
LEGALIZATION OF DWELLINGS IN LAW AND IN PRACTICE IN THE REPUBLIC OF MACEDONIA

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SITUATION IN THE REPUBLIC OF MACEDONIA

- INCREASED NUMBER OF UNLAWFUL CONSTRUCTIONS IN THE LAST TWO DECADES
 - INCREASED TECHNICAL ISSUES OF THE INFRASTRUCTURE
 - SERIOUS OBSTACLES OF THE ENFORCEMENT OF JUDGMENTS
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LAW ON THE TREATMENT OF UNLAWFUL CONSTRUCTIONS

- **LAW ON THE TREATMENT OF UNLAWFUL CONSTRUCTIONS – ADOPTED AT THE END OF FEBRUARY 2011**
 - **TIMEFRAME FOR IMPLEMENTATION OF THE LAW ON THE TREATMENT OF UNLAWFUL CONSTRUCTIONS – 5 YEARS FROM THE DATE OF ADOPTION**
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LAW ON THE TREATMENT OF UNLAWFUL CONSTRUCTIONS

- **REASONS FOR ADOPTION OF THE LAW**
 - **RISK OF INFRASTRUCTURE**
 - **NEEDS OF POPULATION, URBANISM AND SPATIAL PLANNING**
 - **PROPERTY TRADING**
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LAW ON THE TREATMENT OF UNLAWFUL CONSTRUCTIONS

- **DEFINITION OF UNLAWFULL CONSTRUCTIONS – ARTICLE 2 - “Unlawful constructions, in terms of this Law, shall be the facilities of importance for the Republic in accordance with the Law on Construction and another law, the facilities of local importance in accordance with the Law on Construction, and the facilities of health institutions for primary, secondary and tertiary health protection built without a construction approval or contrary to the construction approval, as well as parts (extensions and superstructures) of the facilities of importance for the Republic and of local importance and of the facilities of health institutions for primary, secondary and tertiary health protection built without a construction approval or contrary to the construction approval, within or outside the scope of the plan.”**
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LAW ON THE TREATMENT OF UNLAWFUL CONSTRUCTIONS

- **STATUS DETERMINATION**

- The entry of the unlawful construction into the public book for registering the rights over immovable and its inclusion in the urban planning documentation, in the manner and in the procedure determined by this Law, shall be considered establishment of the legal status of an unlawful construction.

- **RELEVANT AUTHORITIES**

- State administration body competent for performing activities in the field of spatial planning
 - The units of the local self-government
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LAW ON THE TREATMENT OF UNLAWFUL CONSTRUCTIONS

- **Request for legalization of unlawful construction**
 - **A citizenship certificate or copy from a personal identification card for a domestic natural person, i.e. a permanent residence permit for a foreign natural person, and for a domestic and foreign legal entity,**
 - **a proof for connection to utility infrastructure and/or bills for public utility services (electricity, water, and etc.) or a statement verified by a notary given under criminal and material liability by which the submitter of the request confirms that the unlawful construction is built before the entry into force of this Law,**
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LAW ON THE TREATMENT OF UNLAWFUL CONSTRUCTIONS

- A land survey report for establishing the factual condition of an unlawful construction with a property certificate for the land where the unlawful construction is built.

ACCORDING TO ARTICLE 5 OF THE LAW, THE TIME PERIOD FOR SUBMITTING A REQUEST FOR LEGALIZATION OF UNLAWFUL CONSTRUCTIONS WAS 6 MONTHS FROM THE DAY OF ENTERING IN FORCE OF THE LAW.

LAW ON THE TREATMENT OF UNLAWFUL CONSTRUCTIONS

- **ON THE SPOT INSPECTION OF THE UNLAWFUL CONSTRUCTION – DETERMINATION OF FACTUAL SITUATION**
 - Commission formed by the minister heading the body competent for performing activities in the field of spatial planning, or
 - Mayor of the unit of the local self-government.
 - **SUSPENSION OF THE PROCEDURE – IN CASE OF LACK OF ANY OF THE REQUIRED DOCUMENTS**
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LAW ON THE TREATMENT OF UNLAWFUL CONSTRUCTIONS

- **DECISION FOR LEGALIZATION OF UNLAWFUL CONSTRUCTION**
 - **FEEES FOR LEGALIZATION OF UNLAWFUL CONSTRUCTION**
 - **APPEAL PROCEDURE**
 - **REMOVING OF UNLAWFUL CONSTRUCTIONS**
 - **PENALTIES (only for officials)**
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SITUATION AFTER ADOPTION OF THE LAW

**IN THE TIME PERIOD OF 6 MONTHS (MARCH -
SEPTEMBER 2011) - 353800 REQUESTS FOR
LEGALIZATION OF UNLAWFUL CONSTRUCTIONS
SUBMITTED**

- 71301 REQUESTS SUBMITTED IN SKOPJE

SITUATION AFTER ADOPTION OF THE LAW

STATISTICS OF SUBMITTED AND APPROVED REQUESTS IN THE AREAS IN WHICH ROMA POPULATION IS CONCENTRATED

- **Shuto Orizari** – 4929 requests submitted, until August 2012 – 350 approved or 7,1%
 - **Shtip** – 10467 requests submitted, until August 2012 – 2121 approved or 20,2%
 - **Prilep** – 15367 requests submitted, until August 2012 – 1754 approved or 11,4%
 - **Kumanovo** – 15000 requests submitted, until August 2012 – 1650 approved or 11%
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OBSTACLES IN LEGALIZATION OF THE UNLAWFUL CONSTRUCTIONS

- **PRICE OF THE LAND SURVEY REPORT – BETWEEN 100 AND 300 EUR**
 - **UNREGULATED PROPERTY RIGHTS REGARDING THE LAND ON WHICH THE UNLAWFUL CONSTRUCTION IS BUILT**
 - **PROOFS FOR PAID BILLS FOR PUBLIC UTILITY SERVICES (ELECTRICITY, WATER, AND ETC.)**
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THANK YOU