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BUILDING LEGALIZATION LAW
("Official Gazette of the RS", no. 96/2015)

On November the 11th 2015, the National Assembly of the Republic of Serbia on the Sixth Sitting of the Second Regular Session, adopted the Building Legalization Law ("Official Gazette of the RS" No. 96/2015, hereinafter referred to as “Law”), which came into force on November 27th 2015.

This Law regulates conditions, procedure and method of legalization of a building or parts of a building which have been constructed without constructing permits; conditions, manner and procedure for issuing decisions on legalization, as well as legal consequences of legalization which should enable cheaper and simpler legalization of illegally constructed buildings. According to the Republic Geodetic Authority, there are around 1.5 million of illegally constructed buildings in the Republic of Serbia. The main objective of this Law is to integrate the illegally constructed buildings into the legal framework, via two possible legal actions - legalization or demolition of the building, as well as to stop further construction of buildings without construction permits.

The law stipulates that buildings that have been built in protected zones in accordance with specific laws (except houses and holiday cottages), buildings built of materials that do not guarantee the stability of the building, buildings built on unsuitable ground foundations, buildings that cannot be harmonized with the valid building plans and documentation, cannot be a subject of legalization. One of the novelties that this Law introduces, compared to the previous laws, is that a new legalization request for a building for which the legalization procedure has already been completed or the legalization request has already been refused or rejected, cannot be submitted again.
A person that intends to legalize a house, apartment, garage or a commercial building/shop, needs to submit the proof of right of use or ownership of the construction land or the building (e.g. a final court decision, a building use right transfer contract, a land sale and purchase contract, a building sale and purchase contract, agreement on co-investing into construction of a building or a court’s decision on inheritance).

In addition to that, the Law prescribes a mandatory document, i.e. a report on the present state along with the geodetic survey for the illegally constructed building, in order to determine the possibility of the legalization of the building. The content of the report on the present state of the building depends on the class, land area, purpose and usage of the building and is also regulated by this Law.

For all buildings in the process of legalization, a legalization fee shall be paid prior to issuance of a decision on legalization, depending on the building’s type and size (e.g. for legalization of a family building or a flat, with usable area up to 100 m², the legalization fee is RSD 5,000.00; from 100 m² to 200 m², the fee is RSD 15,000.00 RSD, while for residential and residential-commercial buildings intended for housing market and consisting of more than one apartment and other special units, usable area of up to 500 m² and commercial buildings up to 500 m², the legalization fee of RSD 250,000.00 RSD shall be paid in accordance with Article 33 of the Law.

As for the demolition of illegally constructed buildings, the provisions of Article 37 of the Law stipulate that the demolition of the buildings shall not be performed before a final and binding decision has been rendered in the legalization procedure.

Finally, legalization procedures initiated prior to the entry into force of this Law, under applications submitted by January 29th 2014 and not completed until the day of entry into force of this Law, shall be completed in accordance with the provisions of this Law, and proceedings commenced under the Law on Special Conditions for Registration of Title to Buildings Constructed without Building Permits ("Official Gazette of the RS” No. 25/13 and 145/14), that haven’t been completed until the day of entry into force of this Law, shall be completed in accordance with this Law.

As of the day of entering into force of this Law, the Law on Building Legalization ("Official Gazette of the RS” No. 95/13), the Law on Special Conditions for Registration of Title to Buildings Constructed without Building Permits ("Official Gazette of the RS” No. 25/13 and 145/14), the Rulebook on Buildings for which Building Permits Cannot be Issued, Building Construction Stage and Construction and Usage Permits in the Process of Legalization ("Official Gazette of the RS”, No. 106/13), as well as the Rulebook on the Conditions, Manner and Procedure for Acquiring the Ownership Rights over Land and Buildings to which the Law on Special Conditions for Registration of Title to Buildings Constructed without Building Permits ("Official Gazette of the RS”, No. 31/13 applies, shall cease to be valid.