

## Ukraine: a simpler process for changing the designated use of land and gaining title

Law-Now Ukraine  
20.11.2012

From 6 December 2012, a new law comes into effect that promises to streamline the processes of obtaining title to previously state-owned land and changing the designated purpose of land. It also provides welcome certainty for investors on what documentation must be submitted as part of an application to change the designated purpose of land. Passed by the Ukrainian parliament on 2 October, it was signed into law by the president on 30 October.

In Ukraine, the designated purpose, area and/or boundaries of land are changed through a process known as 'land allocation', and is achieved by submitting to the authorities a file of documents supporting the change of designated purpose, area and/or boundaries. This land allocation process (and a similar documentation file) is also a necessary precursor to a private entity first obtaining title to previously state-owned land. The allocation documentation (to Ukrainians, 'land allocation project') is prepared at the request of a land owner or user by an accredited individual qualified in land management (the "Certified Land Manager").

The three principal benefits brought by the new law are (i) to clarify exactly which documents need to be submitted in order to change the designated purpose of a land plot, (ii) to simplify and shorten the land allocation process, and in particular (iii) to simplify the process of changing the designated purpose of privately-owned land.

### (i) Clarification of the documents needed for a change of designated purpose

The new law lists the specific documents that must be submitted in the land allocation project in order to obtain approval for a change in a land plot's designated purpose. Previously, although the law made clear that the land allocation project needed to be submitted, it was not entirely clear what this documentation should consist of. Happily, there will now be no room for doubt.

### (ii) Simplified procedure for land allocation

The new law also decreases the number of authorities needed to approve the allocation documentation, and shortens the turn-around time for authorities to issue approvals.

Now there will only be one authority which must approve the allocation documentation in all cases: the local land-resources authority. The approval of the following additional authorities will only be required according to the specific circumstances of the plot of land at issue:

- (i) the construction and architectural authority if a building/structure is located on the land plot or one is anticipated to be built on it;
- (ii) the environmental protection authority if the land plot is located on the land or within the boundaries of a natural preserved fund, or within the boundaries of a protected coastal zone;
- (iii) the cultural heritage protection authority if the land plot is located in an area of historical importance or hosts historical buildings/structures;
- (iv) the forestry authority if the land plot is on designated forest land; and
- (v) the water authority if the land plot is on water resources land.

All of the above authorities will have to issue a decision with respect to approval within 10 working days after having received an application to approve the documentation.

Under the current system, the approval process is more time-consuming and commonly involves obtaining approval from at least five authorities or a single approval from the commission (which, in fact, includes the representatives of those authorities). At present the authorities have a three-week mandated turn-around time for issuing a decision.

### (iii) Simplified procedure for changing the designated purpose of privately-owned land

Lastly, the new law will simplify the procedure for changing the designated purpose of privately-owned land plots.

Under the current system, a land-owner wishing to change the designated purpose of a land plot has to:

- (i) **Stage 1:** apply for and obtain a permit to prepare the allocation documentation from a local city council (if the land plot is located within a settlement's boundaries) or district/regional state administration (if the land plot is located beyond a settlement's boundaries);
- (ii) **Stage 2:** instruct a Certified Land Manager to prepare the allocation documentation;
- (iii) **Stage 3:** obtain an approval of the documentation from the relevant authorised bodies; and
- (iv) **Stage 4:** obtain final approval of the change of designated purpose from a local city council or district/regional state administration.

The new law will abolish the requirement for Stage 1 – only Stages 2-4 will still be necessary.

What is more, the law also changes which bodies will be required to approve the allocation documentation in such cases, and reduces their number. The approving bodies will now be as for the general allocation process outlined in the preceding section (ii).

**The law:** Law No. 5395-VI 'Regarding Introducing Changes to the Legislation Regarding Improvement of the Land Allocation Process and Change of the Designated Purpose of Land'

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