

MAIN DIRECTIONS OF STATE HOUSING POLICY IN THE CONDITIONS OF TRANSFORMATION: REGIONAL ASPECT

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Abstract: The problems of developing theoretical, methodological principles and practical recommendations for improving public administration in the modernization of housing and communal services in market transformation remain insufficiently studied. The lack of a systematic, purposeful and effective state policy for the formation of this area and the chronic lack of financial resources led to a profound crisis of utilities and, as a result – a critical condition of material and technical base of the housing and communal services, inability to provide housing and communal services. The severity of the problems accumulated in the housing and communal services has led to its renewal, expansion, and reconstruction. However, the reform process is slow and inefficient. This study is devoted to addressing state regulation of housing and communal services reform and transformation conditions at the regional level. The article proposes a mechanism for applying the institution of public-private partnership in the organizational and economic development of housing and communal services, which is a process of public-private collaboration in housing and communal services of the region on a preferential basis in several successive stages: preparatory, formalization, organization, control. Methodological tools for the development of entrepreneurship in housing and communal services and the state's role in this process have been developed. The necessity of further development of new perspective forms of management of housing and communal infrastructure of the region is substantiated, which in the future will allow: to provide housing and communal services that meet international standards.

Keywords: Housing and communal services, Housing policy, Public-private partnership, Region, State regulation.

1 Introduction

Balanced spatial development of housing and communal services, which envisages provision of favorable living conditions and improvement of its quality, is impossible without a radical transformation of housing and communal services, as its development daily and directly affects the degree of satisfaction of the needs and interests of every citizen. Ignoring the long-term goals of ensuring a sustainable spatial organization of the territory while solving short-term problems with social housing in recent decades has led to the complete mismatch of the existing state of domestic enterprises with the requirements of modern concepts of sustainable development and world urbanism [8]. Therefore, the strategic goal of housing development should be to create comfortable living conditions and ensure a high quality of life as a whole.

It should be noted that in spite of the obvious problems in housing and communal services, this sphere is rather attractive for business for the following reasons: the presence of absolutely liquid assets in the form of payments by the population, the permanent market of sale, fixed cost of housing and communal services, the consumption of which does not depend either on the sociopolitical situation in the country, or the level of income of the population. Therefore, the opportunity to provide a wide range of housing and communal and related additional services and to receive additional income makes this economic complex attractive for private businesses.

2 Materials and Methods

The object of research is the housing and communal sector of the regions. The research subject is theoretical, scientific-methodical, and applied aspects of state regulation of housing and communal services.

Research methods: Research methods were: monographic research method, general scientific methods, such as

comparison, generalization, synthesis, and mathematical and statistical methods.

The main idea of the study is that housing and communal services are the least developed area with many problems that have recently become increasingly important [1-7]. Furthermore, the unstable financial situation of enterprises in this area is one of the main factors of such problems. Thus, it proves the existence of a systemic crisis in the housing and communal services of the regions, which requires great attention from the state and the community and requires fundamental changes.

3 Results

As a promising form of providing state and regional authorities to manage quality housing and communal services, public-private partnerships will attract private capital to service the studied complex. At the same time, state bodies should act as customers of services and perform regulatory functions [10, 13].

According to Art. 1 of the Law of Ukraine "On Public-Private Partnership" dated July 1, 2010, No. 2404-VI, public-private partnership is a cooperation between the State of Ukraine, the Autonomous Republic of Crimea, territorial communities in the person of the relevant bodies of state power and local self-government bodies (state partners) and legal entities, except public and communal enterprises, or individuals - entrepreneurs (private partners), which is carried out based on the contract [14].

On the side of a private partner in a contract concluded within the public-private partnership framework, there may be several persons who bear the joint responsibility for the obligations stipulated by the contract, which is concluded within the framework of the PPP.

To the top of the list, let's say:

- The creation of higher technical-economic grounds for the activity of the activity as long as the activity of the main contractors is attained to the excellence of the invisible;
- The durability of the relative (from 5 to 50 ranks);
- The receipt of a private payment card from the risks at the time of the implementation of the operating-privatization of the private sector;
- The introduction of the privilege of the Institutions' interests in the Jurassic agencies, not the established ones.

The main principles of the implementation of public-private partnership (Article 4 of the Law of Ukraine "On public-private partnership") are [14]:

- 1) The level of the returns from the fault of the servants and the special partners;
- 2) Prohibition of any discrimination of the rights of public or private partners;
- 3) The coordination of the internal and external partners to delay the recapture [19];
- 4) Immovability during the whole term of the contract entered into within the framework of public-private partnership, purposeful use and form of ownership of objects that are in State or communal ownership, transferred to a private partner [20];
- 5) Execution of the responsible and the privileged partners of the ministries and agencies, the relevant authorities of Ukraine and the evidence of the authorities of the State, including the provisions of the law of the State;
- 6) An interdependent relationship between the leading and the privileged partners of the risks associated with the abandonment of the incentives provided by the parties in the state-of-the-art private sector [26];
- 7) Determination of a private partner on a competitive basis, except in cases established by law [54].

The use of the PPP will give the state authorities the ability to meet metropolises with the needs of a social nature (providing affordable services that meet international quality standards, including environmental ones), at a more modern and quality level of service at no additional cost. At the same time, the key to the success of any project for the development of housing and communal services is creating a partnership between the customer and the executor [9, 12]. In addition, public-private partnership projects in housing and communal services are not just a new way of project financing; they give entrepreneurs the opportunity to make the most of the management experience and commercial and creative potential in the housing and communal services sector.

As part of the study, it was found that public administration bodies of the housing and utility sector are turning to large business representatives for knowledge, experience, innovative solutions, and managerial skills. Big business is interested in new business opportunities, stable sources of financing, and acceptable profitability of commercial transactions. To ensure the effectiveness of such a partnership, each party must clearly understand the goals of the other and be ready to build constructive and long-term partnerships.

The essence of the definition of "public-private partnership in the housing and communal services of the metropolis" is understood by us as the cooperation of state authorities and business (investors) with a view to implementing specific projects for the construction, reconstruction of utility networks, and housing stock, utilities, with the obligation to provide the latter rely on the public sector [15, 16].

The projects of development of housing and communal services, implemented based on public-private partnership, are characterized by the following features: the need to determine only the results, and not how they are achieved; redistribution of risk to those from the parties that can better handle it; the dependence of payments on fulfillment of obligations, on the possibility of using the results of cooperation, on both; increasing the efficiency of providing housing and communal services for the population and saving public funds [17].

4 Discussion

Given the above, we conclude that the public-private partnership in the field of housing and communal services of the region is a systematically structured mutually beneficial relationship between the parties in order to provide high-quality housing and communal services to the population and create the necessary infrastructure. Alternative to traditional methods of public procurement, which allow to significantly reduce budget expenditures in the process of implementing housing development projects (Figure 1).

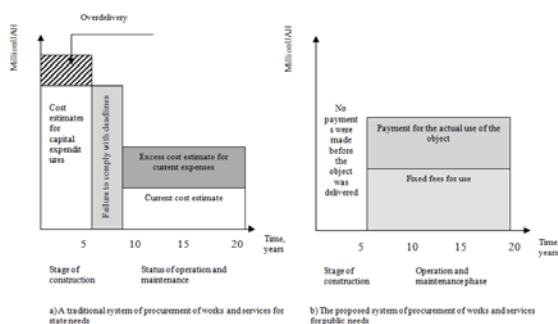


Figure 1 – Procurement system of works and services for state needs

We have identified the following incentives for the public sector and business involvement in public-private partnership in the implementation of housing and utility projects:

- *For business organizations:* ideological, economic, budget incentives; project costs in the established share; guarantee

of minimum profit on the part of the state; sharing risks with the state;

- *For the public sector:* lack of capital (and opportunities) to attract debt resources; limited tax base; a lack of funds in real terms (lack of opportunities to maintain existing infrastructure, while the need for infrastructure services is increasing); positive budget and socioeconomic effect; the attraction of private sector funding, which allows for the release of public funds for other purposes; absence of budget expenses for operation; transferring risks to a private investor [18, 21-25].

The study also found that big business could be responsible for the risks associated with: maintenance and support; availability of the object; quality of operational services; the cost of design and construction; hidden defects (new and existing) [27, 29-32].

In this case, the business cannot be responsible for the risks associated with the cost of insurance of the object; unilateral termination of the contract by the state authorities of the metropolis; the change of civil and economic legislation, in particular the norms determining the list, the procedure for obtaining and revoking permits for certain types of activities; wage inflation.

It should be noted that the regulatory framework is currently being developed in general, and the necessary legal framework for attracting investment and development of housing and communal services on the basis of public-private partnership has been created. The following laws of Ukraine: "On public-private partnership" dated July 1, 2010, No. 2404-VI, "On lease of state and communal property", "On financial leasing", "On land lease", "On concessions", "of 16.07.1999, N 997-XIV," "On agreements on product distribution" of 14.09.1999, No. 1039-XIV," "On concessions for the construction and operation of highways" of 14.12.1999 N 1286-XIV," "On the Management of State-Owned Objects of State-Owned Property" of September 21, 2006, No. 185-V, "On the peculiarities of the endeavor or concession of objects of centralized water supply, heat supply and drainage which are in communal ownership" of 21.10.2010, N 2624-VI," "On Amendments to Certain Legislative Acts of Ukraine Concerning the Implementation of Joint Activity" of 08.07.2011 N 3686-VI," "On the peculiarities of leasing or concession of objects of fuel and energy complex, which are in the state property" from 08.07.2011, No. 3687-VI.

The issue of the use of business rights of other business entities (commercial concession) is devoted to Chapter 36 of the Commercial Code of Ukraine, which defines the obligations of the right holder (concessionaire) and the user (concessionaire), some issues of the sub-concession.

The Civil Code of Ukraine, in particular, Chapter 76 (Commercial Concession) and Chapter 77 (Joint activity), regulate relations between the parties of agreements that can be applied in the field of public-private partnership.

The Tax Code of Ukraine, in particular Section XVIII, specifies the taxpayer's taxation in the conditions of the product-sharing agreement. The Tax Code of Ukraine stipulates that the state guarantees that the rights and obligations of the investor in fulfilling the tax obligations specified in the production-sharing agreement will be governed by the law in force at the time of conclusion of the agreement, except in cases when the law reduces the amount of taxes or fees or taxes and fees are canceled [33-36]. The law, which reduces the amount of taxes or fees or taxes and fees are canceled, the investor applies from the day of its entry into force.

The issue of the provision of state guarantees is regulated by the provisions of the Budget Code of Ukraine (Article 17), the Laws of Ukraine on the State Budget for the relevant year, and certain decisions of the Cabinet of Ministers of Ukraine on approval of the Procedure and conditions for the provision of state guarantees in the respective year to secure the fulfillment of debt obligations for sub-borrowings Business entities involved in the realization of investment, innovation, infrastructure, and other

development projects of strategic importance and the implementation of which will contribute to the development of the national economy. In 2011, such Procedure and Conditions were approved by the Resolution of the Cabinet of Ministers of Ukraine dated June 9, 2011, No. 611.

The forms and limits of state support in the context of the main spending units are established by the law of Ukraine on the State Budget of Ukraine for the relevant year. It should be noted that all forms of state support for the implementation of investment projects based on public-private partnerships are provided exclusively on a competitive basis.

The Law of Ukraine "On Public-Private Partnership" defines the legal, economic, and organizational principles for the implementation of public-private partnership in Ukraine, regulates the relations related to the preparation, implementation, and termination of contracts concluded in the framework of public-private partnership, establishes safeguards of observance rights and legitimate interests of the parties to these agreements [14]. The purpose of the law is to create conditions for increasing the competitiveness of the state sector of the economy. Objects built on the principle of public-private partnership are not subject to privatization and are in state or communal ownership for the entire contract duration. The distribution of risks associated with the implementation of the project in the framework of public-private partnership is determined on the basis of a method approved by the Cabinet of Ministers of Ukraine and by agreement between public and private partners. For foreign private partners that implement projects in the territory of Ukraine within the framework of public-private partnership, a national regime of investment and other economic activities is established [37-40].

The state guarantees compliance with the conditions for the performance of private partnerships related to the implementation of treaties concluded in the public-private partnership framework, observance of their rights, and legitimate interests. At the same time, in addition to fulfilling obligations under public-private partnership agreements, the state should provide support in financing the implementation of projects both in the early stages and during the duration of the contract and diversify the relationship with public-private partnership financial risks. Art. 18 of the said Law of Ukraine provides for the possibility of providing state support to the implementation of public-private partnership by providing state guarantees, financing (co-financing), and other forms provided by law.

This legislation specifies that projects implemented in the framework of public-private partnership have a strategic character both for the development of the state's economy and for individual regions [14].

Public toe-led partnership in housing can be implemented in various forms: I concession and sharing activities, product distribution, other contracts.

In our opinion, the most promising form of public-private partnership in the housing and communal economy in a transformational environment is a concession.

When implementing the end of sheltered projects in housing and utilities, the main criteria for choosing a financing object are the projected economic effect and the degree of risk. The issue related to the distribution of risks can be solved by the detailed elaboration of the draft contract.

At the same time, this type of activity has no legally established status – a sphere of public interest, a particular social responsibility of the state. When a state or municipal entity (concessionaire) concludes a contract in the public interest, they cannot rely only on civil-law relations with their counterparty (concessionaire) [41-45]. For the latter, only profits are essential, while the concessionaire, while fulfilling its social purpose, should be concerned, first of all, that the consumer is timely provided with modern and high-quality housing and communal services.

At present, there is no institute of public-law (administrative) contract and the concept of public interest connected with it, the public-law property of a municipal entity, and, consequently, a public authority of the state in relations with property turnover [11].

Unfortunately, the rules of the law mentioned above will not take into account the specifics of housing and communal services. The subject of a concession agreement by the adopted law is the object of communal infrastructure, the creation and (or) reconstruction of which, following pre-agreed technical tasks, is provided for by the agreement. For example, organizations of water supply facilities are divided into dozens of subdivisions (lifting stations, clearinghouses, etc.) [46-49]. One of them needs reconstruction, others - significant repairs, and the third - the closure or change of operating conditions, taking into account the market situation of utilities. Thus, by law, dozens of concession agreements need to be concluded, which is inappropriate.

Changing the regulatory framework for investment activities (for example, the introduction of new taxes or changes in their size, the abolition of tax breaks and guarantees or the regime of their provision, etc.) can lead to financial costs of the investor and make the investment process unfavorable. Changing legislation leads to increased environmental requirements for wastewater treatment and an increase in fees for exceeding harmful emissions into the environment; introducing new taxes or increasing the size of existing taxes and duties will increase the mandatory payments to the budget, etc.

Regarding the economic effect, when implementing projects in housing and communal economy based on public-private partnership, its level should be sufficient for the investor not to prefer alternatives to placing their own financial assets instead of participating in this project. An overview of modern business practices on the basis of coexistence has shown that the conditions for their implementation vary significantly according to types of activities, objects, terms of cooperation, means used, investment volumes, etc. [28].

This circumstance cannot but affect how to evaluate the effectiveness of such projects. Unlike standard investment projects, concessions have very long terms and significant capital investments, which, in the conditions of changes in the market conditions, may change a number of indicators that characterize their efficiency.

In determining the overall effectiveness of the housing and communal project implemented on the terms of the concession agreement, in our opinion, there is a definition of the following types of efficiency:

- Socioeconomic (public) efficiency;
- Budget efficiency (balance of the state or municipality's participation in the concession housing and communal project in terms of expenses and revenues of budgets of different levels);
- Commercial efficiency that takes into account the financial implications of the concessionaire's participation in the implementation of the housing and communal project, on the assumption that it carries all the expenses provided for by the concession agreement and uses all the results of the envisaged agreement.

The process of implementation of public-private partnership in the field of housing and communal services of the region on a preferential basis can be represented as a series of successive stages:

1. Preparatory, during which the composition of the future partners of the partnership is determined, the companies - the applicants for cooperation under the concession agreement are determined, the interests of the interested parties – consumers of housing and communal services, the community of the metropolis or the stage of development of the conceptual framework of cooperation and

- preparation of the draft concession agreement, during which the purpose, tasks, principles, functions, and methods of interaction of the parties of the public-private partnership are determined, a draft model concession agreement is developed. In which particular determined object, subject, validity, rights and obligations of the parties, the terms of co-financing, etc., developed mechanism of interaction between the concessionaire and concessor.
- The formalization of the parties' relations, which provides for approval by the public authorities of the criteria for the selection of concession agreements, the provisions on the competitive selection of concessionaires, a model concession agreement, and the procedure for the implementation of budget payments within the framework of a concession agreement [50, 51].
 - The organization, which envisages the announcement and conduction of a competition among potential concessionaires, the choice of the results of the competition by the party to the concession agreement, the conclusion of the agreement between the concessionaire and the

concessionaire, approval of it in accordance with the current legal execution of their rights and obligations in the amount and per the terms specified in the contract.

- Control, which provides for supervision over observance by the parties of their obligations under the agreement of obligations, comparison of achieved during the performance of the contract results with the set goals, research to determine the level of satisfaction of stakeholders, first of all, consumers of housing and communal services newly created (improved) as a result partnership relations with the product (service), and comparison with the estimates provided before the start of the project, determining the effectiveness of the interaction of the parties, including socioeconomic, budget, commercial, comparing it with planned indicators, general assessment of results and experience, corrective - provides, if necessary, for discussion and transformation of the basic provisions of public-private partnership of the parties based on the concession, amendments to the concession agreement (Figure 2).

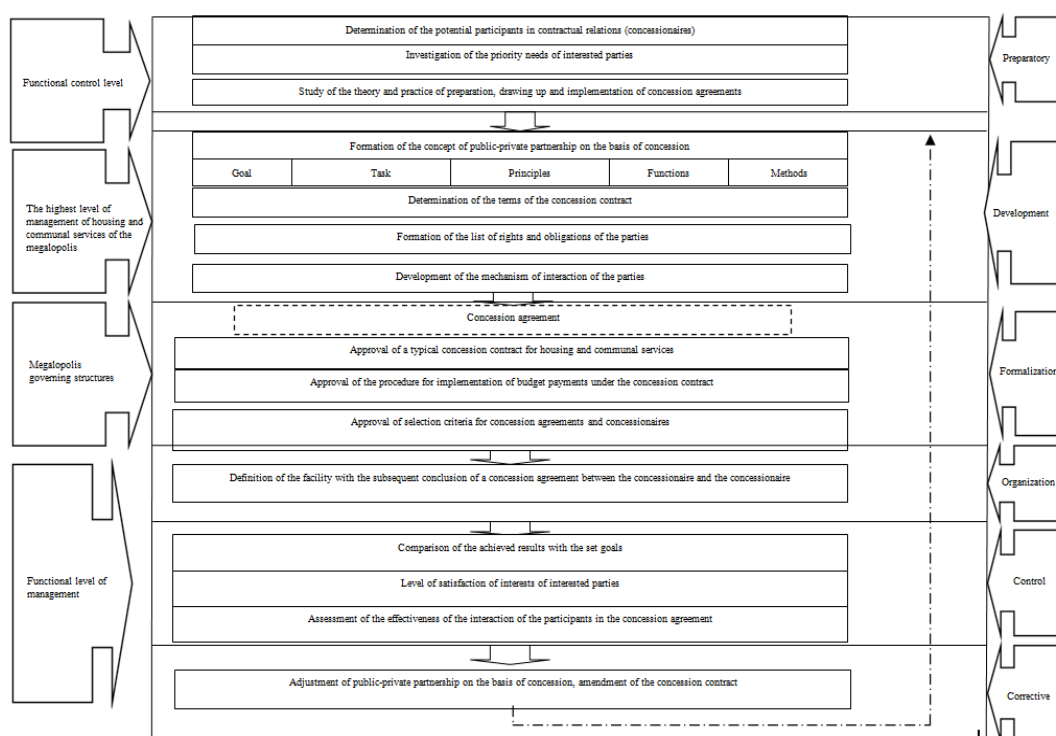


Figure 2 – The process of implementing public-private partnership in the field of housing and communal services of the region on a preferential basis

An obligatory component of this stage is developing future cooperation projects taking into account the experience gained [52]. In other words, the creation of a normal competitive environment in the region's economy is impossible without the equality of companies in terms of the tax burden, and the presence in one form or another of the concession fee automatically means the establishment of a special tax regime for concession agreements [53]. At the same time, following the Budget Code, "in the budget revenues are taken into account: funds received in the form of rent or other payment for the surrender of temporary possession and used or temporary use of property that is in state or municipal ownership". Thus, in the concession fee charged in various forms, the position of the Budget Code on the payment for the right to use the relevant property was reflected.

Proceeding from the fact that it is necessary to ensure the return of invested loans to investors, the profit received in 50% of the amount is completely transferred to the investor's account [54]. In turn, depending on the terms of the concluded agreement, that

pays a share of the profit to the concessionaire. The other 50% of profits are distributed between budgets.

Accordingly, the state will begin to receive tax payments upon the return of all funds invested by a private investor, regardless of whether the state has invested in the facility or concession. This means that the budget will receive concessional payments, which it is expedient to establish based on the principle of "50x50", which will achieve the main goals - to return the investor's funds, to replenish the budgets of the entities, and, most importantly, to assure the fair distribution of state revenue.

5 Conclusion

The effective implementation of public-private partnership in the field of housing and communal services at the regional level requires the following conditions: availability of legislation adequate to the requirements of a modern market economy; political support; transparency of goals and objectives about programs and projects in the housing and communal services;

coordination and prioritization of PPP implementation in the housing and communal services sector by the state authorities; public procurement on a competitive and open basis; compliance with commercial conditions; availability of a single support system, including professional; possibility of realization of pilot projects in housing and communal services; control and management of activities; standardization; definition of requirements for end results and execution procedures; adequate structures and payment mechanisms of the PPP of housing and communal services.

Subject to the implementation of projects in the housing and communal economy of the region based on public-private partnership, you can get the following effect:

- Provision of housing and communal services that meet international standards for 25 years.
- Competitive tariff for housing and communal services.
- Introduction of technical expertise and operational efficiency.
- Ensuring all capital costs from the business side.
- Direct payments with consumers of services.
- No government subsidies.

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Primary Paper Section: A

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