

Humanitarian Shelter Program: Legal Issues

With regard to light repairs, humanitarian shelter programs can be implemented without legal complications. However, in cases of heavy repair, which involve construction or reconstruction of any structural element of a building, legal issues can pose considerable challenges to the shelter actors. Ukrainian laws require the following six legal steps to be completed, in order of precedence, for constructing or reconstructing residential property:

- A. Proof of title to the land plot – ownership or leasehold
- B. Obtaining a building passport (a document containing plot description, drawing etc)
- C. Submitting a notification on beginning of construction activities (NBCA)
- D. Obtaining a technical passport/technical inventory (different from step 2 building passport)
- E. Submitting a declaration on operational readiness of the construction object (DORCO)
- F. Registering house at State Registry of Real Estate Property Rights

Each legal step may require multiple categories of legal services. For example obtaining proof of title may require correcting any defect in civil documentation status, obtaining privatization certificate for land lot, resolving inheritance issues etc. Based on past experiences, shelter actors may encounter the following legal issues:

- Obtaining or Renewing National Passport (ID)
- Power of Attorney
- Notarization
- Obtaining death certificate for inheritance process
- Completion of inheritance process
- Lease of land plot
- Obtaining building passport
- Obtaining cadastre records
- Filing notification on beginning of construction activities (NBCA)
- Contract for production of technical passport/technical inventory
- Obtaining technical passport
- Filing declaration on operational readiness of construction object (DORCO)
- Development of a detailed land plot plan
- Land plot allocation project
- Permission of State Children Affairs service for land plot privatization
- Securing local council decision on land plot privatization
- Additional permit from LSG for building on a part of a land plot
- 1st Decision of CMA re land lease
- 2nd Decision of CMA on approval of land plot's technical documentation
- Registration of land lease contract
- Registration of property
- BTI (Bureau of Technical Inventory) certification on destroyed property
- Contract for electricity supply
- Contract for water supply

Consequence of Non-Compliance

Non-compliance with regulatory requirements may lead to administrative fines levied on the beneficiaries or even demolition of the structure. Obtaining a building passport is the most important step in the regulatory compliance process, as it involves approval from the authority to construct. Non-compliance or violations can be penalized by the State Architectural and Construction Control (SACC) in the following ways:

- SACC issues an order to eliminate/cure the violation within a deadline (up to two months). Elimination of violation may include obtaining a building passport and compliance with the design.
- If violation is not cured within the deadline, SACC may order a fine to be paid (UAH 4,360 (139 EUR) to UAH 63,000 (2,013 EUR) per unit)
- If fine is not paid, SACC may petition to **court** for an Order for demolition of the structure.