

Removal of buildings and landscaping according to the Building Act

Abstract

The thesis deals with the issue of removal of buildings and landscaping according to the New Building Act. The aim of the thesis is to comprehensively analyse the procedure for the permission to remove a building (at the request of the builder) and the procedure for ordering the removal of a building (ex officio) and to evaluate the key changes brought by the new legislation in comparison with the Building Act of 2006. The work includes a comparative analysis of the new procedural institutes, evaluation of their benefits and risks and assessment of their impact on the application practice of construction authorities.

Within the analysis of the procedure for the permit to remove a building, attention is paid to the transition from the notification regime to the administrative procedure, the introduction of simplified permit to remove a building, the tightening of the requirements for the professional preparation of documentation, the impact of digitalization of administrative processes and the possibility of combining the decision on the permit to remove a building with the permit for a new project. As regards the procedure for ordering the removal of a building, the thesis discusses in detail the possibility of ordering the removal also for dismantled buildings whose building permit has expired, the merger of the procedure for the additional building permit with the procedure for its removal, the introduction of a limitation period for submitting an application for an additional building permit, the tightening of the conditions for its legalisation and the newly regulated enforcement of the decision on the removal of a building.

The results of the analysis show that although the New Construction Act introduces measures aimed at streamlining the administrative procedure and strengthening the enforceability of construction law, the application practice has so far revealed a number of problems. These include a mismatch between legislative changes and the technical readiness of administrative authorities, especially in the area of digitisation of construction proceedings, where building authorities and builders are still struggling with technological complications. While the introduction of stricter rules for additional building permits contributes to a more rigorous enforcement of building law, it may lead to unforeseen consequences, where the removal of buildings that could otherwise be used efficiently is ordered. Similarly, the introduction of the enforcement of decisions to remove a building significantly strengthens the powers of building authorities, but its success will depend on the financial and organisational capacity of the municipalities that are to enforce the decision.

The paper concludes that although the new legislation brings a number of positive changes, its successful implementation will depend on further optimisation of the rules, the technical

infrastructure of the construction authorities and clear methodological guidance from the Ministry of Regional Development. The results of this analysis can serve as a basis for professional discussion, legislative considerations and practical orientation of participants in construction proceedings.

Keywords: Building Act, removal of buildings, additional permits