



## The legal basis for land use in Ukraine

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Land use and consent to construct are two separate areas of legal regulation and are governed by different laws. The land use system is governed by the Land Code of Ukraine adopted on October 25, 2001, as amended. Construction is governed by a number of regulations, rules, decrees, etc., adopted by different governmental authorities.

Land plots in Ukraine can be owned by the State or municipal community or can be privately owned. There are nine types of land, depending on designated use. Foreign individuals or foreign legal entities cannot purchase land plots designated for agricultural use.

The general rule for building/planning in Ukraine is that one must obtain all respective permits for the use of land (and, if necessary, change the designated purpose of the land plot) and for construction, prior to commencement of construction. Where a change of land use is required, the process can be long and complicated.

### Planning authority

Depending on the ownership of the land (state, municipal community or private person) and the designated purpose of the land, different authorities will be involved in issuing a permit or concluding a lease agreement or land purchase agreement. Investors usually conclude long-term lease agreements for the use of a land plot (the law permits long-term land lease agreements for the period of up to 50 years).

Applications for licenses to conduct construction/building activity are filed with Ministry of Building and Architecture, or the local state administrations. Where the application is filed with the Ministry of Building and Architecture, the special Licensing Commission will review the application and issue a decisive opinion.

The planning authority, which issues permits to build specific projects, would be the local council (*rada*); such powers can be delegated to executive bodies, for example to the city administration.

### Planning consent

Persons (both individuals and legal entities) that are licensed to conduct construction activity can apply to the authorities specified above for a permit to construct a specified building or project. Where the local council adopts a decision to lease a land plot for the purposes of constructing a specified scheme, this decision will be regarded as the construction permit.

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The receipt of the construction permit does not entitle the recipient to commence construction works straight away as there is still the need to obtain, among other items, approval of the local inspector of state architecture control.

Once the construction permit is received, the holder should apply for a permit to start building activity. Such a permit entitles the holder to the right to commence construction, connect to central utility systems and pipelines, etc. This permit can only be issued after receiving the construction permit.

### Planning application process

Applications for a license to enable persons to conduct construction activity generally are normally reviewed by the competent authority within 10 days. Upon expiration of such period, the licensing authority is required to issue a license for carrying out construction works or reject the application, indicating the reasons for such rejection.

Applications for a construction permit are filed as described above and should be reviewed within two months. Along with the application, one must submit a copy of the relevant document evidencing title to the land plot. The list of other documents necessary for submission is specified separately by the relevant local rules of building planning.

Applications for a building activity permit are filed with local inspector of state architecture control and should be reviewed within one month.

### Terms of consent

The term of the license to enable individuals and companies to conduct construction activity is specified in each individual license. The license can be cancelled in case of violation of license rules.

Construction permits lose their validity if the construction work does not commence within two years from the date of issuance the permit.

### Appeal process

If an application is turned down, the applicant may apply to the Administrative Court to question any decision of any governmental authority with respect to construction and/or building permits issuance. Any applicant may apply to the Administrative Court within one year after the decision has been rendered.