

L A W
ON LAND FOR CONSTRUCTION
(Amended text)
(Official Gazette of SAP Kosova, No.14/80)

I. GENERAL PROVISIONS

Article 1

By this law are regulated the legal-property relations and other real-legal relations on land for construction and determined the principles on arrangement and using of land for construction, except the basis of legal-property and other real-legal relations that are uniquely regulated for all territory of Republic by Law on land for construction.

Article 2

Land for construction, as the good of the common interest, serves the needs of the social community and laborers and citizens, and it is used according to its destination, pursuant the provisions of this law, under the conditions and manners that provide its rational use and use according to the other common interests prescribed by law or other provision issued in accordance with law.

Article 3

The municipality provides rational use of socially-owned land for construction, as well as realization of other common interests regarding arrangement and use of land for construction, in accordance with principles foreseen by law.

Article 4

Concerning the transfer of land for construction, expropriation of land for construction on which exists the property right, and also the transfer of the rights of use of the socially-owned land for construction, applies the provisions for transfer of real estates, as well as the provision on expropriation, if by this law is not otherwise prescribed.

II. URBAN LAND FOR CONSTRUCTION

Article 5

Pursuant to the provisions of this law, the urban land for construction may be determined in existing cities and residential areas with urban character, and also in inhabited places with character of city.

City or residential place with character of city may be pronounced inhabited place for which the general city plan is issued and according to its construction, activities, structure of population and other characteristics it has or gained in the character of city.

The municipal assembly will issue the decision from paragraphs 1 and 2 of this article.

Article 6

The urban land for construction includes:

1. The land that contains the largest or densest part of constructed urban area of city as well as residential place with the character of city (already constructed urban land), and

2. Non constructed land for construction within the borders of general urban city plan, as well as residential areas with urban character , that is foreseen for long term development or broadening of city, as well as residential place with the character of city, if for this land is determined the program by which the construction and arrangement of included land will be done entirely or in largest part at latest within 10 years from the day of issuing such program.

Article 7

The constructed urban land for construction, according to destination and other conditions of use, consists of parcels, as well as complexes for construction on what are constructed objects dedicated for permanent use.

Non-constructed urban land for construction, according to destination and other conditions of use, consists of parcels, as well as complexes for construction on what are not constructed objects, other secondary or temporary objects.

Parcel for construction, according to this law, is considered the land for construction determined in space, whose surface is necessary to construct the building and to provide the conditions for its regular use.

Complex for construction, according to this law, is considered joint parcels for construction space linked that their surface presents space entirely toward the constructed objects or toward space plan foreseen for construction.

The surface of parcels for individual construction of residential house in urban regions of city and residential areas with urban character may not be less than 300 m² nor more than 1000 m², while in other urban regions may not be more than 1500m².

Article 8

In accordance with the municipal statute, the decision for determination of the borders of urban land for construction will be issued after the suggestions of organizations for protection of cultural monuments and other self-governing organizations and communities.

The decision from paragraph 1 of this article define: determination of the borders of included land for construction, numbers and data of cadastral parcels that are included and its destination; provisions that provide information for all interested persons and possibility for each of them to review received decision and its supplements, as well as the way to inform the persons interested for interruption of the right of property.

On the day when decision on determination of borders of land for construction becomes final, this land will be pronounced as socially owned land.

The decision issued contrary with provisions from paragraphs 1 and 2 of this article is not valid.

Article 9

By issuing the decision on determination of program for construction and arrangement of lands from item 2 of Article 6 of this law will be prohibited the transfer of the rights of use of non-constructed land that will be included in this program, until such program is determined, but no longer than 2 years.

Within 5 years from the day of determination of the program on construction and arrangement of land, municipal assembly is obligated to issue the detailed city plan for the land that is included in that program.

With determination of the program from item 2 of Article 6 of this law, will also be prohibited further partition of the land, except when the property right is confirmed by the final legal act that is issued before the determination of the program.

Article 10

The municipality governs and has in its disposal the urban land for construction, if with this land do not govern the labors or other labor people in other legal-social subjects or in legal persons determined by law.

The laborers in joint works organization, labor people and citizens in local community have the right and obligation to use urban land for construction in accordance with its destination and other conditions determined by law, as well as by decision of municipal assembly based in law.

The rights, obligations and responsibilities concerning the use of urban land for construction are regulated in the municipality in a way to provide the needs of construction and arrangement of work and living space of people, living environment and other common interests.

Article 11

The right of use on constructed land for construction means the right to use the parcel for construction that includes the land under the building and the land that serves for regular use of buildings on which exists the right of use, as well as the property right within the limits determined by law as long as the building exists.

In the case of changing of city plan, as well as changing of parcels, the holder of the right of use on constructed urban land for construction is obligated to accept the changes of borders of parcels for construction from paragraph 1 of this article.

The holders of the rights of use on constructed urban land may transfer this right within the borders of parcel only in conjunction with transfer of the right of use, as well as the property right on building that may be in a transfer, under unchanged conditions of use of this land.

Article 12

On urban land for construction may be established real servitude, if it is not contrary with general conditions foreseen for use of that land or with other general interest determined according to the law.

Article 13

Legal-social persons may transfer the right of use of land on non-constructed urban land for construction only on municipality. Until this transfer is completed or until the destination of that land is changed, the holders of rights of use may use that land only for permitted activities and purposes, as non-constructed land for construction.

Article 14

The municipality may give non-constructed urban land for construction, on which it has the right of disposal, and constructed land in common use on temporary use for temporary needs.

Exceptionally from provision of paragraph 1 of this article, the municipality can give some non-constructed or partly constructed parcels of urban land which according to their position and other features have particular priority to be given to the legal persons for temporary or indefinite use, in order to build invested or other objects, in accordance with general conditions foreseen on use of such parcels.

Other carriers of rights for using non-constructed urban land, can give the same land for temporary use only if they use it for agrarian purposes and they can give it in temporary use for the same destination.

Article 15

Joint works organization or other self-governing organization as a carrier of rights of use in non-constructed urban land, is obliged according to the conditions for carrying the right of use, to hand over this land or its part to the municipality.

Article 16

In the case of arbitrary occupation of constructed urban land or changing the destination, developing work, setting the material or other similar actions without authorization, which can be done only on the basis of the license, the competent municipal organ of administration or organization authorized with a written decision will order the responsible person without delay and on his own expenses to return the impermissible property to the previous condition.

Claim against the written decision from provision 1 of this article, delays the execution of the written decision.

Article 17

The previous owner of non-constructed urban land has the right to keep it in possession, and to use that land for permitted intentions in that way not to change the shape and features of the parcel of the land, up to the day by the decision of the competent organ is obliged to return it to the municipality, respectively to the determined user with aim to prepare this land for foreseen intention. The owner can return the land to the municipality before that day, while municipality is obliged to get this land from the previous owner.

Article 18

The previous owner of the non-constructed urban land has the priority right to use this land intentionally to build the building according to the law, he can obtain the property right, in the borders of the constructed parcel, whose surface is needed for proper use of the building, if according to the detailed city plan, can be built the building on this land (the priority right of construction).

Article 19

The previous owner can transfer the right from Articles 17 and 18 of this law only to the descendant spouse, adopter, parents and adopted child; such persons cannot legally transfer these rights to other people.

The rights from the paragraph 1 of this article legally can be inherited by the spouse, descendants, adopted child, parents and adopter, to whom the rights have been transferred by the previous owner.

Legal action concluded contrary to the provision of paragraph 1 of this article is invalid.

Article 20

People who have priority right of construction (Articles 18 and 19) may submit the request to the competent organ for taking in use the parcel for construction from this land in the time limit which is determined by the municipal assembly, which cannot be shorter than six months starting from the day when conditions for realizing the priority right of construction are fulfilled.

If the person who has the priority right of construction does not submit the request within the term, he will lose this right.

Persons who obtain the use of the parcel for construction, are obliged, within the term of 3 years from the day they receive the decision, to construct the building, or to finish substantial works.

If a person does not construct the building or does not finish substantial work within the term fixed from provision 3 of this article, will lose the priority right of construction under the conditions and as determined by the assembly.

The person who is permitted the priority right of construction on non-constructed land designated for construction has the right and obligation as the person to whom such land is given in possession, under the general conditions determined by a municipal assembly.

Article 21

If non-constructed urban land for construction was a property of many persons and includes same number of parcels for construction as well as numbers of co-owners, the priority right of use has each co-owner, if according to the city plan is possible to construct such building.

Article 22

The former owner, whose land parcel does not deviate that much according to the size and form from parcel for construction which is fixed on that land, may be recognized the priority right for construction if in accordance with performed parcel divisions there is possibility to obtain in possession whole construction parcel and if fulfils other prescribed conditions.

Article 23

The person who realizes the priority right for construction, as well as any person who acquires into possession a parcel for construction directly and on the basis of competition, cannot transfer an uncompleted building, nor a completed building by legal act, for a period of 5 years starting from the day the construction permit is issued.

Any agreement concluded contrary to the provision of paragraph 1 of this article is invalid.

Article 24

The owner of a building on urban land for construction has the right to use the land under the building and the land that is necessary for its regular use, within the borders of construction parcel.

The right to use the land referred to in paragraph 1 of this article continues as long as the building exists.

If the building from paragraph 1 of this article is no longer appropriate for use, due to age or damages incurred due to *vis major*, the owner of building will be granted a priority right for construction on the same parcel according under the conditions provided for in article 18 of this Law.

The right to use land referred to in paragraph 1 of this article cannot be transferred at all.

Article 25

The amount of compensation for urban land for construction taken from its former owner or from persons referred to in article 19 of this law will be determined according to the procedures provided for in the law on expropriation.

In the case of compensation for the taking of non-constructed urban land, if there exists agreement between the municipality and the former owner, the compensation can be

determined and calculated in another way. Social and material state, as well as unsolved residential question, will be taken in account for the person who used this land for agriculture purpose and which land presents exclusive source of income for himself or his family, in case when he has no priority right to build on that land.

Article 26

Supporting and temporary objects, which are placed on non-constructed urban land which is taken from the owner, may be transferred onto land which is still in possession of the former owner, if the latter so agrees. The municipality will carry the expenses for the transfer and construction of such objects.

Provisions from paragraph 1 of this article do not apply to objects expressly determined as temporary by the municipal assembly. In this case, the owner of the object has a duty to transfer the object, at his own expenses and within a time limit and in a way determined by the agreement on the usage of land, as well as according to decisions of the competent administrative municipal body.

III. THE LAND FOR CONSTRUCTION IN CONSTRUCTION REGION

Article 27

In a construction region, the land to be used for construction will be designated by a decision of the municipal assembly.

The decision referred to in paragraph 1 of this article shall be based on: a municipal space plan, which constitutes the basis for the construction and arrangement of particular rural and other streets, or particular protected zones; a space plan for the region as a whole or specially designated parts of it; a general urban plan which includes streets in suburbs as well as villages, protected green belts; an urban plan or any other applicable program for the construction, arrangement and preservation of designated areas.

Article 28

In respect to land designated for construction, which is on social property that is situated within the determined borders of the construction region, the provisions of articles 11, 12, 15, and 16 of this law apply accordingly.

The holders of the right of use of non-constructed land designated for construction, as referred to in paragraph 1 of this article, can give permission for the land to be used for other temporary purposes, such as are in accordance with the general conditions for the utilization of that land, as long as the land is not designated for any specific usage.

Article 29

Owners of non-constructed and constructed land in a construction region are obliged to use this land for purposes and according to conditions prescribed by regulations drawn up by the municipal assembly authorized to do so pursuant to a specific law.

On non-constructed land in a construction region, the owner and other persons can realize the right of construction only according to conditions prescribed by law as well as regulations drawn up by the municipal assembly in the framework of its rights and duties.

Article 30

From the moment a decision has been issued to draw up a construction region program, any transfer of rights pertaining to non-constructed land is prohibited until such time

as the above-mentioned program is issued. This prohibition is to remain valid for no longer than two years from the day of the entering into force of the above-mentioned decision.

Article 31

If, in a construction region where property rights exist, registered parcels are divided according to principles of inheritance or any other legal act, this division cannot serve as a legal basis for the creation of new construction parcels, unless performed in accordance with the provisions on planning and arrangement of the environment.

IV. THE MANAGEMENT OF LAND FOR CONSTRUCTION

Article 32

The management of land designated for construction is to be undertaken on the basis of self-government by the municipalities in conformity with principles contained in this law.

The management of land designated for construction is to be carried out in conformity with the general conditions applying to the use and disposal of land, which are laid down by the municipality.

Article 33

In order to dispose of the land in a way that fulfills individual, common, and general requirements in an organized manner, the workers and citizens through organizations and self-governing communities may establish self-governing interest associations (herefrom: interest associations) with the purpose of conducting the management of the land designated for construction.

The municipal assembly may determine the obligation to establish an interest association as well as its organizational principles, reciprocal relations in it, and the obligation of payment of contributions to the above association.

Article 34

The municipal assembly, under the framework of municipal rights and obligations, shall delegate to the interest association tasks concerning management and disposal of land for construction. In cases where no interest association has been established, land for construction is to be managed and disposed of through municipal bodies.

Article 35

The activities of the interest association related to the management of the land for construction as well as its arrangement and use are of particular social interest.

Article 36

According to the founding act of the interest association, its statute shall determine in particular: its number of delegates, a procedure for choosing delegates, the way particular social interest are to be realized within the activity of the interest association, and the arrangement of relations related to the usage of land for construction.

The municipal assembly shall confirm the statute of the interest association.

Article 37

The municipal assembly, in accordance with the law, determines the obligations of holders of the right of usage of land for construction and other rights related to the arrangement and usage of this land. Financial means realized from this source and other financial means of the municipality destined for particular requirements and for the arrangement of the space governed by the association can be transferred to the interest association.

Financial means that are realized through usage of land for construction are 1) compensation for the arrangement of the land for construction, and 2) compensation for the usage of land for construction.

The amount of compensation and compensation for arrangement of land and for usage of land for construction are to be determined in accordance with the program on the arrangement of land for construction, and depend on the privileges accruing to the users as a consequence of their usage of the land.

With the designation of a basis and criteria for determining the level of compensation referred to in paragraph 2 of this article, the general interest will be protected and unjustified social and economical priorities for using land for construction will be avoided.

Article 38

The land for construction is managed by its owners in the region for construction where the right on property exists, in accordance with general conditions determined about the usability of that land.

In construction regions where property rights exist, the owners shall manage the land for construction in accordance with the general conditions applying to the usage of the land.

According to the principles of free will, reciprocity, and solidarity, the owners referred to in paragraph 1 of this article can join the interest association.

Article 39

As regards land for construction that is social property, municipalities can grant the right to use the land or to dispose of the land to social legal persons, citizen associations, or other legal persons in order to construct buildings according to their needs, and also to citizens who may build residential flats, commercial buildings or business space for which they can gain property rights in accordance with the law.

When land for construction is given for use to citizens or legal persons, in order to construct a building, for which, in accordance with the law, they can obtain ownership, the transfer of this land is to be carried out according to the provisions of article 23 of this law.

Article 40

Urban land for construction is to be distributed for use on the basis of a competition or by direct agreement according to the conditions and procedure determined by the municipal assembly based on the law.

Land for construction, which is designated for the construction of objects of common social interest in the urban space plan, is to be distributed without a contest (by direct agreement). As regards citizens and other legal persons the land is to be distributed without a contest:

1. where the previous owner has the priority right to use the land, as well as the smallest part of a neighboring parcel, which is joined with the main parcel in order to create a construction entirety;
2. to the previous owner of non-constructed land situated in a region where the construction of residential buildings was not permitted at the time of expropriation according to regulations issued by the municipal assembly;

3. to previous owners of residential buildings as well as to the holders of the right of occupancy, whose buildings or apartments are to be demolished in order to construct objects of common social interest.

4. to workers who return or who have already returned from temporary work abroad, under the condition of having spent at least 5 years working abroad, and who do not possess residential property;

5. to participants in the National Liberation War- before 09.09.1943;

6. in other cases determined by regulations issued by the municipal assembly.

When, on the basis of a competition, land for construction is given to citizens to be used for the construction of residential buildings, their residential, professional and social circumstances shall be taken into consideration.

In the competition, priority rights to use land for construction shall be granted to:

1. participants in the National Liberation War;

2. military invalids from group I-IV;

3. work invalids of category II and III;

4. the persons in inappropriate residential conditions;

5. other cases to be determined by the municipality.

The rights and obligations that result from the act of handing over the land to be used for residential construction are to be defined by a contract.

Article 41

The joint works organisation, which performs the construction work and other work on the complex of land for construction, shall temporarily be given this land in accordance with conditions prescribed by the contract.

Once the work referred to in paragraph 1 of this article has been completed, the right to use the land for construction reverts to the holders of the right of usage as well as of the right of ownership in the constructed objects.

Article 42

In accordance with the principles of this law and the conditions specified therein, the municipal assembly can entrust rights and specific obligations concerning the awarding of the right of usage of land for construction to the interest association.

V. THE ARRANGEMENT AND THE USE OF LAND FOR CONSTRUCTION

Article 43

The arrangement of land for construction regarding the construction of objects on non-constructed land and reconstruction on land for construction, is performed on the basis of a long term program and a one year program for the arrangement of land for construction, in accordance with the city plan as well as the appropriate regulations.

The program for the arrangement of land for construction is to be issued following manners and procedures decided upon by the municipality.

Article 44

The arrangement of urban land for construction as referred to in this law includes the following:

1. preparation of the land for construction;

2. construction of municipal objects and plants for common use;

3. construction of municipal objects and plants for individual use.

Article 45

The arrangement of urban land for construction as specified in the previous article is considered to denote:

- preparation works: technical-engineering exploration of the land, work on geodesy layers, detailed plans and other appropriate urban plans, urban projects etc.
- providing of land and resolving of all legal-property relations, meaning as well the placement of tenants who were displaced.
- removal of existing objects, plants, forests and agriculture crops,
- additional measures (drainage, filling, levelling of land surface, cleaning of the soil and protection from land slides), as well as preparation tasks that are carried out to protect the environment and crops.

The construction of municipal objects and plants for common use is considered to include: boulevards, roads, bridges, walking areas, entry alleys, parking places, public displays, green surfaces in residential areas (parks, trees, alleys, green playgrounds for children and sports activities etc.), objects for sport and activities, cemeteries, public shelters.

The construction of municipal objects and plants for individual use is considered to include: water supply objects and installations, sewage canals, electrical plants for heating and gas supply, as well as post, telephone, and telegraph installations (PTT).

Article 46

The volume and scale of the arrangement as well as a preliminary calculation of the costs of preparation and communal supplies for the land for construction are to be determined by the program for the arrangement of the land for construction in accordance with the general conditions for the usage of the land in question.

With the program as well as the provisions of paragraph 1 of this law, the minimal scale of the arrangement of particular complexes as well as regions included in this programme is to be determined.

Non-arranged land included in the program for the arrangement of the land for construction will be considered arranged land for construction, if the program provides for its arrangement within a predetermined time.

Article 47

In order to finance the arrangement of the land for construction, apart from financial means realised from the compensation for giving and using the land for construction, the means of communal and other workers' organisations, self-governing interest associations and other organisations and associations that use the land for construction, as well as the means of citizens, loans, the means of investors who agree to fund specific works that will not be compensated because they received the land for construction, will be used in accordance with the programme for the arrangement of the land for construction and other regulations laid down by the municipality.

The program for the arrangement of urban land for construction is to determine the costs for the arrangement of that land and the extent to which these costs may increase the price of a residential flat, in accordance with the social agreement on fundamental elements, conditions and criteria for the setting of prices for flats that is concluded according to the provisions on financing of residential constructions.

Article 48

The land for construction is to be used in accordance with its destination and with other prescribed general conditions, as well as particular conditions that are determined during the procedure of giving the land for use.

The relations that arise from the conditions for the usage of land for construction are to be regulated on the basis of an agreement.

Article 49

The amount of compensation for the arrangement of land for construction is to be determined by way of a contract, in accordance with the principles of this law.

In accordance with the program for the arrangement of land for construction, the amount of compensation for some parcels for construction or buildings referred to in paragraph 1 of this article is to be determined proportional to the total expenses for the arrangement of the larger complexes of land for construction, taking into account their destination, position and other particular characteristics.

If the land for construction is given for use on the basis of a competition, the amount of compensation for the arrangement of this land is to be determined according to the terms of the competition.

The contract referred to in paragraph 1 of this article is to determine the other rights and obligations concerning the arrangement of specific parcels for construction, as well as the complex of land for construction.

Article 50

Legal social persons who have the right of usage of the land for construction and previous land owners of non-constructed urban land for construction have priority rights of construction, and the land is to be given to them for immediate construction.

Persons who have received the arranged land for construction for use according to the provisions of paragraph 1 of this article are obliged to participate in the cost of the preparation as well as the communal equipment of the parcel for construction, proportional to the total cost of the arrangement of the larger complex of land where the parcel is situated, unless determined otherwise by the general conditions for the utilisation of land for construction.

Article 51

Depending on the volume and scale of the provision of the land of construction with objects and communal installations for a wide range of use (roads, streets, green places and other public places, public lighting and other objects) the beneficiaries shall pay compensation for the use of the land for construction.

As user of the land for construction, in accordance with paragraph 1 of this article, are considered the holder of the rights of usage and the owner as well as the tenant and the holder of right of occupancy.

Article 52

Compensation for the utilisation of urban land for construction is per unit of land surface as well as for the surface usable for the construction of residential buildings, trading premises and production facilities.

During the determination of the amount of compensation into particular consideration shall be taken the position of the land within the residential region, the scale of provision of the land with communal objects and installations, traffic infrastructure, frequentation by consumers, favourable position *vis à vis* a street or building in residential areas (different ways of determining the amount of compensation).

The manner and procedure for the determination of the amount of compensation for utilisation of the land for construction is to be performed on the basis of methods of direct evaluation of the value of the location, by zones (I, II, III, IV and V), as well as by appraisal and revaluation.

The municipality, through its competent body, performs the procedure, takes decisions on the compensation, and determines the means and terms of compensation for the utilisation of land for construction.

Article 53

Compensation for using the land for construction cannot be applied if that land is used:

1. for national defence matters,
2. for buildings used for needs on the basis of international agreements,
3. by the organisations for medical, social security and protection of children, education purposes and for physical culture and sports activities,
4. for buildings and premises used by religious entities for their religious activities,
5. for buildings inhabited by persons dependent on permanent social assistance and persons who live in temporary buildings.

The municipal assembly may define other cases where compensation for use of land for construction does not apply.

Article 54

The basis and criteria for the determination of the amount of compensation for the arrangement of land for construction as well as its usage must be limited and reciprocally coordinated.

Article 5

The financial means realised through the collection of payments of compensation for the utilization of land for construction can be used only for the arrangement of land for construction included in the program referred to in Article 43 paragraph 1 of this law.

VI. PENAL PROVISIONS

Article 56

For an commercial offence, the joint works organisation or other legal person shall be fined up to 100.000 dinars if:

1. being the holder of the right of usage of the urban land for construction, it transfers this right in contradiction to the provisions of Article 11 paragraph 3 of this law;
2. being the holder of the right of usage of non constructed urban land, it transfers this right or uses this land in contradiction with the provisions of Article 13 of this law.

For the acts referred to in paragraph 1 of this article, the responsible person in a joint works organisation or other legal person shall also be fined up to 10.000 dinars.

Article 57

The joint works organisation or other legal person shall be fined up to 50.000 dinars, if:

1. being the holder of the right of usage of non-constructed urban land on social property, which is situated on the borders of a certain construction region, it transfers this right or uses this land in contradiction with the provisions of article 28 paragraph 1 of this law;

2. being the holder of the right for usage of non-constructed urban land, it leases this land in contradiction with the provisions of article 14 paragraph 3 of this law;

3. in an arbitrary manner, it occupies urban land for construction changes its purpose without authorisation (article 16 paragraph 1).

For the acts referred to in paragraph 1 of this article, the responsible person in a joint works organisation or other legal person shall also be fined up to 8.000 dinars.

Article 58

A citizen shall be fined up to 10.000 dinars, if:

1. he performs the actions referred to in Article 56 paragraph 1 item 1 and Article 57 paragraph 1 item 3 and 4 of this law;

2. as the former land owner of urban land for construction, which is still in his possession, he changes the shape and features of a parcel in contradiction with the provisions of Article 17 paragraph 1 of this law;

3. as the owner of constructed land as well as non-constructed land within a construction region, he acts in contradiction with the provisions of Article 29 of this law.

3. TRANSITIONAL AND FINAL PROVISIONS

Article 59

If by decision of the municipal assembly, an interest association is established, this decision shall determine the terms of its constitution.

When an interest association is established, the organisations, which are performing the tasks of arrangement and utilisation of the land for construction are obliged to complete these tasks, with compensation, before the establishment of the interest association.

Article 60

Provisions issued by municipal assemblies on the basis of the Law on arrangement and utilisation of the land for construction, as well as other provisions of municipal assemblies that deal with the arrangement, management and use of land for construction, shall comply with the provisions of this law within a period of one year from its entry into force.

Article 61

Land for construction in cities and residential areas with urban characteristics, which was turned into social property before this law entered into force, is considered urban land in accordance with the provisions of this law.

The provisions of Articles 17 to 20 of this law also apply to former owners of land for construction that was turned into social property up until the day this law came into power, if the right of usage and the priority right of construction on this land are not lost or if they did not realise the priority right of construction according to the provisions that applied before this law entered into force.

Article 62

Procedures initiated before administrative bodies as well as courts according to the provisions of Article 63 of this law shall continue and be completed according to those provisions.

Article 63

With the entry into force of this law shall be abrogated:

The Law on determination of land for construction ("Official Gazette of SAP of Kosova", nr.37/71) and Law on arrangement and utilisation of land for construction ("Official Gazette of SAP of Kosova", no. 39/72).

L A W

ON AMENDMENTS AND SUPPLEMENTS TO THE LAW ON LAND FOR CONSTRUCTION

(Official Gazette of SAP Kosova, No.42/86)

Article 1

Article 6 of the Law on land for construction ("Official Gazette of SAP of Kosova", no.14/80-edited text) is amended and states:

"Urban land for construction shall be considered:

1. land that consists of large densely constructed surfaces, which is part of a city and arranged in an urban manner, as well as residential areas with urban character (land already constructed in an urban manner).
2. land on the borders of a general urban plan, as well as residential areas with urban character that were designated for the extension of the city as well as residential areas.
3. land in other regions designated for the construction of residential and other complexes (residential areas in the suburbs of the city, industrial complexes and power plants, sports centres, tourist sites and similar regions with specific designations)."

The land referred to in paragraph 1 item 2 and 3 of this law is designated as urban land for construction on the basis of detailed urban plan as well as the parts of the general urban plan containing elements of the detailed urban plan issued for that land, the construction and arrangement of which are provided for by a medium term social plan issued by the municipality.

Article 2

Article 7, paragraph 5 is amended and states:

- "The surface of parcels for individual residential construction can be:
- in cities - residential places with urban character: from 300-400m²;
 - in villages where the population is not performing agriculture as fundamental activity: from 400-500m²;
 - in villages of agrarian families: from 500-1000m²."

Article 3

Article 8, paragraph 1 is amended and states:

"The municipal assembly, before deciding on the determination of the borders of the land for construction, is obliged to determine the common social interest and to designate as land for construction only non agricultural land (hilly and non fertile land), land that poses no threat of floods or land-slides to infrastructure objects, land that has not been declared as of historic-cultural importance. Then, after public discussion about the project, it shall issue a decision on the determination of the borders of the land for construction in accordance with the statute of the municipality."

As an exception to the provisions of paragraph 1 of this article, agricultural land can be designated as land for construction under the conditions prescribed by the Law on agricultural land ("official Gazette of SAP of Kosovo", no.21/84).

Paragraphs 2, 3 and 4 will become paragraphs 3, 4 and 5.

Article 4

To Article 12, a new paragraph is added.

"The establishment or suspension of the right for servitude on urban land for construction shall be determined by a specific decision of the municipal body competent for urban affairs in accordance with the urban plan or any decision that replaces this plan."

Article 5

Article 17, paragraph 2 is amended and states:

"The former owner of urban land can hand over this land to the municipality before the end of the period prescribed by paragraph 1 of this article, in which case the municipality is obliged to accept this land. This shall be performed by a simple declaration of intent before the competent municipal body."

Article 6

Article 18 is amended and states:

"In the case of land for construction referred to in Article 17 of this law, which according to this law became social property, and on which according to the detailed urban plan objects may be constructed, the former owner, upon request, has the priority right of usage (the priority to construct) of the specified parcel on such surface as necessary for the construction and regular maintenance of a building, if he also fulfils the other conditions determined by this law.

The priority right of usage can also be realised by the former owner of at least one third of the parcel of the land for construction, if he also fulfils the other conditions determined by this law and other legal provisions."

Article 7

In Article 23, paragraph 1 the sentence: "for a period of 5 years", is replaced with: "for a period of 10 years".

After paragraph 1, two new paragraphs are added:

"A person that realises the right of construction of a residential building and that transfers the parcel for construction and the completed or uncompleted building before the expiration of 20 years from the day of receiving construction permission from a competent body, has no rights to other parcels for construction on the territory of that municipality.

In the case of transfer of real estate in contradiction with the provisions of paragraph 3 of this article, the municipal administrative body competent for legal property affairs shall render a decision on dispossession in accordance with the provisions of the Law on expropriation."

Paragraph 2 becomes paragraph 4.

Article 8

After Article 25, a new article is added:

“Article 25a

If the land designated as urban land for construction is neither constructed nor arranged during the period prescribed by the medium term plan, or, at latest, within a period of five years from the day of designation as urban land for construction, the former owner as well as the user of the land for construction, if he had been restricted in using the land, has the right to compensation from the municipality for the time during which the land was in possession of the municipality or other users for the purpose of its adaptation to the urban plan, equal to the amount of income lost due the impossibility of usage of that land, as well as compensation for expenses for the procedure of returning the land.

Compensation for returned land is to be determined according to a Decision by the municipal assembly, which is valid for the year, during which the land is returned.”

Article 9

In Article 39, after paragraph 1, new paragraphs 2 and 3 are added:

“Urban land for construction may be ceded for use only if it is arranged or will be arranged within a period of five years from the day of reception of the land from the competent bodies or self-governing interest association for the management of urban land. A contract is to determine the volume and the way of arrangement of the land, which shall not be smaller than provided for by the programme for the arrangement of urban land for construction. The investment objects also must be constructed within a period determined by the investor.

The municipal assembly body competent for urbanism or the self-governing interest association for the management of urban land as well as the investor or the contractor carrying out construction work is responsible for a commercial offence concerning the non-fulfilment of obligations within the period prescribed by the contract. “

Paragraph 2 becomes paragraph 4.

Article 10

In Article 46, after paragraph 2, a new paragraph is added:

“The Provincial Committee for Urbanism, Residential and Communal Activity issues detailed provisions regarding the contents and manner issuing of the program for the arrangement of urban land for construction”.

Paragraph 3 becomes paragraph 4.

Article 11

In Article 47, after paragraph 1, a new paragraph is added:

“The joint works organisations, organisations and other self governing societies can invest directly and pool their resources for the arrangement of urban land for construction”.

Paragraph 2 becomes paragraph 3.

Article 12

In Article 56, paragraph 1, the sum “100.000”, is replaced with the sum “200.000”.

In paragraph 2 of this article, the sum “10.000”, is replaced with the sum “40.000”.

Article 13

Article 56 is amended and states:

“Joint works organisations or other legal persons shall be fined up to 100.000 dinars for offences:

1. if, as a holder of the right of usage of non constructed land for construction, they lease the land in contradiction with the provisions of this law (Article 14, paragraph 3);
2. if they arbitrarily occupy urban land for construction or change its purpose in an unauthorised way (article 16 paragraph 1);
3. if, as a holder of the right of usage of non constructed land for construction on social property, which is situated within the borders of the determined region for construction, they use their priority right or this land in contradiction with the provisions of this law (Article 28, paragraph 1);
4. if they do not issue within a predetermined period as well as bring into accord with the provisions of this law a decision on the designation of urban land for construction.

For an offence referred to in paragraph 1 of this article, the person responsible in the joint works organisation or other legal person will be fined up to 20.000 dinars."

Article 14

In Article 58 paragraph 1, the sum: "10.000", is replaced with the sum "30.000".

Article 15

After Article 61, a new article is added:

"Article 61a

If, on urban land for construction, the construction of an object has started without permission by the competent body, and work has progressed considerably or the object has been completed, the municipal assembly can grant this land for use without a contest in order to construct the object for which the citizen can have the right of ownership.

If the object referred to in paragraph 1 of this article is situated in a region, which, according to the space as well as urban plan and other provisions, is designated for construction of such objects, and, by special intervention, can be brought into accord with the plan, the competent municipal body can set detailed technical urban conditions as well as other conditions prescribed by the law and other provisions under which these objects may be brought into accord with the conditions for construction and can set a term within which the permission may be issued retroactively.

In cases referred to in paragraph 1 of this article, the municipal assembly, upon request by a citizen, will decide on the right of usage of urban land for construction, taking into account the condition or obligation to pay compensation for the arrangement and usage of urban land for construction, from the moment construction has started or the beginning of its utilisation.

The amount of compensation for the arrangement of urban land for construction is to be determined according to the criteria prescribed by this law, whereas the compensation for using the urban land for construction shall be determined according to compensation paid for similar objects at the time of the distribution of the land for usage. If the citizen does not accept to pay the compensation referred to in paragraph 3 of this article, the competent body can take legal action before a regular court in order to collect the specified amount by force or to collect by force an already accepted but not fulfilled obligation."

Article 16

After Article 62, a new article 62a is added with these contents:

"Article 62a

The decisions on the designation of urban land for construction shall be issued within a period of two years from the day this law enters into force.

In the case of decisions regarding the designation of urban land for construction issued since the day this law entered into force, where the construction and arrangement of urban land authorised thereby has not yet started or has started but not been completed, those decisions shall be brought into accord with the provisions of this law within one year from the day this law enters into force.

From the day this law entered into force, urban land for construction designated as such by a decision of the municipal assembly, which, following the decision on harmonisation referred to paragraph 1 of this article, will not be designated as urban land for construction, shall no longer be considered urban land.

From the day of entry into force of this law, either by a decision of the municipal assembly, which shall be in accord with the decision referred to in paragraph 1 of this law, or following the provisions of this law, designated urban land for construction will no longer be considered urban land for construction.

Article 17

The provisions for the arrangement and use of urban land for construction that have been issued before entry into force of this law, shall be harmonised with the provisions of this law within a period of one year from the day its entry into force.

Article 18

Detailed provisions referred to in Article 10 of this law shall be issued within a period of one year from the day of entry into force of this law.

Article 19

The legislative Commission of the Assembly of the SAP of Kosova is authorised to confirm the edited text of the Law for land for construction.

Article 20

This Law enters into force eight days after its publication in the "Official Gazette of the Socialist Autonomous Province of Kosova".

10/10/10
10/10/10
10/10/10

10/10/10
10/10/10

10/10/10
10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10