

Research paper

DEVELOPMENT OF PUBLIC OPEN SPACES IN MULTI-FAMILY HOUSING IN POST-SOCIALIST CONTEXT: EFFECTS OF LAND RESTITUTION

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Abstract

Large housing estates were the dominant form of housing in socialist cities, with more than half of the urban population residing in them – sometimes even exceeding 80%. While the primary focus in housing construction was on efficiency and quantity, attention was also given to the quality of living. The layout of the estates, featuring detached buildings surrounded by expansive green spaces, was designed to create optimal microclimatic and sanitary conditions while also providing recreational areas in close proximity to the apartments. After the fall of socialist regimes, cities in Central and Eastern Europe (CEE) and Southeastern Europe (SEE) went through multilayered transformations known as the post-socialist transition. The transition period was marked by the return of property rights over real estate – buildings and land – through processes of privatization and restitution. Large housing estates as integral parts of the urban structure of socialist cities underwent significant changes during the post-socialist period.

The paper examines the impact of post-socialist changes on the development and transformation of public open spaces (POS) in inherited multi-family housing areas in selected countries of Central and Eastern Europe (CEE) and Serbia, with a particular focus on the influence of land restitution. By analyzing these examples, the paper aims to establish a relationship between land ownership and the state of the POS and to identify the potential for their future development and management in a post-socialist context.

Key words: *public open space, multifamily housing, post-socialist transformation, land restitution*

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1. INTRODUCTION

After World War II, many socialist countries faced acute housing shortages due to war destruction, urbanization, and rapid industrialization. The ruling governments, emphasizing collectivism and state responsibility, undertook vast housing projects to provide affordable and standardized living conditions for workers and their families. Although the focus in housing construction was on efficiency and quantity, there was also a strong emphasis on the quality of housing.

The spatial arrangement of building clusters within large housing estates was primarily determined by the necessity to establish optimal microclimatic conditions and ensure adequate hygienic standards within residential units, as well as to provide accessible outdoor recreational spaces in close proximity to housing. Extensive greenery surrounding the detached buildings emerged as a fundamental component of these residential environments. Vegetated areas played a crucial role in enhancing the microclimate, supporting public health, and offering opportunities for rest and leisure, while simultaneously contributing to the formation of a distinctive and coherent urban landscape. On average, green spaces accounted for approximately 40–45% of the total area of such estates [1]. The planning principles underlying housing estates are grounded in three key concepts: providing extensive and easily accessible green spaces; positioning and orienting buildings to ensure sufficient sunlight reaches the dwellings; and organizing traffic circulation to enhance pedestrian safety and mobility [2]. Most socialist housing estates were built on land that had been nationalized after World War II. State control over urban construction land enabled planning and land use with less economic constraint [3] which made it possible for socialist neighborhoods to be exceptionally well equipped with parks and other open public spaces[4].

After the fall of socialism in the 1990s, a transition toward a capitalist social order began, accompanied by the restoration of property rights through processes of privatization and the restitution of property to pre-war owners. As a result, undeveloped areas within socialist housing estates also became subject to restitution. During the transition period, socialist housing estates faced numerous challenges, including the deterioration of the building stock, neglect and degradation of open spaces, aging population, etc.

The aim of this paper is to: (1) identify the similarities and differences in the development of public open spaces (POS) within inherited large housing estates (LHE) in countries of the region; and (2) examine how the chosen model of restitution has influenced the development and management of public open spaces.

2. POS IN POST-SOCIALIST TRANSFORMATION

With the rise of the Communist Party to power across the region, means of production were nationalized or collectivized, with the exception of agricultural land in some countries. Most residential and industrial property were nationalized, and constitutional amendments introduced various forms of ownership. For example, the 1947 constitution of Bulgaria established a conventional socialist classification of property: social, cooperative, and individual ownership [5]. As a result of nationalization and confiscation, the state acquired significant ownership of land and housing stock in urban areas [6]. The construction of socialist housing estates began in the 1950s and was mainly carried out on the outskirts of

cities, where large areas of state-owned land were suitable for mass prefabricated construction.

The transition that affected the countries of the region in the 1990s began with political changes, followed by institutional, socio-economic, and urban structure transformations, which represent the final and longest phase of the transition. The transition period was marked by the restoration of property rights over real estate – buildings and land – through privatization and restitution processes. With regard to housing, the most significant changes included the withdrawal of direct state financing for new housing construction, the privatization of the previously public housing stock, and the restitution of housing to private owners that had been nationalized during communist rule [7].

Restitution occurred through:

- the return of actual property (e.g., land, buildings, businesses) to its rightful owner - "in kind" and "in rem" restitution;
- compensation through coupons (vouchers);
- a combination of these two models (see Marcuse, 1996).

Restitution was carried out in different countries of the region at varying speeds and within different legal frameworks, but also with varying degrees of success.

After the return of land to pre-war owners, ideal conditions were created for new construction on the space between existing buildings. The restitution laws were interpreted in such a way that, as long as there were no buildings on the land, it was eligible for restitution [8] which meant that neighborhood open spaces became legally eligible for private development. Stanilov notes that the privatization of property through restitution had the greatest impact on the loss of public spaces in socialist cities [9].

Socialist housing estates in the post-socialist period face problems primarily related to the lack of coordinated policies for future development. Creating clear development policies for socialist housing estates is highly complex due to the lack of agreement among various potential stakeholders in the development process, the unclear legal status of properties involved in the restitution process, and the lack of financial resources necessary for maintaining and improving buildings and infrastructure that are rapidly aging [9].

In addition to the return of land, urban planning, which was not adapted to new conditions, played a crucial role in the appropriation of open spaces within socialist housing estates. Socialist urban plans, for instance, classified entire urban blocks into vague categories, such as "complex residential development" [4] without defining open spaces as a separate category.

2. METHODOLOGY

This paper explores the impact of post-socialist changes on the development and transformation of public open spaces in inherited areas of multi-family housing, with particular attention to the influence of land restitution.

To assess the impact of restitution on the condition of public open spaces in inherited LHE the paper first analyzes two case studies from countries that implemented different restitution models: (1) Hungary (case study: Budapest) – which carried out restitution through compensation in vouchers, and (2) Romania (case study: Bucharest) – which implemented in-kind restitution; and how these approaches affected POS within LHEs.

Following this, the paper examines the management of POS in inherited LHEs in Serbia (case study: Niš), which also applies in-kind restitution, albeit with a delay of 20 years.

The analysis of the regional cases is based on a review of existing literature, while the Serbian case draws on legal and planning documents, available land data, and on-site field observation.

3. EXAMPLES OF NEIGHBORING COUNTRIES

3.1. Hungary

Model of restitution

Unlike most countries in the region that chose to pursue in-kind restitution for housing properties, in Hungary, the real estate property was not restituted in-kind. Pre-war owners that were still living in Hungary in 1990 were only entitled to symbolic compensation in the form of coupons or agricultural vouchers [5]. The maximum compensation available was approximately USD 21,000 (HUF 5,000,000), determined on a sliding scale relative to the property's assessed value. In rem restitution was not offered to the owners [10]. This way, public open spaces, including those in inherited LHEs, remained the property of the municipality and were not fragmented by returning the nationalized land to owners.

The state of public open spaces in large housing estates

The construction of large prefabricated housing estates (lakótelep) in Hungary began in the 1960s, first in Budapest, then in larger regional center. Therefore, Budapest serves as a suitable case study for analyzing the post-socialist development of LHE.

The treatment and development of POS in inherited LHEs in the post-socialist period differs depending on LHEs characteristics—first of all, period of construction and location within the city. Some neighborhoods that occupy strategic positions in the city are being revitalized. For example, Kelenfold, the first LHE built by panel technology, is today one of the most developed residential areas in Budapest. Due to its good position next to the historic urban core of Budapest, infrastructure development, and social structure, new housing developments appeared in Kelenfold, which is rare in LHEs that are often exposed to stigmatization and shrinkage [11]. Most of inherited LHEs face numerous problems, both within the buildings and in the surrounding areas: devastation, bad condition of green areas, playgrounds and street furniture, and a lack of parking spaces. For instance, Havana, one of the largest housing developments in Budapest, located on the outskirts of the city began to show signs of slumming in the 1990s.

Even though the flats were mostly privatized at the beginning of the 1990's, the state of the open space remained unchanged, i.e. it belongs to the district municipality as a public territory. This situation resulted in various problems related to maintenance cost, change of space use, accessibility, parking shortage, security etc. [12].

Development strategies and programs

The planning system and administration in Budapest are both characterized by duality. The dual-municipality system consists of 23 district municipalities and the Municipality of Budapest. Urban planning consists of framework planning regulations at the level of the Municipality of Budapest and detailed physical planning at the level of district municipalities [7]. According to the National Urban Planning and Building Requirement (NURBP), green areas are marked as "areas not intended for construction" together with transportation, utility

placement, communications areas, forest areas, agricultural areas, etc. The NURBP classifies public green spaces into two subcategories: the public park and the public garden, and regulates the fundamental features, physical parameters, and ecosystem services of public green spaces. Since they are legally defined as public green areas, they are included in the zoning plan as a regulated zoning category. Unlike public parks and gardens, residential and institutional green spaces are not recognized in NUPBR and mapped in the Zoning Plan, regardless of their size and frequency of use, because they are owned by either a community (residential estate) or an institution [13].

After a decade of neglect, in 2000 Hungary introduced a national program for renovation of residential buildings, so called "Panel Programs" which was primarily focused on the technical renovations aimed to improve energy-efficiency of buildings. The situation changed slightly in 2003 with the introduction of the possibility of complex renovation, which encompasses a complete renovation of a building and its surroundings, potentially including the rehabilitation of green areas. In this case, state funding may cover up to 50% of the total costs, with the condominium and local government each contributing 25% [14]. Complex projects require a detailed plan, close cooperation between the municipality and the owners, well-organized owners, and, most importantly, the financial ability of both local administration and private owners to participate, so the local governments and the residents more often choose to apply for partial physical renewal. Hungary's admission to the European Union in 2004 gave the country the opportunity to apply for various EU urban projects [15].

Although some regeneration projects were launched at the national level, improving the environment and the living conditions in the LHEs remains mostly a local task. This is, first of all, due to decentralization and the shift of responsibilities for LHEs from the state to local authorities - in the case of Budapest to district municipalities [5]. In addition, despite the high proportion of condominiums and cooperative-run buildings, public space between the buildings is owned exclusively by the municipalities. Since the district authorities are the owners of the green areas in LHE, they try to "share" the responsibility for maintaining large open spaces with the residents in the form of a public-private partnership. Large green areas remain the responsibility of the municipality, while residents are offered to maintain green space next to the buildings in the form of semi-public spaces (community gardens) [16].

3.2. Romania

Model of restitution

Romania is one of the countries that implemented „in-kind“ restitution, which was formally initiated in 1991 with the adoption of the Land Law (Law No. 18/1991). The law categorized land into five types: agricultural, forest, urban, water, and industrial, primarily focusing on the restitution of agricultural land. Later amendments to the law permitted in-kind restitution of urban open spaces, including spaces between buildings, which led to the loss of POS (parks, children's playgrounds, school grounds, and green spaces) and densification of urban fabric, without any planning procedures for public consultation [17].

The state of public open spaces in large housing estates

LHEs development in the post-socialist period can be most easily followed by the example of Bucharest, "the city of many housing estates" [18]. The privatization of state-owned housing stock in LHEs transferred the responsibility for buildings from public authorities to the owners. The Land Law introduced definitions of communal areas of shared residential buildings that are inseparable from individual apartment ownership, such as the land under the building,

courtyards, the building's structure, etc. In practice, these communal areas most often consist of a narrow strip of land, 90 cm wide, encircling the building [19], while the rest of the common space is in the public domain or in the ownership of the local council. In some neighborhoods, the undeveloped land became a host to various unwanted contents set up without permits, or with temporary or fake permits [20]. Due to the lack of clear guidelines for acquiring publicly owned space for private use, residents started using various strategies to create private or communal areas resembling private gardens. This led to tensions with other residents who were unable to make similar arrangements and were left without access to outdoor seating [19]. The commercialization of POS in inherited LHEs gained full momentum at the end of the 1990s, when foreign companies began to enter the Romanian market and chains of supermarkets and gas companies started to appear on the undeveloped land of LHEs [20]. The return to national identity and religion, after the end of communist period, resulted in increased construction of churches in POS, including those in LHEs, making them a mixture of incompatible contents (market place, gas station, church).

Development strategies and programs

The development of POS in inherited LHE faces strategic, planning, and institutional shortcomings. As stated by Niță et al. [21] green areas are frequently accounted for in strategies for city development, but mostly in a descriptive and theoretical manner, without a clear delineation of the benefits or challenges of their management. Green areas, especially in large cities, are often seen as undeveloped land and, as such, available for further development.

The planning treatment of POS (public open space) in LHE (large housing estates) can best be understood through the example of Bucharest. At the city level, there is no adequate planning framework specifically addressing LHE. The regulatory framework of the General Masterplan (PUG – Plan Urbanistic General) is too broad to offer appropriate solutions for these areas. On the other hand, they are often subject to derogatory, lower-level planning documents that operate at the scale of a single plot. These documents are typically initiated by private investors and adopted at the lower administrative level (Local Council), without consideration for the broader context of the LHE [19, 22].

Similar to two-tier planning system, the responsibility for the development and maintenance of public open spaces in Bucharest is divided between two administrative levels. General Municipality of Bucharest is in charge of the management of the main public spaces (parks, boulevards, etc.), while Local Public Authorities are responsible for the open space of LHEs - those in the close vicinity (gardens around the buildings, playgrounds, parking spaces) as well as POS within LHEs such as streets, parks, and public gardens [19]. There is no unified development strategy for LHEs, including POS, at either the national or municipal level. Instead, individual ad-hoc interventions emerge, which do not take into account the broader urban context.

4. MANAGEMENT OF PUBLIC OPEN SPACES IN NIŠ, SERBIA

Model of restitution

Similar to Romania and other countries in the region, Serbia implements “in-kind” restitution. Restitution in Serbia began 20 years after the process had started in other countries in the region, with the adoption of the Law on Restitution of Seized Property and Compensation [23]. This law regulates the conditions, manner, and procedure for the return

of confiscated property and compensation for confiscated property that was taken from individuals and certain legal entities after March 9 1945, and transferred to public, state, social, or cooperative ownership (Article 1). The subject of return is construction land in public ownership of the Republic of Serbia, autonomous provinces or local self-government units, as well as construction land in state, social or cooperative ownership. Construction land on which public areas are located or where the planning document envisages the construction of public facilities shall not be returned to the previous owners (Article 22).

The Law doesn't recognize POS, but recognizes only "undeveloped construction land in public ownership". The term "undeveloped construction land" means land on which no buildings have been built, on which buildings have been built contrary to the law, and land on which only temporary buildings have been built (Article 3).

The process of returning the property according to the applications submitted until 2014 is still ongoing, and only after the resolution of all applications will the ownership of all undeveloped construction land for which the applications have been submitted be known.

The condition and management of POS in inherited multi-family housing

In the 1990s, public housing was massively privatized in cities in Serbia, but the status of the land under and around the buildings has remained unclear to this day. The problem of POS management in inherited residential blocks, is complex and involves numerous factors: legislation, ownership structure, the competence of local authorities and public institutions, public finances, urban planning documents, etc. As a result, these spaces are often exposed to devastation, fragmentation, insufficient maintenance, and appropriation for private purposes (parking spaces, cafe gardens, private gardens, etc.).


POS management is based on state-centred model, where planning and delivery of POS management services is provided by public-sector institutions, with minimum use of external input from private contractors or the voluntary sector. Local decisions on the maintenance of open spaces, are based on the Law on Planning and Construction which defines "areas of public use", and Law on Public Property, which defines "goods in general use in public property". Both terms are related to land in public ownership. In terms of management, jurisdiction is clear for land in private ownership, for which the owners are responsible, and for land in public ownership, which falls under the responsibility of the local government unit. The problem of space management and rights to space is present in cases of unclear ownership, which is often present in inherited areas of multi-family housing where various rights to the land exist (right of use, holder, property), as well as various rights holders (city, republic, private individuals) (see Table 1).

Similar to Romania, Serbia also lacks a planning level that specifically addresses public open spaces (POS) within inherited large housing estates (LHE). In the case of the city of Niš, it can be said that these spaces are not adequately recognized in the General Urban Plan of Niš 2010–2025 (Official Gazette of the City of Niš, no. 43/11). The construction area defined by the GUP Niš 2010–2025 is divided into: 1) areas of public use and 2) areas for other uses. Areas of public use include state-owned land, on which there are public facilities and associated areas of those facilities. Green and open areas of public use are: recreational areas, park greenery, park forest and protective greenery. For example, the kindergarten, park, and riverbank are designated as "areas of public use", while the open space around the buildings is classified under "other uses", effectively excluding it from formal recognition and protection as public space.

While GUP doesn't recognize these open spaces as "areas of public use", plans of general regulation use different terms for their description [24] :

- areas of public use for the needs of the functioning of buildings and plots within the block;
- public areas for the needs of the functioning of the block ;
- areas of public use for the functioning of buildings and plots within the block, where the construction of civil engineering objects only is allowed.

Table 1: POS in inherited LHE in Pantelej municipality, Niš

Housing characteristics	
Inherited multifamily housing (1970s-1980s); open block Cadastral status: each building is an individual cadastral plot ("building = c. p."), land around buildings – separate cadastral plot (c.p. No. 720)	
Public open space	
Cadastral plot No: 720 Cadastral municipality: Niš "Pantelej" Land type: City construction land Area: 8978 m2 Land culture: land next to building and other facilities	
	
Cadastral plot rights holders	
Name: Construction Company Građevinar DOO Type of right: <u>right of use</u> Form of ownership: - Area: 8286/8978 m2	Name: private persons Type of right: <u>right of use</u> Form of ownership: - Area: 266/8978 m2
Name: private persons Type of right: <u>holder</u> Form of ownership: state RS Area: 426/8978 m2	Name: Republic of Serbia Type of right: <u>property</u> Form of ownership: state RS Area: 8552/8978 m2

Although these spaces are recognized as a form of public-use area, their predominant land uses are usually designated as housing of varying densities within urban areas. Consequently, building rules for "other uses" (housing) become relevant for construction in the "area of public use".

The maintenance of public areas in Niš is entrusted to a Public Utility Company (PUC) as well as the maintenance of space around the buildings of inherited residential areas, which is currently in different forms of ownership.

Table 2: POS in inherited LHE in Medijana municipality, Niš

<p>Housing characteristics</p> <p>Inherited multifamily housing (1970s); semi-enclosed block; inner city area Cadastral status: each building is an individual cadastral plot (“building = c. p.”), land around buildings –separate cadastral plot (c.p. No. 1163)</p>		
<p>Public open space</p>		
 <p>POS (c.p. No. 1163; orange) and “buildings- plots” (yellow) Source: Geosrbija (https://a3.geosrbija.rs/)</p>	<p>Cadastral plot No: 1163 Cadastral municipality: Niš “Bubanj” Land type: City construction land Area: 5276 m² Land culture: land next to building and other facilities</p> <p>Cadastral plot rights holders Name: City of Niš Type of right: property Form of ownership: public Share of ownership: 1/1</p>	
 <p>Areas of public use - Plan of General Regulation of the City Municipality of Medijana (Source: http://www.eservis.ni.rs/urbanistickiprojekti/)</p>	<p>Valid planning documents: General Urban Plan of Niš 2010-2025 (Official Gazette of the City of Niš, no. 43/11) Plan of General Regulation of the City Municipality of Medijana (Official Gazette of the City of Niš, no. 72/12) and amendments to the PGR Medijana Land use: areas of public use for the needs of the functioning of buildings and plots within the block</p>	
 <p>1</p>	 <p>2</p>	 <p>3</p>
<p>The appearance of some parts of the public open space (numbers on the map above indicate the location of the photo). Source: Authors</p>		

Due to the unclear ownership structure and the ambiguous planning of POS in inherited LHEs, local regulations related to the POS maintenance mostly operate within the frameworks inherited from the period when state ownership of urban construction land was established, while all other parties including local self-government units, were merely holders of the rights to use urban construction land [25].

The maintenance of public areas is financed from the city budget. Although the PUC is responsible for the maintenance of public spaces, construction and reconstruction (development) is under the jurisdiction of the PE Directorate for the Construction of the City of Niš. In addition to budgetary funds, the Program for development of construction land and maintenance of municipal infrastructure [26] provides that development of public green spaces can be also financed from donations, aid, and unspent funds from previous years. This form of financing is rare and usually involves small-scale interventions (rain garden, equipping children's playgrounds, etc.) aimed at promoting private companies, rather than long-term improvement of the space.

Given that the city budget is limited, funds are rarely allocated for the reconstruction of the space between buildings and that is usually for spaces with a higher degree of public use and a higher number of users, such as open blocks from the socialist period. Smaller spaces in closed or semi-open blocks are often neglected and in very poor condition, even if located in the central city area and with clear ownership structure, as the POS shown in Table 2. Since the space is publicly owned, residents do not participate in its arrangement or maintenance, but instead appropriate the right to use the land, mostly for parking. This interpretation stems from the period when urban construction land was exclusively state-owned, and it was generally understood that the spaces around buildings were intended to support the functioning of the buildings. Moreover, the sale or transfer of publicly owned land was not permitted until the adoption of the Planning and Construction Law in 2009. The change in the status and ownership structure of urban construction land has led to conflicts regarding the rights and responsibilities associated with that land. Specifically, the question arises of how to motivate residents to engage in the improvement of public spaces when they hold no exclusive rights to their use. Additionally, under the current Law on Planning and Construction, publicly owned land can be alienated from public property, which further discourages residents from investing in the enhancement of their immediate surroundings.

5. DISCUSSION AND CONCLUSION

The analysis of case studies from neighboring countries, as well as from Serbia, shows that regardless of the type of restitution applied (in-kind or compensation), these countries still lack clearly defined models for the development and maintenance of public open spaces. However, certain differences can still be observed.

In the case of Hungary (Budapest), where ownership issues over POS in inherited housing areas were resolved early in the transition period, various national and international regeneration projects for LHEs have been initiated. These projects are characterized by clearly defined roles and responsibilities, specifying how different actors—such as the state, local administrations, and condominium associations—participate in the process.

On the other hand, Romania and Serbia still face unresolved issues related to restitution. Although in Romania (as seen in the case of Bucharest) the division of responsibilities for public spaces between the two-tiered administration is formally defined, there are significant

challenges stemming from the restitution process (namely, the return of parts of POS to pre-war owners) including the absence of a public space management strategy, derogatory planning at the level of individual plots within LHEs (e.g., changes in land use, enabling conditions for additional construction), encroachment on public areas, and isolated ad hoc interventions.

In the case of Serbia (Niš), issues of management and jurisdiction over public spaces have been examined in more detail. As in Romania, the challenges can be linked to the restitution, i.e. the return of property rights over areas of public use (such as POS in inherited LHEs) as well as the ongoing and incomplete restitution process, which leaves the legal status of POS land unresolved. This unclear land status directly affects urban planning, which serves as the foundation for making local decisions regarding the development and maintenance of these spaces.

The development of public open spaces (POS) in inherited large housing estates (LHE) depends on numerous factors, including regulatory frameworks, financing, administrative capacity, stakeholder involvement, and more. However, it is important to emphasize that the ownership structure of the land is one of the most critical elements in defining rights and responsibilities related to land use and management.

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