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Legal Bulletin



Real Estate Law

Summary:

1. **Suspension of the Decisions of the General Council of the Municipality of Bucharest approving the Zonal Urban Plans of districts 2, 3, 4, 5 and 6 of Bucharest**

Effects of the suspension of the Coordinating PUZs of five districts of Bucharest

During the meeting dated 26 February 2021, the General Council of the Municipality of Bucharest passed a series of decisions¹ (the “**G.C.M.B. Decisions**”) aiming the suspension of the coordinating Zonal Urban Plans of districts 2, 3, 4, 5 and 6 of Bucharest (the “**Coordinating PUZs**”).

1. **The duration of suspension of the Coordinating PUZs**

Although the suspension was initially proposed to operate for a period of 2 (two) years, this duration being afterwards shortened to 3 (three) months, by the G.C.M.B. Decisions was

¹ (i) the Decision No. 65 regarding the suspension of the Decision of the General Council of the Municipality of Bucharest No. 339/2020 regarding the approval of the Zonal Urban Plan of District 2, Bucharest; (ii) the Decision No. 66 regarding the suspension of the Decision of the General Council of the Municipality of Bucharest No. 49/2019 regarding the approval of the Zonal Urban Plan - District 3 PUZ and of the Decision of the General Council of the Municipality of Bucharest No. 717/2019 regarding the rectification of the Decision of the General Council of the Municipality of Bucharest No. 49/2019; (iii) the Decision No. 67 regarding the suspension of the Decision of the General Council of the Municipality of Bucharest No. 443/2018 regarding the approval of the Zonal Urban Plan - Southern Area of District 4; (iv) the Decision No. 68 regarding the suspension of the Decision of the General Council of the Municipality of Bucharest No. 242/2020 regarding the approval of the Zonal Urban Plan - Coordinating PUZ of District 5; (v) the Decision No. 69 regarding the suspension of the Decision of the General Council of the Municipality of Bucharest No. 68/2020 regarding the approval of the Zonal Urban Plan (PUZ) - Amendment and update of the Coordinating PUZ of District 6 and of the Decision of the General Council of the Municipality of Bucharest No. 336/2020 regarding the rectification of the Decision of the General Council of the Municipality of Bucharest No. 68/2020.

reached a “compromise”, so that the suspension of the Coordinating PUZs was finally approved for a period of 12 (twelve) months as of entry into force of the G.C.M.B. Decisions.

2. Effects of the suspension of the Coordinating PUZs

During the suspension period, the urban planning certificates and the building/demolition permits to be issued by the General Mayor of Bucharest and by the District Mayors of Bucharest shall comply with the provisions of previous urban planning documentations issued prior to the decisions approving the Coordinating PUZs. This solution is not free from criticism as it generates difficulties in concretely identifying the documentation applicable during the suspension period, as well as multiple implications under the hypothesis of mandatory reference to the General Urban Plan of Bucharest (i.e. a document that reflects the reality of the year 2000).

Compared to the initial proposals, the G.C.M.B. Decisions partially corrected a key issue in relation to the impact of the suspension on ongoing authorization procedures. In this respect, the suspension of the Coordinating PUZs shall not affect the urban planning certificates for authorization purposes issued prior to the adoption of the G.C.M.B. Decisions, nor the pending building/demolition permits for which urban planning certificates have already been obtained based on the Coordinating PUZs.

The regime applicable to the requests for issuance of urban planning certificates for authorization purposes pending at the date of the G.C.M.B. Decisions remains however unclear. With regard to such the G.C.M.B. Decisions merely state that they will be resolved in accordance with the applicable law in the field.

3. Procedural aspects

During the suspension, the General Mayor of Bucharest and the departments within the specialized structures of the General Mayor shall analyze the inconsistencies with the applicable urban planning legislation at the level of the regulated territorial unit (UTR), in order to identify the non-compliance situations. Within 90 (ninety) days as of entry into force of the G.G.M.B. Decisions, they will publicly communicate the regulated territorial units where they identified inconsistencies with the applicable urban planning legislation.

After expiry of the 90 (ninety) days, the General Mayor and the specialized structures shall organize public debates in view of identifying the optimal solutions for urban planning regulation.

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