



” Amendment to the construction law

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On September 19, another amendment to the construction law entered into force. Changes introduced by the Act amending the construction law as of February 13, 2020 have a very wide scope and their purpose is not only to simplify and accelerate the investment process, but also to organize several important areas of regulations related to the construction and use of buildings. There are such important issues among them, as legalization of unauthorized construction, facilitating the access to infrastructure networks or the requirements for obtaining building permits and notifying construction works.

One of the most far-reaching changes, which is intended to reduce the number of documents needed at the stage of submitting a building permit application or notification, is the division of the construction design. According to the new regulations, the construction design will consist of three parts: plot or land development design, architectural and construction design and technical design. In the new mode, at the stage of issuing a building permit or notifying the intention to start an investment, the administrative body will accept the plot or land development plan and the architectural and construction design, while the technical design will be submitted by the investor only at the stage of the use permit procedure. The designer will be responsible for compliance with all three parts of the design documentation.

The Act also introduces unified catalogues of facilities and works that do not require a building permit and can be performed either on the basis of a notification, or even without it. The latter include, among others, parcel lockers and devices for sale up to a height of 3 meters, including ATMs and ticket machines. However, a building permit will be required for all construction works performed at a facility entered in the register of monuments, and construction works in the area entered in the register of monuments may be carried out on the basis of a notification.

Changes have also been introduced with regard to the rules for granting consent to derogate from the provisions of the technical conditions to be met by construction objects and their location, and technical conditions for construction objects use. Until now, such a possibility existed only prior to the issuance of the building permit. The act amending the construction law act introduced possibility to obtain the consent for derogations also before the change of the building permit decision. In addition, the new regulations exclude the possibility of obtaining a consent for a derogation in case of an ongoing procedure of legalization of unauthorized construction.

The amendment to the construction law also introduces new solutions in the field of procedures for connecting new investments to gas, electricity, heating, water and sewage networks. Introduction of deadlines for issuing conditions for connection to the water supply and sewage network is to guarantee their improvement. In case of a single-family residential building, the binding deadline for issuing connection conditions will be 14 days, while in case of other investments - 30 days. If these deadlines are exceeded, the water and sewage company will be subject to financial penalties. The water and sewage company will also not be able to refuse to accept a connection made in accordance with the issued terms and conditions, or to charge the investor for acceptance and inclusion of water and sewage connections. The ban on charging fees will also apply to issuing, changing, updating or transferring the conditions for connection to the water and sewage network to another entity. The terms of connection will be valid for two years. Verification of the possibility of connecting the investment to the heating network will be the responsibility of the designer.

The improvements provided for by the new regulations also include procedures for legalizing unauthorized construction. The new, simplified procedure applies to those facilities, the construction of which was completed at least 20 years ago. It assumes that the legalization of unauthorized construction is free of charge, and its basic requirement is to provide a declaration of the right to use the property for construction purposes, a decla-



ration of the construction completion date, as-built inventory and technical expertise of the facility. The procedure does not apply to those facilities, for which a demolition order had been issued prior to the entry into force of the new regulations. The new law also introduced a new procedure for inspection and construction supervision in the event of illegal use of a building structure, along with the determination of the amount of penalties that may be imposed in such a case.

The act amending the Construction Law also introduced new solutions as regards to the possibility of invalidating the decision on the building permit and use permit. The regulations in force so far made it possible to declare these decisions invalid without any time limits. At present, it will no longer be possible if 5 years have passed from the date of delivery or announcement in case of the building permit or the date, on which the occupancy permit became final.

The above-mentioned changes to the construction law are the most important part of the amendment to the regulations that recently came into force. Apart from them, the Act removes the need to use a template of the building permit, introduces new requirements for the fire safety of buildings in the event of a change in their use, or defines a significant deviation from the approved plot or land development design or architectural and construction design or other building permit conditions.

The new regulations will not only streamline and accelerate the investment process, but should also allow for unification of some of its procedures on a national scale and will make them much more readable and thus – make the investors' life easier.



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