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Integrated development of territories
and its bottlenecks

The article addresses the new practice of the Integrated Development of Territories (IDT) in furtherance of changes in federal and regional legislation, following the adoption of Federal Law No. 494-FZ “On Amendments to the Urban Planning Code of the Russian Federation and Certain Legislative Acts of the Russian Federation to ensure the integrated development of territories”, December 2020. The article is based on the analysis of some provisions of these changes and the discussion that has begun in this regard at the regional level, in particular, in St. Petersburg. The article highlights the main problems of both applied and fundamental issues of the discussion, including criteria for classifying residential areas subject to demolition due to IDT projects implementation, residential areas under the IDT zone, issues of determining the form and amount of compensation to owners and tenants premises seized under the IDT, the expediency of IDT as a form of renovation of the housing stock, the issue of invasion of property in the implementation of the IDT, and the role of the population as a subject of the IDT. Based on the analysis, several proposals, aimed at improvement of legislation and IDT practices, were suggested.
Keywords: *integrated development of territories (IDT), renovation, property, equivalent premises, market value, fair value*

The subject of the article is the issues of the formation of the practice of integrated development of territories (IDT), primarily in relation to the land of residential areas, and the related public opinion. In our case we will basically consider St. Petersburg after adoption of the regional law on the IDT of residential areas.

The author of the article has already addressed issues related to this problem in connection with development processes (“development and re-development” — in international terminology) of urban areas [1, 2].

A new reason for addressing this problem is the practical development of the provisions of Federal Law No. 494-FZ “On Amendments to the Urban Planning Code of the Russian Federation and Certain Legislative Acts of the Russian Federation in order to ensure the Integrated Development of Territories”, published in December 2020 [3]. The Law introduced a new concept for the legislation, the “Integrated Development of Territories”, its definition, types, sequence of steps for the implementation of projects and programs of the IDT. After that, there was begun the gradual adjustment of regional legislations in accordance with the federal one, and practical development of opportunities, arising in connection with the adoption of the Law. In 2022, the turn came to St. Petersburg, where there was adopted the law of St. Petersburg No. 444-59 “On Amendments to some laws of St. Petersburg on the issues of integrated development of Territories in St. Petersburg”, dated June 30, 2022 [4]. In

this case St. Petersburg was far from being in the first ranks of regions in terms of the adoption time of regional laws supplementing the federal ones. Quite a few regions have made appropriate changes to their regional legislation back in 2021. To date, many regions of Russian Federation initiated the practical implementation of IDT projects (see Table below). Detailed information on the progress of IDT projects implementation in regions of Russian Federation can be found on the Institute for Urban Economics website [5].

Yet in St. Petersburg, the Law was adopted only in the middle of 2022. It appears, it happened only at the very end of the spring-and-summer parliamentary session after the strong recommendation of the Governor of the City to consider the bill as a matter of priority.

The adoption of the Law was the impetus for a very heated discussion of IDT problems and their resulting consequences for population of urban communities. Here, we are talking about the IDT projects of residential areas, since the issues of IDT of non-residential areas and undeveloped territories, even if discussed — are discussed in camera. The list of the supposed territories was formed (22 territories, as of the beginning of September, 2022), but information on them is rather insufficient [6]. However, there is not much public interest in this topic either. The situation with residential areas is different. Here, even the alleged territories, as if there are no, but passions on this subject have flared up very seriously.

Development of the IDT practice in the Russian Federation regions (Data as of December 2022) [5]

Number of IDT decisions under consideration	Planned volume of buildings commissioning (1,000 sq.m.)	Number of adopted IDT decisions	Number of construction permits issued
761	143,000	226	70

Discussion of regulatory documents being adopted or planned for adoption in social networks has become already a regular practice, but in this case, the discussion activity significantly exceeded usual parameters. In social networks like "VK", "Telegram" in St. Petersburg a great number of resources for the exchange of opinions were created in first days after the adoption of the Law from 30.06.2022 and some of them reached quite significant sizes. For example, a number of channels and groups appeared in the Telegram network: "IDT (Renovation) SPB" (about 8,000 participants at the beginning of August 2022), "Stop IDT" and many other groups of residents from individual residential areas, neighbourhoods, houses, etc.

Analysis of the discussions in these groups shows that the level of legal knowledge on this issue is quite low: most of discussion participants have the very modest understanding of the federal and regional legislation, their subordination and interrelation, and have difficulty mastering the legal language and terminology.

For example, with regard to the situation in St. Petersburg, most don't see the difference between the various renovation programs that were adopted in the city: a program called "Development of built-up areas" — according to the law of St. Petersburg, adopted in 2008 [7] and a new program, "Integrated development of territories" (IDT), in accordance with the Federal Law No. 494-FZ [3], only realizable in the lon.run, if ever. These concepts are mixed very often, (especially since they actually coexist in time) which leads to a misunderstanding of the current situation. Quite often, the term "renovation" is added to all this, although it is not mentioned at all in any regulatory act of St. Petersburg. There is also a widespread confusion of federal and regional legislation provisions, as well as the time of adoption of the regional law and the time of practical actions started for its implementation. This finds its expression in something like this reasoning: "Here, people are sitting in dachas now, and when they arrive, there is no apartment, and there is no house — they have been demolished!", and sometimes it seems that some kind of joy is evident in these statements. As for legal illiteracy, then, not so often, but still there is even a certain bravado: "Yes, I need an interpreter to understand the law". However, as the discussion progresses and over time, the level of awareness is increasing gradually, and judgements become more balanced.

In general, all participants of the discussion can be divided into several groups: a first group — people who really want to understand the problem and find a way out of it, and they are still the majority; a second group — a kind of "provocateurs" who constantly strive to "raise the degree" of discussion; a third group — specialists who "hone" their skills and collect materials for their professional activities; a forth group — people who find pleasure in the discussion itself, considering it as a kind of game, that allows them to have fun and distract themselves from routine worries.

Let's focus on the substantive side of the problem and highlight the main issues being discussed, and which, indeed, are key in the transition to the practical implementation of projects and programs for IDT. The whole set of problems that pop up during the discussion can be conditionally divided into two levels in terms of scale and nature — applied and fundamental.

The first group includes such issues as determining the criteria for assigning objects that fall under IDT legislation, in addition to dangerous buildings. Federal legislation takes, in fact, the position of an outsider here, shifting the solution of this issue to the regions of the Russian Federation. The corresponding article of the Urban Planning Code of the Russian Federation is full of references to the regional level: "criteria are determined by the region of the Russian

Federation", "the value is determined by the region of the Russian Federation" [8]. In short, the responsibility is shifted to "one floor below". In some cases, this may be justified, for example, if we are talking about the presence or absence of centralized engineering and technical support systems, since the housing stock in different regions of the country differs both in age structure and in technical parameters. However, this is not always advisable. For example, it is hardly possible to agree that regions have a right to independently determine the degree of physical wear and tear at which it is advisable to include buildings in IDT projects. Why, for example, for Voronezh, as indicated in the relevant regulatory act of Voronezh region, 65 % wear is the basis for inclusion in IDT projects [9], and for Vladivostok, with regard to panel houses, 60 % is already enough, and 70 % is needed for brick ones [10]. It is clear that with the same physical age, wear may be different due to differences in climatic conditions, quality of operation, etc., but the degree of wear as a criteria for inclusion in IDT programs should still be, in our opinion, the same, which corresponds to a unified technical policy in the country. At the same time it should be noted that in many regions (including St. Petersburg), legislators generally preferred to circumvent this issue by assigning the duty to determine the necessary level of wear to the executive authorities. As for St. Petersburg, the legislators here, apparently, have become the most special ones in the country, introducing into the law a word from colloquial jargon — "Khrushchevki panels" houses, although these "Khrushchevki" houses have a lot of series (Gl, 1-335, 1lg-504, 1lg– 507, OD, etc.), noticeably different from each other in terms of the type of panels used, design and, as a result, comfort, service life, energy intensity, heat- and sound insulation. So that some of them, indeed, have a high degree of wear and need to be demolished, while others are quite amenable to modernization, which has experience including in St. Petersburg and can be operated for more than a dozen years.

The second group of issues from the "applied" group are about the area of resettlement of residents, whose housing is being withdrawn as a result of the territory falling into the scope of IDT program in accordance with Article 32.1 of the Housing Code of the Russian Federation. As we know, the wording of the Housing Code is as follows: "... the residential premises are in an apartment building located in the same settlement or urban district in which the apartment building included within the boundaries of the area of residential development subject to integrated development" [11]. This provision aroused the strongest resistance when it was discussed in social networks of St. Petersburg, where it was perceived as a significant violation of the rights of owners and tenants. In this regard, it's important to draw attention to two circumstances. Firstly, this provision was born on the basis of the wording set out in the Law of Moscow "On Additional Guarantees of Housing and Property Rights of Individuals and Legal Entities During the Renovation of the Housing Stock in the City of Moscow"; the exact wording was as follows: "... the residential premises are located in the same area in the City of Moscow in which the corresponding apartment building subject to renovation is located". Secondly, the same article 32. 1 of the Housing Code states: "The regulatory legal act of the Russian Federation, the regulatory legal act of the region of the Russian Federation, municipal legal acts may provide additional support measures to provide residential premises to the owners of residential premises". Thus, this is exactly the case when Moscow as a subject of the Federation by its normative and legal act introduced additional support measures compared to the provisions of federal legislation, and not only for owners, but also for tenants. Other regions of the Russian Federation could

► have done this, but they did not. For example, this is what lawmakers in St. Petersburg did, leaving unchanged the wording of the Housing Code of the Russian Federation, which caused justified indignation, since in terms of its location, the saturation of social and other infrastructure, the quality of the urban environment in general. Possible relocation sites may be significantly less attractive than the area of residence at present. The Housing Code of the Russian Federation states: "the residential premises are in an apartment building that is located in the same settlement, urban district...", although federal legislation allows this provision to be clarified [11].

Directly related to the issue of the proposed relocation area for residents from territories of the integrated development, there is the problem of determining the type, form and amount of compensation for the withdrawal of housing in the process of the IDT. The issue of compensation for the withdrawal of housing due to state and municipal needs, although it already has a certain history in our country (for example, it had to be solved in preparation for the 2014 Olympic Games, during the implementation of the renovation program in Moscow), but it has not yet become a subject of the detailed understanding, and, moreover, it has not found a satisfactory theoretical and practical solution. Two circumstances seem essential here. Firstly, when determining the type of compensation, two concepts are used, "equivalent" and "the same value", which partially overlap each other, but at the same time they have noticeable differences. Initially, the provision on the possibility of withdrawal of property in the interests of the state and the corresponding compensation was formulated in Article 35 of the Constitution of the Russian Federation: "Compulsory alienation of property for state needs can be carried out only on condition of prior and equivalent compensation" [12]. It was then deployed in the Land Code of the Russian Federation, where in Article 49 the term "alienation" is already replaced by "withdrawal" and lists the grounds "for the withdrawal of land plots for state or municipal needs", which, in particular, means the grounds provided for by "federal laws" [13]. At the same time, in the future, the market value of the withdrawn property is indicated everywhere as the basis for determining the amount of compensation for the withdrawal of property, which allows to say that it is an equivalent compensation.

As for the concept of "equivalence", it is mentioned for the first time in the draft Federal Law No. 141-FZ "Law on Renovation in Moscow" from July 1, 2017 [14]. At the same time, in the original version of the law, this term is used: "equivalent residential premises", "equivalent non-residential premises". It is important to mention that the concept of "equivalence" in the text of this document had different contents for residential and non-residential premises.

For residential premises, it was determined as follows: "an equivalent residential premises means a well-maintained residential premises, the total and living area of which is not less, respectively, than the total and living area of the vacated residential premises and the number of rooms in which is equal to the number of rooms in the vacated premises. Equivalent residential premises should be located in the area of Moscow, in which the corresponding residential building is located..." [14].

For non-residential premises, the concept of "equivalent premises" was interpreted significantly differently: "an equivalent non-residential premises is a non-residential premises located on the territory of the City of Moscow, the area of which is not less than the area of the vacated non-residential premises" [14]. As it is evident that the terminology is clearly unsettled, which is not surprising. Strictly speaking, equivalence means complete identity of

consumer characteristics and therefore only this room itself can be equivalent to one room (object), since, at least by one essential parameter – location – any other room will differ from this one. Therefore, this term cannot be considered quite satisfactory for the real estate sector and it needs to be more accurately determined. In this sense, the concept of "equal value" is more universal and appropriate for use, since it is based on the cost, which is originally intended for measuring goods with different consumer characteristics.

In this case, equivalent apartment is an apartment equal in value to this one. It may differ significantly from this one in individual parameters (for example, by area, number of rooms, etc.), but in all totality of parameters equal to it in cost (for example, losing to the first in area, but winning in transport accessibility and comfort). However, the question is what kind of value we are talking about, since several types are distinguished in the valuation of real estate (and not only real estate). Article 32.7 of the Housing Code answers this question as follows: "When determining the amount of compensation for residential premises, it includes the market value of residential premises, the market value of communal property in an apartment building, including the market value of the land plot on which the apartment building is located, taking into account its share in the right of common ownership of such property, as well as all losses caused to the owner of the residential property by its withdrawal, including losses incurred by him in connection with the change of the place of residence, temporary use of other residential premises before acquiring ownership of another residential premises (if the agreement specified in part 6 of this article does not provide for the preservation of the right to use the withdrawn residential premises before acquiring ownership of new residential premises), relocation, search for another residential premises to acquire ownership of it, registration of ownership for another residential premises, early termination of their obligations to third parties, including lost profits" [11]. The definition is quite extensive, but it clearly states the basis of the amount of compensation — the market value of the property. It would seem that it would be possible to stop there, but the market value is significantly influenced by the expectations of the real estate buyer, from whose position the market value should be determined. If we are talking about an ordinary transaction in which both the seller and the buyer are free to sell or not to sell, to buy or not to buy, this is quite reasonable, but in the case of the withdrawal of property, this is not the case at all. The conditional seller — the owner of a residential (or non-residential) premises has no choice. Therefore, the use of market value as a basis for determining the amount of compensation is incorrect.

In this regard, by the author's opinion the most suitable basis for determining the amount of compensation is a concept of the fair market value. This concept has appeared relatively recently in domestic practice and is distinguished by the fact that a fair market value (as well as "market value on market data") assumes that when determining its value, the interests of the "seller" should also be taken into account, for example, in the acquisition of alternative real estate.

This means that the compensation, received for withdrawal of premises in connection with the implementation of IDT projects, should be sufficient for the "seller" to be able to buy a property on the market that, according to the totality of its consumer characteristics, is equivalent to the one being withdrawn, i.e. on the basis of fair market value.

The second level of IDT "pain points" and problems are fundamental issues related to expediency, to "nature", the essence of renovation and its social significance and consequences.

The first of such issues is the question of the expediency of IDT as a whole. In most cases, a negative answer is given to it according to the principle: "I'm fine as it is". Gradually, however, quite rare, but sound statements are beginning to appear that, in principle, IDT is needed in a number of city districts, but it is necessary to approach this issue selectively and after a preliminary examination. In the previous note, it was already said that "Khrushchevki" houses are different and there may be various options for their renewal. Therefore, the first thing to start with is to conduct an "audit", an inventory of "Khrushchevki" houses or, more correctly, "Residential houses of the first mass series". There are about 2,400 such houses in St. Petersburg. At the same time, not only the residential buildings themselves should be analyzed, but also the engineering infrastructure that ensures their functioning, i.e. the entire territory of the blocks with their "improvements".

Of course, this task is large-scale, but there are both the organization specialized in inventory of buildings in the city (State Institution for Inventory and Valuation of Real Estate (GUION)) and a number of design organizations specialized in housing construction. At the same time, it would be possible to determine the level of wear, which is a necessary and sufficient reason for inclusion in the IDT program. At the same time, it may not always be necessary to resort for demolition of buildings, somewhere, as once planned, their reconstruction would be enough.

Another fundamental issue, often raised in discussions, concerns property rights. In many cases IDT projects are considered as encroaching on property rights (which is a true) and contradicting the Constitution of the Russian Federation (which is no longer entirely accurate). Yes, renovation certainly affects property relations and this is not the first time this issue has arisen in recent years.

For the first time, it sounded loudly enough during the preparation of the Olympics — 2014, then during the "hunt" for stalls and pavilions near metro stations in Moscow during the winter of 2016 ("night of long buckets"), when the mayor of Moscow said the historical phrase: "You can't hide behind pieces of paper about property acquired obviously fraudulently". After that, he surfaced again during the preparation for the "Sobyanin renovation", and now it is the same in St. Petersburg. There is no simple answer to it. One thing is certain: the definition of property rights from the XIX century — "Property is the complete and undivided domination of a person over a thing", has lost its relevance in the XXI century [15].

And finally, the third issue on the list, but not by the importance. Perhaps it is the first one, or even the only truly fundamental one. This is a question about the role of residents of "Khrushchevki" houses and the neighbourhoods in which they are located, and the entire population of the city in determining the feasibility, scale, directions and methods of renovation. The prevailing opinion here among the discussions' participants in social networks is that, for the population, it is intended the role of extras. "They want to deport us for the ring road", "they want to cash in on us again" — these are still the mildest of the statements encountered on this topic. And this is the main problem.

The population of the city wants to be an active actor in the transformation processes taking place in the city, and not their object, and here they are absolutely right. It is worth thinking seriously over the solution of this problem, and not to dismiss the opinion of residents, even if it is not always correct and relevant.

In conclusion, it is important to formulate several specific proposals which, by the article author's opinion, would make it possible to remove the problems associated with the implementation of IDT programs and projects, at least partially.

Let's formulate three sentences, which, in my opinion, should begin with (in fact, of course, there are more, but for now at least limit ourselves to them).

Firstly, it is necessary to introduce a mandatory stage of a comprehensive survey of specific territories, buildings belonging to them, structures of infrastructure elements for the expediency of their inclusion in the IDT program. The results of the survey and recommendations should be published in open public resources, and the population should be informed about the possibility of getting acquainted with the results of the survey.

Secondly, the draft decision on the IDT submitted for discussion should contain a detailed Master plan of the future territory (indicating the functional zoning of territories, the placement of real estate objects, their number of floors, building density, etc.), as well as information about demolished and reconstructed real estate objects, including apartment houses, and proposals for the area of settlement residents evicted in connection with the implementation of the IDT program.

Thirdly, the draft decision on the IDT should undergo mandatory public discussions, after which, and taking into account their results, it should be put to a vote, in which all owners, holders of other rights to real estate, as well as tenants of real estate on the territory included in the IDT project (and not only demolished houses) should participate. In order to make a positive decision on the implementation of IDT project, it is necessary that more than 2/3 of the owners/tenants of real estate in the area vote in favor "For". Only after that it is possible to arrange a vote on individual houses on the inclusion / non-inclusion of this house in the IDT program.

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Комплексное развитие территорий и его «болевы́е точки»

Статья посвящена вопросам становления новой для современной России практики комплексного развития территорий (КРТ) на основе изменений в федеральном и региональных законодательствах, произошедших после принятия в декабре 2020 г. Федерального закона № 494-ФЗ «О внесении изменений в Градостроительный кодекс Российской Федерации и отдельные законодательные акты Российской Федерации в целях обеспечения комплексного развития территорий». Проведен анализ некоторых положений этих изменений и начавшейся в связи с этим дискуссии на региональном уровне, в частности в Санкт-Петербурге. Выделены основные проблемы прикладного и фундаментального характера, выявленные в ходе этой дискуссии, в том числе прикладные, такие как: критерии отнесения жилых домов к категории, подлежащей сносу при реализации проектов КРТ; районы расселения жителей, чьи дома попадают в зону КРТ; вопросы определения формы и размера возмещения собственникам и нанимателям помещений, изымаемых в ходе КРТ; фундаментальные — целесообразность КРТ как формы реновации жилищного фонда, вторжение в отношения собственности при реализации КРТ и роль населения как субъекта КРТ. На основании проведенного анализа формулируется несколько предложений, направленных на совершенствование законодательства и практики в сфере КРТ.

Ключевые слова: комплексное развитие территорий, реновация, собственность, равнозначные помещения, равноценные помещения, рыночная стоимость, справедливая стоимость

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