

New Land Registry Regulations for Future Residential Units

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This article follows up on our previous post, “Buyer Protection in Real Estate Transactions—the ‘Nordis Law,’” on the new legal framework for transactions involving future residential units. A key aspect of this was the preliminary division of residential units: the creation of land registers for future apartments.

ANCPI Regulation 293/2026, which establishes the procedure for registering future buildings and registering their future units in the land registry, has been in effect since March 8, 2026.

This change is important because it assigns an official land registry identification number to every residential unit still under construction even before completion. This promotes transparency and prevents multiple sales of the same residential unit. However, the preliminary subdivision serves disclosure and identification only and is not a guarantee of the completion of the project or the developer’s financial solvency.

Key Impacts

➤ **Land registry entry for the future building prior to the sale**

The process begins with the provisional land registry entry for the future building. This is based on the building permit and the approved technical documents.

This shifts a significant portion of the legal and land registry work to an earlier stage. Before preliminary agreements are concluded, the project must be sufficiently defined for the future building and its units to be identifiable in the land registry system.

For developers, this means earlier coordination between the architect, the land registry specialist, the notary, and the financing bank. Changes that previously only became relevant later in the development cycle can now affect the marketability of the units and the conclusion of sales contracts.

➤ **A separate land register for each future residential unit**

The preliminary subdivision is carried out based on cadastral records, a notarized deed of preliminary subdivision, and registration with the land registry office. Following this, a separate land registry entry is created for the future building as well as for each individual designated unit.

Each entry is expressly recorded as a future asset. A buyer can therefore identify the promised apartment, parking space, or other unit based on the buyer’s own cadastral and land registry records.

➤ **Preliminary agreements tied to the respective unit**

Under the Nordis Law, preliminary agreements regarding the sale of future units must be notarized and entered in the land registry after the building permit has been registered and the preliminary subdivision has been completed.

This is the most important practical aspect of the reform. The commitment relating to the respective unit becomes visible, which improves traceability and makes conflicting commitments apparent. If the building is later subdivided, the active entries are transferred to the final land registers and retain their priority ranking.

➤ **Earlier and more thorough handling of project changes**

If the number of units in a project or the building's height configuration changes during the construction phase, the entries regarding the preliminary division of the apartments may need to be updated with new cadastral records and new deeds.

As a general rule, the buyer's consent is required if the size or location of the apartment changes. Nevertheless, preliminary agreements should continue to provide for permissible changes to floor plans, terraces, parking spaces, common areas, and technical specifications.

➤ **Improved – but not comprehensive protection**

The upfront allocation is intended to reduce risks related to identification and multiple promises. However, it does not verify construction progress, financing, the developer's solvency, the continued validity of permits or the absence of encumbrances such as mortgages. Nor does it guarantee that the completed unit corresponds in detail to the original plans.

Buyers should therefore continue to check the land register, permits, financing structure and any encumbrances and agree on clear safeguards on payment, completion, reimbursement and project changes. Financiers and property developers should also align the structure of the advance apartment allocation with the security package and the conditions for the release of units from real estate liens.

Conclusion

The preliminary subdivision significantly changes Romanian off-plan transactions. Future residential units will already be identifiable in the land register during the project phase, promises of purchase can be linked to it, and the entries will be continued in the final land registers after completion.

The system should improve transparency and buyer protection, but also increase the effort in the cadastral system, notaries and project coordination. Developers should determine the structure of the housing units and documentation before the start of the sale, while buyers should view the new land registry as an important source of information – not as a substitute for legal, technical and financial due diligence.

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