



Building Permit in Romania

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1 When Do We Need a Building Permit?

As a rule, the construction of or any structural alterations to any building situated on the Romanian territory requires a building permit. Few are the contexts where this rule is not applicable. These situations usually refer to the repairing and maintenance works to the existing buildings, which do not involve changes in the initial features of the buildings.

2 Competent Authorities to Issue a Building Permit

The competent authority for granting a building permit is generally the mayor of the territorial administrative unit where the construction will be built or, in some exceptional cases, the president of the county council where the works take place.

3 The Urban Planning Certificate

The application documents for granting a building permit are different for each project, depending on the characteristics of the parcel where the building will be raised. In order to build in Romania, an investor should first of all ask for an urban planning certificate from the competent authorities. Those authorities are the same with the ones competent to issue the building permit as detailed above.

The urban planning certificate is issued according to the incident urban planning documents, as well as to any other regulations standing as legal building framework, framework in Romania (Civil Code, the Construction Law and its Methodological Norms, quality in constructions laws etc). The certificate should provide all necessary information one could need when building on a specific parcel, namely: (i) information regarding the legal, economic and technical status of the parcel; (ii) legal urban requirements and obligations to be observed, related to the respective parcel and project (iii) the necessary permits and endorsements required in order to obtain the building permit.

It may happen though that such information, even predictable, is not completely included in the urban planning certificate (i.e. information referring to the existence of a gas or water pipe or electrical cables, the necessity of the neighbor's approval, the existence of an archeological site priory registered or the quality of the historical monument the works are applied on etc). In such cases, the investor should immediately observe his obligations as the result from the new status of the parcel/building, even if they were not previously required by the urban planning certificate.

There are cases when a project is not compliant with the existing territorial and urban planning documents. In such contexts, the investor may have two options: (i) either to amend its technical plans or (ii) change the urban planning documentation. The second option is possible only if it is priory required by the urban planning certificate.

When it comes to a larger building project, a new urban planning documentation needs to be drawn up before a building permit can be granted. For example, in Bucharest, for a project developing on a parcel of over 3,000 sqm, a new local urban documentation is always required before applying for the building permit.

In both cases, the investor is expected both to bear the drawing-up costs and to financially support the project infrastructure (roads, pipelines etc). The town hall has no obligation to draw up the building plan. Moreover, there is no guarantee that the suggested urban planning documentation will be approved by the authorities, even if it had been priority requested in the urban planning certificate.

4 The Application Documents

The building permit may only be requested by those applicants who hold a specific title over the plot of land on which they want to raise the building. It is this title that grants the investor the right to build. Such title may consist of a document confirming the ownership right or in a concession, assignment, free leasehold contract or a lease agreement. In case of a free leasehold contract or lease agreement, only a temporary construction is allowed.

To conclude, a building permit is generally issued based on the following documents:

- (i) the urban planning certificate;
- (ii) evidence of the title over the land and/or constructions;
- (iii) the technical project;
- (iv) the technical papers and, depending on each project, the technical documentations necessary to issue the endorsements which are in the issuer's charge;
- (v) the necessary endorsements, as listed in the urban planning certificate, which are in the investor's charge;
- (vi) the relevant studies as required by the urban planning certificate (environmental, historical, landscape planning, traffic study etc);
- (vii) the neighbors' approval in case the new construction may adversely affect the neighboring building (in case of pollution of any kind - noxa, noise, vibrations - or fading its structure);
- (viii) evidence of due taxes payment.

Those endorsements concerning the urban utilities and the fire, environmental, civil and health protection must be obtained by the issuer (the competent public authority) as a unique approval, after applying for the building permit. The investor must ask for the necessary endorsements directly from the competent authorities. These endorsements represent a prerequisite in applying for a building permit.

The technical project can be drawn up and signed only by the architect and construction specialist and checked by certified project managers.

5 Procedure

Both the urban planning certificate and the building permit have to be issued within 30 days from the application and filling in the complete documentation.

Most of the necessary endorsements need to be issued within 15 days or 30 days from application, while for other endorsements the legal term is not stated by law.

In some cases, issuing the permits/endorsements may last longer than the legal terms, depending on the complexity of the construction project.

6 Sanctions in Case a Building Permit is Not Observed or Previously Requested

If a construction is built without a permit or by infringement of such permit, the control authorities may order the demolition of those elements which are not compliant with the permit or were built without a permit; in such cases, the construction works can be also be suspended. Moreover, the investor may be also sanctioned to pay an administrative fine (up to approximately Euro 3,000) and the relevant indemnities for the caused damages.