

## TERRITORIAL, URBAN AND RURAL DEVELOPMENT ACT

*Promulgated State Gazette No. 29/10.04.1973*

*Amended SG Nos. 32/1973; 87/1974; 3 & 102/1977; 36/1979; 3/1980;  
45/1984; 19/1985; 36/1986; 14/1988; 31 & 32/1990; 15/1991 & 63/1995*

### Chapter One GENERAL PROVISIONS

#### Article 1

(Amended - SG Nos. 102/1977 & 63/1995) The territory of the country, the municipalities and the settlements shall be developed in accordance with this Act in order to create the most favourable living, working and recreational conditions for the people which correspond to the material and spiritual requirements of society.

#### Article 2

(Amended - SG No. 102/1977). For the purpose of this Act 'settlements' shall mean towns and villages, as well as industrial, recreational and tourist complexes and other built-up areas within the construction boundaries established by the general and detailed urban development plans. In the absence of a general or detailed urban development plan, the construction boundaries of the settlements shall be established by ring boundaries pursuant to the Regulations for Implementation of this Act.

#### Article 3

(Amended - SG No. 45/1984)

- (1) The Ministry of Territorial Development and Construction shall administer and control the overall activities related to territorial and urban planning, construction, architecture and public works. Orders issued by the Minister of Territorial Development and Construction under this Act within his competencies shall be binding on the concerned government bodies, juridical persons and the general public.
- (2) The Supreme Council for Territorial and Urban Planning, Construction and Architecture as a state-public body under the Ministry of Territorial Development and Construction shall issue guidelines and recommendations on general policies and activities under this Act in areas within the Ministry's powers. Decisions of the Supreme Council which have been approved by the Minister of Territorial Development and Construction shall be mandatory.

#### Article 4

(Amended - SG No. 45/1984)

- (1) The municipalities shall be the local authorities responsible for urban development, construction, architecture and public works.
- (2) Auxiliary public bodies charged with the fulfillment of tasks set out in this Act shall be the Councils for Territorial and Urban Planning, Construction and Architecture under the regional and some municipal municipalities as designated in the Regulations for Implementation of this Act. Decisions of the Council for Territorial and Urban Planning, Construction and Architecture which have been approved by the Chairman of the Executive Committee of the respective Municipality within his competencies, shall be binding on the concerned government bodies, juridical persons and the general public.

### Chapter Two TERRITORIAL DEVELOPMENT PLANS

#### Section I General Provisions

#### Article 5

- (1) (Amended - SG No. 102/1977 and 31/1990) Territorial development in the country shall be based on:
  1. a single territorial development plan of the Republic of Bulgaria;
  2. national territorial development plans;
  3. regional territorial development plans - concerning the territory of two or more districts, of individual regions or parts thereof, the territory of two or more municipalities or parts thereof;
  4. territorial development plans for extrasettlement areas;
  5. urban development plans (general and detailed) for individual settlements, municipalities and related zones of influence.
- (2) Every other stage of territorial development planning shall take into account the assumptions of all superior plans and shall constitute a more comprehensive, detailed and concrete scheme in comparison to them.

#### Article 6

(Amended - SG No. 102/1977, No. 45/1984 and No. 31/1990) The territorial development plans shall be approved as follows:

1. The single territorial development plan of the Republic of Bulgaria, the general urban development plan and the regional territorial development plan of Sofia - by the National Assembly;
2. National territorial development plans - by the Council of Ministers of the Republic of Bulgaria;
3. Regional territorial development plans concerning the territories of two or more districts - by the Minister of Territorial Development and Construction;
4. Regional territorial development plans for individual districts or for a group of municipalities - by the District Governor;
5. Regional territorial development plans for individual municipalities - by the Municipalities;
6. Municipal territorial development plans for extrasettlement areas, general urban development plans of settlements, detailed urban development plans - by the municipalities. The drafts of these plans shall be subject to public discussion;
7. Amendments to the detailed urban development plans, as well as to the residential quarter layout and contour plans - by the Mayor in conformity with the procedure under which they have been established.

#### **Article 7**

(Amended - SG Nos. 102/1977 and 45/1984)

- (1) Territorial development shall proceed:
  1. In conformity with the master plan for territorial distribution of productive forces and the single territorial development plan of the Republic of Bulgaria;
  2. On the basis of the standards and regulations for territorial, urban and rural development and the uniform planning regimes for the territory of the country.
- (2) The Ministry of Territorial Development and Construction in coordination with the State Planning Committee shall determine the duration of the national and the regional territorial development plans and the territorial development plans for extrasettlement areas.

#### **Article 8**

- (1) The development plans of all levels shall constitute a territorial basis for socio-economic progress by place and time.
- (2) These plans shall:
  1. identify and provide opportunities for science-based development and build-up of territories aimed at making the best use of resources and at proper deployment of productive forces;
  2. contribute to the management of urbanization and to the development of the country's municipalities;
  3. ensure rational, interconnected lay-out of all types of enterprises, engineering and technical systems and facilities based on broad cooperation aimed at achieving the highest economic and social efficiency in conformity with the territorial factors and conditions and technical requirements;
  4. provide a territorial basis for the establishment of a Single Public Services System;
  5. guarantee environmental protection and reproduction;
  6. contribute to the protection of natural and historical sights, immovable cultural monuments;
  7. identify opportunities offered by the territory for organisation and development of recreation.

#### **Article 9**

- (1) The national and regional territorial development plans shall provide a mandatory basis for urban development planning, development of extrasettlement areas, capital construction and implementation of any technical activity in the respective territories.
- (2) (Amended - SG No. 32/1973) Capital construction projects by sector of the national economy and any other technical activity in extrasettlement areas shall be carried out in accordance with the relevant territorial development plans.
- (3) Capital construction projects and any other technical activity in settlements and the related zones of influence shall be carried out in conformity with the assumptions of the general and detailed urban development plans.

#### **Article 10**

Territorial development plans of all levels shall be prepared abiding by the law and other effective provisions vis-à-vis the preservation of arable land, protection of nature, air, water and soil and immovable cultural monuments, and other regulations pertaining to design and construction.

#### **Section II**

### **Single, National, Regional and Extrasettlement Territorial Development Plans**

#### **Article 11**

- (1) The Single Territorial Development Plan of the Republic of Bulgaria shall provide conditions for planned development and use of the country's entire territory.
- (2) The national territorial development plans shall provide for the comprehensive development of issues of national importance such as: creation of most favourable territorial and technical conditions for development of individual sectors of the national economy; location, organisation and development of the settlement network; public services

systems; organisation of recreation; location and organisation of major transport and communication networks; interconnected location of some constructions on the territory of the country, etc.

### **Article 12**

The regional territorial development plans treat the issues of interdependence among the key components related to the socio-economic progress of the respective regions and territorial units in conformity with the general objectives of territorial development.

### **Article 13**

- (1) Territorial development plans for extrasettlement areas shall be drafted for some parts of the country undergoing a vigorous process of urbanization with concentration of diverse construction in various sectors of the national economy.
- (2) These plans shall ensure:
  1. proper functional division of the area into zones under an interconnected and highly efficient land use;
  2. coordinated, interdependent location of all enterprises and facilities in the area taking into account the need to protect the environment and to be in harmony with it, as well as to protect historical sights and immovable cultural monuments.

## **Section III**

### **General and Detailed Urban Development Plans**

#### *1. General Provisions*

### **Article 14**

General and detailed urban development plans shall be prepared in conformity with the approved national and regional territorial development plans.

### **Article 15**

Within the general territorial development objectives the general and detailed urban development plans shall:

1. ensure most expedient construction, reconstruction and development of the settlements and their related zones of influence in accordance with the specific production, economic, natural, geographic, demographic, aesthetic, communication, transport, sanitary, hygienic, fire prevention and other conditions and requirements;
2. ensure harmonious incorporation of settlements and their related zones of influence in the environment and the protection and use of natural specifics and sights;
3. preserve, create and develop the settlements' architectural identity;
4. determine the settlements' territorial structure according to functions;
5. design measures aimed at protecting the immovable cultural monuments and their historical environment;
6. establish stages for building up of settlements in view of consistently focus and carry out construction in definite areas, regions and micro-regions.

#### *2. General Urban Development Plans*

### **Article 16**

General urban development plans shall be a mandatory basis for overall architectural construction, reconstruction and development of settlements, municipalities and their related zones of influence.

### **Article 17**

Any general urban development plan shall identify:

1. terrains allocated for residence, work and recreation, settlement centers, main communication and transport networks, location of complexes and major government and public buildings;
2. methods and stages of construction and development of residential areas and their structural units, production and warehousing areas, public utilities, recreational, tourist and sports facilities and areas, important architectural monuments;
3. ways for proper utilisation of underground space for construction of underground premises, facilities and cable networks;
4. main public works, major steps for air, water and soil protection, decreasing and elimination of hazardous noise, cleaning up settlements and their surroundings from solid waste, etc.;
5. guidelines for development of settlements and their related influence zones beyond the approved time-frame and the sites allocated for that purpose.

### **Article 18**

Drafting of general urban development plans shall be mandatory for:

1. towns and municipalities;
2. industrial centers and complexes;
3. resort settlements and resort complexes;
4. settlements located in a specific environment;

5. settlements and complexes of historical, ethnographic or architectural significance;
6. other settlements, determined concurrently by the Minister of Territorial Development and Construction and the District Governor.

#### **Article 19**

The general urban development plan can be amended and supplemented in the public interest:

1. when the objectives for territorial development are achieved;
2. when significant changes occur in the socio-economic and urban development conditions under which it was created.

### *3 Detailed Urban Development Plans*

#### **a) General Rules**

#### **Article 20**

- (1) For the purpose of implementing a general urban development plan detailed plans shall be drafted: layout and regulation plans, vertical planning schemes, district layout and contour plans, plans for architectural styling of settlements and parts thereof, public works and other necessary plans.
- (2) Detailed plans shall finalise assumptions and envisage relevant measures for architectural construction, reconstruction and development of settlements and their zones of influence.
- (3) If a settlement is not obliged to have a general urban development plan, the required detailed plans shall be prepared directly.

#### **Article 21**

As a uniform urban development form, the layout and regulation plan shall consist of:

1. a layout and regulation plan for public undertakings (undertakings by the government, juridical persons);
2. a layout and regulation plan for yard lots (yard regulation plan).

#### **b) Layout and regulation plans for public undertakings**

#### **Article 22**

Layout and regulation plans shall envisage:

1. government measures for architectural construction, reconstruction and development of settlements and their related zones of influence - construction of communication and transport systems, settlement centers, public utilities buildings and complexes, public works systems and engineering and technical networks, recreation and sports systems, production and warehousing areas, etc.;
2. cooperative and public organisation's measures, such as construction of buildings and facilities and creation of areas for their economic and public needs;
3. construction sites for public house building.

#### **Article 23**

Layout and regulation plans can group regulated and unregulated lots for individual complex housing construction.

#### **Article 24**

Layout and regulation plans can create districts or parts thereof for construction by the municipalities of passenger car garages and parking lots to be sold or let to residents of the respective housing complexes and districts in conformity with the established sanitary and hygienic requirements.

#### **Article 25**

Depending on the terrain and some other natural factors, layout and regulation plans may group mostly non-built lots into country-house zones for the purpose of complex, public or private or mixed country-house construction.

#### **Article 26**

(Amended - SG No. 45, 1984, No. 31/1990 & No. 63/1995)

- (1) Non-built terrains can be excluded from the construction boundaries of settlements by layout and regulation plans in accordance with the rules and regulations concerning the necessary unregulated area, and in connection with technical sanitary and hygienic conditions and economic requirements. Terrains containing also built-up lots shall be excluded from the construction boundaries of settlements only with the consent of the Minister of Territorial Development and Construction.
- (2) Real estate excluded from the construction boundaries of settlements shall be included in the state land stock by order of the authority under Article 95, after the following conditions have been met:
  1. the owner is granted the right to build on a state-owned lot;
  2. the entitled person is compensated for the property and its improvements (buildings, facilities and perennials). The compensation shall be determined pursuant to the terms and conditions set out in the Regulations for Implementation of this Act;
  3. the entitled person is provided with proper housing if the excluded property was used for housing purposes.

- (3) The order for inclusion of the property in the state land stock shall be communicated to the parties concerned pursuant to the Civil Procedure Code. They may appeal the order under Art. 138 with respect to its legality and adherence to the terms of compensation.

*c) Yard Regulation Plans (Yard Regulations)*

**Article 27**

- (1) Layout and regulation plans shall create yard regulation lots for housing and country-house construction.
- (2) The assumptions of the plan must be economically feasible and permit correct building -up of the lots and the neighbourhood quarter complex.

**Article 28**

- (1) Yard regulation lots shall be established through:
  - a) regulation of full-sized lots;
  - b) regulation of undersized lots (in terms of surface or front) by their expansion to reach full size;
  - c) regulation of lots or parts thereof by joining them together into a joint (co-owned) lot.
- (2) Real estate, which due to measures of the government, juridical persons envisaged in the layout and regulation plan become undersized, shall be expanded to the required size out of disposable parts of adjacent lots.
- (3) Real estate which were undersized prior to the regulation shall be enlarged to the required size out of disposable parts of adjacent lots, provided they have at least 3/5 of the smallest lot surface. If the owner of the undersized lot has no other property in the settlement or his place of residence, which is sufficient to meet his own and his family's housing, professional, health and recreational needs, the undersized lot shall be enlarged pursuant to Para 2.
- (4) In the absence of conditions for enlargement, the undersized lot shall be attached to the neighbouring lots. If the owner of the undersized lot does not have another property in the settlement or his place of residence, which is sufficient to meet his own and his family's housing, professional, health and recreational needs, at his request and pursuant to the established procedure he shall be offered state-owned housing or a right to build on a state-owned lot by the Mayor of the municipality.

**Article 29**

- (1) (Amended - SG No. 45/1984) In the case of low - and medium-storey construction, the plan may establish joint lots out of:
  - a) adjacent undersized real estate, which cannot be enlarged;
  - b) adjacent undersized residuals of full-sized lots, which cannot be enlarged;
  - c) adjacent lots under Subpara. "a" and "b".
- (2) In the case of multi -storey and complex low -storey construction, the plan may establish joint lots out of adjacent lots irrespective of their size.
- (3) Co-ownership shall be established by means of regulation.

**Article 30**

Lots shall be determined by the plan:

1. for full-sized lots under regulation;
2. for undersized lots, which are enlarged in the course of regulation;
3. for lots, which are incorporated in joint lots in the course of regulation.

**Article 31**

(Amended - SG No. 45/1984)

- (1) Co-owners' parts in jointly owned lots for low - and medium-storey construction created in the process of regulation shall be equal.
- (2) If a joint lot is created for the purpose of multi -storey and complex low-storey construction, the co-owners' parts shall correspond to the value of the individual lots incorporated in the joint lot. The value of the parts shall be determined pursuant to Article 115.
- (3) Pre-regulation buildings, facilities and other improvements in the lots making up the joint lot shall be excluded from co-ownership.
- (4) Mortgages and other encumbrances attached to the property incorporated in the lots, shall remain on existing buildings, facilities and other improvements and shall be transferred by right and in the same order over the debtor's part of the lot. When new buildings are constructed on the lot, these encumbrances shall be transferred by right and in the same order over the respective parts and shares of the building. Mortgages and other encumbrances shall be recorded in the title deed for the parts of the lot issued by a notary public.

## **d) Conditions for Amending of Detailed Urban Development Plans**

### **Article 32**

(Amended - SG No. 45/1984)

- (1) Layout and regulation plans, vertical planning schemes, district layout and contour plans in force can be amended:
  1. for the sake of public interest related to the aims and needs of urban development;
  2. if the cadastral plan contains significant omissions or errors affecting the detailed plan's assumptions. If the omissions or errors do not affect the relevant assumptions, only the cadastral plan shall be amended or supplemented. If the omissions or errors in the cadastral plan are related to a property right dispute, it shall be resolved in advance in court;
  3. if the plan does not provide opportunities for proper construction in accordance with the effective construction and technical rules, standards and regulations in respect of architectural and urban development requirements;
  4. if the plan contains an obvious factual error affecting its assumptions;
  5. if the plan was approved in flagrant violation of the law. Plans on which a court ruling or a lawful order is in force, or plans which have been implemented cannot be amended under this subparagraph;
  6. by court recommendation concerning cases for partitioning of lots.
- (2) Effective yard regulation plans can be amended also by the consent of all directly concerned owners.
- (3) No alteration of regulation plans shall be allowed on the grounds set out in Para 1, Subparas 1 and 3 seeking to bring unlawfully erected buildings in line with the regulation and construction requirements.

### **Article 33**

- (1) When a yard regulation plan is amended on the grounds set out in Subparas 2, 4 or 5 of the preceding article, the new plan shall be prepared on the basis of the initial position of the real estate (prior to the regulation). Following a period of 10 years after the occupation of the legally allocated property, the lot boundaries shall become property boundaries.
- (2) When a yard regulation plan is amended on the grounds set out in Subparas 1 or 3 of the preceding article, the lot boundaries shall become property boundaries, if prior to the initiation of amendment proceedings, the allocated property was legally occupied or the compensation due was paid under the terms laid down in the Regulations for Implementation of this Act.
- (3) The preceding rules shall be applied also to the drafting of new detailed regulation plans for whole settlements or parts thereof.

## **Chapter Three**

### **DEVELOPMENT OF MUNICIPALITIES, SETTLEMENTS AND EXTRASETTLEMENT AREAS**

#### **Section I**

#### **General Provisions**

### **Article 34**

(Amended, SG Nos. 102/1977 and 45/1984)

- (1) The municipalities shall be the basis for the country's territorial and urban development.
- (2) (Repealed, SG No. 63/1995).

### **Article 35**

- (1) The settlements' architectural and urban identity shall be designed and developed on the basis of the general and detailed urban development plans and in conformity with the construction and technical rules, standards and regulations by drawing on the national architectural heritage and natural endowments and by carrying out comprehensive measures for upgrading the sanitary and health efficiency of the environment.
- (2) Settlements shall be constructed and reconstructed predominantly through complex construction.
- (3) Housing structural units (districts, micro -districts, housing groupings, complexes) shall be built and provided with all the necessary services and utilities.
- (4) Industrial and warehousing areas shall be built as integrated complexes with the other parts of the settlement providing conditions for broad cooperation among enterprises and for a system of sanitary and safety measures.
- (5) (The existing subparagraph was deleted, former Subpara 6 SG No. 102/1977) Within the settlement structure and the extrasettlement areas preference in terms of scope and volume shall be attached to publicly organised recreation.
- (6) (Former Subpara 7 - SG No. 102/1977) Country -house areas shall be used for public and private (individual or complex) construction.
- (7) (Former Subpara 8 - SG No. 102/1977) Measures for monumental and permanent artistic decoration shall be undertaken in the settlements and the extrasettlement areas.

### **Article 36**

(Amended - SG No. 63/1995) The regulations and ordinances for implementation of this Act shall provide for:

1. planning of residential, industrial, warehousing, recreational, tourism, sports and health resort areas, as well as the location, view, fitting and furnishing of buildings and individual housing and premises considering the modern requirements; reduction and elimination of harmful noise in the settlements, buildings, individual housing and premises, and in the recreation facilities;
2. opportunity for broad application of industrialized construction systems and methods containing a wider variety of elements meeting high technical, operational, functional, architectural and design requirements.

#### **Article 37**

- (1) All construction works in the settlements and in the extrasettlement areas shall be performed in conformity with this Act, the regulations and ordinances for its implementation, the relevant territorial development plans, the rules and regulations concerning the land required for construction projects, the engineering and technical rules for civil defense and the other design and construction regulations.
- (2) The construction regime in settlements, of historic or architectural and museum importance and for districts, streets and real estate of such importance in other settlements shall be established by the layout, regulation, district layout and contour plans, as well as by the specific provisions attached to the overall layout and regulation plan, which are subject to approval by the Minister of Territorial Development and Construction and the the Minister of Culture.

#### **Article 38**

- (1) (Amended - SG No. 102, 1977, No. 45, 1984 and No. 31, 1990) A one-time ban on construction works may be imposed for a period of time not exceeding two years in connection with drafting of general and detailed urban development plans, studies for the purpose of overall or partial reconstruction of settlements, construction of rail line, tunnels and facilities for underground trams and railways, and other underground works, as well as for meeting sanitary and hygienic requirements. The ban on construction works shall be imposed by order of the Mayor of the municipality. An additional ban can be imposed by order of the Minister of Territorial Development and Construction for a certain period of time.
- (2) The Minister of Territorial Development and Construction may impose a ban on construction for the purpose of clarifying the general stability of the terrain in landslide areas for a period of up to two years, and in connection with carrying out landslide prevention and other reinforcing measures - until their completion.
- (3) A ban on construction works shall also suspend the implementation of approved general and detailed urban development plans.

#### **Article 39**

(Repealed - SG No. 31/1990).

### **Section II Construction**

#### **Article 40**

- (1) Buildings and facilities shall be constructed within the construction boundaries of settlements.
- (2) Outside the construction boundaries of settlements permission shall be given for buildings whose type, size, site and purpose is determined by the Regulations for Implementation of this Act and the construction rules, standards and regulations.

#### **Article 41**

- (1) Construction works of limited scope and overhauls for the purpose of meeting urgent housing needs in real estate affected by urban plans and measures shall be made in accordance with the terms and conditions of the Regulations for Implementation of this Act.
- (2) The former owner of real estate allocated to other persons under a yard regulation plan cannot construct new buildings and plant new perennials there. Existing buildings and structures can be maintained only with essential repairs and interior reconstructions.

#### **Article 42**

- (1) (Amended - SG No. 45/1984) The Mayor of the municipality can oblige the owners or the juridical persons which run and manage the property, within a specified time-frame to add storeys, extend and convert buildings and parts thereof, as well as other constructions in order to bring them in line with the effective layout plans and construction rules, standards and regulations.
- (2) The Municipality shall reimburse the owners for the relevant expenses incurred in carrying out the prescribed works. Art. 115 shall apply in this case. The cost of improvements and benefits resulting from adding storeys, extending and converting of buildings shall be deducted from the reimbursement amount.
- (4) Juridical persons shall carry out the prescribed works for adding storeys, extending and converting buildings at their own expense.

#### **Article 43**

- (1) The authority under Para. 1 of the preceding article can allow shops, warehouses, workshops, cellars and other business premises to be reconstructed and merged without the owners' consent, provided this is warranted by their use for state or municipal needs.
- (2) Costs associated with the reconstruction or merger of premises shall be borne by the concerned juridical persons.

- (3) The investor shall remove at his expense any damages inflicted on the respective property and the neighbouring ones in the course of the reconstruction or merger of premises.
- (4) Should the premises be alienated/expropriated in the future, they shall be valued at their pre-reconstruction or pre-merger status. Prior to initiating the reconstruction or merger, the investor shall be obliged to establish the status of the premises pursuant to the procedure for securing evidence.

#### **Article 44**

The authority under Article 42, Para. 1 can oblige the owners, respectively the juridical persons, which run and manage the property, within a set time-frame to repair, convert or eliminate at their own expense inappropriate in terms of type, location or layout secondary, economic and temporary buildings, pavilions, kiosks, stalls, inappropriate devices on facades and roofs of buildings, fences, etc., as well as to contribute to security, traffic safety, healthcare, hygiene, aesthetics and cleanliness of settlements and public calm.

#### **Article 45**

(Supplemented - SG No. 31/1990)

- (1) The authority under Article 42, Para. 1 can prescribe the necessary facilities and installations for common use (lifts, refuse chutes, internal networks, etc.) to be constructed in existing buildings, and necessary reconstruction of common premises to be carried out, provided at least two thirds of the home owners and of other premises in the building agree to this. The owners' consent shall be given in the form of a notary certified application to the Municipality.
- (2) The newly-created common facilities under the preceding paragraph shall be at the expense of the owners of homes and premises to be serviced by these installations and facilities.
- (3) By proposal of the authority under Article 42, Para. 1, existing buildings, homes and premises comprised shall be mandatorily connected with district heating pursuant to the terms and conditions of the regulations for implementation of this Act. Common internal heating installations passing through the homes and the other property of the members of a block of flats shall also be constructed pursuant to the terms and conditions of Para. 1. Owners who have not given their consent and have not been connected with the installation shall be compensated by the other owners pursuant to Art. 115.

#### **Article 46**

- (1) The fences of yard regulation lots shall be built along the boundary regulation lines with equal parts in the two lots.
- (2) A person who has built a fence may ask the owners of the adjacent lots to pay the share of the costs of the required fence.

#### **Article 47**

- (1) The owners, respectively the juridical persons which run and manage buildings and facilities shall be obliged to maintain them in good shape and in the required repair.
- (2) The Mayor of the municipality can oblige the owners, respectively the juridical persons to carry out within a set time-frame required repairs related to the provisions of the preceding paragraph. In the event of their failure to fulfill that obligation, the said repair shall be carried out at their expense by enterprises of the Municipality.
- (3) The Minister of Territorial Development and Construction and the Minister of Finance shall issue instructions for implementation of the above-mentioned paragraphs.

### **Section III Public Works**

#### **Article 48**

- (1) Public works in the settlements (water supply, sewerage, drinking and waste water treatment, electricity, district heating, landscaping, creation and correction of water surfaces and flows and water basins, reinforcement of landslides, construction of transport and communication networks and facilities, road construction and construction of underground and surface street facilities, etc.) shall by definition be carried out by the municipalities or their enterprises. Projects of national importance, as well as projects covering the territory of two or more regions can be carried out by the Ministry of Territorial Development and Construction as well.
- (2) The municipalities or their enterprises shall maintain the constructed projects, common networks, cables and facilities.
- (3) Specialised departments and juridical persons shall carry out public works of specific type and purpose and shall operate and maintain constructed projects, common networks, cables and facilities in conformity with the effective specific provisions. The plans and designs for these public works shall be coordinated in advance with the municipalities, the Ministry of Territorial Development and Construction respectively, whose decisions shall be binding.
- (4) The decisions and instructions of the Ministry of Territorial Development and Construction pertaining to the performance of public works referred to in the preceding paragraph shall be binding on the specialised departments and juridical persons.
- (5) The health and sanitary supervision over studies of water sources and waters, as well as over the use of water supply and sewerage facilities shall be exercised by the Ministry of Health.

#### **Article 49**

- (1) (Amended - SG No. 45/1984) The Ministry of Territorial Development and Construction and the executive committees of the regional (Sofia City Municipality) and the municipalities can juridical persons to construct jointly roads, engineering networks and facilities, transport and support facilities, service establishments etc. for common use when this is warranted in order to achieve better efficiency of capital investments and lower operation costs. The opinion of the juridical persons on these matters shall be sought in advance.
- (2) In the event of failure to reach an agreement between the concerned juridical persons about their contributions to cover the costs of planned works, the latter shall be determined by the executive committee of the respective Municipality.

#### **Article 50**

(Amended - SG No. 31/1990)

- (1) Water supply, sewerage, electricity, telephones, underground and surface street facilities and vertical planning in country-house areas shall be carried out at the expense of the owners, the juridical persons which run and manage the property. This shall not apply to external networks.
- (2) The contributions to the cost of the works referred to in the previous paragraph shall be determined on the basis of the lots' tax valuation (excluding buildings and their other improvements) and in the case of country-house complexes built on state-owned land - proportionally to the tax valuation of the conceded construction right.

#### **Article 51**

- (1) Green areas, integrated in a unified system shall be created in the settlements and their zones of influence as elements of the overall architectural and urban composition and as a means for improving the microclimate and the hygienic conditions.
- (2) Green areas for general public use shall be the core of this system.
- (3) The existing green areas must be protected to the greatest extent during the construction and reconstruction of the settlements.
- (4) The felling or uprooting of perennial decorative trees, and trees of historic significance in the settlements shall be forbidden irrespective of their ownership. These trees can be felled or uprooted only as an exception - when it is absolutely essential pursuant to the terms and conditions set out in the Regulations for Implementation of this Act.

#### **Article 52**

(Amended - SG No. 45/1984)

- (1) Non-built up internal areas of lots located in urban districts for predominantly multi-storey construction, can be merged in order to create inner-district gardens by order of the authority under Article 42, Para.1. In this case, the construction of secondary, economic and temporary buildings shall not be considered.
- (2) The ownership of the areas taken for inner-district gardens shall be preserved within the regulated boundaries of the lots. No taxes and fees shall be paid on these areas.

### **Section IV**

#### **Technical Supervision Over the Construction and Operation of Industrial and Other Production Enterprises, Machine and Electric Installations and Facilities**

#### **Article 53**

- (1) (Amended - SG No. 102/1977) Production buildings of juridical persons, as well as machine and electric installations and facilities shall be constructed and installed in areas and parts of settlements and in other extrasettlement areas in accordance with the assumptions of the relevant territorial development plans and the terms and conditions of this Act, the regulations for its implementation and the other effective regulations.
- (2) (Amended - SG No. 3/1977) In the absence of relevant plans, sites for industrial and other production enterprises shall be allocated in conformity with the established procedure with the consent of the Minister of Territorial Development and Construction, the District Governor or the municipalities, respectively, under whom a Council for Territorial and Urban Planning, Construction and Architecture is established, after getting the opinion of the organs of the Ministry of Environment, the Ministry of Health and the Fire Service.
- (3) (The existing Para. 3 has been repealed, former Para. 4- SG No. 102/1977) The blueprints for construction and installation of facilities under Para. 1 shall be coordinated with the authorities of the Ministry of Territorial Development and Construction, the authorities of the district or the municipalities, respectively, whose decisions shall be binding.

#### **Article 54**

- (1) (New one - SG No. 102/1977, amended - No. 14/1988) The Quality Control Committee shall exercise state and technical supervision over the construction and operation of industrial and other production enterprises, machine and electric installations and facilities.
- (2) (New one - SG No. 102/1977, amended - No. 14/1988) The specialised bodies for technical supervision at the ministries and other departments, municipalities and juridical persons shall perform their activities under the methodological guidance of the Quality Control Committee.
- (3) (New one - SG No. 102/1977, amended - No. 14/1988) Orders and instructions concerning technical supervision issued by the authorities of the Quality Control Committee and the authorities under the previous paragraph within

their competencies, shall be binding on the ministries and other departments, executive committees of the municipalities, juridical persons and the general public.

- (4) (New one - SG No. 102/1977, amended - No. 14/1988). The Chairman of the Quality Control Committee within his competence can suspend and repeal illegal acts of juridical persons, as well as of departmental authorities for technical supervision.
- (5) (Former Para. 1 - SG No. 102/1977) The authorities for state territorial development and construction supervision over machine and electric installations and facilities can issue motivated recommendations concerning the structure and operation of enterprises, installations and facilities and urge them to do what is required under this Act and the Regulations for its Implementation in order to guarantee the security, hygiene, health, fire safety, public order and environmental protection. If the recommendations are not fulfilled within the deadline, the supervisory bodies shall close down the enterprise or facility by a motivated order. The order shall be executed according to the administrative procedure, and should the need arise - through the assistance of the Ministry of Interior.
- (6) (Former Para. 2 - SG No. 102/1977) The operation of enterprises, installations and facilities built or commissioned without permission or in breach of granted permission, shall be suspended in compliance with the procedure set out in the preceding paragraph.

## **Section V Construction Permits**

### **Article 55**

Construction can be carried out only if it is permitted by this Act and the regulations for its implementation.

### **Article 56**

- (1) A construction permit shall be issued to the investor (an institution, economic or public organisation; the owner of the property; a person who has the right to construct on somebody else's property).
- (2) (Supplemented - SG No. 31/1990) The right to build on somebody else's property shall belong to:
  1. persons in whose favour a right to construct, add new storeys to or extend an existing building is instituted;
  2. a spouse, relatives of the owner on direct line of descent without limitation, and on collateral line of descent - up to and including second degree, provided they carry out construction with the owner's consent in the form of a notary certified application to the relevant technical service of the Municipality, which is also recorded in the notary books; by virtue of a duly granted consent, a right to construct on that lot shall be instituted in favour of the person who carries out the construction.
  3. persons for whom this is provided for by law or decree;
  4. persons who have been consigned farm land on grounds of an act issued by the Council of Ministers.
- (3) (Amended - SG No. 102/1977, No. 45, 1984) New construction, adding of storeys or an extension in a co-owned property or block of flats by one or more co-owners or flat owners can be carried out with the consent of the remaining ones expressed in an application to the Municipality containing certified signatures of the co-owners or flat owners and the persons who are being granted the permission to carry out construction, adding of storeys or extension. This application shall institute a right to add new storeys to or extend a building in favour of the person carrying out the construction and shall transfer the ownership right or the construction right over the ideal part of the site and the ownership right over the respective shared parts of the building to which new storeys or premises have been added, as well as over the indicated attic, cellar and other warehouse premises in favour of the person carrying out the construction, and shall be subject to recording in the notary books. The construction right over the state-owned part shall be instituted according to the established procedure.
- (4) (New one - SG No. 102/1977, No. 45, 1984) In the cases referred to in Paras 2 and 3, state and local fees shall be paid on the value of instituted or transferred property rights when they are recorded in the notary books.
- (5) (New paras 5-9 - SG No. 45/1984) The consent of the other flat owners shall not be sought for the reconstruction of private premises or for changing their function, provided this is being done for the purpose of meeting personal needs of the owner or the members of his household and does not change significantly the appearance of the shared parts of the building and do not take over parts of premises intended for joint use.
- (6) The consent of the other owners shall not be sought for the partitioning or reconstruction of homes and other premises in blocks of flats:
  1. when no parts of a shared premise are taken over and its function is not altered;
  2. when internal installations are being connected with general networks passing through or by the partitioning wall or through service premises along a vertical axis.
- (7) Changes in the existing general installations and laying down of new installations, which affect the property of other owners, shall require the latter's written consent.
- (8) In the cases referred to in Paras 5 and 6, the owner shall be obliged to repair any damage resulting from the construction works. Article 115 shall apply in this case.
- (9) The restructuring referred to in Paras 5 and 6 can be performed only if it conforms with the architectural/artistic, construction/technical, sanitary, hygienic and fire prevention requirements and is conducted in a way which is best for the property concerned and only if no other technical solution can be found.
- (10) (Former Para. 4 - SG No. 102/1977 and No. 45/1984) Construction permits for rural property can be issued also on the basis of a certificate by the chairman of the executive committee of the Municipality or the mayor showing that the property has been recorded in the council's registers in the name of the applicant for a period of more than ten years.

- (11) (Former Para. 5 - SG No. 102/1977 and 45/1984) Construction on a lot to which property belonging to other persons has been added, shall be permitted provided the conditions of this Act for occupation of added property have been met.

#### **Article 57**

(Repealed - SG No. 31/1990)

#### **Article 58**

- (1) (Amended - SG No. 102/1977 and 45/1984) Construction in co-owned lots designated for low- and medium-storey housing or country-house buildings can be permitted on request of one or several co-owners without the consent of the rest, on the basis of an architectural design for overall construction of the lot, according to which each co-owner can get a separate house, a separate apartment in the same building, a separate country-house or a separate part of a country house, respectively. When the construction is completed, the owners' share of the lot shall be determined on the basis of the value of the received property.
- (2) If it is not possible to build housing for all co-owners on a non-built lot under the preceding paragraph, the co-ownership can be terminated through partitioning. In this case, pursuant to Article 288, Para. 2 of the Civil Procedure Code the lot shall be shared or assigned to a co-owner, who has the right to build it up or who has the greatest need.
- (3) (Repealed - SG No. 63/1995).

### **Chapter Four**

#### **REAL ESTATE OWNERSHIP REGIME RELATIVE TO URBAN DEVELOPMENT AND TECHNICAL REQUIREMENTS**

#### **Article 59**

Definite parts of subdivision yard lots may not be acquired through legal transactions nor under statutes prescriptive rights.

#### **Article 60**

The ownership of a subdivision yard lot shall be transferable and property rights may be instituted in it even though the parts transferred to other persons have not been yet paid for. The acts of the administrative and judiciary branch with respect to the transferor and in connection with subdivision regulation shall be equally binding on the transferee.

#### **Article 61**

- (1) The partition of a lot between co-owners for the purpose of forming separate lots shall not be effected prior to the delineation of such separate lots in accordance with regulation rules.
- (2) (Amended SG No. 45/1984; No. 63/1995) In the case of partition by the courts, the courts shall propose to the Local Municipality to delineate, within a prescribed time, lots with zoning and regulation plans consistent with the draft protocol of partition. Co-partitioners may appeal these plans in accordance with Article 138 (1.2).
- (3) For the purposes of notary certification of a voluntary partition agreement or court approval of a partition agreement for subdivision lots, an official sketch reproducing the zoning and regulation plans shall be submitted to verify that the shares are delineated into separate lots.

#### **Article 62**

(Amend. SG 45/1984 and 31/1990)

- (1) Voluntary partition of a building or unit between co-owners, and legal transactions for conveyance of definite parts thereof may only be effected where the designated shares or parts thereof conform to approved architectural projects. Such conformity shall be subject to verification by the technical departments of the Local Council.
- (2) Buildings or units may be partitioned by a court only if the shares are divisible into separate units, without this causing any substantial transformation or unreasonable inconvenience, while in observance of construction rules and codes.
- (3) In the cases under the foregoing Paragraph, review of the lawfulness of the approved designs shall be exercised by the court which executes the partition.
- (4) Title deeds for units and other elements in co-operative condominiums shall only be issued if the distribution of the units corresponds to the approved architectural design, which shall be subject to verification by the technical departments of the Local Council.

**Chapter Five**  
**ALIENATION/EXPROPRIATION AND COMPENSATION**

**Section I**  
**Alienation/Expropriation and Compensation**  
**Required for State Undertakings**  
**(Amend., SG No. 31/1990)**

*1. General Provisions*

**Article 63**

- (1) Real property may be alienated/expropriated in accordance with enforced construction and regulation plans for the purposes of:
1. Breakthroughs and extensions in connection with the construction or reconstruction of streets, boulevards and squares.
  2. Water supply, sewage disposal, treatment of drinking and waste waters, electricity, heating and gas supply, green spaces, establishment or correction of water courses, establishment of communication and transportation networks or installations and other public works within or without the construction boundaries of inhabited sites.
  3. Underground tram and railways, and the related installations, tunnels and transport equipment at different levels, underground servicing premises and such others.
  4. Routes of railways and roads with related equipment and other construction works for the purposes of juridical persons on sites outside the built-up area of inhabited places but within the master plan boundaries.
  5. Hospitals, schools, cinema and theatre halls, supermarkets and other public buildings.
  6. Construction of housing by the State and the municipalities to compensate owners of property which is subject to alienation/expropriation for state and municipal purposes in accordance with the provisions of the Property Act and pursuant to this Article, as well as housing for newly wed couples and depositors under contract -saving schemes for purchase of home at the date that this amendment shall take effect.
- (2) In the cases under Item 6 of the preceding Paragraph, subject to alienation/expropriation may only be vacant lots or lots whereon the existing building is of lower value than the site.

**Article 64**

(Amend. SG No. 31/1990)

The State and the municipalities shall acquire real property for the undertakings under this Act, free and clear of any encumbrances.

**Article 65**

(Amend., SG No. 102/1977 and 31/1990)

The rulings is sued by administrative or judiciary authorities under this Act and the rules for the application thereof with respect to the transferor of real property designated for state and municipal undertakings shall also be binding on the transferee in the case of property transactions.

(Paragraph 2 repealed, SG 31/1990)

*2. Alienation./Expropriation Terms*

**Article 66**

(Amend., SG No. 45/1984 and 31/1990)

Built-up real estate designated for state and municipal undertakings under the zoning and regulation plan shall be alienated/expropriated in accordance with the existing plan. Only the site may be subject to condemnation in such cases.

**Article 67**

(Amend., SG No. 45/1984)

- (1) For the purposes of new housing development, given the type, location and durability of existing massive buildings, only the site without the building may be alienated/expropriated if the zoning plan provides for an appropriate independent regime, while in observance of construction rules and codes in force.
- (2) By the alienation/expropriation of the site, the owner shall be granted gratuitously interest in the building rights of the subdivision proportionate to the value of the existing building or part thereof. The owner may transform or extend the building or carry out new construction works on its site, while in observance of existing regulations and zoning plans, without the need to obtain the consent of the competent state authorities and the persons who have acquired the building rights in the state-owned land in the complex (lot).
- (3) Within one month of notice of alienation/expropriation proceedings, the owner may request the alienation/expropriation to cover the entire property (the site as well as the buildings, structures and improvements). In such cases, alienated/expropriated buildings shall be paid for from the Housing Construction Fund and transferred for maintenance and management to the Local Council.

**Articles 68-72**

(Repealed, SG No. 31/1990)

### **Article 73**

For the purposes of building underground tram and railways and related installations; tunnels and transportation equipment at different levels; underground public premises and others, subject to alienation/expropriation shall be the property affected directly by the envisaged construction or having become incapable of development or use on account of safety or sanitary precautions.

### **Article 74**

(Repealed, G No. 31/1990)

## *3. Compensation Rules*

### **(a) General Rules**

#### **Article 75**

(Amend., SG No. 45/1984 and No. 31/1990)

The provisions of Article 102 of the Ownership Act shall apply also to alienation/expropriation under Article 63 of this Act, unless otherwise provided.

#### **Article 76**

(Suppl., SG No. 45/1984, Amend., SG No. 31/1990)

Housing construction, including such carried out by departments or institutions, shall be performed on the basis of a contract between the parties concerned, except in the cases under Article 63, Item 6.

#### **Article 77-82**

(Repealed, SG No. 31/1990)

#### **Article 83**

- (1) (Amend., SG No. 45/1984, Repealed; Former Paragraph 2, Amend., SG No. 31/1990) Zoning and regulation plans, local and elevation plans respectively, shall specify the housing to be developed for owner compensation purposes. Buildings designated for such purposes may not be constructed for other purposes.
- (2) (Former Paragraph 3, SG No. 31/1990) Investors shall include housing designated for compensation of owners as a subproject of the general project for which the property was alienated/expropriated. Such housing shall be completed before the main project or built simultaneously. If the construction comprises a small number of housings, it shall be implemented by the Local Council at the expense of the investor from his general project funds.

(Paragraph 4, Repealed, No. 31/1990)

#### **Article 84**

In designing the project, the investor shall envisage housing of the appropriate type, size and layout to compensate the owners of the alienated/expropriated property.

#### **Article 85-87**

(Repealed, SG No. 31/1990)

#### **Article 88**

(Amend., SG No. 31/1990)

Owners compensated with housing shall have the right to choose the floor, layout, orientation, etc. If the architectural design is changed, owners shall have the right to choose again.

#### **Article 89**

(Repealed, SG No. 31/1990)

#### **Article 90**

Where a single housing property (built-up or vacant) is alienated/expropriated for state and municipal undertakings, the authority under Article 95 may decide to exempt the owner from paying fully or partially the balance between the value of the alienated/expropriated property and the value of the housing granted as compensation. In such cases, taken into consideration shall be the family size and financial resources of the owner, the value of the alienated/expropriated property, the time of its construction and its gross building area as compared with the size of the housing granted as compensation.

#### **Article 91**

- (1) (Amend., SG No. 3/1980) The balance under Article 90, as well as the balance between rent payable for the housing under Article 92 and the rent paid equivalent to the property tax on the alienated/expropriated property, shall be covered by the investor.
- (2) The rulings establishing these balances shall be enforceable by writ in accordance with the Civil Procedure Code.

#### **Article 92**

Individuals compensated with housings in a newly constructed building or a building under construction shall pay rent for the premises occupied until completion of the compensation unit up to the amount of the property tax payable for the

alienated/expropriated property. The same provision shall apply to the individuals who still occupy the alienated/expropriated property.

### **(c) Special Rules of Compensation for Streets, Boulevards and Squares**

#### **Article 93**

- (1) (Amend., SG No. 31/1990) Alienation/expropriation of sites for streets, boulevards and squares under initial zoning and regulation plans, or subsequent plans when preceding ones have not been implemented, shall affect the owners of abutting lots or, in specific cases, also the Local Council in accordance with the Rules for the Application of this Act.
- (2) (Amend., SG No. 31/1990) Alienation/expropriation of regulated property for new streets, boulevards and squares, or for the reconstruction of existing ones, shall be entirely at the expense of the Local Council when preceding plans have been implemented.
- (3) Owners of condemned property shall be compensated by the Local Council which shall collect moneys paid by debtor-owners in accordance with the established procedures within a five-year period at two percent annual interest. When the property is transferred by a transaction at law, the whole payable sum shall be collected immediately.
- (4) Compensations paid up to 28 August 1959 by Local Councils for alienated/expropriated sites for streets, boulevards and squares shall be entirely at their own expense.

#### *4. Real Property Alienation/expropriation Procedure*

#### **Article 94**

- (1) (Amend., SG No. 31/1990) Real property shall be alienated/expropriated for the purposes under this Section and owners shall be compensated in due course in view of taking the property in conformity with construction starting schedules.
- (2) (Amend., SG No. 45/1984) Real property in newly developed housing and other estates may be alienated/expropriated also on a stage-by-stage basis within such limits as defined by the competent authority under Article 95 hereof and consistent with the construction project schedule. The alienation/expropriation shall cover the entire respective property.
- (3) (Amend., SG No. 45/1984, 31/1990) As an exception, properties affected under a proposed master plan or zoning and regulation plan may be alienated/expropriated prior to the time set for the works proposed to affect the property where this is appropriate in view of providing the housing or other urgent needs of the owner thereof, and subject to his request. Rightful claimants shall be compensated pursuant to the general procedure.

#### **Article 95**

(Amend., SG No. 45/1984, 31/1990)

Real estate shall be alienated/expropriated for the purposes of works under Article 63 hereof subject to a substantiated decree of the Chairman of the Executive Committee of the Local Council or, in the case of Sofia, of the Sofia Metropolitan Council.

#### **Article 96**

(Repealed, SG No. 31/1990)

#### **Article 97**

- (1) Alienation/expropriation proceedings shall be started by the competent authority under Article 95 hereof at the time scheduled for the works affecting the subject property (unless alienation/expropriation at an earlier time is the case) and provided that resources to compensate rightful claimants and to pay contributions owed under statutory provisions for the protection of arable land are available.
- (2) Proposed alienation/expropriation, and objections thereto and related requests on the part of owners shall be inquired into by an *ad hoc* committee.

#### **Article 98**

(Amend. SG No. 87/1974 and 31/1990)

- (1) The condemnation order shall set forth:
  1. The appraisal value of the subject property.
  2. The manner of owner compensation: a substitute real estate or cash.
  3. The substitute real estate, including building rights, granted in compensation (type, location, dimensions, built-up area, volume in cubic metres, etc.) and the appraisal value thereof where the case is a unit in an existing structure or another available property.
  4. The type, general description or number of units and other elements of a newly constructed structure, or such as is still under construction, to be granted in compensation.
  5. The balance, or part thereof, between the value of the property alienated/expropriated and that of the available substitute granted in compensation for which the rightful claimant shall be exempt from payment of when conditions are present to warrant the application of Article 90 hereof.
- (2) Notice of the order shall be delivered to parties concerned pursuant to the Code of Civil Procedure, and such parties shall be free to appeal the decree pursuant to Article 138 hereof.

### Article 99

- (1) Where, pursuant to an effective alienation/expropriation order, the rightful claimants are compensated by units or other elements of a newly constructed structure, or such as is still under construction, such rightful claimants shall be called upon by notice pursuant to the Code of Civil Procedure to choose, within a period of one month, such units and other elements as are consistent with their rights under this Act.
- (2) The competent authority under Article 95 hereof shall approve in advance a list determining the order by which the rightful claimants shall make their choice of units or other elements.

### Article 100

- (1) (Amend., SG Nos. 87/1974; 45/1984 and 31/1990) The competent authority under Article 95 hereof shall issue an additional order relative to such specific elements, including basements, attics and other premises attached, and common elements, including share in the land whereon the structure is erected, or the lot, as shall be granted in compensation, the building rights, and the value thereof, and relative to the application of Article 90 hereof.
- (2) Notice of the additional order shall be delivered to parties concerned pursuant to the Code of Civil Procedure, and such parties shall be free to appeal it pursuant to Article 138 hereof.

### Article 101

Pending the final settlement of disputes relative to such units and other elements as are to be granted in compensation, such units or elements may not be sold or exchanged, nor become the subject of distribution between members of a condominium.

### Article 102

(Amend., SG No. 45/1984)

Such rightful claimants who receive compensation in the form of a home or another unit shall be free to transfer their rights directly to members of their family or to other direct blood relatives who meet the conditions to acquire the property. Such transfer shall be executed in writing and signed by the parties thereto as witnessed by the Notary Public. The transferor may not acquire a government home nor take possession of such home by lease for a period of five years thereafter.

### Article 103

- (1) (Amend., SG No. 45/1984) The ownership of the real estate granted in compensation shall be acquired by the order itself of the competent authority under Article 95 hereof.
- (2) Where the difference is owed between the value of the property alienated/expropriated and the value of the property granted in compensation therefor, such difference shall be payable pursuant to such a procedure and in such a manner as defined by the rules for the application of this Act.
- (3) If the difference is not paid up, the competent authority under Article 95 hereof shall rescind the initial order on compensation and shall compensate the rightful claimant with another property of an accordingly lower value.
- (4) A housing construction loan shall be secured by a legal mortgage on the property.
- (5) The competent authority under Article 95 hereof shall be free, prior to the approved completion of construction, to amend effective orders pursuant to Article 98 and 100 on the written request of rightful owners signed as witnessed by Notary Public where the request is for compensation in cash *in lieu* of real estate, or for a unit of less rooms but in no case of an overall area larger than owed in compensation, or for a unit located elsewhere, insofar as the developer does not object and such an amendment does not prejudice the rights of third parties in good faith.

### Article 104

(Amend. SG No. 45/1984)

Where there are encumbrances on the property alienated/expropriated, the rightful claimants shall be compensated pursuant to the following rules:

1. In the case of compensation in cash:
  - (a) the cash compensation owed equivalent to the mortgagee's claim secured on the property shall be payable to the mortgagee insofar as another claim for satisfaction does not hold priority;
  - (b) in the case of another encumbrance equivalent or not to a specific sum, the cash compensation owed shall be deposited with the State Savings Bank and the encumbrance shall be secured thereon.
2. In the case of compensation with real property, such encumbrances as there are on the property alienated/expropriated shall attach *ex lege* to the substitute property in the same order of priority and to such amounts as not recovered by creditors. The right to use the property shall pass onto the substitute property in the extent specified by the order under Article 98 and 100 hereof. The encumbrances on the substitute property shall be recorded by the Notary Public on the request of the creditor or the user pursuant to the order under Article 98, Item 3 or Article 100 hereof.

### Article 105

- (1) (Amend., SG Nos. 45/1984 and 31/1990) Real properties alienated/expropriated for state and municipal undertakings shall be taken after the investor has duly compensated the rightful claimants.
- (2) The expropriation of real estate by the investor shall be done pursuant to administrative procedure by the substantiated order of the competent authority under Article 95 hereof that shall be subject to appeal pursuant to Article 138 hereof.

- (3) Rightful claimants shall have the right to collect the yields from properties alienated/expropriated until duly compensated.

#### **Article 106-107**

(Repealed SG No. 31/1990)

#### **Article 108**

(Amend. SG No. 31/1990)

- (1) Upon the termination of statutory periods for compensation, the rightful claimant shall be free to request a warrant on the amount owed to him based on the effective appraisal statement.
- (2) Compensation unpaid within statutory periods shall accrue legal interest as of the date that such periods expire.

#### **Article 109**

(Repealed, SG No. 31/1990)

### **Section II**

**Alienation/Expropriation and Compensation under Yardlot Regulation Plans (Subdivision Surveys)**

#### **Article 110**

- (1) Real estate (land with buildings, structures, equipment, perennial plantations, and other improvements) included within lots owned by other natural or juridical persons shall be deemed alienated/expropriated as of the date that the Y.L.R. Plans take effect.
- (2) Debtor under the Y.L.R. Plan shall be the owner of the lot within which land and improvements are included, as well as any subsequent transferee, of the lot.

#### **Article 111**

- (1) (Suppl., SG Nos 45/1984) The rightful claimants shall be free to state in a written declaration certified by Notary Public addressed to the Chairman of the Executive Committee of the Local Council that they have been duly compensated for the property expropriated. By the same procedure, the co-owners of a lot defined under the Y.L.R. Plan and set apart for low- and midrise constructions shall be free to state that they have been mutually compensated for the leveling of their shares in the lot.
- (2) The declaration under the foregoing Paragraph 1 shall provide grounds for the issuance of a Deed pursuant to Article 134, Paragraph 2 hereof.

#### **Article 112**

(Amend. SG No. 31/1990)

- (1) Cases other than those under the foregoing Article 111, each party concerned shall be free to request compensation for real estate taken under the Y.L.R. Plan on such conditions and pursuant to such procedure as the rule for the application of this Act shall provide.
- (2) (Repealed, SG No. 31/1990)
- (3) Appraisals shall be performed by the committee under Article 97, Paragraph 2 hereof at market prices.

#### **Article 113**

- (1) The rightful claimant shall procure a warrant against the debtor based on an effective appraisal statement. Such a warrant may be requested upon the termination of one year after the date that the Y.L.R. Plan has taken effect or, as the case may be, after the payment period has expired.
- (2) The amount of compensation unpaid after the due period has expired shall thereafter accrue legal interest.

#### **Article 114**

- (1) Possession of real estate under the Y.L.R. Plan shall be taken after the rightful claimant has been compensated pursuant to the rules provided by the this Act and the rules for the application thereof.
- (2) The rightful claimant shall have the right to collect yields from properties expropriated until duly compensated.
- (3) Real estate expropriated under the Y.L.R. Plan shall be taken without any encumbrance.

### **Section III**

#### **Compensation in Other Undertakings**

#### **Article 115**

- (1) In cases explicitly provided for in this Act and the provisions for the application thereof, compensations owed, for undertakings other than for expropriation of real property for state and municipal undertakings, juridical persons, and under Y.L.R. Plan, shall be set pursuant to the rules for the application of this Act.
- (2) Appraisal in such cases shall be performed by the committee under Article 97, Paragraph 2 hereof.
- (3) The rightful claimant shall procure a warrant against the debtor based on the effective appraisal statement. As of the due date of expiry, the balance of compensation outstanding shall accrue legal interest.

**Chapter Six**  
**CONSTRUCTION IN EXPROPRIATED REAL ESTATE**  
**AND IN AVAILABLE STATE PROPERTY**

*1. Departmental Housing Construction*

**Article 116**

(Repealed, SG No. 31/1990)

**Article 117**

(Amend., SG No. 31/1990)

- (1) The construction of homes and other facilities for sale to individuals who are depositors under home ownership contract saving schemes as at the date that this amendment of the this Act shall take effect, and for sale to newly wed couples, shall be carried out in real estate expropriated, or available, State property by juridical persons under the Local Councils or on a contract basis by other construction companies.
- (2) Sales shall be performed on such conditions and pursuant to such procedure as the Council of Ministers shall define.
- (3) Homes constructed and other facilities shall be sold together with ownership rights, or building rights, in the lot by a written contract.
- (4) The buyer shall acquire ownership of the home and other elements, including his share of interest in common elements and ownership rights, or air rights, as the case may be under the relevant contract. Where the purchase price is payable within a particular period of time, pursuant to home ownership loan provisions in force, the claim shall be secured by legal mortgage on the property.
- (5) Construction sites shall be allotted to construction companies upon completion of alienation/expropriation and compensation proceedings.

**Article 118**

(Repealed, SG No. 87/1974)

**Article 119**

(Amend., SG No. 45/1984 and 31/1990)

- (1) The investor and the main contractors (design/engineering and construction companies) shall be jointly liable for defects in the properties granted in compensation or sold pursuant to Article 117 hereof.
- (2) The structure shall be delivered to the owner by protocol wherein record shall be made of all defects established at delivery.
- (3) The parties shall reach settlement pursuant to the provisions of Article 193 *et seq* of the Obligations and Contracts Act.
- (4) Claims may be lodged on account of hidden defects within a limitation period of five years as of the date of delivery.

**Articles 120-133**

Repealed, SG No. 31/1990

**Chapter Seven**  
**REAL ESTATE DEEDS AND ACQUITANCE LIMITATION**

*1. Deeds for Property Alienated/Expropriated and Acquired*

**Article 134**

- (1) (Amend., SG No. 45/1984 and 31/1990) For property alienated/expropriated for state and municipal undertakings, a State Property Deed shall be executed upon the fulfillment of conditions for taking possession thereof.
- (2) For real estate attached under a Y.L.R. Plan to lots of other natural or juridical persons, and for parts of a common lot defined by a Y.L.R. Plan, the Notary Public shall execute a Property Deed upon the fulfillment of conditions for taking possession thereof.
- (3) A Deed under the foregoing Paragraph 2 shall be executed, as well, where, after the statutory acquittance period has elapsed, compensation is by limitation no longer owed. Notice of the request for a Property Deed shall be delivered to the party concerned pursuant to the Code of Civil Procedure. Any dispute shall be settled in court.
- (4) For real estate granted in compensation or purchased under contract from Local Council developers, rightful claimants shall evidence ownership by the compensation act or the purchase contract. In addition, a rightful claimant shall be free to request a Property Deed.

**Article 135**

(Amend., SG No. 45/1984)

Rightful claimants shall be given possession of the real estate by bailiff on their request substantiated by either the relevant administrative act, or the Property Deed, or the purchase contract. Parties concerned shall be free to object to such taking of possession pursuant to the Code of Civil Procedure. As necessary, the taking of possession shall be performed in the presence of an official from the technical service of the Local Municipality.

## **Article 136**

(Amend., SG No. 45/1984)

Property Deeds executed pursuant to Article 134, Paragraphs 2-4, resolutions whereby building (air) rights on government land are granted, and sale contracts for housing and other facilities sold by Local Council investors shall not be voidable otherwise than by court proceedings where the relevant grounds exist.

### *2. Statutes of Acquittance Limitation in Cases of Compensation for Alienated/Expropriated Real Property*

## **Article 137**

- (1) Financial claims for compensation for real property alienated/expropriated for state and municipal undertakings, juridical persons pursuant to this Act, and for such property alienated/expropriated under Y.L.R. Plan, shall lapse by acquittance limitation upon the termination of a five year period.
- (2) The limitation term shall start as of the date that, pursuant to this Act and the rules for the application thereof, the rightful claimant shall be free to procure a warrant on the amount owed to him in compensation.
- (3) The limitation term shall be interrupted and terminated pursuant to the Obligations and Contracts Act. It shall be interrupted also by a request for a new appraisal under the provisions of this Act and the rules for the application thereof, and, in case of claims for real estate alienated/expropriated for state and municipal undertaking, juridical persons, also by a written request for compensation made before the competent authorities.

## **Chapter Eight**

### **CONTROL OF THE LAWFULNESS AND CORRECTNESS OF TERRITORIAL, URBAN AND RURAL DEVELOPMENT ACT**

#### **Section I**

#### **Judicial Review**

*(Amend., SG No. 31/1990)*

## **Article 138**

(Amend., SG Nos. 87/1974; 102/1977; 45/1984; 31/1990 & No. 63/1995)

- (1) Individual administrative acts and refusals pursuant to this Act shall be subject to appeal regarding their lawfulness before the court of the real estate location and depending on the value of the interest affected. Where the interest may not be assessed, all acts and refusals shall be subject to appeal before the district court.
- (2) Appeals and objections to orders for termination of unlawful construction under Article 159 may not stop their execution.
- (3) The court shall gather all evidence admissible under the Code of Civil Procedure and resolve on the dispute in substance unless the nature of the act shall preclude that.
- (4) The Public Attorney shall participate *ex officio* only in appellate proceedings relative to subdivision surveys and the orders under Articles 98 and 100 hereof.
- (5) All unsettled matters shall be resolved pursuant to the Act of Administrative Procedure.

## **Articles 139-153**

Repealed, SG No. 31/1990

#### **Section II**

#### **Intra-Departmental Review**

## **Article 154**

Where this Act does not provide any special appellate procedure, review of the lawfulness and correctness of regional and urban development acts shall be exercised in an intra-departmental manner.

## **Article 155**

(Amend., SG No. 31/1990)

- (1) Review of acts issued by the Municipality, or the Mayor, shall be exercised by the Municipality, or respectively the District Governor.
- (2) Review of acts issued by the specialized bodies of municipal administration shall be exercised by the superior bodies of the same, respectively by the specialized bodies with the District Governor.
- (3) Review of acts issued by the specialized bodies of the District administration shall be exercised by District Governor.

## **Article 156**

- (1) The Minister of Territorial Development and Construction may suspend or cancel unlawful and incorrect rulings, decrees, orders and other acts or actions of the Mayor and staff of the District Governor, as well as of specialized bodies of municipal administration (heads of sections; chief architects or engineers, etc.), related to regional and urban development.
- (2) The Minister of Territorial Development and Construction may suspend unlawful and incorrect acts and actions of the District Governor in connection with regional and urban development. Where the District Governor does not cancel the act suspended, the dispute shall be resolved by the Council of Ministers.

**Chapter Nine**  
**STATE TERRITORIAL DEVELOPMENT AND CONSTRUCTION SUPERVISION**

*1. General Rules*

**Article 157**

- (1) (Amend. SG No. 102/1977 and No. 45/1984) The Ministry of Territorial Development and Construction shall exercise state territorial development and construction supervision over territorial, urban and rural development, planning, construction and the quality of building materials.
- (2) State territorial development and construction supervision shall be exercised with the assistance of municipalities and the bodies of investor's supervision and author's control as well as of juridical persons.
- (3) State territorial development and construction supervision bodies may request assistance from the Ministry of Interior, if necessary.
- (4) (Former paragraph 5, amend., SG No. 102/1977) Pursuant to instructions and orders by the Ministry of Territorial Development and Construction, municipal bodies shall exercise technical supervision over the observance and application of the general and detailed development plans, the legally confirmed, respectively approved, plans and budget documentation, construction licenses, protocols for constructions lines and levels and other construction documents, as well as the provisions on territorial, urban and rural development. They shall take all necessary measures to prevent unlawful construction and eliminate the consequences of any violations.
- (5) (Former Paragraph 6, SG No. 102/ 1977) All instructions and orders by state territorial development and construction supervision bodies and Municipalities, issued within the limits of their competence, shall be binding on all departments, juridical persons and citizens concerned.

**Article 158**

- (1) The state territorial development and construction supervision bodies shall monitor performance of construction pursuant to this Act and other regulations on planning and construction. They shall duly take measures to prevent any planning in breach of regulations in force as well as unlawful construction.
- (2) (Amend., SG No. 102/1977) The bodies of state territorial development and construction supervision over construction and the quality of building materials shall carry out inspections on, and document any construction accidents.
- (3) (Amend., SG No. 102/1977) The bodies of state territorial development and construction supervision over construction and the quality of building materials may suspend and cancel any unlawful and incorrect instructions of officials of author's control, investor's supervision and of the building contractors. They may suspend any unlawful and incorrect actions of construction and issue directions for bringing construction works in conformity with regulations on planning and construction, as well as with the legally confirmed, respectively approved plans and budget documentation.
- (4) (Amend., SG No. 102/1977) The bodies of state territorial development and construction supervision over regional and urban development may:
  1. Suspend and void unlawful and incorrect acts and actions of the specialized bodies of municipal administration;
  2. Suspend the execution of any such acts of the Mayor and any other staff members of the municipalities and submit a proposition for their annulment to the relevant bodies ;
  3. Submit proposals to the relevant superior bodies for suspension and annulment of any unlawful and incorrect acts of the Municipalities.

**Article 159**

- (1) A substantiated decree in writing issued by the relevant supervision bodies shall suspend any of the following:
  1. construction performed without a permit or departing from confirmed and approved plans and budget documentation, or from the construction permit and other construction papers;
  2. construction designed, permitted or executed in breach of regulations in force;
  3. construction carried out without meeting the requirements for vacating and occupying the site;
  4. Repealed, SG No. 63/1995.
- (2) The authority that issues the relevant decree or the superior supervision bodies shall allow the construction to continue after the grounds for its suspension shall have been removed and all charges and fines due shall have been paid.

**Article 160**

- (1) (Suppl., SG No. 102/1977; amend., SG No. 45/1984) Any construction, construction parts or separate works carried out without due permit or under a serious departure from the building plans, approved drawings and budget documentation, construction permit and other construction papers, or in breach of regulations in force, where neither Article 162 nor Article 173 hereof may be applied, shall be removed on grounds of a statement of findings issued by the supervisory bodies at the decree of the Minister of Territorial Development and Construction or state technical supervision officials authorised by him, or at the order of the Mayor of the municipality or the District Governor concerned.
- (2) Supervisory bodies may order offenders to remove or amend construction or construction parts at their own expense and within a prescribed time.

- (3) On grounds of the above order, the subject construction, construction parts or separate works shall be immediately removed or repaired by the bodies of the District, respectively Municipality, at the offender's expense. The sums due shall be collected pursuant to Article 86, Paragraph 2 hereof.
- (4) Where no repair or reinforcement is possible, the above removal procedure shall be applied to construction, construction parts, or separate works, carried out with poor quality or substandard materials, parts and elements, or in breach of technological, fire or sanitary and hygienic regulations, where the operation of the same may threaten the construction's safety or human health.
- (5) Where the violation consists in the removal of lawfully existing construction, parts of construction or separate works, these shall be restored pursuant to the foregoing paragraphs.
- (6) (New, SG No. 102/1977) Additional storeys or annexes shall not be allowed to be built to unlawful construction, except in the cases envisaged under the rules for the application of this Act. Where no approved architectural plan and construction permit are available, no restoration of an unlawful construction shall be permitted, including where it shall have been removed by any procedure other than the one established.
- (7) (New, SG No. 102/1977; suppl., SG No. 45/1984) The time of performing of the unlawful construction shall be established through all evidence admissible by the Code of Civil Procedure as well as with relevant declarations for the falseness of which penal responsibility shall be borne.

#### **Article 161**

(Amend., SG No. 102/1977)

Should it be established, through an act issued by specialized bodies with the municipal administration, that there are any discrepancies between the yard lots boundaries at the site and the boundaries according to the existing plan, and should these discrepancies be due to mistakes made in the tracing or arise from the moving of landmarks, and any other violations of the law, the correct boundary line shall be restored by administrative procedure by the specialized bodies with the municipal administration, at the order of District Governor or of the Mayor of the Municipality.

#### **Article 162**

- (1) (Amend., SG Nos. 102/1977 and 45/1984; No. 63/1995) Any construction or parts of construction performed in departure from the plans approved, the construction permit and other construction papers, shall be legalised by the body which has, or should have issued the construction permit, where they are admissible according to the regulations and urban development plans in force at the time of their performance and thereafter and where the necessary drafts are submitted.
- (2) (Suppl., SG No. 14/1988) Construction shall be legalised on behalf of the owner of the land, respectively on behalf of the person who shall be entitled to construction or has been allotted land in any of the zones set apart for agricultural use where construction is allowed.
- (3) (Amend., SG No. 36/1979; suppl., SG No. 45/1984) In cases under the foregoing paragraph, all charges for construction permits shall be collected threefold. This shall also be valid regarding charge-exempt new construction, in its unlawfully built part. Article 6, letter "I", of the Local Taxes and Charges Act shall not be applied here.

#### **Article 163**

(Repealed, SG NO 45/1984)

#### **Article 164**

(Suppl. SG No. 45/1984)

- (1) Buildings, equipment, fixtures and installations or parts thereof shall not be occupied or used before they shall have been duly examined, approved and accepted.
- (2) No buildings, equipment, fixtures and installations or parts thereof shall be occupied or used inconsistently with their function or the conditions under the permit issued and the other construction papers, or in violation of regulations in force.
- (3) In the cases of violations of the foregoing paragraphs, the bodies under Article 160, Paragraph 1, herein shall, on the basis of an act issued by the supervisory bodies, shall ban by order, the occupancy, respectively usage, of the relevant buildings, equipment, fixtures and installations. The order shall be put into force through sealing of such buildings and premises and cutting off of such installations, utilities and systems. Along with that, at an instruction of the state territorial development and construction supervision bodies, the relevant departments shall disconnect the supply of electricity, heating, water, etc. to the site. Where necessary, the buildings and premises shall be vacated by an administrative procedure and with the assistance of the Ministry of Interior.
- (4) The occupancy or usage of such sites shall be permitted by the bodies under Article 160, Paragraph 1, hereof, after all reasons for the ban shall have been eliminated and the taxes and fines due have been paid.
- (5) No temporary, auxiliary or farming premises, or carsheds for personal motor vehicles shall be put into operation.

#### **Article 165**

All complaints against actions of the supervisory bodies shall be brought before the relevant superior bodies of state territorial development and construction supervision.

#### **Article 165a**

(New, SG No. 102/1977; amend., SG No. 45/1984) The Minister of Territorial Development and Construction shall:

1. Suspend the design and construction of public facilities for production or non-production purposes where they are in violation of the general national development plan of the Republic of Bulgaria or any of the Minister's decisions regarding regional and urban development;

2. Impose economic sanctions, defined by the Council of Ministers, on state bodies and juridical persons for any violations in preparing and carrying out the general national development plan of the Republic of Bulgaria.

*2. Removal of constructions which are inadequate, harmful,  
or impair the beauty of the environment*

**Article 166**

- (1) (Amend., SG No. 45/1984) Any construction which, due to its natural wear or other circumstances, has become unfit for use, are threatened by collapsing or harmful in sanitary and hygienic respect and cannot be repaired or strengthened, shall be removed by order of the body under Article 42, Paragraph 1, herein, pursuant to the rules for application of this Act.
- (2) (Amend., SG No. 102/1977 and 45/1984) The order for demolishing and removal of the relevant construction shall be notified, pursuant to the Code of Civil Procedure, to the owners directly concerned who shall be free to appeal in accordance with Article 143, Paragraph 2, hereof. Where the construction creates any immediate danger, it shall be removed forthwith by order of the District Governor.

**Article 167**

(Amend., SG No. 45/1984)

- (1) Any very old half-timber or semi-solid structures which, by their appearance, impair towns and cities, industrial centres, resorts, inhabited places of historical or architectural importance, streets and squares in central parts of villages, republican roads, railways, stations, airports, recreation and tourist establishments, or impede safe traffic, shall be removed by order of the body under Article 42, Paragraph 1, herein, pursuant to the rules for application of this Act.
- (2) The order for removal of such construction shall be notified, pursuant to the Code of Civil Procedure, to the owners directly concerned who may appeal according to Article 143, Paragraph 1, Item 2 hereof.

**Article 168**

(Amend., SG No. 45/1984) Pursuant to Articles 166 and 167 hereof, no immovable monuments of culture or historic and architectural ensembles shall be demolished or removed, unless by prior permit in writing of the authorities of the Ministry of Culture.

**Chapter Ten**

**ADMINISTRATIVE- PENAL PROVISIONS**

**Article 169**

(Amend., SG Nos. 45/1984; 14/1988 & 63/1995)

If no heavier penalty is provided by any other law or regulation, fines of Lv 1000 - 50 000, shall be applied to:

1. Any official who does not fulfill or fulfills inadequately or not in due time any obligations imposed upon him pursuant to this Act, the regulations for its application, and other regulations in force on planning and construction, as well as by decrees and directions, based on them;
2. The official of an investor who:
  - a) orders or permits the design or construction in breach of the regulations in force on design and construction;
  - b) orders or permits any real estate to be occupied for state and municipal undertakings, juridical persons, without abiding by the conditions stated in the regulations in force;
3. Anyone:
  - a) who, without being authorized, carries out research and design work or sells designs;
  - b) (Repealed - SG No. 63/1995);
  - c) who, under any form whatsoever, performs private technical practice, without being authorized to;
  - d) who signs, presents as his own or sells any designs and construction papers created by another person;
4. Anyone who, in his capacity of a designer, prepares plans and budget documentation not in conformity with the regulations in force on planning and construction, inclusive of uncertified by authorized technical quality control;
5. Anyone who orders or permits performing of, or performs himself, any construction activities not in conformity with the existing plans for territorial, urban and rural development, norms and standard criteria, or affecting the environment without meeting the relevant conditions for that provided by regulations in force;
6. Any official who:
  - a) confirms or approves a plan or any other construction papers, issues a construction permit, defines a line or level of construction, in breach of the effective building plans or of this Act, the regulations for its application, and the other valid regulations on planning and construction;
  - b) does not take due measures to prevent any unlawful construction, suspend or remove unlawfully performed construction works or eliminate other consequences of such violations;
  - c) (New - SG No. 63/1995) requires as condition for confirmation, approval or permission under (a) any documents not required by this Act, the Regulation for its application or another normative act.
7. Anyone who carries out construction without a permit or confirmed, or approved, construction papers, or in departure from such;

8. An official who fails to issue a decision within 30 days on request for issue of construction papers, schemes, appraisals and other technical services, or who fails to refer him to competent authorities;
9. Anyone who, in his capacity as official of an entrepreneur, technical manager, superintendent team foreman of a construction site, author's control, investor's supervisor, orders or permits construction works to be carried out without a permit, or in deviation from the permit issued and the construction papers, or in breach of quality requirements, and any of the other regulations in force on planning and construction;
10. Any official who puts into operation any construction project, subproject or part thereof, without having met the conditions for that provided by the regulations in force;
11. Anyone who does not execute any written order of a supervisory body to suspend, remove, restore or amend construction, construction parts or construction works;
12. Anyone who destroys, damages, takes away or moves a surveyor's landmark (triangular, polygonal, or axial landmark, etc.);
13. Anyone who cuts down or uproots, or permits the cutting down or uprooting of, any long-lasting ornamental tree or tree of historic importance, without having obtained initially a permit in writing by the relevant authorities;
14. Any official in a design section who presents, or permits the presentation of, any plans or documentation to citizens or juridical persons which have ordered them, without having them designed in accordance with normative requirements;
15. Any official who permits the connection of, or connects, any off-site engineering networks with the on-site installation of a construction (building, structure, additional storey, annex, or restructure), without due acceptance of the site under the respective procedure and without issue of permit for use;
16. Persons working on a building site constructed by using the investor's own resources and materials, who do not leave the site after having been warned in writing by the relevant supervisory bodies that the construction is being built unlawfully;
17. Anyone who does not observe supervisory bodies' regulations in connection with the prevention of landslides and abrasion;
18. Anyone who does not carry out the necessary restoration work and does not repair, at his own expense, the damages caused, with respect to any construction he has been performing, within the time prescribed by the Municipality bodies and other control bodies;
19. Any member of an occupancy, acceptance certificate board who signs, without any objections, an occupancy certificate regarding a construction in breach of normative requirements;
20. Anyone who, in performance of his obligation to deliver the construction, pursuant to Article 119, Paragraph 2 hereof, does not ensure conditions for the buyer to examine the construction before the preparation of a relevant protocol.

#### **Article 170**

(Amend., SG No. 14/1988; No. 63/1995)

Regarding any other violations of this Act, the rules for its applications, other regulations in force on planning and construction, and any decisions and directions based on these, a fine of from Lv 300 to 10,000 shall be applied as penalty, if no heavier penalty is provided by any other Act.

#### **Article 171**

(Amend., SG No. 45/1984 and No. 14/1988; No. 63/1995)

- (1) If the violation under Article 169 or 170 hereof is not discontinued after it has been officially established, or if the same offender performs another violation within the term for issuing a penal decree, a penalty of Lv 3,000 to 100,000 shall be applied, regardless of the penalty for the original violation.
- (2) Where another violation of the same regulation is made within three years as of the penal decree's coming into effect, a penalty of Lv 100,000 to 2,000,000 shall be applied. In cases of small importance the penalty shall be from Lv 3,000 to 100,000.

#### **Article 172**

What has been acquired through the unlawful activities under Article 169, Item 3 hereof, as well as all plans and construction papers prepared shall be forfeited to the state by penal decree.

#### **Article 173**

- (1) (Amend., SG No. 102/1977 and 45/1984) Any construction, or parts thereof, performed without an approved project and construction permit, which may be used independently, shall be forfeited to the state by penal decree, along with the project site or incident shares thereof. The same procedure shall apply where a storey or any part of a storey has been built without having been included in an approved project of the entire construction.
- (2) Where any construction under the above Paragraph 1, Sentence One, has been built on another's land with the owner having been informed about, and not opposing this, the construction shall be forfeited to the state penal decree, along with the site or incident shares thereof. Where the construction has been done without the knowledge of the owner, the builder shall pay to the State an amount equivalent to the value of construction and the relations between landowner and builder shall be settled pursuant to the Property Act.
- (3) In case of any unlawful construction in an area where building is not allowed, both the site, or incident shares thereof depending on the site's size and the value of the unlawfully performed construction works shall be forfeited to the state by penal decree.

- (4) The provisions under the foregoing paragraphs shall not be applied where the unlawful construction is a garage, temporary, auxiliary or farming structure with built -up area of up to 30 sq. m., or another light structure. In these cases, either Article 162 or Article 160 hereof shall apply.
- (5) Where any unlawful construction has been erected on a forfeited to the state site which, nevertheless, also contains lawful improvements, the latter shall be separately specified in the penal decree and shall be paid for pursuant to Article 78 hereof.

#### **Article 174**

- (1) For any violation under Article 169, Item 9 hereof, the offending officials may be dismissed from the construction on the basis of the act and by a substantiated decree of the body issuing the penal decree.
- (2) (Suppl., SG No. 102/1977; amend., SG No. 45/1984) For any particularly grave violations under Article 169, Items 3, 4, 5, 6 and 9 hereof, the offending persons may, by the penal decree in effect, be deprived of their technical capacity for a period of up to two years, or suspended from the technical position they hold for the same period by decree of the Minister of Territorial Development and Construction.

#### **Article 175**

(Amended - SG No. 63/1995) All materials obtained through the removal of any unlawful construction, prepared for restoring or extending of such construction shall be forfeited to the state by penal decree. The same shall apply to building materials stored in an unregulated area without a prior permit in writing from the specialized bodies with the municipal administration of the competent Municipality. The materials thus forfeited shall be sold under the established procedure to juridical persons, condominiums or individuals.

#### **Article 176**

- (1) (Amended, SG Nos. 102/1977, 45/1984 & 63/1995) Penal decrees shall be issued for the following:
  1. Any violations of the regulations on territorial, urban and rural development and on planning, construction and quality of building materials: by the Mayors of Municipalities, District Governors or the Head of the State Inspectorate for territorial development and construction control or by officials authorized thereby;
  2. Any offenses under Article 16, Items 5, 10 and 13 hereof, where they are connected with the regulations on environmental protection: by the Minister of Environment or any officials he has appointed;
- (2) Penal decrees for violations under Article 53 shall be issued by the District Governors and the Mayors of Municipalities, and for such under Article 54 - by the Chairman of the Committee for Standardization and Metrology or by officials appointed by them.
- (3) Regarding penal decrees, the Administrative Offenses and Penalties Act shall apply, where:
  1. the one-year term for starting administrative penal proceedings for any offenses under this Act, the rules for its application and the other regulations in force on planning and construction shall begin as of the final conclusion of the construction works or as of the day of their approval and acceptance, should they be subject to any;
  2. penal decrees imposing fines or forfeiting to the state of property, up to Lv 1000 each, shall not be subject to appeal;
  3. the forfeiting of the construction pursuant to Article 173 hereof and the removal of unlawful construction are not limited by any term and shall be carried out regardless of the existence of any of the conditions under Article 34 of the Administrative Offenses and Penalties Act.
- (4) Where the offender's identity is unknown, a findings protocol regarding the unlawful construction shall be made, copies of which shall be placed on the construction site and at a special place in the Municipality. Should this protocol remain unchallenged, it shall serve as grounds for undertaking the actions under Article 160 hereof.

#### **Article 177**

The provisions under this Chapter shall apply to violations regarding all kinds of construction with respect to which state technical supervision is exercised.

### **Chapter Eleven**

## **TRANSITIONAL AND CONCLUDING PROVISIONS**

### **1. Transitional Provisions**

#### **Article 178**

- (1) (Amend. & suppl., SG No. 87/1974) Where alienation/expropriation proceedings are pending under the Planned Urban Development Act, heretofore in force, the provisions of the same, and of the procedures for the application thereof, shall apply. The amounts of compensation under such proceedings shall be set pursuant to the provisions of the Regulation under Article 78 hereof.
- (2) (New, SG No. 87/1974; amend., SG No. 36/1979) Where compensation is in the form of a substitute unit, and where the latter has been completed and accepted after 31 December, 1972, and if its value at cost exceeds the relevant value under the Regulation under Article 78 hereof, the appraisal value shall be such as prescribed under the latter. The provisions of Article 89 hereof shall apply to the pricing of the property taken by alienation/expropriation.
- (3) (Former P.2 replaced by P.3, SG No. 87/1974) The provisions of this Act shall apply to the manner of compensation, the payment thereof, the occupancy of the subject property, etc.
- (4) (Former P. 3 replaced by P.4, SG No. 87/1974) All terms periods under proceedings, pending at the date that this Act shall take effect, shall expire pursuant to regulations heretofore in force.

- (5) (New, SG No. 87/1974) The Municipalities shall be free, subject to the advice of the Minister of Territorial Development and Construction, to rescind their own resolutions on the manner of compensation for alienation/expropriation of real estate, such as adopted pursuant to the Planned Urban Development Act, hereby repealed, where such resolution is unlawful under statutory provisions in force at the time of adoption. The right to request rescission shall be limited to three months as of the date that this provision shall take effect. After the expiry of this three months period, resolutions may be rescinded in the exclusive case where the adoption has been consequent to a criminal offense of general nature established by an effective court sentence.
- (6) (New, SG No. 87/1974) Rescissions pursuant to the foregoing Paragraph 5 shall not prejudice the rights of third parties in good faith.

#### **Article 179**

Any financial claim related to real estate taken by 9 July 1956 for the purposes of street regulation shall be considered redeemed upon the expiry of the limitation period under the relevant statutory provisions. The limitation period may be terminated as well by a written request for compensation made before the competent administrative authority.

#### **Article 180**

- (1) (Amend., SG No. 102/1977) Construction work, done without due authorisation before this Act takes effect, may be legalised by administrative procedure upon the advice of state territorial development and construction supervision authorities or the owner's request, provided that such construction work is permissible under statutory provisions in force at the time of construction or at the present time.
- (2) (Amend., SG No. 102/1977) For the purpose of legalisation, required project documentation shall be filed, due charges and fines shall be paid, and required action shall be taken to procure an act of legalisation.
- (3) The provisions of Article 173 hereof shall not apply to construction work done before this Act takes effect.

#### **Article 181**

- (1) Acquisition by statutes of limitation of definite parts of a Yard Regulation lot defined by government survey, where the statutory period has elapsed before the date that this Act shall take effect and shall be deemed valid if such parts and the remaining parts of the lot can be defined as separate lots under the rules heretofore in force or pursuant to this Act and the rules for the application thereof.
- (2) Legal transactions in definite parts of a Yard Regulation lot defined by government survey, such as concluded before the date that this Act shall take effect, shall be deemed valid if the subject parts and the remaining parts of the lot can be defined as separate lots under the rules heretofore in force or pursuant to this Act and the rules for the application thereof. This shall apply as well to preliminary agreements concluded before the date that this Act shall take effect where the subject property is such a part of a yard regulation lot.
- (3) Where, in cases under the foregoing Paragraphs 1 and 2, separate lots cannot be defined, the acquisition shall be deemed valid by statutes of limitation or transaction of a share of the undivided interest in the lot, such as shall correspond to the proportion of the definite parts of the lot. Any disputes over such corresponding shares shall be settled by litigation.
- (4) Yard regulation plans approved before this Act takes effect may be altered, as well, upon the unilateral request of owners concerned on the conditions by the procedure as laid down in the rules for the application of this Act.

#### **Article 182**

- (1) Where discrepancies are established between yard regulation lot boundaries actually existing at the site, traced in the cadastral survey, and such lot boundaries as defined by the development plan for the same approved before the date that this Act shall take effect, and if such discrepancies are larger than admissible, the District Governor, or in the case of Sofia, the Mayor of the Municipality, shall deliver a notice to the interested owners pursuant to the Civil Procedure Code.
- (2) Within two months as of receipt of notice, the owners concerned shall be free to file a claim to the effect that the actual lot boundaries be established. In the case of failure to file such a claim, the boundaries actually existing and traced in the cadastral survey shall be deemed final boundaries, and the development plan for the area shall be amended accordingly without further legal action.
- (3) Where lot boundaries have been established by court action, the development plan shall, if necessary, be amended in accordance with the effective court ruling.

### **2. Concluding Provisions**

#### **Article 183**

The Council of Ministers shall be free to set rules for the laying of temporary roads through real property, for the right-of-way through private property and the construction of installations across such property, for the provision of open access to real estate and the imposition of such other duties on individual owners or, as the case may be, juridical persons, as appropriate for the purposes of territorial, urban and rural development.

#### **Article 184**

- (1) (Amend., SG No. 45/1984) The District Governor and the Mayor of Municipality shall be free, subject to the consent of the Minister of Territorial Development and Construction, to resolve that functions of District Governor be delegated to the Deputy Governor thereof or to the Chief Architect (Civil Engineer) of the Council relative to the approval and amendment of detailed urban development plans, consultations on, and approval of, construction projects, and other current matter of technical nature.

- (2) Pursuant to the same procedure, the District Governor shall be free to delegate such functions as under the foregoing Paragraph 1 to the Deputy Governor, the Chief Architect of Sofia, the Head of the Metropolitan Council Architecture and Urban Development Department, and the Mayors of Sofia Municipalities, and to delegate the functions of the Chief Architect of Sofia to the Head of the Metropolitan Council Architecture and Urban Development Department.
- (3) The Minister of Territorial Development and Construction shall be free to delegate his functions, rights and duties under this Act and the rules for the application thereof to his deputies and to other executive officials within the system of the Ministry.
- (4) The Minister of Territorial Development and Construction shall be free to delegate his functions under this Act and the rules for the application thereof, such as pertain to current matters of technical nature, to District Governors and Mayors of Municipalities where such Regional and Urban Development, Construction and Architecture Board exists.

#### **Article 185**

(Amend., SG No. 3/1980)

- (1) The price of real estate acquired by alienation/expropriation for the purposes of housing development shall be paid from the Housing Development Fund or from the budget of the Municipalities.
- (2) The price for the building rights on government owned land shall be paid up to the Housing Development Fund of the Municipalities.

#### **Article 186**

- (1) Where this Act or the rules for the application thereof, or rulings, decrees, orders, or other acts based thereupon, provide duties of owners or, as the case may be, juridical persons to whom real estate is entrusted for management, to the effect that such owners or entities shall construct or reconstruct, or complete, or maintain, or remove structures, installations, plantations, or other works in accordance with urban development and technical requirements, or to ensure security, safety, fire prevention, amenity, sanitation, freedom from nuisance, etc., and where such owners or entities fail to perform such duties within the period prescribed, the works in question shall be carried out by the Municipality or its economic enterprises on the account of such owners or entities.
- (2) Money owed to the Municipality (the Municipality economic enterprises) shall be collected from debtors pursuant to the procedure for the collection of government claims. The amount thus owed shall be calculated at prices of repair work.
- (3) (Amend., SG No. 36/1979) In the case of partners sharing ownership, the District Governor shall be free to give approval that works prescribed be done by certain of the co-owners on the account of all partners.

#### **Article 187**

- (1) (Amend., SG No. 36 /1979) Subject to the approval of the Mayor of the Municipality, the financial claims of the Municipality or the Municipality economic enterprises in respect to works done on the account of owners pursuant to this Act and the provisions for the application thereof may be collected over a period of ten years by equal annual installments at a fixed interest rate of 2 percent. Such receivables shall be secured by legal mortgage of the property. In the event of three consecutive defaults on annual installments, the total balance outstanding shall be collectable without delay. In the event of conveyance by a legal transaction the same shall apply.
- (2) The foregoing Paragraph 1 shall not apply to financial claims of the Municipality or the Municipality economic enterprises for expenses incurred in the removal of unlawful works or the restoration of works unlawfully removed.

#### **Article 188**

No taxes and charges under the Local Taxes and Charges Act or under the Government Charges Act, or under any other statutory provision in force shall be collected: on any proceedings for the drafting, approval, enactment, amendment and appeal of any regional development plan at any level; on administrative or court proceedings for the alienation/expropriation of real property; for appraisal and the calculation of compensation; on the conclusion of agreements for the issuance, recording and invalidation of acts, statements, deeds, rulings and contracts; for the execution, transfer and deletion of mortgages and other encumbrances, or the issuance of warrants; for taking of possession; for the voluntary or court ruling partition, or the public sale of common lots resulting from regulation surveys pursuant to this Act or the provisions for the application thereof.

#### **Article 189**

Where, relative to regional and urban development, consideration is taken of the public's housing, professional, health and cultural needs, the relevant provisions shall consider to meeting present or short term future needs.

#### **Article 190**

Where, relative to territorial, urban and rural development existing structures are considered, the relevant provisions shall be construed to mean only such lawfully erected structures.

#### **Article 191**

Within the meaning of this Act, a family comprises the spouses and their children not legally of age, unless the latter are married.

#### **Article 192**

- (1) Joint construction may be carried out by two or more persons on a shared lot wherein such persons hold undivided interest or wherein rights have been conceded to such persons to build, or to extend an existing structure. The joint construction agreement must be in the form of a deed certified by Notary Public. The deed shall set forth the homes

or any other facilities that shall be allotted to the participants in such joint construction, as well as the value of such properties and the terms performing the construction work.

- (2) In a joint construction project, the parties thereto shall participate with financial, labour and material resources in proportion to the actual value of the property thereby acquired by each party, notwithstanding that the value of such property initially agreed upon may be greater or smaller than the actual value.
- (3) Decisions, relative to a joint construction project, shall be taken by consensus of the parties thereto, unless otherwise provided by statute or agreement.
- (4) Upon the completion of construction, the participants in a joint construction project shall allot the homes or other facilities so constructed in accordance with their agreement.
- (5) A participant in a joint construction project shall be free to transfer his rights under the agreement subject to the consent of the other participants.
- (6) To enforce any financial claims on a participant in a joint construction project, such as accrue from the construction thereof, a warrant may be procured also on the allotted property.

#### **Article 192 a**

(Ins., SG No. 45/1984)

#### **Article 192 b**

(Ins., SG No. 45/1984)

#### **Article 193**

- (1) In the case of a stacked condominium on land that is not state property, parking lots and carsheds for passenger motor vehicles may be built as common elements consistent with development plans in force and of an approved architectural design, and consistent with sanitation and fire prevention requirements, and provided that nuisance shall not be thereby developed.
- (2) Building such carsheds or parking lots shall be subject to a resolution of the general meeting of co-owners, adopted by the affirmative vote of more than half of all co-owners.
- (3) Construction costs shall be contributed to by all co-owners. Moneys owed by such co-owners who have voted against the project shall be debited from their due share of rent for the parking lots or carsheds.
- (4) Carsheds and parking lots shall be leased to occupants of the condominium, and in the absence of demand from the occupants, to other persons for their personal needs and subject to a resolution of the general meeting of co-owners.

#### **Article 194**

(Supl. SG No. 45/1984)

- (1) Notices pursuant to this Act and the provisions for the application thereof shall, unless otherwise provided, be delivered pursuant to the Code of Civil Procedure. In the absence of the person concerned a notice shall be deemed delivered if posted on the front door of the unit or real estate which is the subject of the relevant project, plan, appraisal, claim, response, objection, order, or any other act. The same notice shall be posted as well for public access at the city hall. A record of such notice shall be attached to the official file duly signed and dated by the competent official.
- (2) The rules under the foregoing Paragraph 1, sentences 2 *et seq.*, shall not be applied to cases where this Act and the provisions for the application thereof provide explicitly that notice shall be delivered pursuant to the Code of Civil Procedure.
- (3) In urban residential complexes and in urban areas where high-rise condominiums predominate, notices shall be delivered to the Chairmen of such condominiums pursuant to the foregoing Paragraph 1.

#### **Article 195**

Projects, plans, appraisals, orders and other acts pursuant to this Act and the provisions for the application thereof shall be notified, as provided, to such persons as well as holders of limited real rights in the property. Such persons shall be free to raise objections or make suggestions with respect to, or a appeal against, such acts pursuant to the standard procedure.

#### **Article 196**

No writ may be procured on the compensation owed in respect of a single housing property (whether built-up or otherwise) taken by alienation/expropriation for the purposes of territorial, urban and rural development, unless the property itself could have been seized by writ under the provisions of the Code of Civil Procedure.

#### **Article 197**

- (1) Parts of sidewalks or pavements, or vacant public areas may not be used for building sites and for temporary storing of construction and other materials, garbage, ash, masses of earth, merchandise, machinery, packaging, etc., and for the installation of kiosks, booths, show-cases, stalls, etc. for sales purposes, without the permission of the competent Municipality offices following consultation with the traffic authorities of the Ministry of the Interior.
- (2) Where unauthorised use is made of sidewalks, pavements and vacant areas, users shall suffer a penalty pursuant to Article 170 hereof, and charges shall be collected equivalent to three times the statutory amount.

### **Article 198**

Rules for the Application of this Act shall be issued as approved by the Council of Ministers on the report of the Minister of Territorial Development and Construction.

### **Article 199**

(Amend., SG No. 45/1984)

- (1) The organisation, tasks and functions of the State Territorial Development and Construction Supervision shall be regulated by rules as approved by the Council of Ministers on the report of the Minister of Territorial Development and Construction.
- (2) The organisation, tasks and functions of the State Territorial Development and Construction Supervision shall be regulated by rules as approved by the Council of Ministers on the report of the Chairman of the Committee for Standardization and Metrology.

### **Article 200**

(Amend., SG Nos. 45/1984 and 31/1990)

- (1) The Council of Ministers shall, on the joint report of the Minister of Territorial Development and Construction and the Minister of Agriculture and Food Industry, approve rules and standards for land use relative to particular construction works.
- (2) The Council of Ministers shall, on the joint report of the Minister of Territorial Development and Construction, the Minister of Finance and the Governor of the National Bank of Bulgaria, approve rules for housing construction finance.

### **Article 201**

(Amend., SG Nos. 3/1977; 102/1977 and 45/1984)

- (1) In implementation of this Act and of the Rules for the Application thereof, the Minister of Territorial Development and Construction shall approve building and technological rules, standards, catalogues, specifications, etc., and shall issue ordinances and instructions.
- (2) Sanitation building rules and standards shall be approved jointly by the Minister of Health and the Minister of Territorial Development and Construction.
- (3) Fire prevention building rules and standards shall be approved jointly by the Minister of Territorial Development and Construction and the Minister of the Interior.
- (4) Traffic safety building rules and standards shall be approved jointly by the Minister of Territorial Development and Construction and the Minister of the Interior.
- (5) Anti seismic building rules and standards shall be approved jointly by the Minister of Territorial Development and Construction, the Chairman of the Committee for Standardization and Metrology and the President of the Bulgarian Academy of Sciences.
- (6) Building-technology rules, standards and specifications of hazardous noise abatement and elimination in inhabited places, buildings, units, and premises, and in areas for recreation, tourism, and convalescence, shall be approved jointly by the Minister of Territorial Development and Construction, the Minister of Health, the Minister of Environment, and the Minister of the Interior.
- (7) Building-technology rules, standards and nomenclatures of grading, licensing and operating industrial and other manufacturing facilities, machines, and electrical installations shall be approved by the Chairman of the Committee for Standardization and Metrology.
- (8) Rules, standards, and ordinances shall be published in the Official State Gazette.

### **Article 202**

Ordinances relative to regional and urban development issued by other Government Ministries or departments within their terms of reference shall be subject to prior consultations with the Minister of Territorial Development and Construction.

### **Article 203**

Ordinances issued pursuant to Acts of Parliament and Decrees, such as repealed by Article 205 hereof, insofar as such ordinances are not inconsistent with this Act, shall be applicable pending the issuance of the respective new ordinances.

### **Article 204**

This Act is hereby referred for application to the Minister of Territorial Development and Construction.

### **Article 205**

Hereby repealed are:

1. The Planned Settlement Development Act.
2. The Technical Facilities and Plants Act.
3. The Decree on the Supervision of Steam Boilers, Industrial Furnaces, Tanks, and Hoisting Equipment.
4. The Decree on Central Heating Supply in Sofia.
5. Section II, "Alienation/Expropriation and Compensation" of the Act for Approval and Implementation of the Sofia Master Plan.

6. Articles 5, 5a, 5b, 7 and 8 of the Decree on Incentives and Support of Co-operative and Individual Housing Construction.

**Article 206**

This Act shall take effect on the first day of June, one thousand nine hundred and seventy-three.

## ADDITIONAL PROVISION

- § 1. Every reference in this Act to the "Minister of Construction, Architecture and Public Works" is hereby replaced by "Chairman of the Committee for Construction, Architecture and Public Works", and every reference to the "Ministry of Construction, Architecture and Public Works" is hereby replaced by "Committee for Construction, Architecture and Public Works".

## TRANSITIONAL PROVISIONS

- § 2. (1) Unlawful structures or parts thereof, defined as urban or country housing, or seasonal housing, erected before the date that these amendments and supplements to this Act shall take effect, on regulated or unregulated lots, shall not be removed pursuant to this Act where:
1. erected to meet the grave housing needs of the owner or the children thereof;
  2. erected on land that is under permanent cultivation by the owner (e.g. a vineyard, orchard, or other perennial plantation);
  3. erected on state property allotted pursuant to the Decrees of the Council of Ministers Nos 21/1963 and 12/1971, provided that lots so allotted were correctly defined as wasteland and are at present under permanent cultivation;
  4. in the case of country housing, such structures are used as permanent housing by the owner or the children thereof;
  5. in the case of rehabilitation, reconstruction or repair without due authorisation, such structures are located in villages wherein such property is deemed to be country housing (second home) under the Individual Property Act.
- (2) The foregoing Paragraph 1 shall not apply to such structures that by their appearance or location impair the natural amenity of the environment, nor to such structures that by their location prevent construction on adjacent lots in accordance with the development plan for the area.
- (3) Unlawful structures under the foregoing Paragraph 1 that are permissible under the statutory provisions and development plans in force, and can be used autonomously, shall be legalised pursuant to the standard procedure without being forfeited to the state pursuant to Article 173 hereof.
- (4) Urban and country housing for seasonal use built unlawfully within the period under the foregoing Paragraph 1 on land unlawfully taken from the State or from juridical persons shall be removed pursuant to the standard procedure or shall be forfeited to the state pursuant to Article 173 hereof.
- § 3. (1) Persons who have built such structures as under the foregoing Section 2 shall file an application for the registration thereof with the Municipality for the area not later than six months as of the date that these amendments and supplements to this Act shall take effect. A registration fee shall be payable for structures under Paragraph 1, Items 2 and 3 of the foregoing Section 2 from lv 100 to 1,000 according to the type and value of the structure and regardless of the fine owed for the related offense.
- (2) The exact amount of the fee under the foregoing Paragraph 1 shall be set by the financial authority of the Municipality based on a tariff as approved by the Minister of Finance and the Minister of Territorial Development and Construction.
- (3) In the event of failure to perform pursuant to the foregoing Paragraph 1, offenders shall be liable to a fine of lv 100 to 500 and structures shall be registered by administrative procedure, registration fees to be collected pursuant to the standard procedure for government claims plus interest.
- (4) Registration fees collected shall be transferred to the budget of the respective Municipality.
- § 4. (1) Orders under Articles 98 and 100 hereof, such as have not taken effect by 1 January 1978 and have not been appealed, and where limitation periods under Article 153, Paragraphs 4 and 5 hereof have elapsed, may be rescinded pursuant to Articles 225 and 231 of the Code of Civil Procedure subject to a submission or application to this effect filed by 31 May 1978.
- (2) A rescission pursuant to the foregoing Paragraph 1 shall not affect the rights of third parties in good faith.

## OTHER ACTS AMENDED

- § 5. The Monuments of Culture and Museums Act is hereby amended and supplemented as follows:
1. In Article 4, Paragraph 2, the words "on the advice of the Committee for the Arts and Culture" are hereby replaced with "on the advice of the Chairman of the Committee for the Arts and Culture and the Minister of Territorial Development and Construction".  
In Paragraph 3 of the same Article, the words "or prepare" are hereby deleted. A new Paragraph 4 is hereby inserted in the same Article as follows:  
"The National Institute for the Monuments of Culture shall be free, subject to the consent of the Ministry of Territorial Development and Construction, to prepare general and detailed urban development plans for settlements of historic, archaeological, ethnological and architectural heritage importance, or for parts thereof."  
The existing Paragraph 4 is hereby renumbered as Paragraph 5, and the words "the Chairman of the Committee for the Arts and Culture shall be free to issue ordinances" are hereby replaced with "the Chairman of the Committee for the Arts and Culture and the Minister of Territorial Development and Construction shall issue joint ordinances".
  2. In Article 5, a new Paragraph 3 is hereby inserted as follows:

"Identification, conservation, rehabilitation, and use of immovable monuments of the architectural heritage shall be carried on jointly by the Committee for the Arts and Culture and the Ministry of Territorial Development and Construction. The National Institute for the Monuments of Culture is hereby placed under the methodological and professional authority of the Ministry of Territorial Development and Construction."

The former Paragraph 3 is hereby renumbered as Paragraph 4.

- § 6. The following amendment is introduced in Article 30 of the Individual Property Act (promulgated SG No. 26/1973; amended SG No. 32/1973, amended and suppl. Nos. 43 & 76/1973 and No. 21/1975):  
Paragraph 4 is hereby deleted and the former Paragraph 5 is renumbered as Paragraph 4.
- § 7. Article 9 of the Local Taxes and Charges Act (promulgated SG Nos. 104/1951, amended No. 10/1952, suppl. No. 12 & 104/1954; 91/1957; 13/1958; 57 & 89/1959; 21 & 91/1960; 85/1963; 1 & 52/1965; 53/1973 and 21/1975) is hereby supplemented with a new letter "c" under Paragraph 1 and a new Paragraph 2 as follows:  
"(c) Country houses and lots and sites whereon such houses stand - 3 percent.  
The amount of tax liability for such country houses that are used for permanent occupancy, and for such houses in rural areas that are used for recreation under the Individual Property Act, shall be determined pursuant to "b" of Paragraph 1."
- § 8. The Standardisation Act (promulgated SG No. 48/1964, amended and suppl. Nos. 81/1964; 92/1969; 47/1970 and 74/1975) is hereby amended and supplemented as follows:
1. A new Paragraph 2 is hereby inserted in Article 4 as follows:  
"The State Committee of Standardisation shall use specialised authorities to perform such functions as assigned to the Committee in the territory of the national districts and in the city of Sofia."
  2. In Article 14, Paragraph 3 after the words "by the Chairman of the State Committee of Standardization" are hereby added the words "Penal Orders shall be issued".
  3. The last sentence of §2 of "Other Acts Amended" is hereby numbered as separate § 3 and amended as follows:  
"§ 3. This Act is hereby referred for execution to the Chairman of the State Committee of Standardisation."
- § 9. The Measures and Metering Devices Act is hereby amended as follows:
1. Article 11 is hereby amended as follows:  
"11. Supervision over the application of this Act shall be exercised by the State Committee of Standardisation."
  2. In Article 12, the words "Division of Measures and Metering Devices" are hereby replaced by "State Committee of Standardisation."
  3. Everywhere in the Act, the words "Ministry of Domestic Trade" are hereby replaced by "State Committee of Standardisation", and the words "Minister of Domestic Trade" are hereby replaced by "Chairman of the State Committee of Standardisation".
- §10. A new paragraph is hereby inserted in Article 4 of the Protection of Arable and Pasture Land Act (promulgated SG No. 27/1973, amended and suppl. No. 3/1977) as follows:  
"(3) The Council for Territorial, Urban and Rural Development under the Council of Ministers shall exercise supervision over the activities of the Land Committee and shall be free to rescind or amend the decisions thereof."

#### **SUPPLEMENTARY PROVISIONS**

##### **to the Act of Amendment and Supplement to the Territorial, Urban and Rural Development Act (SG No. 45/1984)**

- §80. Everywhere in the Act, the words "Committee for Architecture and Public Works" are hereby replaced by "Ministry of Construction and Settlement Development", and the words "Chairman of the Committee for Architecture and Public Works" are hereby replaced by "Minister of Construction and Settlement Development".
- §81. Everywhere in the Act, the words "Council for Architecture and Public Works" are hereby replaced by "Council for Territorial, Urban and Rural Development, Construction and Architecture".
- §82. Everywhere in the Act, the words "State Committee of Standardisation" are hereby replaced by "State Committee for Science and Technological Progress" and the words "Chairman of the State Committee of Standardisation" are hereby replaced by "Chairman of the State Committee for Science and Technological Progress".
- §83. Appellate proceedings relative to acts pursuant to this Act, where the hearing and ruling procedure is hereby amended, shall be completed pursuant to such procedure as heretofore in force.

#### **TRANSITIONAL PROVISIONS**

- §84. (1) District Councils and the Sofia Metropolitan Council shall, not later than two years as of the date that this Act shall take effect, resolve on the appropriateness of including land built-up pursuant to §2 of the Transitional Provisions of this Act (SG No. 102/1977) in housing zones, country housing zones, recreational and health zones, and either include such land in such zones or define separate housing zones on the basis thereof.
- (2) Structures included within development boundaries may be legalised if permissible under the statutory provisions and detailed urban development plans in force.
- (3) Structures unlawfully erected, where not included within the development boundaries of inhabited places, shall be deemed state property together with the land they stand on, unless such structures are:
1. farming and seasonal facilities of 35 sq m or less built-up area;

2. housing structures erected before 14 November 1958, or housing structures erected to provide for acute housing needs before 31 December 1965, or housing structures in settlement type areas and occupied permanently.
  - (4) The seizure of unlawful structures shall be effected by order of the Chairman of the Executive Committee of the District Council (the Chairman of the Executive Committee of the Sofia Metropolitan Council) issued on the advice of the Chairman of the Executive Council of the Municipal (Regional) Council for the area where the property is located. Such order shall be subject to appeal pursuant to the Administrative Procedure Act.
- §85. In the case of existing defects, relative to which no claim has been lodged, the buyer is obligated to notify the seller of such defects not later than one month as of the date that this Act shall take effect, and in the case of defects, which have occurred before the termination of the period under the repealed Article 119, Paragraph 4, but after the date that this Act shall take effect, the buyer shall deliver the relevant notice to the seller not later than one month as of the occurrence of such defects.

### CONCLUDING PROVISIONS

- §86. Everywhere in the General Cadastre Act (promulgated SG No. 35/1979, amended No. 102/1981) the words "Ministry of Construction and Architecture" are hereby replaced with "Ministry of Construction and Settlement Development", and the words "Minister of Construction and Architecture" are hereby replaced with "Minister of Construction and Settlement Development".
- §87. In the Condominium Act (promulgated SG No. 55/1978, amended No. 102/1981) in § 9 of the Concluding Provisions the words "Minister of Construction and Architecture" are hereby replaced with "Minister of Construction and Settlement Development".
- §88. The Decree for Technical Competence and the Right for Private Technical Practice (promulgated SG No. 12/1961, amended No. 102/1981) the following amendments are introduced:
1. In Art. 3, p. 2 the words "Ministry of Construction and Architecture" are hereby replaced with "Ministry of Construction and Settlement Development"
  2. In Art. 7 and 12 the words "Minister of Construction and Architecture" are hereby replaced with "Minister of Construction and Settlement Development"
- §89. In the Cultural Monuments and Museums Act (promulgated SG No. 29/1969, amended and suppl. No. 29/1973; 36/1979; 87/1980 and No. 102/1981) everywhere the words Ministry of Construction and Architecture are replaced with the words "Ministry of Construction and Settlement Development and the words "Minister of Construction and Architecture" are hereby replaced with "Minister of Construction and Settlement Development".
- §90. In the Rental Relationships Act (promulgated SG 53/1969, amended SG No. 26, 32 & 43/1973, SG No. 33/1977 and SG No. 36/1979) in Article 56 the words "the Minister of Construction and Architecture" and in Article 57 the words "the Minister of Construction and Construction Materials" are hereby replaced with "Minister of Construction and Settlement Development".
- §91. In the individual Property Act (promulgated SG No. 26/1973, amended SG No. 32/1973, SG No. 21/1975, SG No. 102/1977 and SG Nos. 3 & 52/1980) Article 30, Paragraph 3, Item 4 is hereby repealed.
- §92. Decree No. 2684 on Compensation for Alienation/Expropriation of Real Estate in Sofia, District Centres, and Certain Other Areas (promulgated SG No. 71/1983) is hereby amended as follows:
1. In Article 3, Paragraph 2 "or" is hereby replaced with "and", and the following Paragraphs 3 and 4 are hereby inserted in the same Article:
    - "(3) Where a parent and his children legally of age or, else, married, are co-owners, the children shall each receive a home in compensation, provided that each of them holds one-half or more, or a value of lv 2,400 or more as undivided share interest in the property."
    - "(4) Where each co-owner holds less than one-half or a value less than lv 4,000, or, as the case may be, less than lv 2,400, such co-owners shall receive as compensation a single home under tenancy in common."
  2. Two new paragraphs 1 and 2 are hereby added to the Concluding Provisions as follows:
    - "§1. This Decree shall not be applicable to proceedings pending as at 17 September 1983."
    - "§2. The amendment to Article 3 shall be applicable as of the date that this Decree has taken effect."
  3. The Sole paragraph of the Final Provisions is hereby renumbered as §3.

### TRANSITIONAL AND CONCLUDING PROVISIONS (SG No. 31/1990)

- § 46. Decree No. 2684 on Compensation for Alienation/Expropriation of Real Estate in Sofia, District Centres, and Certain Other Areas (promulgated SG No. 71/1983, amended and suppl. No. 45/1984) is hereby repealed.
- § 47. Orders under Article 98 relative to compensation pursuant to Article 100 of the Territorial, Urban and Rural Development Act shall be voidable by the request of the owner if not yet effective by the date that this Act shall take effect. In such cases the owner shall have the right to compensation on his request pursuant either to the provisions of the Regional and Urban Development Act without the limitations of the above mentioned Decree No. 2684, or to the provisions of the regime newly enacted. Such request shall be made not later than one month as of the date that this Act shall take effect before the authority that has jurisdiction of the pending proceedings, and the latter shall refer such request to the competent authority under the amendment hereby enacted.
- § 48.(1) Structures unlawfully erected before 7 April 1987 in country housing zones or on land set apart for farming whereon construction is permitted within the zones thereof set apart for public recreation, and country housing

within the boundaries of inhabited places shall be legalised pursuant to Article 162 to include structures erected without the required project documentation or in violation of statutory provisions and territorial development plans in force, provided that the existence of such structures has been stated pursuant to the procedure and within the limitation period defined by the Council of Ministers, and that charges and fines have been paid as required.

- (2) Structures unlawfully erected as inconsistent with the relevant project documentation but permissible under the statutory provisions and territorial development plans in force shall be legalised subject to payment of charges under Article 162, Paragraph 3.
- (3) The general procedure under Articles 160, 162 and 173 shall be applicable to structures unlawfully erected after 7 April 1987 and structures under the foregoing Paragraph 1 whereof the existence has not been stated within the statutory period.

- § 49. Structures whereof financing has been sanctioned shall be completed, approved and sold pursuant to the procedure heretofore in force.
- § 50. Appellate procedure pending relative to acts pursuant to the Regional and Urban Development Act, where the hearing procedure is hereby amended, shall be referred to the competent authority hereunder.
- § 51. The following amendments in the Territorial, Urban and Rural Development Act are introduced:
1. The words "Municipal (regional) people's council" are replaced by "Municipal People's Council".
  2. The words "Committee for Territorial, Urban and Rural Development", "Chairman of the Committee for Territorial, Urban and Rural Development" are replaced by "Ministry of Construction, Architecture and Public Works" and "Minister of Construction, Architecture and Public Works" respectively.
  3. The words "settlement systems" are replaced by "Municipalities".
  4. In Art. 18, item 6, Art. 49, item 1, Art. 53, item 3, Arts. 176 and 184, item 1 and 4 "district" is replaced by "region".
  5. In Art. 54, item 2 "district" is replaced by "region".
  6. In Art. 53, item 2, Art. 155, 156, item 2 and Art. 182, item 1 "district" is replaced by "region".
  7. In Art. 46, item 1 the words "two or more districts" are replaced by "two or more Regions".
  8. In Art. 185, items 1 and 2 the word "district" is replaced by "municipal".