facts, the activity of the Verkhovna Rada of Ukraine in the direction of forming an effective owner should be called ineffective. To date, the situation has not changed as much as needed for the effective management of apartment buildings - for example, the Parliament was considering bills, the adoption of which was expected to push for reform of the institution of effective ownership. The most important among them is the bill «On Amendments to the Law of Ukraine» «On Association of Co-Owners of an Apartment Building» [1].

It provided for the settlement of issues of management of joint property and stimulation of creation of associations of co-owners of an apartment house, the decision of questions of introduction of modern system of management of a housing stock of the state on condition of active involvement of the specified population. However, in December 2008, this bill was not included in the agenda.

People’s Deputy Terushchuk S.M. proposed a bill «On Amendments to the Land Code of Ukraine» (on land plots of associations of apartment building co-owners) [2] in order to establish the legal consequences of the transfer of land ownership of condominiums in case of its liquidation (however, in August 2010 the bill was revoked).

The bill of the new Housing Code Rybak V.V. and Popova O.P. deserves special attention much of which is devoted to improving the institution of effective owner (the bill concerns the functioning of condominiums and housing cooperatives) [3]. It should be noted that although this bill was taken into account in September 2009 when finalizing the Housing Code of Ukraine, some of its provisions are not taken into account and even contradict the new amendments to the bill «On Amendments to the Law of Ukraine» On Association of Apartment Builders.

The program «Towards People» identified several important, but not enough specific points on the problem of forming an effective homeowner in the country, but the creation of the State Housing and Communal Inspectorate was positive, which received the right to indirectly promote condominiums [4].

Despite the above shortcomings, the state of legal regulation of the formation of an effective institution of homeowners in recent years has undergone its development and positive changes. In particular, the Law of Ukraine «On Peculiarities of Exercising Property Rights in an Apartment Building» [5], according to which the co-owners of apartment buildings received an effective mechanism for selecting managers in managing their building, formation and operation of management companies and management services. We believe that this Law defined the conditions for creating and stimulating a competitive market, including - introduction of the profession of manager (manager) of a residential building (or groups of buildings). With the adoption of this Law, the mechanism of normative and legal regulation of relations between local governments, co-owners of apartment buildings, managers and executors of housing and communal services in the field of housing and communal services has undergone a radical change.

Thus, it is worth noting the increase in the efficiency of the regulatory mechanism for the management of apartment buildings in Ukraine.

One of the biggest obstacles to effective reform of this sector is the lack of understanding by both co-owners and managers of the issues and mechanisms of the institution of ownership and inefficient activities of housing and communal services in the state.

The reason for the first obstacle is caused by the processes of free privatization, which formed the consumer attitude of citizens to their property: they often treated it without the necessary responsibility, refused to bear the burden of its maintenance. As for the management of common property, the situation is even worse – the co-owners are poorly aware that the premises and adjacent areas that are jointly owned by the co-owners of the apartment building, also need their attention and effort to care, and refuse to maintain or do so too passive.

A significant number of apartment buildings face the problem of uncertainty about the state of ownership of individual adjacent areas to the ownership of an apartment building or city council. Also in Ukraine there is no open single land cadastre, the information of which could be obtained by anyone (about the owners, their property, the amount on the basis of real estate tax, etc.). We believe that this gap is due to the reluctance of the authorities to

create appropriate conditions for the protection of private property in the country.

This problem has been going on for more than a year, all the new problems caused by the imperfection of the legal regulation of this issue are constantly accumulating, which significantly hinders the development of management mechanisms for apartment buildings and reduces their efficiency.

The purpose of the article

The purpose of this article is to conduct a comprehensive analysis of the management of apartment buildings in Ukraine, which provides for all aspects of this process the following components:

- organizational efficiency of apartment building management;
- the effectiveness of the regulatory system of management of apartment buildings in Ukraine;
- the effectiveness of involving co-owners of apartment buildings in management;
- the effectiveness of communications in the management of apartment buildings;
- energy efficiency.

Presenting main material

1. Organizational efficiency of apartment building management. As the institute of apartment building management in Ukraine does not have a significant period of development, as only in recent years there have been positive trends, many apartment buildings have significant problems in organizing their management. In particular, the first problems arise (in the case of Association of co-owners of an apartment building ACAB) when creating ACAB, because managers do not have (mostly) sufficient knowledge and management experience, so they face organizational and legal difficulties.

For example, when creating ACAB there is a significant number of economic activities in accordance with the CEA (Classification of economic activities):

- choice of too large a list of economic activities (the largest number of analyzed ACAB was 29 types);
- inconsistency of selected activities of the Law of Ukraine «On the association of co-owners of an apartment building», which defines the rights and responsibilities of ACAB;
- selection of the main types of economic activities such as property management for a fee, cleaning activities, construction and installation work or the provision of other individual services [6].

Thus, there are significant organizational problems in choosing the form of management of apartment buildings and its registration. Another problem of this group is that a significant number of apartment buildings have not yet chosen the form of management (as noted above, in 2020, 38% of all apartment buildings have not yet chosen the form of management, and although the share of such

buildings decreases each year, the rate remains high and indicates the presence of significant organizational management problems).

2. The effectiveness of the system of legal regulation of apartment building management in Ukraine. The current state policy on the formation of such a concept as «effective homeowner» is imperfect. This is confirmed by the lack of adopted laws or resolutions of the Cabinet of Ministers of Ukraine designed to address this issue and problems since 2006. It is also significant that in the process of developing and promoting political programs of various parliamentary political parties was given. We have singled out this episode as significant due to the fact that it is well known that election programs, among other things, promote and promise voters the most pressing issues.

3. The effectiveness of involving co-owners of apartment buildings in management.

As the institution of effective owner is imperfect in Ukraine, the attitude of co-owners to the management of common property is characterized by the following features:

- low level of participation in management
- attending the general meeting and making appropriate decisions are characterized by low participation of co-owners;
- significant unconstructive criticism of the management company or the chairman of the ACAB;
- obstruction of decision-making to improve the condition of the apartment building;
- insufficient level of payment for apartment building management services, etc.

We believe that these problems have been going on since the days when apartment buildings were served by housing and communal services, and the level of quality of their services was extremely low. The co-owners have maintained their negative attitude towards managers to this day, even though, for example, in the case of ACAB management, its chairman is one of the co-owners, who is also interested in improving the condition of the apartment building.

Many co-owners do not want to spend their time participating in the meeting and managing the apartment building, believing that they pay for these services and should not participate in the management.

We consider this problem to be one that will be solved only in time, because co-owners must constantly cultivate responsibility for their own and common property and a desire to improve its condition.

4. The effectiveness of communications in the management of apartment buildings.

A significant role in the formation of an effective homeowner is played by local government. The best

results of this process and the highest efficiency of apartment building management can be observed in the cities where all-round assistance and systematic work of local self-government bodies (LCGs) is carried out on the issues of stimulating the development of apartment building management. High-quality maintenance of such buildings with the assistance of local self-government is carried out at the expense of the following tools:

- allocation of funds for major repairs of buildings;
- introduction of training programs and seminars for ACAB managers;
- legal advice;
- activities of specialized departments, associations, committees, etc.

This improves communication between apartment buildings and local self-government bodies and ensures high-quality maintenance of apartment buildings. However, it should be noted that such trends are mainly demonstrated by small towns, so without well-established communications and support from the local self-government, apartment buildings do not have the opportunity to exercise effective management.

It is also worth noting that the main problems of effective management of apartment buildings remain a lack of understanding of property by citizens, as well as significant cases of political manipulation to address housing and communal issues instead of taking real steps. In our opinion, improving the efficiency of communication between apartment buildings and local self-government bodies can be achieved only with real consolidated actions by public authorities, local self-government bodies and public opinion leaders, as a result of which the institution of effective owner will be recognized.

5. Energy efficiency.

Issues of energy efficiency of apartment buildings have recently come to the fore, because the achievement of its high level gives co-owners of apartment buildings the following advantages:

- reduction of heating costs;
- improving the condition of common property;
- the possibility of further modernization of management processes;
- improving the quality of life (ensuring proper heating and water heating), etc.

Currently, the terms «energy efficiency» and «energy saving» are extremely popular in Ukraine, due to the following:

- increasing the cost of energy resources;
- limited financial capacity of vulnerable groups to pay for services;
- deterioration of the state housing stock and heat loss by many apartment buildings in the process

of increasing their service life.

Therefore, Ukraine has introduced an energy audit for apartment buildings, which allows for a thorough assessment of this problem and identify optimal ways to save energy resources by apartment buildings. Energy audit is a special examination of residential buildings or enterprises, conducted by specialized specialists in energy certification of buildings to determine their technical condition and energy efficiency.

The Law of Ukraine «On Energy Conservation» established that the energy audit is «determining the efficiency of fuel and energy resources (hereinafter – FER) and developing recommendations for its improvement» [7].

Based on the interpretation of the provisions and norms of this Law, we note that energy audits are conducted to assess the efficiency of use (in our case - apartment buildings) of energy resources and develop economically sound measures to reduce their consumption, namely - to identify areas of energy efficiency of apartment buildings.

This assessment provides an opportunity to determine the level of fuel efficiency of homes and identify the most vulnerable places where excessive energy loss occurs. Based on the results obtained, audit specialists develop appropriate energy saving measures, as well as programs and recommendations for apartment buildings that need to be implemented to increase energy efficiency and reduce energy losses in the house.

In addition, the priorities for the implementation of the recommended measures are determined, taking into account the current level of funding for these measures. The energy audit process provides an opportunity to obtain recommendations for the implementation of energy management systems, which can be provided as an option [8].

Thus, the development of energy efficiency programs of an apartment building is carried out not only taking into account the necessary priority measures, but also based on the financial capacity of the co-owners of the apartment building.

An expanded list of domestic energy auditors was opened for use as part of the interactive energy auditors' map developed by GIZ and the Energy Efficiency Fund. The map contained contacts of specialists on energy efficiency certification of buildings, regions of their activity, information on work experience and other information. The resource provided opportunities to find experienced energy auditors for work in apartment buildings. However, it should be noted that as of March 25, 2021, the card does not work.

Note that the cost of energy audit work and reimbursement of their cost from local budgets are important enough to make a decision.

It is also worth noting that state support for the introduction of energy efficiency in the management of apartment buildings includes the following components: state support for energy efficiency projects (Warm Credits Program); development of local programs to support the development of apartment building management, which implement energy efficiency measures; development of city target programs for the development of ACAB.

State support for energy efficiency projects (Warm Credits Program). The program of state support for energy efficiency measures in apartment buildings is implemented within the State Targeted Economic Program for Energy Efficiency and Development of Energy Production from Renewable Energy Sources and Alternative Fuels for 2010-2021 [9] (the so-called «warm loans» program), which provides to encourage co-owners of apartment buildings and housing cooperatives to introduce energy efficiency measures by reimbursing part of the cost of loans raised for the purchase of energy efficient equipment and materials.

According to the Procedure for the use of funds provided in the state budget for the implementation of measures for the efficient use of energy resources and energy conservation, the mechanism for implementing the Program and the mechanism for determining its responsible executors was determined [10].

In 2019, according to the resolution of the Cabinet of Ministers of Ukraine «Some issues of optimizing the system of central executive bodies» [11] in order to optimize the system of central executive bodies, the process of reorganization of certain central executive bodies is underway. of Energy and Environmental Protection of Ukraine (Ministry of Energy of Ukraine). In turn, there have also been changes in the powers and tasks of the relevant ministries.

For today, according to this Procedure, the responsible executor of the program «warm loans» – the State Agency for Energy Efficiency and Energy Saving of Ukraine, and the main administrator of budget funds – the Ministry of Energy of Ukraine. We also note that in 2020, according to the resolution of the Cabinet of Ministers of Ukraine «On amendments to the resolutions of the Cabinet of Ministers of Ukraine from 01.03.2010 No. 243 and from 17.10.2011 No. 1056» [12] amendments were made to the Procedure and Program, which provided funding at the expense of the state budget in the amount of UAH 150 million. and the direction of the Program in 2021, which aims to repay part of the amount of loans in the following areas:

– incentives for co-owners of apartment buildings;

– encouraging citizens to purchase boilers using any type of fuel and energy (the exception is natural gas and electricity).

For 2021, the Program and the Procedure did not provide for the reimbursement of part of the amounts of loans raised to stimulate ACAB and housing cooperatives to implement energy efficiency measures in apartment buildings [13].

Development of local programs to support the development of apartment building management, which implement energy efficiency measures. It should be noted that on February 2, 2021, 43 communities approved their own programs to support ACAB in order to reduce the financial burden on co-owners in the implementation of energy efficiency projects in apartment buildings. Note that the 16 local programs that were approved earlier do not require changes or adaptations, and 34 are under development.

The purpose of the programs is to stimulate the creation of ACAB and provide them with financial support by partially reimbursing the costs of loans taken to implement energy saving measures in apartment buildings.

Analyzing the results of the implementation of the Energodim Program in Ukraine, it should be noted that in Ukraine 53 ACAB participating in the Program have fully or partially carried out construction and installation work in buildings. Thus, at the end of 2020, some co-owners of apartment buildings estimated the savings in utility bills through the introduction of energy saving measures.

It was planned that by the end of spring 2021 the first projects in 11 oblasts should be fully implemented, and this should be a significant impetus and a worthy example for other apartment buildings that have not yet decided whether to participate in this Program or not.

Development of city target programs for the development of ACAB. Improving the mechanism of management and preservation of housing, modernization and energy saving measures is one of the biggest problems in the management of apartment buildings.

The results of the long-awaited reform, in our opinion, are possible provided that the conditions of active participation in this process of co-owners of apartment buildings, as well as the governing bodies of these buildings.

At the high efficiency of the management of the housing is directly depends the professional reputation of managers. The interests of the homeowners and the managers in improving the efficiency of management are equal, but it is necessary to right define the criteria of the efficiency [14].

Over the past 5 years, our country has established simplified rules for decision-making on

the management of apartment buildings: a quorum is not required at the meeting; a written survey of co-owners is possible.

These changes have greatly simplified the management of apartment buildings, but excessive bureaucratic processes regarding the state registration of forms of government have remained. It is necessary to improve the process of re-registration of the charter of ACAB or change the chairman of the board.

In accordance with the law, in case of changes, it is necessary to certify the authenticity of the signatures of the chairman and secretary in the minutes of the general meeting, as well as the statement of this minutes on notarized forms. These services for apartment buildings are paid.

It is also necessary to pay a registration fee or pay for the notary services of a notary to register changes, in the case where the apartment building seeks help from a notary and not from the state registrar.

For the most part, EU countries have long been firmly on the path to simplifying registration procedures. This applies both to the promotion of ease of doing business and analogues of ACAB.

At the same time, the widespread digitization of archives and digitalization in a broad sense have made many complex procedures much simpler, or even abolished them altogether. Obviously, the digitalization processes that have begun in Ukraine in recent years will lead to a similar result, but they should be accompanied by changes in legislation that support such simplification.

Imperfect procedure for calculating votes for decision-making in the house in the norms of the Law of Ukraine «On the association of apartment building co-owners», which regulate all aspects of ACAB, there is a conflict (rather, the words missed by the legislator) regarding the calculation of votes for decision-making.

One article states that the votes of co-owners are calculated in proportion to the area, and the next paragraph of the same article states that decisions are made if a majority of the total number of all co-owners voted for them.

That is, in the first case, we take the area as a basis, and then we say that decisions are made when the majority of people have voted.

Such problems with imperfect registration and decision-making procedures are not typical of European countries, where the law provides clear and verified procedures.

However, for those newly created ACAB that are just planning to register the association, this is a significant problem that often stops the creation of the organization at the initiative group stage.

For example, in Poland, the association of co-

owners without the registration of a legal entity took place 20 years ago, and it is mandatory for all houses in which people have privatized apartments. Thus, in the shortest possible time, more than 80,000 owner communities were created in Poland.

Instead, the bill No. 3878, already registered in the Verkhovna Rada, can solve this problem in Ukraine. It removes different interpretations, bringing the regulatory framework to the norms in force in the EU.

It is difficult to obtain up-to-date information from the state register of apartment owners. It would seem that why is this a problem, if since 2015 the legislation of Ukraine provides that co-owners have the opportunity to receive information about their neighbors for free?

But practice shows that not in all cities state registrars in the centers of administrative services equally understand the implementation of this right. In some cities, co-owners are required to pay for this service, and sometimes even refuse to provide this information, citing confidentiality.

Most often, co-owners manage to get this archival information only by paying for the services of the BTI. But such information is still not enough for a full-fledged meeting. This makes collecting such information a titanic task for the initiative group.

However, digitalization may put an end to this problem as well. At least in European countries, which have simplified doing business and obtaining information for its operation, it has worked. Similar information on housing has also become available, provided that it does not violate trade secrets. Uncertain legal status of the land plot under the apartment building.

Many representatives of ACAB, who are very well aware of the value of their home, are concerned about another question: how to get the right to legally use the land under their house.

«The right to land» is declaratively assigned to the co-owners of an apartment building by Article 42 of the Land Code of Ukraine. However, there is still no procedure for co-owners to exercise this right.

Also, the boundaries of such plots are not set, they are not assigned a cadastral number. Under such conditions, co-owners simply do not have the opportunity to legally use the land. For example, to fence off the territory adjacent to the territory, to equip there a playground, parking for the next cars or the square for evening gatherings. Nevertheless, local governments often require ACAB to maintain and clean such an area, placing ACAB responsible for its improvement.

In most EU countries for example, in Sweden, a similar problem has long been solved by clearly defining land plots for each apartment building.[15]. Hope, that such work will be carried out in Ukraine

as well. It is extremely important to define the boundaries of the land of each apartment building so that each of us understands what we are obliged to maintain and can make full use of our property.

Among the problems faced by ACAB, we must mention the issue of debtors. After all, those people who for some reason do not want to pay for the maintenance of the house, are in every apartment building. However, today debtors are no longer as terrible a problem as they seemed before. Judicial practice is on the side of ACAB.

If the association has correctly approved the estimate, list and amount of contributions for the maintenance and current repairs of the house, the board will be able to collect the amount of debt in court without any problems.

Conclusions

In Ukraine, local authorities have not actually informed the public about the opportunities or shortcomings of the main forms of apartment building management, so a large number of apartment building co-owners who have long privatized their apartments have taken a wait-and-see attitude.

The problem is also the lack of documentation for apartment buildings, the lack of support programs for ACAB in village councils. On the other hand, many problems and errors arise when registering ACAB.

The Tax Service violates the granting of condominiums the status of non-profit organizations. There are difficulties with access to the Register of property rights to obtain information about co-owners, to the information of the city BTI on the registration of property rights to apartments until 2012.

In addition, I can note the lack of qualifications of the heads of already established ACAB: often people know almost nothing about the possibilities of associations of co-owners, which they headed. There is an opinion that if there is a manager in the house, all problems with repairs will be solved automatically without the creation of ACAB. However, we have already noted that the manager only manages the apartment building, carries out its current maintenance. Therefore, the co-owners must finance all repair activities. However, when it comes to condominiums, co-owners need to understand that this form of management has significant advantages in terms of funding from public funds, in particular, the Energy Efficiency Fund works only with organized owners.

Thus, recently the sphere of management of apartment buildings in Ukraine is a source of social tension and the emergence of a significant number of social conflicts, which is due to the following problems:

– high level of wear and low level of energy

efficiency of the existing housing stock;

– insufficient level of competition in the market of management organizations, insufficient quality of services they provide to co-owners, as well as their mostly high cost;

– predominant passivity and low level of legal literacy of co-owners;

Insufficient issues regarding the responsibility of the heads of management organizations to the co-owners.

In our opinion, the identified problems significantly hamper the development of the institution of an effective owner, as well as the development of the management system of apartment buildings in Ukraine. It is difficult to make an objective assessment of the effectiveness of apartment building management in Ukraine, due to the following:

– insufficient statistical and other data on the management of apartment buildings in Ukraine;

– lack of a unified approach to performance evaluation;

– insufficient level of state support for the development of the institution of apartment building management in the country;

– limited financial capabilities of apartment buildings to improve management, etc.

Thus, the search for ways to improve the management of apartment buildings in Ukraine requires the development of new mechanisms and the introduction of innovative tools.

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АНАЛІЗ ЕФЕКТИВНОСТІ УПРАВЛІННЯ БАГАТОКВАРТИРНИМИ БУДИНКАМИ В УКРАЇНІ: ЕНЕРГОЕФЕКТИВНІСТЬ ТА ЕНЕРГОАУДИТ

Кіріс С.П.

У статті розглядається сучасне становище житлово-комунального господарства України у розрізі управління багатоквартирними будинками. Виконаний детальний аналіз ефективності управління багатоквартирними будинками за різними аспектами діяльності. Розглянута організаційна ефективність управління багатоквартирними будинками, ефективність системи нормативно-правового регулювання, ефективність залучення співвласників багатоквартирних будинків до управління, ефективність комунікацій в процесі управління багатоквартирними будинками та енергоефективність. Визначена роль органів місцевого самоврядування в процесах формування ефективного власника житла. Проаналізовані переваги співвласників від досягнення будинком високого рівня енергоефективності. Виявлені основні причини відсутності уваги до формування інституту ефективного власника в Україні. Визначені умови щодо створення та стимулювання конкурентного ринку з управління багатоквартирними будинками, а саме – запровадження професії менеджера (управителя) житлового будинку (або ж груп будинків). Визначені основні способи державної підтримки із запровадження енергоефективності в управлінні багатоквартирними будинками. Виявлені ключові проблеми, які знижують довіру до керівництва ОСББ: низька проінформованість співвласників щодо діяльності керівництва ОСББ на їх благо, повна або часткова відсутність фінансової звітності адміністрації ОСББ перед співвласниками, відсутність конструктивного діалогу між учасниками ОСББ, відсутність правильного підходу в комунікації з різними співвласниками зі сторони адміністрації ОСББ. Окреслено проблему щодо невизначеності правового статусу земельної ділянки під багатоквартирним будинком і легального її використання. Охарактеризовано проблему стягнення заборгованості перед ОСББ та запропоновано механізми її вирішення. Зазначено, що найбільшою перешкодою на шляху до ефективного реформування галузі є відсутність розуміння як співвласниками, так і управліннями питань і механізмів інституту власника й неефективна діяльність житлово-комунальної сфери в державі.

Ключові слова: житлово-комунальне господарство, об'єднання співвласників багатоквартирних будинків, енергоефективність, енергоаудит.

АНАЛИЗ ЭФФЕКТИВНОСТИ УПРАВЛЕНИЯ МНОГОКВАРТИРНЫМИ ДОМАМИ В УКРАИНЕ: ЭНЕРГОЭФФЕКТИВНОСТЬ И ЭНЕРГОАУДИТ

Кирис С.П.

В статье рассматривается современное состояние жилищно-коммунального хозяйства Украины в части управления многоквартирными домами. Проведен детальный анализ эффективности управления многоквартирными домами по различным аспектам деятельности. Рассмотрена организационная эффективность управления многоквартирными домами, эффективность системы нормативно-правового регулирования, эффективность привлечения совладельцев многоквартирных домов в управление, эффективность коммуникаций в процессе управления многоквартирными домами и энергоэффективность. Определена роль органов местного самоуправления в процессах формирования эффективного собственника жилья. Проанализированы преимущества совладельцев многоквартирных домов высокого уровня энергоэффективности. Выявлены основные причины отсутствия внимания к формированию института эффективного собственника в Украине. Определены условия по созданию и стимулирования конкурентного рынка по управлению многоквартирными домами, а именно – введение профессии менеджера (управляющего) жилого дома (или групп домов). Определены основные способы государственной поддержки по внедрению энергоэффективности в управлении многоквартирными домами. Выявленные ключевые проблемы, которые снижают доверие к руководству ОСМД: низкая осведомленность совладельцев о деятельности руководства ОСМД в их благо, полное или частичное отсутствие финансовой отчетности администрации ОСМД перед совладельцами, отсутствие конструктивного диалога между участниками ОСМД, отсутствие правильного подхода в коммуникации с различными совладельцами со стороны администрации ОСМД. Охарактеризована проблема с неопределенностью правового статуса земельного участка под многоквартирным домом и легального ее использования. Определена проблема по взиманию задолженности перед ОСМД и предложены механизмы ее решения. Указана наибольшая преграда на пути к эффективному реформированию отрасли – отсутствие понимания как совладельцами, так и управлениями вопросов и механизмов института собственника, неэффективное функционирование жилищно-коммунальной сферы в государстве.

Ключевые слова: жилищно-коммунальное хозяйство, объединения совладельцев многоквартирных домов, энергоэффективность, энергоаудит.

ANALYSIS OF THE EFFECTIVENESS OF APARTMENT BUILDING MANAGEMENT IN UKRAINE: ENERGY EFFICIENCY AND ENERGY AUDIT

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The article considers the current situation of housing and communal services of Ukraine in parts of management of apartment buildings. A detailed analysis of the effectiveness of apartment building management in various aspects of management. The organizational efficiency of apartment building management, the efficiency of the regulatory system, the effectiveness of involving co-owners of apartment buildings in management, the efficiency of communications in the management of apartment buildings and energy efficiency are considered. The role of local governments in the process of forming an effective homeowner is determined. The advantages of homeowner from achieving a high level of energy efficiency by the house are

analyzed. The goals of the energy audit are indicated. The main reasons for the lack of attention to the formation of the institution of an effective owner in Ukraine are identified. The conditions for the creation and stimulation of a competitive market for the management of apartment buildings, by the introduction of the profession of manager of a residential building (or groups of buildings). There main methods of state support for the introduction of energy efficiency in the management of apartment buildings are subscribed. There are issues that reduce trust in the management of condominiums: low awareness of co-owners of the management of condominiums for their benefit, complete or partial lack of financial reporting of the administration of condominiums to homeowners, lack of constructive dialogue between condominium participants, lack of proper approach to communication administration of condominiums. The problem of uncertainty of the legal status of the land plot under the apartment house and its legal uses is subscribed. The problem of debt collection to condominiums and mechanisms for its solution has been given. The legal framework on this issue, its dynamics and development prospects has been studied. The biggest obstacle to effective reform of the industry is the lack of understanding by both co-owners and managers of the issues and mechanisms of the owner's institution and inefficient housing and communal services in the country.

Keywords: housing and communal services, association of co-owners of apartment buildings, energy efficiency, energy audit.

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