

The Challenges of COVID-19 Pandemic in Large Hungarian Municipalities – A Short Overview of the Legal Background

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Abstract Hungarian municipal system has been significantly impacted by the COVID-19 pandemic. The urban governance has been impacted by the COVID-indicated reforms. The transformation has had two, opposite trends. On the one hand, the Hungarian administrative system became more centralised during the last year: municipal revenues and task performance has been partly centralised. The Hungarian municipal system has been concentrated, as well. The role of the second-tier government, the counties (*megye*), has been strengthened. On the other hand, the municipalities could be interpreted as a ‘trash can’ of the Hungarian public administration: they received new, mainly unpopular competences on the restrictions related to the pandemic. Several new benefits and services have been introduced by the large Hungarian municipalities, but it has had several limitations, for example, the urban municipalities have been the primary target of the central government (financial) reductions. Although these changes have been related to the current epidemic situation, it seems, that the ‘legislative background’ of the pandemic offered an opportunity to the central government to pass significant reforms.

Keywords: • urbanisation • Hungary • large municipalities • COVID-19 • public services • urban governance • socio-economic crisis • Hungary

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<https://doi.org/10.4335/2021.7.12> ISBN 978-961-7124-06-4 (PDF)
Available online at <http://www.lex-localis.press>.



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1 Introduction

The Hungarian municipal system has been significantly impacted by the COVID-19 pandemic. First of all, in Hungary the state of danger has been proclaimed two times after March 2020, as an answer to the two waves of COVID-19 in Europe. Not only the municipal system, but the whole administrative law has been influenced by the legislation which reacted to the challenges of the COVID-19 pandemic. Therefore, the administrative procedural law, the legal regulation on health care, partly the welfare services and the development and economic regulation issues were affected by this regulation (Balázs & Hoffman, 2020: 1) The municipal systems has been impacted by the COVID-19 pandemic, as well. The different aspects of municipal regulation, tasks and decision-making has been influenced by the COVID-19 situation, which challenges have been partly based on the regulations related to the state of danger in Hungary.

The impact of the COVID-19 crisis will be examined primarily by the methods of the jurisprudence: especially the legal regulation will be analysed. The paper will focus on the national legislation, but the municipal decision-making and the practice will be analysed shortly.

First of all, before the analysis it should be defined the ‘large municipality’ in Hungary. Hungary has a fragmented spatial structure: the majority of the Hungarian communities have less than 1000 inhabitants. The decentralization reforms during the Democratic Transition resulted a fragmented municipal system. The democratic regulation declared that every communities became independent municipal units. Therefore, Hungary has a fragmented municipal structure, as well (see Table 1).

Table 1: Population of the Hungarian municipalities (1990-2010) (Source: Szigeti, 2013: 82)

Year	0-499	500-999	1,000-1,999	2,000-4,999	5,000-9,999	10,000-19,999	20,000-49,999	50,000-99,999	100,000-	All
	Inhabitants									
1990	965	709	646	479	130	80	40	12	9	3,070
2000	1,033	688	657	483	138	76	39	12	9	3,135
2010	1,086	672	635	482	133	83	41	11	9	3,152

In my research, the Hungarian towns with over the population of 100 000 have been examined. Because of the fragmented municipal systems these municipalities can be interpreted in Hungary as ‘large municipalities’ (there are only 9 towns which have more than 100 000 inhabitants in Hungary).¹ The capital municipality, Budapest, has special status and a two-tier municipal model (Budapest is divided into 23 districts and one directly administered unit (Margitsziget) (1st tier) and the 2nd tier is the Capital (or Metropole) Municipality of Budapest (Nagy & Hoffman, 2016: 130-133). Although the districts of Budapest have different population (6 of them has more than 100 000

inhabitant – the 11th, 3rd, 14th, 13th 17th and 4th districts) but there are 3 districts which have populations around 25 000 inhabitants (1st, 5th and 23rd districts). Therefore, I would like to analyse the situation in Budapest capital and even in its districts, as well.

2 Urban areas, pandemic, and legal regulation

It can be considered as a commonplace, that urban areas are more at risk of epidemics. This statement has justification. The plague after 1347, the 'Black Death' had greater impact on European large cities, therefore the urbanised regions of Europe had larger losses: in Italy the population of several cities decreased by more than 50 percent at that time. (Christakos et al., 2005: 224). It is stated by the literature, that the higher density of population and the higher socio-economic activities, and especially the extensive transportation links, and – in the 21st century – especially the air transport links promote the faster spread of infections (Reyes et al., 2013: 131-133). It is interesting, that the urbanisation has a wider impact on the infectious diseases. As a result of the urbanisation, the rural environment of the urban areas has transformed: the suburbanisation became a pattern in several countries. It has been emphasised by several research that the infectious diseases can spread easily even in suburban areas.²

The tasks and the opportunities of the given municipalities are influenced by the legal regulation (Kostrubiec, 2020: 190 and Kostrubiec, 2021: 114-115). First of all, it should be analysed, whether the legal regulation in the given countries have been prepared for a pandemic and the challenges of this situation. It is highlighted by the literature, that such a pandemic has been a shocking event for the legislation. The last major, widespread and worldwide pandemic which was comparable to the SARS-CoV-2 infection was the H1N1 pandemic during the 60s. However, there has been several regulations in the national legislation on public health issues of the pandemic, but before the SARS-CoV-2 (COVID-19) pandemic, these rules seemed to be as 'last resort' regulations (Petrov, 2020: 71-72). Therefore, it should be analysed, how the given legislations – especially the legislation on municipal systems – reacted to the new situation, because the major problems required quick solutions and answers (Hantrais – Letablier, 2021: 54-55).

It is emphasised by the literature, that centralisation tendencies increase during socio-economic crises (Pálné Kovács, 2020: 48-49). Similarly, it is stated by the literature, that the legislation and the service provision systems became more centralised because of the COVID-19 pandemic (Hambleton, 2020: 96). However, the centralisation tendencies are emphasised by the literature, it is highlighted, that the municipalities can have important role, as smaller and more flexible bodies than the central government bodies. Therefore, the municipalities can introduce new and innovative services and benefits and the municipal tasks appreciate in the time of pandemic (Plaček et al., 2021). Even during centralisation progress the municipalities can receive important competences: the unpopular powers and duties (for example, restrictions, fines, taxation) can be outsourced

to the local governments by the central regulation (Goldsmith & Newton, 1983: 217-219), thus the municipalities can be the ‘trash cans’ of the administrative systems.

Therefore, I would like to examine whether the Hungarian municipal legislation and the Hungarian large municipalities have been prepared for a pandemic. I would like to analyse the main challenges of the urban administration in Hungary and the centralisation tendencies and the ‘trash can’ effect in Hungary. As a part of the centralisation and decentralisation issue, my paper will show, which alternative solutions, benefits and measures have been evolved by these municipalities.

3 Legal framework for the municipalities – in the time of the corona(virus)

A detailed regulation on emergency situations evolved in Hungary after the Democratic Transition – as an answer to the wide regulations of the legislation of the former authoritarian regime(s) (Drinóczy, 2020: 2-3). The Hungarian Constitution, the Fundamental Law of Hungary (25th April 2011) (hereinafter: Fundamental Law) regulates six types of emergency situations (Gárdos-Orosz, 2020: 158). One of these situations is the ‘state of danger’ which is regulated by the Article 53 of the Fundamental Law. This article allows to the government to declare the state of danger »[i]n the event of a natural disaster or industrial accident endangering life and property«. It has been a debate whether the Hungarian constitutional regulation allows the declaration of the state of danger. It is emphasised that the Fundamental Law has a closed taxation on the justification of the declaration, and the epidemic/pandemic is not among the acceptable reasons (Szente, 2020: 13-14). However, the Article 44 of the Act CXXXVIII of 2011 on Disaster Recovery states, that state of danger can be declared in case of a human epidemic by which mass disease is caused and even in case of an animal epidemic. However, these rules gave a justification for the declaration of the state of danger, but the rules has not been enough sufficient, and therefore new regulation on the epidemiological emergency and on the detailed regulation on state of danger should be passed during the spring and autumn of 2020 (Balázs & Hoffman, 2020: 4-5).

4 Challenges of urban areas in the time of a pandemic

As I have mentioned earlier, the urban areas, and even the suburban areas have been impacted significantly by the COVID-19 pandemics. That pattern can be observed by the Hungarian data, as well. Mainly the counties with larger urbanised and suburbanised areas have been relatively infected. It is interesting, that the largest Hungarian city, Budapest, and its urban area (which belongs mainly to county Pest) has been relatively moderate infection cases (however, during the first wave of COVID-19 it has been the most infected area in Hungary). (See Table 2)

Table 2: Population, COVID-19 infections and the infected people /100 000 inhabitants³

County (Capital City)	Population (2020)	Number of people infected by COVID-19 (as of 20th January 2021)	Number of infected people / 100,000 inhabitant
Budapest	1750216	66138	3778,84
Pest	1297102	44065	3397,19
Fejér	418603	13457	3214,74
Komárom-Esztergom	300995	11005	3225,79
Veszprém	341157	14408	4223,28
Győr-Moson-Sopron	473141	20006	4228,34
Vas	254137	11196	4405,49
Zala	267271	10274	3844,04
Baranya	359109	12220	3402,87
Somogy	299950	10010	3337,22
Tolna	267271	7569	2831,96
Borsod-Abaúj-Zemplén	637064	19803	3108,48
Heves	293421	9900	3373,99
Nógrád	188092	8643	4595,09
Hajdú-Bihar	526727	20100	3816,01
Jász-Nagykun-Szolnok	366905	13544	3691,42
Szabolcs-Szatmár-Bereg	549028	17444	3177,25
Bács-Kiskun	502220	16284	3242,4
Békés	330542	11959	3618
Csongrád-Csanád	398332	16227	4073,74

However, the large (urban) municipalities have higher risk in infectious diseases, but they have several advantages during epidemics. First of all, the large municipalities have significant resources. In Hungary, the capital city of Budapest has the 37,03% of the Gross Domestic Product (GDP) and the per capita GDP of Budapest is 206,6% of the national average.⁴ The significance in national economics is mirrored by the municipal expenditures. The Capital Municipality of Budapest and its districts have 871.996,8 Mio HUF (approx. 2.603 Mio. EUR), which was 32,47% of the total expenditures of the

Hungarian municipal system. The share of the 9 large cities (including the districts of Budapest) in the total expenditures of the Hungarian municipal system was 45,22% in 2018 based to the data of the Eurostat⁵ and the municipal decrees on municipal final accounts (see Figure 1 and Figure 2)

Figure 1: Total expenditures of the Hungarian municipalities and the large municipalities in 2018⁶

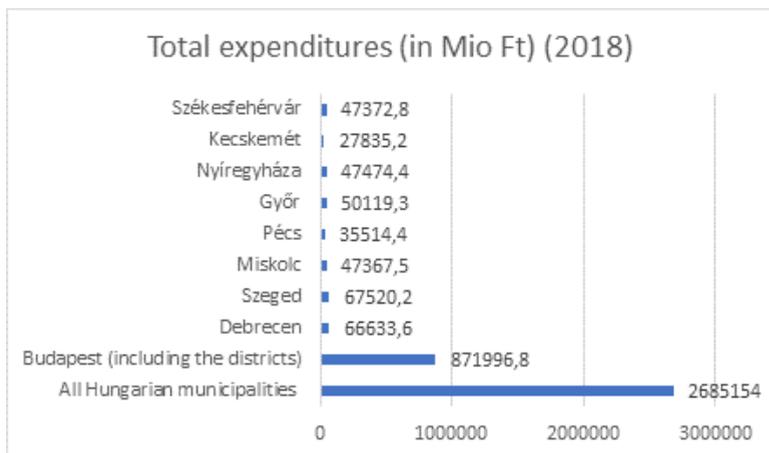
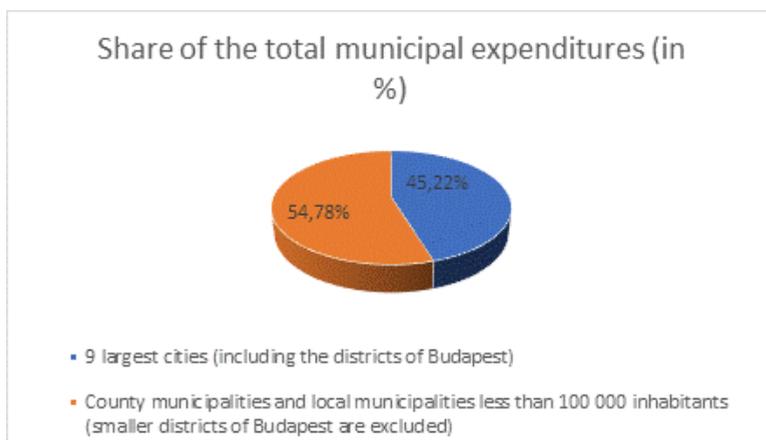


Figure 2: Share of the large municipalities in the total expenditures of the Hungarian municipal system in 2018⁷



The fragmented Hungarian municipal structure has another challenge. However, these large municipalities have significant resources, the suburban areas are administratively divided from these entities. In Hungary Budapest, the capital city has the similar legal status like a county and even the county seat towns and the 5 larger towns (these towns have mainly more than 50 000 inhabitants) as towns with the status of the county are not part of the county governments (Nagy, 2017: 21-22). This administrative division is a great challenge because the suburbanisation is an issue – not only in the surrounding of Budapest, but even in the micro-regions of the towns with more than 100 000 inhabitants (Hardi, 2002: 58-60). However, these urban and suburban areas can be interpreted as unifying service provision units, but the joint and cooperated service provision is difficult because of this division (Hoffman et al., 2016: 458-460). In Hungary metropolitan areas have not been established yet. The municipalities can form inter-municipal associations, but these cooperation have only voluntary nature, and they are not encouraged by the central government. Therefore, the inter-municipal cooperation in urban areas is very limited (Balázs & Hoffman, 2017: 16-18). This problem has been partly solved by the recentralisation of the public services. The majority of the human public services (public education, health care and social care) and in the Budapest area the suburban railway have been nationalised in the last decade in Hungary, but the advantages of the centralisation are limited by the administrative decisions. For example, the administration and management of the nationalised (centralised) educational and social care services is based on the county structure, therefore, the management of these services in the Budapest area has remained a divided one.

5 Centralisation and concentration – in the time of corona

5.1 Concentration of the municipal decision-making – the mayor as a ‘dictator’ of the municipalities?

A special regime of the municipal decision making has been introduced by the emergency regulations in the Hungarian public law. Because of the extraordinary situation which requires quick answers and decisions, the council-based municipal decision making is suspended by the Act on Disaster Recovery. The paragraph 4 article 46 of the Act CXXVIII of 2011 on Disaster Recovery states, that the competences of the representative body of the municipality is performed by the mayor when the state of danger is declared by the Government of Hungary. There are several exceptions, thus the major decision on the local public service structure cannot be amended and restructured by the mayors. Therefore, the mayors have the local law-making competences, as well: the mayors can pass local decrees, which remain in force after the end of the state of danger. Therefore, the mayor can pass and amend the local budget and they can partly transform the organisation of the municipal administration, as well. The mayors can decide the individual cases. It is not fully clear but based on the legal interpretation of the supervising authorities (the county government offices and the Prime Minister’s Office), the competences of the committees of the representative bodies shall be performed by the

mayors, as well (Horvat et al., 2021: 148). The position of the mayor is like the ‘dictators’ of the Roman Republic: because in the extraordinary situation, the rapid decision making is supported by a personal leadership.

This regulation resulted in different solutions in the Hungarian large municipalities. It shall be emphasised, that the mayor has a greater power, but his or her responsibilities are increased by this regulation. For example, in the largest Hungarian municipality, in the Capital Municipality of Budapest a special decision-making regulation has been introduced during the period of the state of danger. The decisions of the Capital Municipality are made by the Mayor of Budapest, but there is a normative instruction issued by the Mayor [No. 6/2020. (13th March) Instruction of the Mayor of Budapest], that before the decision-making the Mayor shall consult the leaders of the political groups (fractions) of the Capital Assembly. After the 1st state of danger, the decrees issued by the Mayor were confirmed by a normative decision of the Capital Assembly [No. 740/2020. (24th June) Assembly Decision]. However, this decision can be interpreted as a political declaration, but it shows, that the Mayor of Budapest tried to share his power and even his responsibility. There are different patterns among the Hungarian large municipalities, as well. For example, in the County Town Győr several unpopular decisions and land planning regulation were passed by the mayor, who fully exercised his emergency power.

5.2 Centralisation and concentration of the municipal tasks

As I have mentioned earlier, centralisation is encouraged by crises, especially the centralisation of the economic (budget) resources. These tendencies can be observed in Hungary, especially in the field of local taxation. The (emergency) Government Decree No. 140/2020 (published on 21st April) stated that the tourism taxation has been suspended for the year 2020. The (emergency) Government Decree 92/2020. (published on 6th April) centralised the revenues of the municipalities from the shared vehicle tax, and later the vehicle tax became a national tax (before the COVID-19, the revenues from vehicle tax were shared between the municipalities and the central government, but the taxation was the responsibility of the municipal offices). The most significant centralisation of the taxation was done by the (emergency) Government Decree No. 639/2020. (published on 22nd December) by which the local business tax rate has been maximalised at 1 percent (instead of the former 2 percent) for the small and medium enterprises which have less than yearly 4 billion HUF (approx. 10,8 M EUR) balance sheet total. It has been a significant intervention into the local autonomy, and especially into the autonomy of the larger municipalities, because the local business tax⁸ is one of the most important revenues them (see Table 3).

Table 3: Business tax revenues and property tax revenues

Year	2015	2016	2017
All revenues at regional and local level (in million HUF)	2 745 138	2 240 787	2 437 439
All tax revenues at regional and local level (in million HUF)	770 375	805 446	845 975
Business tax revenue (in billion HUF)	523 125	584 380	638 731
Business tax revenue as % of all local revenues	19,05	26,08	26,20
Business tax revenue as % of tax revenues at local level	67,90	72,55	72,50

Source: Hungarian Central Statistical Office (www.ksh.hu)

Similarly, the government declared that the municipalities could not charge parking fees, by which decision the urban municipalities have been impacted, because parking is a typical urban issue, and these municipalities introduced differentiated parking charge regulations.

As a part of the concentration, a new regulation evolved. A new institution, the special investment area was introduced – originally by the (emergency) Government Decree No. 135/2020. (published on 17th April), later, as a permanent regulation by the Act LIX of 2020. It is stated by the Act LIX of 2020 that the Government of Hungary can establish a special investment area for those job-creating investments whose value is more than 5 billion HUF (approx. 13,5 million EUR). If a special investment area has established, the municipal property of the area and the right to local taxation is transferred to the county government from the 1st tier municipality. The justification of the regulation was to ensure a more balanced revenue system for the environment of these investments, by which the benefits of the investments can be shared with another municipalities. *Prima facie*, it seems a justifiable transformation, but there are different open questions. First of all, the county government did not get service provision competences, therefore the local public services shall be performed by the 1st tier municipalities. The county governments cannot aid the performance of these services, they can give them just development aids. Secondly, this model is not widespread. Till early 2021 only one special investment area has been established, in town Göd based on the Samsung investment. Therefore, this seemingly fair concentration of the municipal tasks seems to be an individual measure, driven by extrajudicial considerations (Balázs & Hoffman, 2020: 7-8).

However, the centralisation trend has been the dominant during the legislation of the last year, different tendencies can be observed, as well. As I have mentioned, the municipalities can be the ‘trash cans’ of the public administration. This ‘trash can’ role can be observed in Hungary, as well. During the 1st wave of the pandemic, the municipalities were empowered to pass decrees on the opening hours and shopping time for elderly people for the local markets, and they were empowered to pass strict regulations on local curfew. These measures were restrictive; therefore, they can be

interpreted as unpopular decisions. Similarly, after the 2nd wave of the pandemic, it has been stated that there is a mandatory face masks on the streets and other public spaces if the municipality has more than 10 000 inhabitants. The detailed regulation on these measures shall be passed by the municipality. Therefore, the unpopular measures on public space mask wearing became municipal tasks, as well.

5.3 Facultative municipal tasks as alternative solutions?

The large municipalities which have significant revenues have enough economic power to provide additional services for their citizens. Those large municipalities, which are led by opposition leaders, can use this opportunity to offer and to show alternative solutions for the national policies, therefore the (national) opposition-led municipalities are traditionally active in the field of facultative tasks (Hoffman & Papp, 2019: 47-48). If we look at the legislation of the large Hungarian municipalities, it can be highlighted, that not only the opposition-led municipalities, but even the government-led local governments tried to introduce several voluntary services and benefits related to the health and socio-economic crises caused by the COVID-19. The detailed analysis of these local decrees will be showed by the paper of K. B. Cseh and Associates. It shall be highlighted, that the major fields of these municipal non-mandatory (voluntary) tasks have been the institutionalisation of new social benefits, by which the moderate central benefits could be supplemented (in Hungary, the increase of the social benefits related to the COVI-19 crisis has been very limited, for example, the sum and the period of the unemployment benefit has not been amended). Similarly, several municipalities established special aid for the local small enterprises. Different public services – especially social care and health care services – have been performed (for example mass testing of SARS-Cov-2, aid for flu vaccination and provision of free face masks for the local citizens). The fate of this municipal activity is ambiguous in this year because the coverage of these measures has been the local tax revenues. As I have mentioned, the major tax revenue of the municipalities is the local business tax, which rate has been radically reduced by the latest legislation.

5 Conclusions

The trends and transformations in Hungary fit into the main European trends. The centralisation tendency is a main issue of the COVID-19 pandemic in Hungary and the municipal administration is strongly impacted by it (Siket, 2021: 277-278). However, the municipalities are partly considered, as the ‘trash cans’ of the public administration and they are empowered to pass different unpopular decisions. The opportunities of the municipalities have been significantly reduced by the latest legislation on local taxation. It is now a question, how can they provide additional, non-mandatory services for their local citizens.

Acknowledgment:

This article has been supported by the National Research Grant projects No. NKFIH FK 132513 and No. FK 129018

Notes:

¹ Hungary had 3152 municipalities in 2010. Budapest, the capital municipality has more than 1 000 000 inhabitants (circa 1 700 000 inhabitant). 8 municipalities have a population between 100 000 and 1 000 000 inhabitants (practically, the 2nd largest town of Hungary, Debrecen has ca. 200 000 inhabitant). Thus 0,28% of the municipalities have more than 100 000 inhabitants (including Budapest) (Szigeti, 2013: 282-283).

² For example, in the Netherlands the main foci of the first wave of the SARS-CoV-2 infection were suburban areas, such Noord Brabant and Limburg provinces (Boterman, 2020: 518).

³ Source: Hungarian Central Statistical Office (https://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_wdsd003b.html) and <https://koronavirus.gov.hu/terkepek/fertozottek>

⁴ Source: KSH

⁵ See <https://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

⁶ Source: Eurostat (<https://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>) and the municipal decrees on final accounts.

⁷ Source: Eurostat (<https://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>) and the municipal decrees on final accounts.

⁸ Similarly, like in antoher V4 countries (Radvan, 2019: 14 and Vartašová, 2021: 135-138).

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