

LAW NO. 04/L-188 FOR TREATMENT OF CONSTRUCTIONS WITHOUT PERMIT

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

LAW FOR TREATMENT OF CONSTRUCTIONS WITHOUT PERMIT

CHAPTER I GENERAL PROVISIONS

Article 1 **Purpose**

The purpose of this Law is to treat the unpermitted constructions in the Republic of Kosovo.

Article 2 **The scope of implementation**

1. This law applies to unpermitted constructions identified in the digital orthophoto map based on aerial photogrammetric assessment in the Republic of Kosovo of 30 August 2013.
2. This Law provides a uniform program for the treatment of unpermitted constructions that will be implemented throughout the Republic of Kosovo.
3. Categorization of constructions, shall be based on the Law on Construction, Categorization I, II and III, of the urban and rural areas.

Article 3 **Definitions**

1. Terms used in this Law shall have the following meaning:

- 1.1. **Unpermitted construction** - an existing construction that was built without a building permit at the time this Law entered into force, according to the evidences of the digital orthophoto map;
- 1.2. **Legalization Permit** - legalization document in accordance with the provisions of this Law and other legal acts in force;
- 1.3. **Applicant**- the person or entity who applies, directly or through a legal representative, for the permit of legalization;
- 1.4. **Investor** – a person or group of natural persons acting together and investing for creation of a property, on behalf of whom the property is registered for the first time;
- 1.5. **Ministry**- Ministry of Environment and Spatial Planning;

1.6. **Competent Bodies** – Ministry and Municipalities;

1.7. **National Registry of Unpermitted Constructions** – a list of all unpermitted constructions throughout the Republic of Kosovo;

1.8. **Municipal Registry of Unpermitted Constructions** – a list of all unpermitted constructions within the territory of a municipality;

1.9. **Application Registries** – lists presented by the municipalities of all those who have submitted applications for legalization under this law;

1.10. **Demolition List** - a list compiled by the Ministry of those unpermitted constructions listed in the National Registry of Unpermitted Constructions but for which no application for legalization was submitted. The Demolition List should include all constructions subject to demolition, regardless of whether the actual demolition work will be performed by the Ministry or the municipalities;

1.11. **Building Inspectorate** – the Building Inspectorate at the Municipality in which the Category I or II of construction is located or the Ministry for Category III of construction;

1.12. **Category I, Category II and Category III** – have the same meaning as stated in the Law on Construction.

CHAPTER II **RESPONSIBLE ENTITIES FOR TREATMENT OF UNPERMITTED CONSTRUCTIONS**

Article 4 **The responsibilities of the Ministry for treatment of unpermitted construction**

1. Within six (6) months of entry into force of this Law, the Ministry shall be responsible for:

1.1. allocating human and financial resources necessary to effectively and efficiently implement this law within the time allowed;

1.2. coordinating the digital orthophoto map showing existing constructions throughout the entire territory of Kosovo and distributing it to the municipalities;

1.3. conducting a broad public awareness campaign at the national level that shall:

1.3.1. begin upon enactment of the Law and running throughout the application phase;

1.3.2. by using television, radio, and printed media, as well as through public notices distributed broadly;

1.3.3. include brochures explaining the treatment procedures;

1.3.4. ensure the development of campaign in official languages.

1.4. developing trainings for the municipal authorities obliged to implement this law;

1.5. creating a standard form for Request to be Listed in the Registry of Unpermitted Constructions and making this form available to the municipalities and the public, at the Ministry offices and on the Ministry's web site.

2. Within thirty (30) days after receiving registries from the municipalities, the Ministry shall create the National

Registry listing Unpermitted Constructions throughout the entire territory of the Republic of Kosovo.

3. The Ministry shall publish the National Registry of Unpermitted Constructions on its official website. It shall also take the following action to provide notice of and access to the Registry.

3.1. publication of notices informing where the Registry can be accessed in three (3) major national newspapers on at least three (3) separate occasions for three (3) consecutive days over a thirty (30) day period in all official languages;

3.2. regular radio and television advertisements, through national and local radio and television for a thirty (30) day period, informing where the Registry can be accessed;

3.3. posting physical copies of the registry in municipal offices and on the official website, in the whole territory of the Republic of Kosovo for the entire period the Law remains in force, updated to reflect all its amendments and supplementations;

3.4. creation and publication of an easy-to-understand graphic chart and set of instructions depicting all deadlines required by this Law, in relation to the limited duration of the implementation of the Law;

3.5. collaboration with relevant Kosovo and international organizations to contact and notify persons living abroad who may be affected by this Law, and to develop complementary notification schemes as necessary and if possible.

4. For a period of not less than ninety (90) days after publication, the Ministry shall receive complaints from applicants or other interested parties regarding unpermitted constructions that have been mistakenly included in or excluded from the National Registry of Unpermitted Constructions.

5. The Ministry shall review objections or comments received regarding the National Registry of Unpermitted Constructions and shall issue decisions within ninety (90) days:

5.1. if the objection or comment is well-founded, the Ministry shall make appropriate revisions to the registry;

5.2. if the objection or comment is not well-founded, the Ministry shall refuse the request in writing stating the basis for denial.

6. After issuing decisions as required by paragraph 5.1. of this Article, the Ministry shall declare the National Registry of Unpermitted Constructions to be complete and shall ensure that no further amendments to the registry list are made:

6.1. a valid written order by the Ministry to effectuate the decision on appeal under Article 15 of this law; or

6.2. a valid order of a court of competent jurisdiction.

7. Within five (5) days after declaring the National Registry of Unpermitted Constructions, the Ministry shall publish the completed Registry.

8. Within thirty (30) days after receiving the Application Registries from the municipalities, the Ministry shall create the Demolition List, listing unpermitted constructions included in the National Registry of Unpermitted Constructions but for which no application for legalization was submitted.

9. The Ministry shall publish the Demolition List on its official website. It shall also take the following action to provide notice of and access to the list:

9.1. publication of notices informing where the List can be accessed in the three (3) major national newspapers on at least three (3) separate occasions for three (3) consecutive days in all official languages;

9.2. regular radio and television advertisements, through national and local radio and television over a thirty

(30) day period, informing where the List can be accessed;

9.3. posting physical copies of the List in municipal offices nationwide for the entire period the Law remains in force, updated to reflect all its amendments and supplementation;

9.4. posting the List on the website of the Ministry for the entire period the Law remains in force, updated to reflect any amendments;

9.5. collaboration with relevant Kosovo and international organizations to contact and notify persons living abroad who may be affected by this Law, and to develop complementary notification schemes as necessary and if possible.

10. For a period of not less than ninety (90) days following publication, the Ministry shall receive and review complaints from applicants who have been mistakenly included in the Demolition List:

10.1. if the complaint is well-founded, the Ministry shall make appropriate revisions to the list;

10.2. if the complaint is not well-founded, the Ministry shall refuse the request in writing stating the basis for denial.

11. Within ten (10) days after the Demolition List has been published, Ministry shall post actual notice on the unpermitted constructions in Category III, that "this construction is subject to demolition – if the applicant or occupant of this construction has already submitted an application for legalization and this construction was marked for demolition in error, the applicant must notify the Ministry of Environment and Spatial Planning within ninety (90) days after Demolition List was published".

12. The Building Inspectorate of the Ministry shall commence the demolition of unpermitted Category III constructions listed in Demolition List within fifteen (15) days after the public objections period as stated in paragraph 10. of this Article for those constructions as to which no objection to being included on the Demolition List was filed. If an objection was filed, no demolition shall occur until the objection is rejected.

13. Ministry is responsible for receiving complaints of conduct prohibited by Article 7 paragraph 5. of this Law and forwarding such complaints to the appropriate law enforcement body as necessary.

Article 5

The responsibilities of the Municipalities for treatment of unpermitted construction

1. Within six (6) months of entry into effect of this Law, the Municipalities shall be responsible for:

1.1. allocating human resources necessary to effectively and efficiently implement this law within the time allowed;

1.2. the municipality may contract additional services for efficient implementation of this Law within the allowed time;

1.3. receiving the digital orthophoto map from the Ministry without compensation showing existing constructions throughout the entire territory of their municipalities;

1.4. conducting a broad public awareness campaign at the local level starting from the enactment of the Law and lasting throughout the application phase;

1.5. participating in trainings developed by the Ministry for municipality authorities for implementation of this law.

2. Municipalities establish the Municipal Registry of Unpermitted Constructions and, within twelve (12) months and five (5) days after this law takes effect, shall submit it to the Ministry.

3. Simultaneously with the identification of unpermitted constructions required by paragraph 2. of this Article, and for the twelve (12) month period after this law takes effect, the municipalities shall accept requests from applicants of unpermitted constructions to be included in the Municipal Registry of Unpermitted Constructions.
4. Municipalities will make the standard form "Request to be Listed in Registry of Unpermitted Constructions" available to the public at the municipal offices and on the municipality's web site.
5. Municipalities will accept applications for legalization for a period of six (6) months after the National Registry of Unpermitted Constructions has been published.
6. Within thirty (30) days after the end of the period of time allocated to receive applications for legalization of unpermitted constructions, the Municipality will compile an Applications Registry and submit this list to the Ministry.
7. Within ten (10) days after publication of the Demolition List, Municipality shall post actual notice on the unpermitted constructions in Category I and II within their territory, that "this construction is subject to demolition – if the applicant of this construction has already submitted an application for legalization and this construction was marked for demolition in error, the applicant must notify the Ministry of Environment and Spatial Planning within ninety (90) days after publication of the Demolition List".
8. The Building Inspectorate of the Municipality shall commence the demolition of unpermitted Category I and II constructions within their territory listed in Demolition List within fifteen (15) days after the ending of public objections period as stated in paragraph 10. of Article 4 of this Law for those constructions as to which no objection to being included on the Demolition List was filed. If an objection was filed, no demolition shall occur until the objection is rejected.
9. Municipality is responsible for reviewing applications and issuing decisions on legalization permits for the unpermitted constructions falling within Category I and II constructions as defined by the Law on Construction.

Article 6

The Responsibilities of Applicants of Unpermitted Constructions or Units within Unpermitted Constructions

1. Applicants of unpermitted constructions or units within unpermitted constructions shall file a request to be included in the Municipal Registry for Unpermitted Constructions:
 - 1.1. requests shall be submitted by filling out the standard request form available from the municipal offices or on the municipality or Ministry web sites;
 - 1.2. requests shall be submitted to the municipality in the territory in which the unpermitted construction is located or, for Category III of constructions, with the Ministry;
 - 1.3. requests shall be submitted within twelve (12) months from the date this law takes effect.
2. Applicants of unpermitted constructions or units within unpermitted constructions are responsible for reviewing the National Registry of Unpermitted Constructions once published to verify that their property is included in the list or to inform the Ministry of any errors. Any unpermitted construction that is not included in the National Registry of Unpermitted Constructions cannot be legalized and shall be subject to demolition in accordance with this law.
3. Applicants of unpermitted constructions or units within unpermitted constructions shall submit application for legalization as required by Article 10 of this Law, not later than six (6) months after the publication in National Registry of Unpermitted Constructions.
4. If an applicant of a construction that is included in the National Registry of Unpermitted Constructions fails to submit an application for legalization as required by Article 10 of this Law within the required time, that unpermitted construction shall be included in the "Demolition List" and will be demolished.
5. Any unpermitted construction that has started after the date of the orthophoto map cannot be legalized and shall

be demolished.

Article 7

The Responsibilities of Utilities and Other Entities for Treatment of Unpermitted Constructions

1. Utility providers must process requests for approval of connection to water and energy services within sixty (60) days for applicants who are attempting to legalize their construction under this Law.
2. If a request for approval of a connection to water and energy service is denied, the basis for the denial must be set forth in writing.
3. Utility providers shall make all reasonable efforts to advise applicants on steps necessary to construct safe and legal connections that will qualify for approval and in all other aspects shall act consistently with the purpose of this Law.
4. If an applicant proceeding under this Law requires the action or decision of other private or governmental entities, those entities shall act on time to process all requests and render all decisions. Actions or decisions shall not be unreasonably withheld.
5. Extracting or attempting to extract payments in excess of customary, reasonable and necessary fees or charges from applicants proceeding under this Law is expressly prohibited and shall subject the perpetrator to financial and criminal penalties under the Criminal Code of Kosovo.

CHAPTER III TREATMENT PROCEDURES

Article 8

Registries of unpermitted constructions

1. All unpermitted constructions shall be registered in the Municipal Registry of Unpermitted Constructions and, thereafter, in the National Registry of Unpermitted Constructions, containing the following information:
 - 1.1. name and contact information of the applicant or authorized representative of the applicant, if known;
 - 1.2. registry reference number;
 - 1.3. GPS coordinates;
 - 1.4. type of construction;
 - 1.5. whether the construction is finished;
 - 1.6. whether the property is included in the property tax registry;
 - 1.7. whether the construction has been legally connected to public utility networks; and
2. The Demolition List includes only:
 - 2.1. the unpermitted constructions for which no legalization application has been submitted;
 - 2.2. the unpermitted constructions for which no documentation in support of the legalization application has been submitted; and

2.3. the unpermitted constructions which have been denied a permit for legalization.

3. The National Registry of Unpermitted Constructions and the Demolition List are subject to a ninety (90) day period whereby the applicants who have been mistakenly included in or excluded from the National Registry of Unpermitted Constructions can file requests for correction.

4. A standard form for request to be Listed in Registry of Unpermitted Constructions is included as Annex 1 of this Law.

Article 9

Legalization of unpermitted construction

1. Unpermitted construction shall be legalized if:

- 1.1. it is listed in the National Registry of Unpermitted Constructions;
- 1.2. the building is completed and meets the basic requirements for health and safety under Article 12 of this Law;
- 1.3. all utility connections have been approved or granted exceptions by the appropriate bodies; and
- 1.4. applicant has paid the full amount required by Article 13 of this Law.

Article 10

Document Requirements Supporting Application for Legalization

1. Application for legalization shall be submitted on standard application form and shall contain the following documents:

- 1.1. for completed constructions of the first (I) category, three (3) printed and digital copies of:
 - 1.1.1. location plan;
 - 1.1.2. site plan;
 - 1.1.3. fire protection plan for facilities with bigger surface than four hundred fifty meters square(450m²);
 - 1.1.4. foundation, floor and roof plans;
 - 1.1.5. sections 1:50;
 - 1.1.6. elevations, including the neighboring buildings;
 - 1.1.7. structural plans and section;
 - 1.1.8. water installation plan;
 - 1.1.9. electrical installation plan;
 - 1.1.10. mechanical installation plan;
 - 1.1.11. photos of the construction building at least four (4) photos showing all views of a building.
- 1.2. From Category I shall be excluded individual dwelling houses up to one hundred meters square (100m²)

and agricultures objects up to four hundred meters square (400m²), which should fulfill:

1.2.1. location plan;

1.2.2. site plan;

1.2.3. technical prescription including data on construction surface, number of floors, the height compiled by the construction architect or engineer;

1.2.4. photos of the construction building at least four (4) photos showing all views of a building.

1.3. for completed constructions of the second (II) category, three (3) printed and digital copies of;

1.3.1. location plan;

1.3.2. site plan;

1.3.3. fire protection project;

1.3.4. foundation, floor and roof plans;

1.3.5. sections 1:50;

1.3.6. elevations, including the neighboring buildings;

1.3.7. structural plans and section;

1.3.8. stability structure report;

1.3.9. water installation report;

1.3.10. electrical installation report;

1.3.11. mechanical installation report;

1.3.12. at least two (2) different construction photos, done during construction.

1.4. completed constructions of the third (III) category, shall be regulated Administrative Instruction by Ministry;

1.5. proof for payment of administrative fee of one hundred (100) euro

Article 11

Unfinished Constructions

1. Unpermitted constructions that are not completed at the time they are listed in the Registry will be evaluated in accordance with the Law on Construction.

2. Applicants shall submit the documents required by Article 10 of this Law as well as any additional documents required by the Law on Construction.

3. Review of the construction documents, issuance of a construction permit, inspection of the construction site, and granting of a certificate of occupancy will be carried out in accordance with the Law on Construction.

4. Construction must be completed within the time period of the construction permit or any extensions granted by

the competent body. At the end of this Program for Legalization, any constructions that are not completed or that are not actively proceeding under a valid building permit will be demolished.

Article 12

Inspection of Completed Constructions

1. Unpermitted constructions that are completed or substantially completed at the time they are listed on the Registry will be subject to a visual inspection by the competent body to ensure that they comply with basic health and safety criteria and other provisions of this law.

2. Inspections of unpermitted construction should determine that the Applications for legalization shall be refused if, after inspection, the competent body finds:

2.1. that the existing state of the unpermitted construction differs in such substantial respect from what was presented in the application documents;

2.2. that the construction has been built without a permit after the enactment of this Law and is not shown in the digital orthophoto map;

2.3. that the construction does not meet basic health and safety standards as set forth in a sub normative act issued by the Ministry;

2.4. is build in public property, respectively in the area of public interest, in accordance with this law;

2.5. is build in the protected nature area and national parks;

2.6. is build in the infrastructure corridors in the field of energy, transport and hydro system;

2.7. is build in the protected zones and special zones of cultural heritage;

2.8. is build in the agriculture land under the watering system.

3. If, upon inspection, it is found that the construction differs from what was presented in the application documents, the applicant shall be given an opportunity to correct the application conform the existing state of the construction. If applicant fails to correct the documentation deficiencies with thirty (30) days after receiving notice thereof, the request for legalization shall be denied.

4. If, upon inspection, the unpermitted construction is found to not meet basic health and safety standards as set forth in a sub normative act issued by the Ministry, competent body shall:

4.1. provide the applicant with a written list of corrections needed to bring the construction into compliance;

4.2. grant applicant a reasonable period of time that does not exceed twelve (12) months to make the corrections;

4.3. reinspect within ten (10) days after expiration of the time designated to confirm that the corrections have been made.

5. If applicant fails to correct all the deficiencies within the allotted time, the request for legalization shall be denied.

Article 13

Fees for legalization of unpermitted construction

1. Applicants who meet the conditions for granting the permit for legalization under this Law shall pay a fee to obtain

the legalization permit based upon the competent body's currently published construction permit fee.

2. Applicant shall also pay any back taxes owed on the property before receiving the legalization permit.
3. The one hundred (100) euro application fee shall be deducted from the amounts owed under paragraphs 1 and 2 of this Article.
4. From the legalization fees shall be exempted individual dwelling houses up to one hundred meters square (100m²), benefiteres of the social scheme and agriculture buildings up to four hundred meters square (400m²) according to Article 10 sub-paragraph 1.2. of this Law.

Article 14

The procedure of issuing the decision and legal effects of legalization of unpermitted construction

1. For each application that meets all of the criteria, the competent body shall issue a decision for legalization of unpermitted construction.
2. A decision for legalization will be based on the documentation provided by the applicant and the existing condition of the property.
3. A decision for legalization of construction shall not have legal effect and other property law in construction for which this decision is issued and in the cadastral parcel where it is build.
4. Decision for legalization shall be issued within thirty (30) days from the day of submission of all documents determined by this Law.
5. If, during the course of its review, the competent body finds that there are deficiencies in the documentation required under Article 10 of this Law which prevent further processing of the application, the competent body shall notify the applicant, who must supplement the documentation to eliminate the deficiencies within thirty (30) days.
6. If the deficiencies from paragraph 5. of this Article are not eluded, the competent body shall reject the application.
7. Decisions on all applications must be made within three (3) years after this Law takes effect.

Article 15

Appeals against the decision of the competent body

1. Applicant or interested third parties may contest any decision issued by a municipality by filing appeal to the Ministry, through the body that issued the decision. Appeals must be submitted within thirty (30) days of receipt of the decision.
2. Ministry shall issue a decision within thirty (30) days from the receipt of the appeal.
3. Against the decision of the Ministry an indictment may be filed by opening administrative dispute at the competent Court within thirty (30) days of receipt of the decision in accordance by Law on Administrative Conflicts.
4. Filing an indictment shall be according to the period determined in the Law on Administrative Conflicts.
5. If a final decision on appeal returns an unpermitted construction to begin the legalization process:
 - 5.1. the applicant shall have sixty (60) days from the date of the final decision to submit documents required by Article 10 of this law;
 - 5.2. the competent body shall process the application for legalization in accordance with this Law;
 - 5.3. if the final decision on appeal is issued less than twelve (12) months prior to the deadline set forth

in Article 14, paragraph 7. of this Law, the applicant shall have nine (9) months from the date of the final decision on appeal to meet the criteria for legalization set forth in Article 9 and the competent body shall have thirty (30) days to issue a decision on legalization, regardless of whether the deadline set forth in Article 14 paragraph 7. of this law has expired.

CHAPTER IV CONDOMINIUMS MULTIPLE UNIT PROPERTIES

Article 16

1. If the applicant in a condominium, build without permit files a request to be listed in in the Municipal Registry of Unpermitted Constructions, the entire condominium shall be listed in the registry.
2. If the owner of one unit build without permit in a condominium, files a request to be listed in the Municipal Registry of Unpermitted Constructions, should attach to the owners consent to the application which should be verified by the competent bodies.

CHAPTER V TRANSITIONAL PROVISIONS AND FINAL PROVISIONS

Article 17

Prior Municipal Legalization Programs

1. Upon this law taking effect, all municipalities shall legalize unpermitted construction only in accordance with this law.
2. All other applications for legalization that have been submitted to the municipalities prior to this law coming into effect, upon which decisions have not been issued, shall be processed in accordance with this law.

Article 18

Demolition of Unpermitted Constructions for which no Application was Submitted

1. Any unpermitted construction listed in the National Registry of Unpermitted Constructions which has not been granted a decision for legalization shall be included in the Demolition List and a notice of demolition shall be posted on the unpermitted construction.
2. Any applicant or legal successor, of an unpermitted construction, classified pursuant to paragraph 1. of this Article shall demolish the construction within thirty (30) days of receipt of a final decision.
3. If a construction is not demolished in accordance with paragraph 2. of this Article, the Building Inspectorate shall demolish it within six (6) months and the cost of demolition and all damages shall be borne by the investor.
4. Investors of demolished buildings shall be responsible for paying reasonable moving expenses for tenants of constructions who are forced to move because the investor did not successfully gain legalization under this law.

Article 19

1. Constructions that have started after the digital orthophoto map dated 30 August 2013, are not eligible for legalization under this law.

2. Each building that started after the entrance into force of this Law shall be treated according to the Law on Construction and Law on Spatial Planning.

3. Within six (6) months from entrance into force of this Law, the Ministry should issue a sub-legal act to define:

3.1. basic requirements of health and safety through which shall be evaluated the completed unpermitted buildings;

3.2. allowed procedures and appeals by this law;

3.3. other necessary matters for entire implementation of this law.

Article 20 **Entry into Force**

1. This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

2. This Law will remain in force for three (3) years from the day of its entry into force.

Law No. 04/L-188
26 December 2013

Promulgated by Decree No.DL-002-2014, dated 09.01.2014, President of the Republic of Kosovo
Atifete Jahjaga.

ANNEX 1.
REQUEST TO BE LISTED IN REGISTRY OF UNPERMITTED CONSTRUCTIONS

REQUEST TO BE LISTED IN REGISTRY OF UNPERMITTED CONSTRUCTIONS

INFORMATION ON CADASTRAL PARCEL		
PARCEL NO.	GPS COORDINANTS	REFERENCE NO.
MUNICIPALITY	CADASTRAL ZONE	

APPLICANT			
NAME	FATHER'S NAME	SUR NAME	TEL:
ADDRESS			EMAIL:
AUTHORIZED REPRESENTATIVE OF APPLICANT (if applicable)			
NAME	FATHER'S NAME	SUR NAME	TEL:
ADDRESS			EMAIL:

Is applicant the registered owner of the parcel? ☐ Yes ☐ No

REGISTERED OWNER OF PARCEL (if different from applicant)			
NAME	FATHER'S NAME	SUR NAME	TEL:
ADDRESS			EMAIL:

TYPE OF CONSTRUCTION
<input type="checkbox"/> House <input type="checkbox"/> Condominium <input type="checkbox"/> Commercial Building <input type="checkbox"/> Industrial <input type="checkbox"/> Over Construction <input type="checkbox"/> Other _____
Is construction fully completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is construction included in the property tax registry? <input type="checkbox"/> Yes <input type="checkbox"/> No
Does construction have approvals from utilities for utility connections? <input type="checkbox"/> Yes <input type="checkbox"/> No

