



Amendments to building law in 2014

A simpler and shorter construction process for majority of projects constructed on the basis of the building law is the primary objective of the new regulations to come in force in mid-2014.

Annually, more than 220 thousand construction permits are given in Poland, half of which are permits to build single-family houses. Thus, the amendment is primarily focused to facilitate investing in this type of projects, i.e. free-standing single family buildings with associated infrastructure and garages, having no impact on the adjacent areas and requiring no consent for derogation from construction engineering regulations or implementation of one of the environmental procedures.

The following legislative changes are planned:

1. A notification including the construction plans and specifications will replace the construction permit with respect to construction of a single-family house of limited impact on the project site.

The legislator has proposed that the requirement to obtain a construction permit for single family houses should be waived. In place of the construction permit, it will be sufficient to file a notification including the construction plans and specifications with the architecture&construction authority. There are also plans to create a register of notifications to be accessible on BIP [*Public Information Bulletin*] website of the architecture&construction authority. The project owner will be obliged to display an information board with particulars of the planned project on the construction site or deliver notices of the planned project to the adjacent real property owners (perpetual users, administrators).

The local governor [*Starosta*] will post information about receipt of a project notification on the website of the public information bulletin. Within 30 days of the notification, he will be entitled to oppose it, e.g. if the design is incompliant with the local spatial development plan which requires a construction permit to be obtained. If no objections are raised, upon the end of said time limit the project owner is entitled to start construction. This

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solution will ensure saving of time and funds for the project owner, and will also significantly simplify the administrative procedures.

2. Another change consists in waiving the obligation to attach to the construction plans and specification the statements of electricity, water, heat, or gas supply and sewage removal, as well as of the terms and conditions of connecting the building to water supply and sewer, heat, gas, telecommunication and power networks. Also, statements by road administrators regarding the possibility to connect a plot of land with a public road will no longer be required, except for province and national roads.
3. One of the novelties will be the request to rectify formal deficiencies in the application for a building permit or notification within the mandatory deadline of 14 days. At the moment, the building supervision authority is not bound by any time limits with respect to requesting that the project owner corrects the formal deficiencies in the construction permit application.
4. The amendment will cancel the obligation to notify the construction supervision authority of the intended date of construction work commencement which, with the regulations currently in force, is followed by a 7-day waiting period before the project owner acquires the right to commence works. The change corresponds to the introduction to the Act of the notion of "executable decision" as the basis for commencement of construction work in a situation where the project owner is only one of the parties to the proceedings for approval of the construction plans and specifications. At the moment, construction work can commence based on the final decision. With said amendments, the project owner will be in a position to start construction works based on an executable decision if there are no other parties to the proceedings, which means that no time will be required to wait for the final decision coming in force. Thus, the project owner will gain at least 14 days.
5. Another change involves replacement of the required occupancy permit with a notification of completion of construction. The draft provides for a reduction of the number of buildings with respect to which the occupancy permit will be required to obtain by way of an administrative decision. This obligation will no longer apply to e.g. garages (up to 5 parking spaces), parking lots, stopping spaces, car washes, and vehicle service stations. As a result of the change, the time for obtaining the administrative occupancy permit will be reduced from 21 to 14 days.

The proposed amendments were to take effect at the end of 2013, but it is estimated that the actual time for their implementation will be the 3rd or 4th quarter of 2014. The draft assumptions are to correspond to the urban and

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construction code currently being developed by the Building Law Codification Committee. Practice will show whether the proposed changes will contribute to speeding up and simplification of the construction procedures.

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If you wish to be provided with additional information in this respect, please contact us.

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