

How to Obtain Private Ownership of the Land Plot on Which Your House is Built

After the collapse of the Soviet Union many Ukrainians, receiving privatized house, ignored to apply for privatization of the land plot on which the house was built. Apparently, this happened due to a mistaken belief that privatization of the house automatically gave ownership to the land. An overwhelming majority of conflict affected people in the Donetsk and Luhansk Oblasts initially assessed for DRC shelter reconstruction assistance did not have ownership title to the land.

Consequences of Not Having Ownership Right to the Plot

- Inability to change the foundation size during reconstruction or build a new house on the land plot, which requires getting a building passport that can't be issued without proof of the ownership or usage rights to respective land plot;
- Inability to sell, lease, lien, mortgage or pass a land plot on inheritance;
- Inability to change the land designation, divide the land plot into several smaller parts;
- Inability to obtain a building passport without first privatizing or taking into rent the land plot. Not being able to obtain a building passport may result in the following:
 - risk of suffering legal sanctions including fines for new constructions or reconstruction with the change of the foundation size;
 - absence of a legal way to connect the new/reconstructed house to communal infrastructure services, like heating, gas, water supply and electricity.

Procedure for Obtaining a Land Plot beneath One's House into Private Ownership

1. Individual orders technical documentation by concluding a contract with a licensed engineer-land surveyor, which should:
 - include exact limits of the land plot, their geodetic coordinates and cadastral plan

- be done only by licensed engineer-land surveyor based on a written agreement with the applicant
 - be drafted upon agreement with the owners of adjacent land plots as to the limits of the land plot
 - be paid for by the applicant (1500-3000 UAH).
2. When technical documentation is ready, the individual submits it for approval by the local council's session. Application is drafted in a plain paper and should include the following information:
 - the exact address of the house located on the land plot
 - size of the land plot
 - land designation (i.e., for construction purposes)
 - statement that he/she has not yet fully used the right to privatization of a plot of the respective designation type
 - legal ground for using the land plot (i.e., old title documents not in use anymore)
 - ownership documentation for the house which is built on the land in question.
 3. Following approval of the local council, the applicant addresses the Center for Provision of Administrative Services to receive an Extract from the State Register of the Rights to Real Estate and Encumbrances thereon confirming his/her ownership to the land plot.
 4. With the receipt of the Extract, the applicant will be considered the lawful owner of the land plot.

Challenges for Humanitarian Shelter Assistance

- The privatization process is too long and complex
- It puts heavy monetary burden on the individual
- Complex technical documentation process cost could be preventive to exercising the right
- Licensed engineer-land surveyor responsible for drawing technical documentation may not be found in some areas in buffer zone
- Privatization is practically restricted where the archive documents are located in non-government controlled area (NGCA)

- Privatization is legally restricted where civil-military administrations (CMA) have overtaken local authority functions