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An Overview of Legal Developments Relevant to the Real Estate Industry

first half of 2026

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INTRODUCTION

We are pleased to present another edition of Legal Flash, our regular review of legislative changes relevant to the commercial property market.

The first half of 2026 brought another wave of changes affecting the property market. It is difficult to identify a single overarching theme – the changes cover various areas: the long-awaited postponement of the deadline for adopting general plans; significant changes to the electricity grid connection system; a proposal to grant housing communities additional powers for managing the common parts of a property and pursuing claims for defects; new obligations regarding civil protection and building water quality; and simplified selected administrative procedures. The scale and range of the regulations adopted or currently being processed show that, in the field of property law, the legislator is not slowing down.

Below we look at acts and regulations, which for clarity we have divided into two sections:

SECTION I – Amendments adopted: acts already in force, adopted, awaiting the President's signature, or soon to enter into force.

SECTION II – Amendments in progress: draft legislation still at the legislative stage.

This publication reflects the legal status as at 25 May 2026.

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SECTION I – AMENDMENTS ADOPTED

1. Further amendments to the Planning Act – deadline for adopting general plans extended

On 30 April 2026, the Sejm (Polish parliament) adopted a further amendment to the Act on Spatial Planning and Development. It was passed by the Senate without change, and is currently awaiting the President's signature. Most of its provisions (with certain exceptions) are set to come into force on 1 July 2026.

The amendment is intended to address the difficulties local authorities are facing with adopting general plans by 30 June 2026 – the current deadline by which studies on spatial development conditions and directions were due to expire. The amendment extends the deadline to 31 August 2026, and introduces other changes which, as the explanatory memorandum to the draft amendment promises, should facilitate the implementation of spatial planning reform, simplify the investment process, and increase the effectiveness of spatial planning.

► Deadline postponed to 31 August 2026

Originally, all municipalities had until the end of 2025 to adopt general plans; this deadline was subsequently extended to 30 June 2026. The latest amendment gives municipalities an additional two months – general plans should be adopted by 31 August 2026.

This means that for a further two months it will still be possible to obtain development consent decisions (WZ decisions) under the old rules for locations not covered by a local spatial development plan. For applications submitted up to 16 October 2025, decisions will be issued for an indefinite period; for applications submitted after that date – for five years. Once a municipality has adopted a general plan, it will issue WZ decisions, valid for five years, only for areas covered by the infill development zone specified in the general plan.

If a municipality fails to adopt a general plan by the deadline, from 1 September 2026 until the general plan is adopted it will not be possible to obtain a WZ decision in that municipality (this does not apply to applications submitted before 1 September 2026, or before the general plan comes into force if that occurs before 1 September 2026).

► From 2027, WZ decisions only for legal title holders

Currently, anyone can obtain a WZ decision. There is no need to hold any legal title to the property it covers. From 1 January 2027, this will change – WZ decisions will be issued solely to entities holding the right to dispose of a property for construction purposes within the meaning of the Construction Law (legal title arising from ownership, perpetual usufruct, administration, a limited property right, or a contractual relationship providing the right to carry out construction works). Proof of legal title will be provided in a manner similar to that for obtaining a building permit: the application will have to include a declaration on an official form (submitted on pain of criminal liability) confirming the applicant's right to dispose of the property for construction purposes.

The amendment aims to reduce the number of applications submitted for purely speculative purposes, and the number of decisions issued that never lead to development. This should relieve the burden on administrative bodies and streamline planning procedures. Certainly fewer applications will be submitted also because WZ decisions will only concern areas covered by the infill development zone specified in the general plan. Practically, this change may make it more difficult to easily verify the investment potential of a given property by obtaining a WZ decision (before deciding to purchase the property and carry out the investment). The requirement to show legal title may affect the structure of transactions, and may lead to more preliminary conditional sale agreements being concluded that grant the investor the right to dispose of the property for construction purposes.

► **Expansion of complementary investments under Integrated Investment Plans**

The amendment significantly expands the list of complementary investments that an investor will be able to carry out in exchange for adopting an Integrated Investment Plan (ZPI). Up to now, that list was closed and specified particular categories of investment; following the change it will be broader and include: (i) investments serving the municipality's own tasks, not limited to investments serving the main investment; and (ii) investments relating to the construction, change of use or conversion of buildings intended for commercial or service activities, provided they serve the main investment.

The amendment will allow the parties to the urban planning agreement much greater freedom in determining what complementary investment the investor will carry out, and will make it easier to adapt the content of an urban planning agreement to the specific characteristics of the area covered by the ZPI. In addition, the investor will be able to commit to covering the costs of the proceedings for adopting a ZPI even before the urban planning agreement is concluded.

Furthermore, if the ZPI is repealed or amended at the request or with the consent of the investor, or is declared invalid within five years of entering into force, then for six months after that event the parties will not be able to withdraw from the urban planning agreement.

► **Full launch of Urban Planning Register from 1 October 2026**

Draft local spatial development plans and other documents may be made available in the Public Information Bulletin for a further three months following the launch of the Urban Planning Register (on 1 July 2026), that is, up to 1 October 2026. After that date, all drafts will be transferred from the Public Information Bulletin to the Urban Planning Register.

2. Changes to grid connection conditions – shorter validity period and higher costs

On 30 April 2026, the Act of 13 March 2026 amending the Energy Law and certain other acts came into force. Its main purpose is to unlock connection capacity and make better use of existing infrastructure by limiting cases where an entity reserves connection capacity but has no genuine intention of carrying out the investment in a reasonable amount of time. The new regulations are particularly

important for investors starting renewable energy projects, energy storage facilities or commercial premises requiring a connection to a network whose voltage is over 1 kV (including office buildings and logistics facilities). Shortening the connection conditions validity period and increasing the financial burden at an early stage of the investment process is intended to force investors to alter their approach and accelerate investment decision-making. The new regulations should help eliminate inadequately funded entities and speculative projects (based on low entry costs and long connection periods), bringing greater professionalism to the market. Actual investment capacity and genuine readiness to implement a project will be paramount.

► **Connection conditions for one year only**

The most significant change is a reduction of the grid connection conditions validity period, from two years down to one year (calculated from the date of delivery of the conditions). Exceptions to this are railway investments (two years) and offshore and nuclear energy projects (10 years). If a term expires with no further connection agreement concluded, the terms and conditions will lapse by operation of law.

This change applies to connection conditions issued after 30 April 2026, and to connection conditions for which applications were submitted but not processed before 30 April 2026. Connection conditions issued up to 30 April 2026 retain their current two-year validity period, but are subject to the new rules on advance payments and security.

► **Higher costs of connection conditions**

A new fee has been introduced for applications to determine connection conditions: 1 zloty for every kilowatt of connection capacity, to a maximum of 100,000 zlotys. This increases the applicant's financial burden from the very start of the process. The non-refundable fee must be paid on applying or the application will be returned. For applications submitted but not processed before 30 April 2026, the fee is due by 29 June 2026, failing which the application will not be processed.

The amendment also doubles the amount of the advance payment towards the connection fee, from 30 to 60 zlotys for each kW of connection capacity. Similarly, the maximum advance payment has gone up, from 3 million to 6 million zlotys. The advance payment requirement applies to all entities seeking connection to a network whose voltage is over 1 kV.

For connection conditions already granted and applications currently being processed, the investor will have to pay or top up the advance payment within specified deadlines, otherwise their application may be left unexamined, or connection conditions already issued may lapse.

► **Mandatory security for a connection agreement**

Security must now be provided for the obligations arising from a connection agreement: 30 zlotys per kilowatt (up to 100 MW) or 60 zlotys per kilowatt (above 100 MW), up to a maximum of 12 million zlotys. If security is not provided within 14 days of the conclusion of a connection agreement, the agreement will expire by operation of law. Security may be in the form of a deposit, an insurance or bank guarantee, or a parent company's surety (subject to rating requirements).

The transitional provisions further stipulate that: (i) investors who obtain connection conditions before 16 October 2026 but do not conclude a connection agreement by that date will have to provide security in the amount of 25% of the full amount referred to above; (ii) if the connection agreement was concluded before 16 October 2026 and specifies a connection date after 16 October 2029, the investor will have to provide security amounting to 25% of the full amount by 16 April 2027, otherwise the agreement will expire by operation of law.

► **“Milestones” – connection agreement expires if no progress in construction**

A mechanism has been introduced to make connection agreements dependent on achieving specific investment milestones by legally specified deadlines. Failure to obtain a final building permit and notify the operator of this within 24, 36 or 60 months (depending on the type of installation) will result in the connection agreement expiring by operation of law. Exceptions apply where the investor's failure to meet a deadline was due to circumstances beyond its control (e.g., protracted administrative proceedings); the deadline may then be extended by up to 24 months.

The transitional provisions provide separate rules, depending on when a connection agreement was concluded. Those concluded between 16 October 2022 and 15 October 2026 will lapse by operation of law if the investor fails to submit a declaration on having obtained a final building permit within: (i) 30 months from the entry into force of the Act – for photovoltaic installations, energy storage facilities and receiving equipment; (ii) 42 months from the entry into force of the Act – for wind turbines, biogas installations, power transformers and power distribution switchgear; (iii) 60 months from the entry into force of the Act – for railway installations and facilities. Those concluded before 16 October 2022 will lapse by operation of law if the investor fails to submit a declaration on having obtained a final building permit within: (i) 6 months from the entry into force of the Act – for wind turbines; (ii) 3 months from the entry into force of the Act – for photovoltaic installations, energy storage facilities, receiving equipment, biogas installations, transformers and power distribution switchgear. These transitional provisions do not apply to contracts concerning railway installations, or to contracts under which at least part of the installation covered by the contract was connected before the entry into force of the Act.

3. New obligations for property owners and managers regarding water quality control in water supply systems

On 21 May 2026, the Act of 13 March 2026 amending the Act on collective water supply and collective sewage disposal and certain other acts came into force. New obligations are imposed concerning water quality control in commercial and public buildings. Existing good technical practices have now become a legal obligation, subject to administrative penalties for non-compliance.

► Priority facilities and water supply risk assessment

The amendment introduces the concept of a “priority facility”: any non-residential facility where more than 50 people a day are exposed to risks associated with water intended for consumption. This includes: public buildings (including, for example, office buildings), facilities intended for temporary human occupancy, hospitals and other 24-hour healthcare facilities, hotels and tourist centres, prisons, retirement homes, and similar establishments.

Owners and managers of priority facilities must make periodic risk assessments of their internal water supply systems. A risk assessment is a document that describes the system’s design and operation, analyses potential threats to water quality, identifies the areas of greatest risk (dead-end sections, tanks, old materials, etc.) and sets out a risk management plan.

A risk assessment must be made at least once every six years, and should be updated if the results of an inspection or changes to the installation indicate such a need. A copy must be submitted to the locally competent State Sanitary Inspectorate. Failure to do so will result in an administrative fine of up to 10,000 zlotys.

Owners and managers of priority facilities should submit their first risk assessment to the State Sanitary Inspectorate office responsible for the property’s location by no later than 30 June 2028.

► List of new water supply system operational obligations

Building owners and managers are now also required to regularly take specific preventive measures to limit bacterial growth in water supply systems. These include: (i) monitor hot and cold water temperature; (ii) minimize water stagnation; (iii) flush the system; (iv) clean and maintain hot water preparation and storage equipment; (v) monitor the concentration of disinfectants. Until now, these measures were recommended as good technical practice; as of 21 May 2026 they are mandatory.

► Obligation to provide water supply points in public buildings

Owners or managers of public buildings are now required to provide publicly accessible supply points of water intended for human consumption and to keep them in proper technical and hygienic condition, taking account of the demand for such points and existing technical conditions.

4. Changes to administrative procedures regarding environmental decisions

On 15 May 2026, the Sejm passed an Act to simplify procedures in matters decided by administrative decisions or settled by tacit approval. This package of amendments to various laws is designed to eliminate or significantly reduce the bureaucracy involved when administrative decisions are being issued. The Act is currently before the Senate; once signed by the President, it will enter into force on the first day of the month six months after being published in the Journal of Laws. For the property market, the most significant changes introduced concern the issuance and transfer of environmental decisions.

► **Automatic transfer of environmental decision to property purchaser**

The amendment will largely abolish the procedure for transferring environmental decisions. When a property is sold, the decision will transfer to the new owner or perpetual usufructuary of the property by operation of law. No application will be needed, and no administrative decision issued.

The existing procedure will continue only where the environmental decision is transferred to a third party who is not the owner or perpetual usufructuary of the property.

The structure of the new provisions, however, raises certain doubts. It is unclear what will happen to an environmental decision issued in favour of a tenant of the property (which is permissible) - upon the sale of the property, will the decision transfer automatically to the purchaser? This could be contrary to the will of the tenant, or even against the will of both the seller and the purchaser. Hopefully, such concerns will be resolved by the Senate.

► **Application deemed withdrawn after three years of inactivity**

Within three years following a ruling to suspend pending environmental decision proceedings, if the applicant fails to submit an environmental impact report the request to initiate proceedings will be deemed withdrawn by operation of law.

SECTION II – AMENDMENTS DURING THE PROCESS

5. Land registry proceedings to go online – hybrid land registry files, electronic correspondence with the courts

On 15 May 2026, the government published a draft bill amending the Act on Land and Mortgage Registers and certain other acts. The draft has not yet been submitted for inter-ministerial consultation. The most significant changes it introduces concern the Act of 6 July 1982 on Land and Mortgage Registers and the Act of 17 November 1964 – Code of Civil Procedure.

► Online application for registration – with account and e-signature

The draft foresees the possibility of any applicant submitting an application for entry in the land and mortgage register through an ICT system (currently, only certain entities such as notaries, bailiffs and heads of tax offices can do so). If the amendment becomes law, it will be possible to apply through the ICT system that supports court proceedings, or on an official form outside that system. Only paper documents may be attached to a paper application, and the application will have to bear a qualified electronic signature, trusted signature or personal signature. Importantly, the proposed solutions stipulate that, if the application for registration was submitted using the ICT system, all further documents will have to be submitted in the same way. In other words, an applicant who submits electronically will not be able to submit paper documents during the proceedings.

► Hybrid land register files – side-by-side paper and electronic formats

Allowing entries in land registers based on documents drawn up in electronic form entails a significant change to the regulations. Land and Mortgage Register files will consist of a coherent 'hybrid collection' of documents drawn up in both paper form and electronic form, the premise being that paper documents will not be converted into electronic form, or vice versa.

Thus, it will only be possible to view paper documents submitted to the land and mortgage register files in court, in the presence of a court official, while electronic documents will be available through telecommunications networks. In both cases, only persons with a legal interest will be entitled to view files. Under the proposed amendment, the legal force of documents downloaded in electronic form from hybrid land and mortgage register files is to be equal to copies of documents officially certified by the court, provided they possess features making it possible to verify them against the data contained in the ICT system.

► Land and mortgage register proceedings digitized

The draft permits all court proceedings, including the issuance of judgments and orders, to be conducted directly within the ICT system, using qualified electronic signatures. In the case of appeal proceedings before a court of second instance, written submissions and documents may be filed in paper form until the proceedings before that court are concluded. Proceedings before a court of second instance or the Supreme Court will therefore continue in the traditional (paper-based) form.

The draft also provides for the implementation of service within an ICT system. The plan is to repeal Art. 626¹⁰§ 1² of the Code of Civil Procedure and introduce a separate provision concerning service in land and mortgage register proceedings, based on the principle set out in Art. 131¹ § 1 of the Code of Civil Procedure. The court will serve documents electronically if the addressee has submitted a document through an ICT system or opted for this method of filing documents.

6. Shelters in public buildings – exemption from the obligation to construct shelters in public buildings in light of the draft new regulation of the Ministry of the Interior and Administration

On 27 April 2026, the Government Legislation Centre published a draft regulation on the provision of protective structures in public buildings, prepared by the Ministry of the Interior and Administration. The aim of the regulation is to specify in which cases there is no obligation to provide a protective structure in a public building.

The draft, which is to be issued by the Minister of the Interior and Administration in accordance with the provisions of the Act on Civil Protection and Civil Defence, clarifies the categories of exceptions that apply.

► No obligation to provide a protective structure

There will be no obligation to provide a protective structure in a public building in the following cases:

- the building has no underground storeys, and the internal floor area of the above-ground storeys does not exceed 5,000 m²;
- the building is designed to accommodate no more than 50 people at any one time, except for a building used wholly or partly for the purposes of public administration or the administration of justice in which a public administration or judicial body has its headquarters;
- the building is entered in the register of monuments or a municipal register of monuments;
- the building is located in a restricted area.

Furthermore, the obligation to provide a protective structure in a public building will not apply to an extension of a building if the extension increases the internal floor area of the building by no more than 2,500 m² and by no more than 100 per cent of the internal floor area of the original building.

► Exemption from the obligation to provide a protective structure

The draft also provides that the civil protection authority will be able to issue a separate administrative decision to exempt a public building from the obligation to provide a protective structure, in the following cases:

- it is technically impossible in the building to meet the requirements specified for protective structures, and there is no economic justification for investing in a shelter or hiding place within the building;

- the building is located where there is no need to provide a specific number of places in a shelter or hiding place;
- the building is located in a restricted area or owned by an entity designated for militarisation or already militarised;
- no more than 100 people may be present in the building or part of it, or the floor area of the building does not exceed 2,500 m², excluding buildings wholly or partly intended for the purposes of hospitals, science, higher education, education or upbringing.

The Ministry of the Interior and Administration plans for the regulation to enter into force on the day following its publication. The draft is currently at the inter-ministerial consultation stage.

7. Buildings of the future – progress on a new regulation concerning technical conditions and siting

Following numerous comments and proposals received during the public consultation process that began in the middle of last year, on 14 May 2026 the Ministry of Finance and Economy published a final report on the public consultation and consultations with other public administration bodies. The report proposes amendments to the previous draft of a new regulation on technical conditions which buildings and their siting must meet, intended to transpose the provisions of the Energy Performance of Buildings Directive (EPBD) into Polish law. The EPBD is an EU act that obligates Member States to gradually achieve the standard of zero-emission buildings, and the Regulation on technical requirements is a key instrument for implementing it in Poland. It is worth remembering that this regulation is a kind of 'constitution' for the construction industry that applies to every construction project. The new energy requirements, mechanical ventilation and EV infrastructure will significantly increase construction costs, and investors planning projects for the years 2027–2030 should factor these changes into their budget forecasts now.

On 27 May 2026, the Ministry submitted the consultation report for final approval by the Infrastructure, Urban Planning and Transport Team of the Joint Commission of the Government and Local Government at its next meeting (at the time of writing, no date has been set). Once the Joint Committee approves the report, the final version of the draft regulation will be published, and then submitted for the Legal Committee of the Prime Minister's Office to approve, and for the Minister of Finance and Economy to sign.

What does the current draft provide for?

► Stricter energy requirements – towards zero-emission buildings

Tightening of the EP (non-renewable primary energy) indicator – continuing the path towards the Nearly Zero-Energy Building (NZEB) standard, and ultimately Zero-Energy Buildings (ZEB) required by the revised EPBD Directive of 2024.

► **Mandatory share of renewable energy in new buildings.** New buildings of a specified floor area will have to demonstrate a minimum share of energy from renewable sources in meeting their energy demand.

► **End of coal-fired boilers – preference for heat pumps.** Requirements for HVAC systems will include restrictions on the use of boilers fuelled exclusively by fossil fuels in new developments; the draft favours heat pumps, heat recovery and combined heat and power generation.

► **Climate zones – an end to uniform standards across the whole of Poland.** The draft introduces different minimum thermal insulation requirements for external partitions (walls, roofs, floors, windows, doors) in different climate regions of the country. Previous regulations set uniform U-value requirements for the whole of Poland.

► **Heat recovery and CO₂ sensors – new ventilation standards.** The draft extends the requirement for mandatory mechanical ventilation with heat recovery to new multi-family residential buildings above a specified volume. There are also plans to require air quality sensors in rooms with high user density (conference rooms, schools, nurseries).

► **Green roofs and stormwater retention – greenery as a technical requirement.** Requirements are also being discussed for greenery and stormwater retention on development sites – ‘green roofs’, infiltration systems, and restrictions on surface sealing.

► **Fire safety for buildings with photovoltaic installations.** The draft updates the fire resistance class requirements for new categories of buildings – including buildings with rooftop PV installations and energy storage facilities.

8. Road projects in proposed amendment to the regulation on projects with environmental impact

A new draft regulation of the Council of Ministers amending the regulation on projects likely to have a significant impact on the environment is currently at the stage of inter-ministerial consultations. It is planned to be adopted by the Council of Ministers in Q2 2026, though there is likely to be a delay.

The amendment concerns what projects will be automatically classified as having a ‘potentially significant impact on the environment’ and will therefore require an environmental impact assessment (EIA). Primarily, the draft amends the wording of Section 3(1)(62) of the Regulation on projects likely to have a significant impact on the environment to suggest that such projects will also include hard-surfaced roads with a total length of over 1 km, as well as:

- a) the reconstruction of roads or bridge structures serving power stations and located outside areas subject to nature conservation measures;
- b) the extension of roads, including internal roads with a hard surface with a total length of up to 2 km located outside areas subject to nature conservation measures,
- c) the reconstruction of roads, including internal roads with a hard surface with a total length of up to 4 km located outside areas subject to nature conservation measures.

This change is particularly significant for investors who design and construct facilities involving the construction or reconstruction of internal or access roads. The requirement to carry out a full environmental impact assessment for such works may extend project completion time by several months. It is worth keeping an eye on further amendments to this regulation.

9. New rules for housing communities – draft Act on Ownership of Premises amendment

On 27 April 2026, a second draft amending the Act on the Ownership of Premises was published on the Government Legislation Centre's website, and is currently at the consultation stage. The draft proposes to introduce restrictions on the trading of premises in multi-occupancy residential buildings. This is in response to the phenomenon of premises in such buildings intended for permanent residence being separated and sold even though they do not meet the basic technical and construction requirements for residential premises - particularly regarding minimum usable floor area or sunlight exposure.

The draft also aims to comprehensively adapt the housing community regulations to the changes that have taken place in the market for the management of common property, including the codification of solutions developed in case law and in the practice of property managers.

► Restrictions on the sale of premises in multi-occupancy residential buildings

In the property market, there is now an established practice of having separate ownership of individual investment units in multi-occupancy residential buildings (such as apart-hotels, condohotels, motels, guesthouses, holiday homes or student halls of residence). These were then sold to individual buyers as de facto residential units, even though they did not meet the relevant technical and construction standards, particularly with regard to minimum usable floor area or sunlight exposure. In the view of the authors of the draft, this mechanism made it possible to circumvent spatial planning and building regulations, leading to premises serving as dwellings being created in buildings unfit for that purpose, and to an excessive burden on urban infrastructure and a breach of spatial order.

To counteract these phenomena, the draft introduces restrictions on the sale of such premises. Ownership of separate premises intended for non-residential use located in multi-occupancy residential buildings will be transferred only together with the ownership of the remaining such premises, unless:

- a) the unit is situated on the first above-ground floor of a building with at least three above-ground floors; or
- b) the unit meets the requirements for a residential unit, and the local council, by way of a resolution, consents to the transfer of ownership of individual units in the building in question.

Consent may be granted during construction or after the building has been put into use. In a resolution, the local authority will have to specify a minimum number of parking spaces, and may specify a minimum proportion of green space.

These restrictions will not apply to buildings whose use has been changed from a collective residential building to a residential building under the provisions of the Building Act.

Furthermore, under a transitional provision, the restrictions will not apply to premises located in collective residential buildings constructed based on a building permit applied for before 31 December 2025.

► **The community's own assets and simplified enforcement of claims**

Under the proposed amendment, in matters relating to the management of common property, a housing community will be able to acquire rights, incur liabilities and hold its own assets. Furthermore, the community will be able to pursue claims in its own name relating to that common property. In the case of claims arising from a contract to which the community is not a party, the draft provides for two separate mechanisms. Firstly, the community can independently pursue claims under the warranty for defects in the common property, but only to the extent of demanding the remedy of the defect. Secondly, regarding claims for damages relating to defects in common property, the owners of the premises, by way of a resolution, will be able to authorise the community to pursue such claims. Each owner will be able to lodge an objection within six weeks of being notified of the resolution, and this will result in the community's authorization lapsing in the part corresponding to that owner's share in the common property. This solution will simplify the existing procedure by eliminating the need for prior assignment of rights from individual flat owners.

The community will be liable for obligations relating to common property without limitation, and owners will be liable only on a subsidiary basis – if enforcement against the community proves ineffective.

► **New definition of common property**

The draft amends the definition of common property to explicitly include load-bearing walls, party walls, the building's façade, and the structural elements of balconies, loggias and terraces (excluding balcony internal space, which forms part of a flat) as an open-ended list of elements constituting common property.

► **Flexibility in determining the rules for allocating maintenance costs for common property**

Unit owners will be able, by way of a resolution, to alter the ratio of expenditures and burdens relating to common property, provided this is justified by a difference in the manner in which units are used. This mechanism makes it possible to charge higher costs to premises that actually generate increased maintenance costs, whatever their nature (commercial or residential). Until now, this was only possible for commercial premises, but following the change it will also be possible, for example, for residential premises used for short-term letting. A resolution will be adopted after cost calculations are presented.

► **Management of a separate multi-space garage**

The housing community will act as the manager of the separate multi-space garage, provided that the co-owners of the garage have not specified another method of management, have not elected a manager from among themselves, or

no court-appointed administrator has been assigned. Unlike the management of common property, the co-owners will be liable for obligations relating to the separate multi-space garage in proportion to their share in it.

10. More land for housing development – draft bill on increasing land availability

On 20 April 2026, an amended draft bill on measures to increase the availability of land for housing development was published. Lists are to be drawn up of properties forming part of the State Treasury's Agricultural Property Stock and of those owned (or subject to perpetual usufruct) by state legal entities that are companies within the meaning of the Act of 16 December 2016 on the principles of state property management, which are situated within city boundaries and are designated in the local spatial development plan or in the general plan for multi-family housing development.

► Designation of properties for housing purposes

At the request of the mayor of a city, properties on the list may be designated for the following purposes:

- (i) the construction by the municipality of a residential building whose flats will form part of the municipality's housing stock;
- (ii) the establishment by the municipality of a right of perpetual usufruct on the property for the benefit of a social housing initiative, selected in a competition by a housing cooperative (for the purpose of constructing a residential building with flats intended for rent to persons who meet the conditions (esp. income criteria) set out in Art. 7a of the Act of 8 December 2006 on financial support for certain housing projects) or a single-member municipal company for the purpose of constructing a residential building with flats forming part of the municipality's housing stock;
- (iii) the sale of real estate by the municipality under a 'property for land' arrangement.

It should be noted, however, that no separate title will be established in respect of premises constructed as part of the projects specified in points (i) and (ii) above.

► Obligation to return the property in the absence of a housing investment

The National Centre for Agricultural Support or a company that is a state legal entity will be entitled to demand the return of the property or part thereof if, within eight years from the date of transfer of the property in question, the buildings for whose construction the property was transferred are not put into use. The deadline for completion of the development may be extended by two years at the request of the municipality or another entity in favour of which a right of perpetual usufruct over the land has been established; however, before making a decision, the Minister of Agriculture or the body exercising rights under the shares in a company that is a state legal entity is obliged to take into account, in particular, the state of development of the property, in particular the stage of completion of the housing development. If the municipality grants a right of use

over the transferred property to one of the entities specified in the Act, and that entity fails to complete the development within the above timeframe, the entitled entity may demand compensation from the municipality corresponding to the value of the transferred right to the property.

11. Further work on an amendment to the Act on the Protection of the Rights of Purchasers of Residential Premises or Detached Houses and the Developer Guarantee Fund

On 7 January 2026, the President signed the Act amending the Act on the Protection of the Rights of Purchasers of Residential Premises or Detached Houses and the Developer Guarantee Fund, which introduces rules for determining the price and usable floor area of residential premises or a detached house in a contract with a developer.

But this is not the end of the changes. On 27 April 2026, a new, more comprehensive draft amendment to the Act was drawn up, designated as UD361 on the Government Legislation Centre's website.

► Changes regarding information obligations

The draft provides new minimum requirements for advertising and sales offers that target consumers (development address, floor plans of flats showing room sizes, information on ancillary rooms), and changes the format of developers' information prospectuses.

► Increased scope of supervision over implementation of a development

The proposed amendment expands the list of elements subject to developer's inspection by a bank or savings and credit cooperative prior to each disbursement of funds from an open escrow account.

► New provisions on liability under the defects warranty

For developers that are limited liability companies, upon the dissolution of the company liability under the warranty for defects in the property will pass by operation of law to the company's shareholders, who will be jointly and severally liable. Provisions of the articles of association that conflict with this principle will be void. For simple joint-stock companies and joint-stock companies, the company may not be dissolved until at least five years after the date of transfer of ownership of the flat or detached house to the purchaser. This is a significant change intended to protect purchasers against the unfortunately common practice of dissolving special-purpose companies immediately after ownership of flats has been transferred.

► Prohibition on price indexation to the detriment of the purchaser

Provisions in the contract with a developer that entitle the developer to index the price will be invalid.

► **Developer's right to withdraw from a contract**

A developer will be able to withdraw from a contract only in two cases, already specified in the Act, namely: (i) where the purchaser fails to make a monetary payment, despite a demand to pay the outstanding amounts within 30 days of the date of delivery of the demand, or (ii) the purchaser fails to appear to take possession of the flat or detached house or to sign the notarial deed, despite two notices being served at intervals of at least 60 days. Withdrawal from a contract by a developer on any other grounds will be ineffective.

► **Expansion of scope of data made available by the DOM Portal**

It is proposed to add a separate section containing information on ongoing property development projects and the entities carrying them out, compiled on the DOM Portal. It will include information on: asking prices, developers themselves, details of projects they have completed to date or are currently undertaking, any arrears in contributions to the Developers' Guarantee Fund, instances of buyers withdrawing from contracts, delays in project completion, warnings and decisions issued by the President of the Office of Competition and Consumer Protection (UOKiK) regarding a given developer, as well as decisions on unauthorized construction or corrective orders. This information will make developers significantly more transparent to potential buyers.

According to the draft, the provisions concerning the DOM Portal that have been adopted so far are to come into force on 27 March and 2 April 2027.



PiNK

POLISH CHAMBER
OF COMMERCIAL
REAL ESTATE

The Polish Chamber of Commercial Real Estate

Since 2016, the Polish Chamber of Commercial Real Estate has brought together representatives from all sectors and services of the commercial real estate market in one organization, enabling them to have a real impact on the surrounding economic, political, and social environment. The PINK Association is both their representative and a platform for exchanging experiences, knowledge, and cooperation. By collaborating with other organizations, it promotes best practices in the commercial real estate market. The Association includes developers, investors, asset managers, property managers, design companies, construction consultants, real estate market advisors, as well as legal, tax, and financial advisory firms.

Publications of the PINK Association are available on the website:
<https://stowarzyszeniepink.org.pl/en/>

