



**Shelter Cluster Ukraine**  
ShelterCluster.org  
Coordinating Humanitarian Shelter

## **Breakdown of new legislature regulating the city-construction activities (as of November 15, 2017):**

From June 10, 2017, the Law of Ukraine On Amendment of Certain Laws of Ukraine on the Improvement of City Planning № 1817-VIII was enforced, which is aimed at harmonizing national legislation with established European practices and construction approaches, bring more transparent rules in the city planning and increasing responsibility for construction violations.

The main amends were in following legal acts:

- 1) Law of Ukraine On Regulation of City Planning Activity № 3038-VI dated 17.02.2011
- 2) Order of the Cabinet of Ministers «Some questions of preparation and construction work» № 466 dated 13.04.2011
- 3) Law of Ukraine On Responsibility of Enterprises, their Unions, Establishments and Organizations for Violations in the Sphere of Town Planning № 208/94-BP 14.10.1994
- 4) Code of Ukraine on Administrative Offences
- 5) Law of Ukraine On the Principles of Town Planning № 2780-XII dated 16.11.1992

### **The main innovations envisaged by the Law:**

- 1) replacing the five categories of an object's complexity with the following three classes of consequences<sup>1</sup>:

#### **CC1 – lower class of consequences which replaces categories I – II of complexity;**

- The number of people who are constantly in the object – less than 50 people;
- The number of people who are occasionally in the object – less than 100 people;
- The extent of damage upon demolition of the object – less than 2,500 minimum wages (8 000 000 UAH);
- Absence of any CC2 or CC3 classes indicators.

#### **CC2 – medium class of consequences which replaces categories III – IV of complexity;**

- The number of people who are constantly in the object – 50-399 people;
- The number of people who are occasionally in the object – more than 100 people;
- The new construction located in the protection zone of object of cultural heritage;
- Object consist more than 4 stores;
- Absence of any CC3 classes indicators.

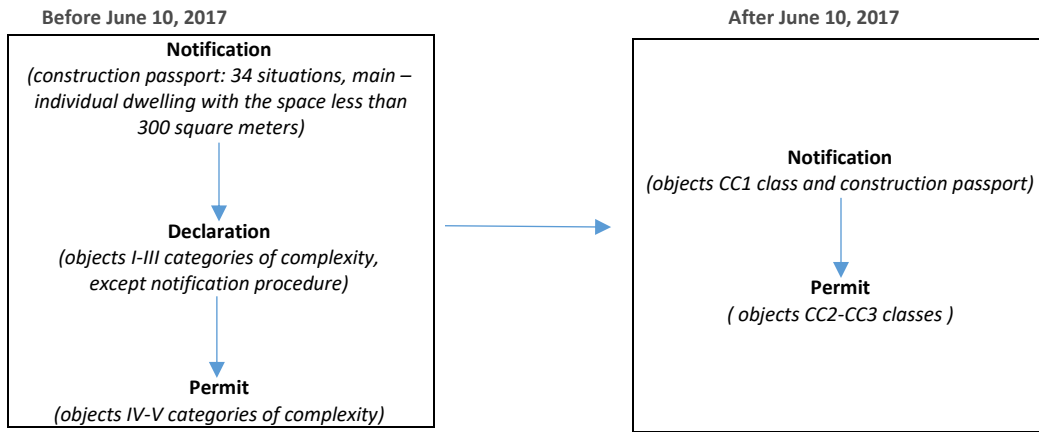
#### **CC3 – high class of consequences which replaces category V of complexity.**

- The number of people who are constantly in the object – 400 and more people;
- Object of cultural heritage due to Law of Ukraine “On Protection of Cultural Heritage”;
- Object of heightened risk due to Law of Ukraine “On Extremely Dangerous Objects”;
- Object is 100 m or more high.

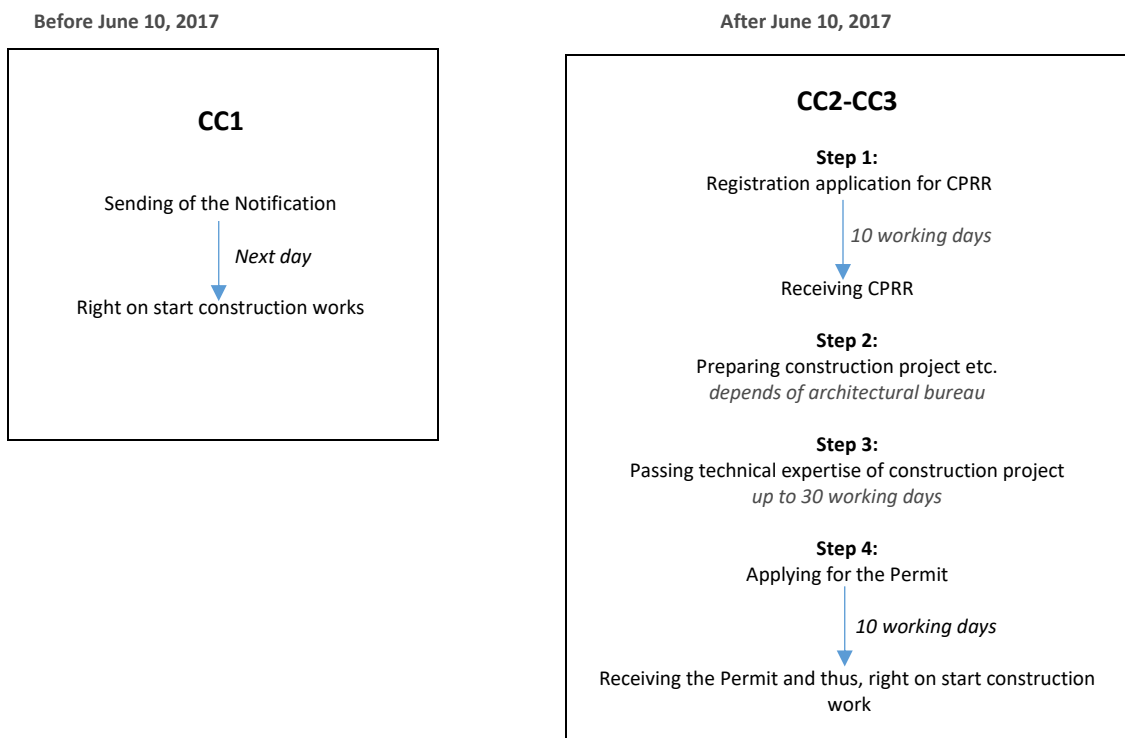
- 2) Declaration on the commencement of construction works as a valid document for the projects relating to I-III categories of difficulty was canceled.

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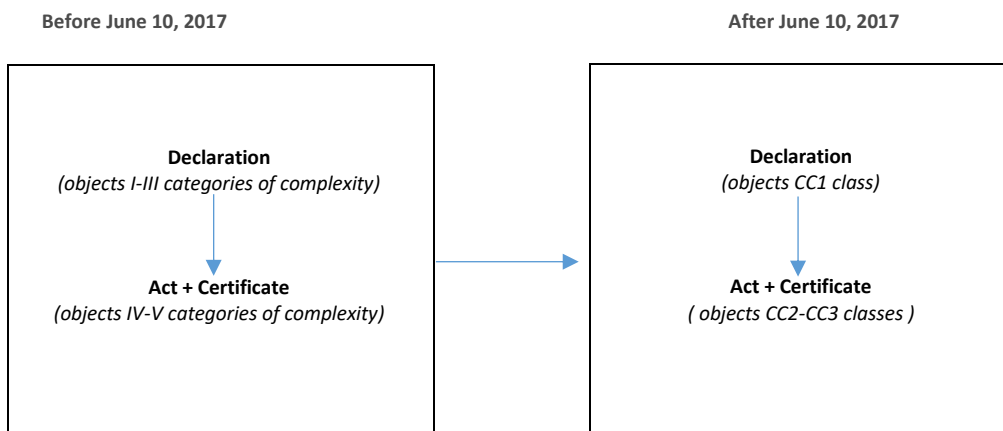
<sup>1</sup> It's important to understand that except general 3 classes scheme there are some exceptions like “construction passport object” or “construction work which doesn't require any documentation”.



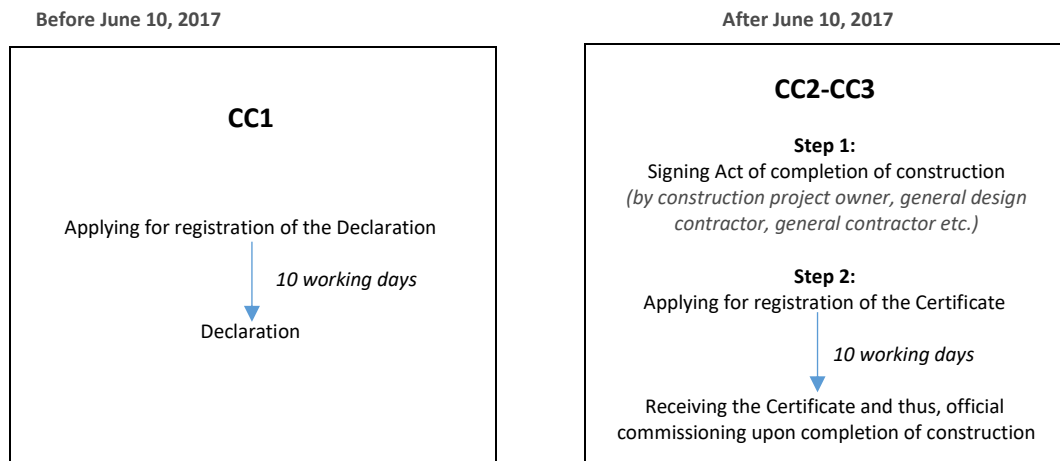
- 3) The procedure and terms of commencement of construction works was amended due to replacing complexity categories with classes of consequences (simplistic example of most common cases):



- 4) Valid documents for a commissioning upon completion of construction was amended due to replacing complexity categories with classes of consequences



- 5) The procedure and terms of commissioning upon completion of construction was amended due to replacing complexity categories with classes of consequences (simplistic example of most common cases):



- 6) Demarcation of powers of controlling and certification state bodies was amended:

	CC1	CC2	CC3	Out of locality	Situated in more than one localities
Relevant department of villages/cities councils (population – less than 50.000)	+	-	-	-	-
Relevant department of cities councils (population – more than 50.000)	+	+	-	-	-
Relevant department of Kiev/Simferopol City State Administration	+	+	-	-	-
DABI (ДАБІ)	-	-	+	+	+

- 7) State Architecture and Construction Inspection (DABI) reviewing officers received new grounds to cancel issued earlier permits:
- Cancellation of city planning requirements and restrictions (and initiate cancelling procedure);
  - Systematic (two or more consecutive times) obstruction of the object inspection by DABI reviewing officers.
- 8) Liability for urban planning infringement utilised to juridical person and individual entrepreneur scaled up (especially for “low-complexity” objects). For example, there is amendment of fines for construction without valid document:

<b>Without notification</b>	
10 minimal living minimum wage (max. 16.840 UAH)	
<b>Without declaration (I category)</b>	
18 minimal living minimum wage (max. 30.312 UAH)	36 minimal living minimum wage (max. 60.624 UAH)
<b>Without declaration (II category)</b>	
36 minimal living minimum wage (max. 60.624 UAH)	<b>Without permit (CC2)</b>
<b>Without declaration (III category)</b>	
90 minimal living minimum wage (max. 151.560 UAH)	370 minimal living minimum wage (max. 623.080 UAH)
<b>Without permit (IV category)</b>	
370 minimal living minimum wage (max. 623 080 UAH)	<b>Without permit (CC3)</b>
<b>Without permit (V category)</b>	
900 minimal living minimum wage (max. 1.515.600 UAH)	900 minimal living minimum wage (max. 1.461.600 UAH)

- 9) Liability for urban planning infringement utilised to individuals scaled up. For example, there is amendment of fines for construction without valid documents and exploitation new-constructed building without valid documents:

<b>Construction work without valid documents</b>	
<b>Without notification</b>	<b>Without notification (building passport)</b>
250-350 tax-free minimum incomes of an individual (max. 5950 UAH)	
<b>Without declaration (I category)</b>	250-350 tax-free minimum incomes of an individual (max. 5950 UAH)
350-400 tax-free minimum incomes of an individual (max. 6800 UAH)	
<b>Without declaration (II category)</b>	<b>Without declaration (CC1)</b>
400-500 tax-free minimum incomes of an individual (max. 8500 UAH)	
<b>Без Декларації (III категорія)</b>	500-600 tax-free minimum incomes of an individual (max. 10200 UAH)
500-600 tax-free minimum incomes of an individual (max. 10200 UAH)	
<b>Without permit (IV category)</b>	<b>Without permit (CC2)</b>
600-700 tax-free minimum incomes of an individual (max. 11900 UAH)	
<b>Without permit (V category)</b>	1000-1500 tax-free minimum incomes of an individual (max. 25500 UAH)
700-800 tax-free minimum incomes of an individual (max. 13600 UAH)	
	<b>Without permit (CC3)</b>
	2000-3000 tax-free minimum incomes of an individual (max. 51 000 UAH)

<b>Exploitation new-constructed building without valid documents</b>	
<b>Without declaration (I category)</b>	<b>Without declaration (building passport)</b>
350-400 tax-free minimum incomes of an individual (max. 6800 UAH)	
<b>Without declaration (II category)</b>	250-350 tax-free minimum incomes of an individual (max. 5950 UAH)
400-500 tax-free minimum incomes of an individual (max. 8500 UAH)	
<b>Без Декларації (III категорія)</b>	<b>Without declaration (CC1)</b>
500-600 tax-free minimum incomes of an individual (max. 10200 UAH)	
<b>Without permit (IV category)</b>	500-600 tax-free minimum incomes of an individual (max. 10200 UAH)
600-700 tax-free minimum incomes of an individual (max. 11900 UAH)	
<b>Without permit (V category)</b>	<b>Without certificate (CC2)</b>
700-800 tax-free minimum incomes of an individual (max. 13600 UAH)	
	1000-1500 tax-free minimum incomes of an individual (max. 25500 UAH)
	<b>Without certificate (CC2)</b>
	2000-3000 tax-free minimum incomes of an individual (max. 51 000 UAH)