

ANALYSIS OF THE PROCESS OF BUILDINGS LEGALIZATION

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AGENCY FOR REAL ESTATE CADASTRE





AGENCY FOR REAL ESTATE CADASTRE-AREC

• AREC was established with the new Law on Real Estate Cadastre dated 2008 and is legal successor of the State Authority for Geodetic Works, established in 1947.

• AREC competence:

BGW, Cartography, Cadastre, GCIS, NSDI and Registries

International cooperation















PROCESS OF LEGALIZATION

Before legal framework

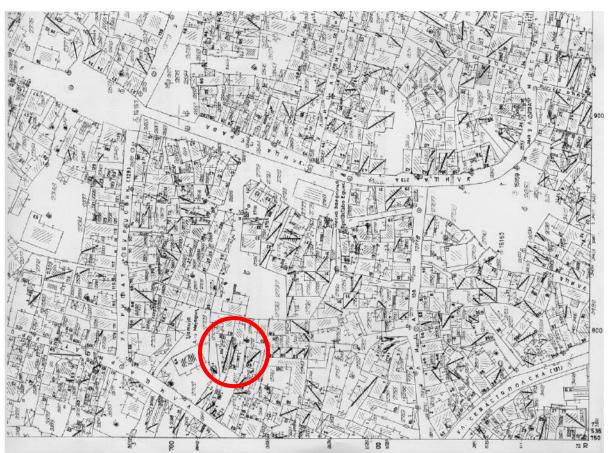
Legal framework

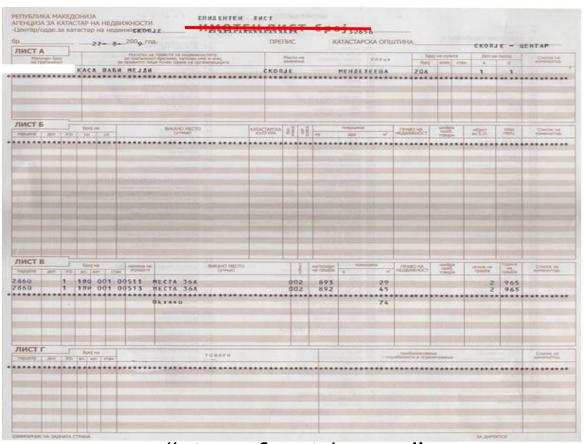
Implementation

Outcomes



BEFORE LEGAL FRAMEWORK





"List of evidence"

Cadastral map in scale 1:1000 Illegal buildings in the cadastre



LEGAL FRAMEWORK

- Study on Illegally Built Objects and Informal Development (October 2009)
 - problem with the illegally built objects,
 - origins and current causes of their occurrence
 - impacts (social, economic, environmental issues),
 - current experience, tools for addressing the problem, and involved authorities,
 - types of illegally built objects (classification),
 - proposal for possible solutions, and
 - recommendations on the measures that need to be taken in order to eliminate illegal construction and informal urban development in future
- 354.169 number of illegal building/objects
- Law for legalization (24.2.2011) with period for implementations till 31.12.2018







LAW FOR LEGALIZATION

- Law on the treatment of unlawful constructions No. 23 from 24.2.2011
- 11 amendments published in Official Gazette
 - No. 54 from 14.04.2011
 - No. 72 from 17.05.2013
 - No. 115 from 01.08.2014
 - No. 124 from 23.07.2015
 - No. 217 from 11.12.2015
 - No. 190 from 25.12.2017
- End of the process 31.12.2018

- No. 155 from 10.12.2012
- No. 44 from 05.03.2014
- No. 199 from 30.12.2014
- No. 129 from 31.07.2015
- No. 31 from 22.02.2016



SCOPE OF THE LAW

- The facilities of state importance
- The facilities of local self government
- Facilities of health institutions for primary, secondary and tertiary health protection,
- Parts (extensions and superstructures) of the facilities/building
- Linear infrastructure facilities
- Electronic communication networks and devices

Final date for completely building of the illegal objects or infrastructure 03 March 2011



COMPETENT BODIES

- State administrative body responsible for legalization of facilities of state importance (ministry of transport and communication)
- Unit of Local self-government-Municipalities









LAW PROCEDURE FOR LEGALIZATION

Request

Inspection

Consent

Fee

Geodetic elaborate and Decision

• Records into Real Estate Cadastre













PROPERTY LIST FOR LEGALIZED OBJECT

Детален преглед на податоци на (ИМОТЕН ЛИСТ број. 105140) Катастарска општина: ЦЕНТАР 1

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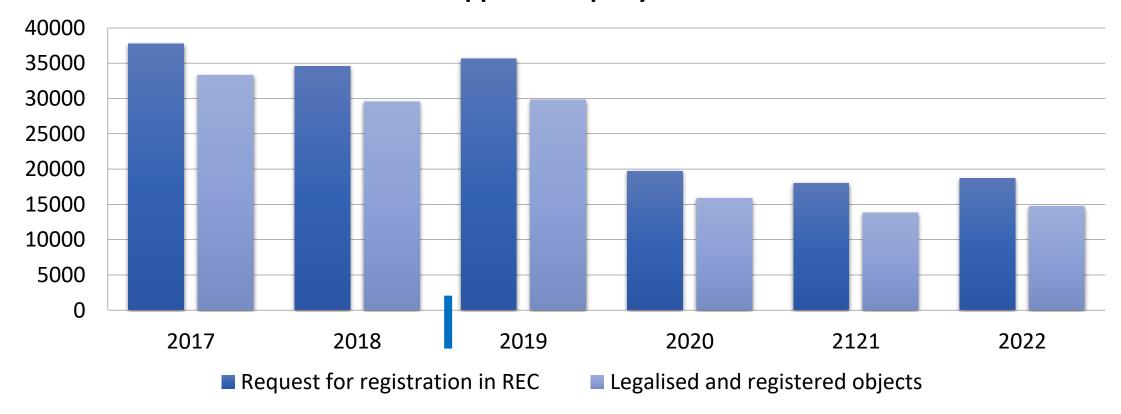






NUMBER OF APPLICATIONS FOR LEGALIZATION PER YEAR

Application per year

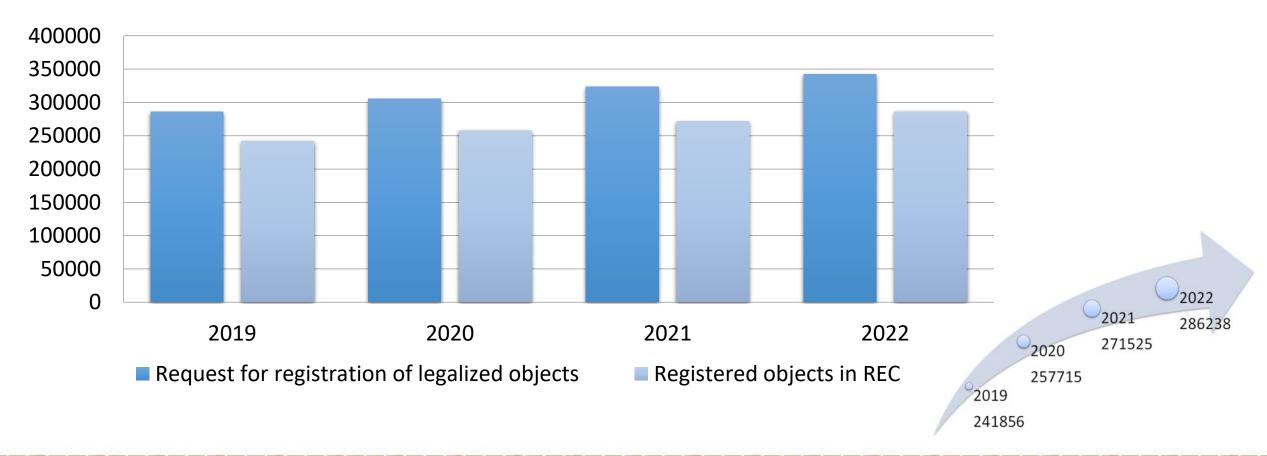








TOTAL NUMBERS OF APLICATIONS FOR LEGALIZATION FROM 2011









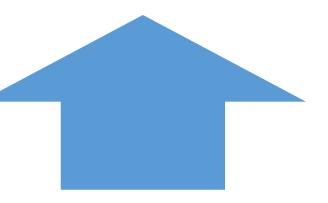


CURRENT STATUS



Legalized objects 286238

Received request for legalization 342447





REAL ESTATE MARKET - BENEFIT

Total number of mortgages in REC



COVID-19 Recovery Action Plan for Informal Settlements in the ECE Region

POLICY₂₀₁AREA 1 — ₂₀₂₀ ₂₀₂₁ Geospatial, land rights, tenure, resource allocation and justice

Goal 1

Informal settlements are formalized and brought into the economy and formal land-markets in a fair, efficient, and sustainable manner, allowing for broader socio-economic progress, justice, and empowerment of people, especially those in vulnerable and marginalized situations.



GUIDELINES FOR THE FORMALIZATION OF **INFORMAL CONSTRUCTIONS-2019**

Strategy Phase

 Study of Illegally Built Objects and Informal Development 2009

Preparation of the framework phase

 Law on the treatment of unlawful constructions 2011

Formalization of construction phase

- Law implementation
- Request, ..
- Consent,.. and decision,

Outcomes

Registration/Property list

Formalization process

STRATEGY PHASE

- Organize the necessary support and political will
- Analyze the existing informality within the local real estate market
- · Community Consultation
- · Carry out cost/benefit analyses and determine the consequences of no
- Agree on an appropriate
- Develop a communication
- · Draft a strategy report

THE FRAMEWORK **PHASE**

- Define areas/zones and categories of buildings eligible for formalization
- regulatory issues
- Define the appropriate actions for formalization
- · Define the registration
- Design the draft formalization process and establish fees, penalties and
- Decide which institutions will be involved
- · Decide which administrative system will:
- Activate the
- Prepare the specific legal
- Allocate appropriate administration and technical facilities
- Provide technical advice relating to constructions and the standardization of documents
- · Form a committee procedure of controls and acceptance
- · Develop methods of inhabitants and government compliance
- Test for reasonableness

FORMALIZATION OF **OUTCOMES CONSTRUCTIONS**

PHASE

base map

required

Submitting and processing

documents, and marking

building on the inventory

the location of each

Controlling documents

· Registering of informal

Taking legal actions wher

Establishing and collecting

Monitoring and assessing the formalization process

penalties if necessary

constructions when

- Existing informal settlements are significantly reduced
- Informality is minimized
- Informal constructions are brought within the formal land market
- Informal constructions ar
 - The residents of these housing units are legally empowered and enabled to more fully utilize their assets to their benefit



CONCLUSIONS

- After process of legalization we still have illegal objects
 - expected about 350.000 illegal objects
 - 286.000 are legalized, 56.000 waiting for registration
 - The law not covers all buildings/objects/infrastructure (built after the 03 of March 2011)
 - The process on the filed still is live
 - The law is expired 31.12.2018(we don't have legal framework)

Solutions/Proposals

- On time urbanization
- Strong field building inspection
- New law for legalization (simple procedure, real price, no deadline, etc.)



THANK YOU FOR YOUR ATTENTION



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