

Current obstacles in the building permit process – a call for reform

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Context

The practice of the past few years has shown that the building permit process in Romania is becoming more and more formalistic and bureaucratic, which is hard to comprehend and to accept in today's digital era. The number and type of documents¹ requested by authorities for the issuance of building permits are often not proportionate to the type and complexity of the construction works to be executed. Moreover, investors must expect long waiting times for obtaining building permits, which makes the reasonable planning and the timely completion of the construction project particularly difficult.

We will discuss below some important obstacles in the building permit process and suggest solutions for the improvement of the situation.

Important obstacles in the building permit process

The town planning certificate (*certificat de urbanism*) listing the authorisations, approvals, expertise and documentation required for obtaining the building permit and representing the basis for the building permit process usually cannot be obtained *online*. Since this certificate represents only an excerpt of the General Urban Plan (*plan urbanistic general*), the procedure for its issuance could and should be digitalised and automated.

Then, the issuing authorities often ask the applicant to provide proof of the ownership right to obtain the town planning certificate. Yet, according to the law, this proof is not necessary, since the town planning certificate does not entitle the applicant to carry out construction works, but only helps inform him of the formalities required for obtaining a building permit.

The authorisations and approvals requested in the town planning certificate often have no relevance for the construction works to be actually executed (for example the approval of the Ministry of Culture for constructional interventions concerning buildings that have no cultural significance). If the authorisation of a Regional or Detailed Urban Plan (*plan urbanistic zonal sau de detaliu*) is needed before obtaining the building permit, the applicant often has to reacquire the same approvals and authorisations (with identical content) from the same authorities (the first at the stage of the Regional/ Detailed Urban Plan and the second at the stage of the building permit process). Neither is the validity of these approvals and authorisations linked to the validity of the underlying town planning certificate, so that some approvals and authorisations expire in the course of the building permit process – so new ones must be obtained.

¹ authorisations, approvals, expertise and documentation

According to the law, the building permit documentation has the same content and coverage, regardless of the type of the construction project. On this note, carrying out constructional interventions for a simple apartment has to meet the same requirements as the erection of a 20 floor-building.

All these problems lead in practice to a building permit process needing six months to a year to be completed, and that applies even to construction projects with a low level of complexity.

Reformation of the construction law

Taking into account the problems to which we have just drawn attention, legislation in the construction field should be reformed as follows:

- Digitalisation and automation of the procedure for the issuance of town planning certificates and certain approvals and authorisations foreseen therein;
- Establishment of departments of the issuing authorities that function as One Stop Shops (after requesting and submitting the documentation required, this department would coordinate the procedure to obtain all necessary authorisations and approvals from other authorities);
- Diversification of the types of building permits and documentation required, according to the type and complexity of the construction works to be executed;
- Reorganisation of the responsibilities of all persons involved in the building permit process (issuing authorities, investors, planners etc.), so that the investor undertakes the main responsibility for the lawful execution of the construction works.

Conclusion

These obstacles to the building permit process are clear symptoms of anachronistic legislation in the field. Law No. 50 on the authorisation of construction works dates back to 1991 and has been subjected to countless changes and additions ever since. It is high time this law underwent a serious reformation and restructuring to create flexible building permit procedures, adapted to the type and complexity of the construction project.

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