

The amendment to the construction law

The second half of 2020 will result in major changes for the construction sector. The amendment to the construction law, which is to enter into force, should make the investment process easier and faster. Although the scope of the changes is extensive, below we present the most important ones.

- Until now it happened frequently that building permits and occupancy permits have been declared invalid many years after the completion of the investment. The new regulations are to prevent such situations, as **a limit of five years has been introduced for the declaration of invalidity of the decision**, counted from the date of delivery or announcement of the building permit or the date on which the occupancy permit becomes final.
- Moreover, **the catalogue of investment projects for which investors will not have to obtain a building permit or make a notification has been extended**. The new, clearer regulations will make it much easier for investors to determine whether or not their investments require a consent of an architectural and construction authority.
- The new law is also intended to make it easier to determine parties in the building permit proceedings. The parties to these proceedings are **the owners, perpetual usufructuaries or managers of properties located in the impact zone of the building,**
- designated on the basis of restrictions on construction and not restrictions on development, as it has been up to now. As a result, entities whose real estate is affected by e.g. noise, vibration or air pollution will not be considered parties to the proceedings.
- Additionally, the amendment will facilitate legalization of unpermitted buildings. The **so-called simplified legalisation procedure will be free of charge**, provided that at least 20 years elapses since the completion of the construction and provided that the technical expertise confirms that the object can be safely used and does not pose a threat to life or health.
- Finally, the amendment clearly indicates that **an application for a derogation from technical and construction requirements will only be possible before obtaining a building permit or its amendment**. For the investors this means that the current possibility of obtaining such a derogation also in the legalization proceedings will be excluded.



CONTACT

Should you have any questions or doubts concerning the legal aspects of the construction process, please feel free to contact us.



Katarzyna Koszel

Counsel | Radca prawny
katarzyna.koszel@bakertilly.pl



Ewelina Cieślak

Associate | Adwokat
ewelina.cieslak@bakertilly.pl

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Baker Tilly Woroszyńska Legal

ul. Przyokopowa 33
01-208 Warszawa, Polska
tel: +48 22 647 99 00
email: legal@bakertilly.pl



Biuro w Poznaniu:

ul. Młyńska 12
61-730 Poznań, Polska
tel: +48 61 630 05 00



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