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PLANNING PERMISSION BY CURATIVE STATUTE

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TS 9F – Real Estate Management



Introduction

Land use in Italy, when it involves construction, is governed by rigid regulations that require permits and authorizations to construct a building according to a specific project.



Building laws, which are normally passed by local authorities (the Municipality), envisage different uses for the land according to the area: agricultural area, building areas with varying degrees of density allowed and areas where building is not allowed at all.

Core Technical Legislation

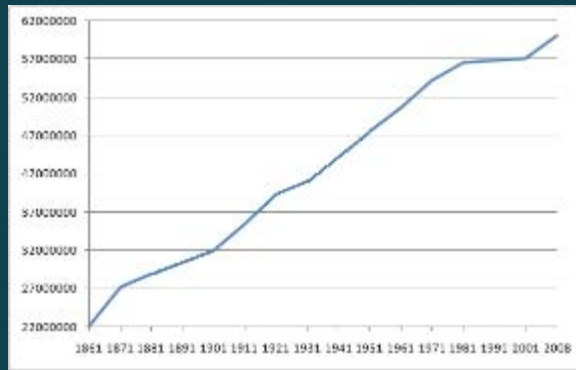
- Ratios between areas reserved for residential settlements and those that are public, public green areas, parking areas or areas reserved for community activities;
- Construction density limits;
- Height limitations for buildings;
- Minimum distance between buildings.



- Any building work carried out without a permit is considered a fully-fledged civil and criminal offence, which makes all contracts of sale relating to such unauthorized buildings null and void.
- Once a Mayor has ascertained that the work has been carried out without a permit or in total non-conformity with the permit, he shall order its demolition.
- If the party responsible for the abuse does not proceed to demolish the construction and restore the state of the area within a period of ninety days from the order, the construction and the plot of land become property of the Municipality.



- Indeed, the enormous demographic, economic and social development that occurred in Italy from the '60s on generated a considerable increase in construction all over the country, and particularly in the cities.

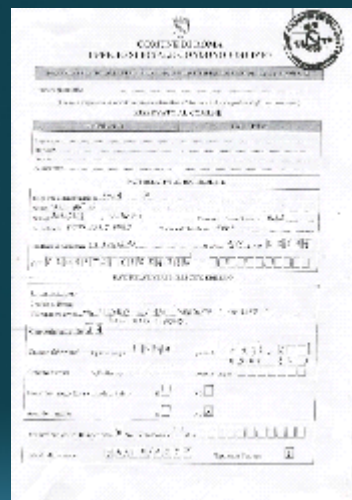


- This phenomenon spread to such an extent (20/25 million rooms to date) that, also for fiscal registration reasons, Parliament passed a series of laws aimed at granting an ex post authorization, named "**SANATORIA EDILIZIA**" (curative statute for constructions).

Curative Statute Laws For Unauthorized Building works

At present, the main legal provisions that were and still are referred to in order to obtain planning permission by curative statute are the following:

- Law N° 47 of 28 February 1985;
- Law N° 724 of 23 December 1994;
- Law N° 326 of 24 November 2003 and following modifications and supplements.



Technical documents necessary to apply for “Sanatoria Edilizia”

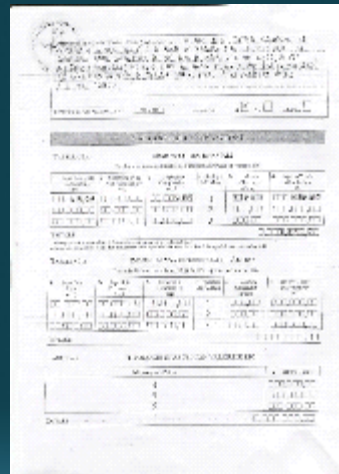


In order to obtain planning permission by curative statute, it is necessary to submit the following technical documents:

- the filed pardon application;
- plan details (detailed pre- and post- floor plans, sections and views);
- land registry recording;
- photographic material;
- proof of payment of the fines and the administrative charges.

Sum of money to be paid to the Inland Revenue by way of fine

Interested parties shall receive the permit or authorization by curative statute for unauthorized building works after having paid a sum of money to the inland revenue by way of fine, the entity of which depends on the part of the construction that was built illegally and is set according to the provisions of a dedicated table annexed to the Law, which takes into account the abuse committed and the completion date of the unauthorized building.



Charges to be paid to the Municipality

Interested parties shall pay special charges to the Municipality.

Effects of the payment of the fine and of the curative statute procedure

Submission of the application within the set deadline, as well as proof of payment of the sums of money to be paid suspends the criminal proceeding and the proceeding for administrative penalty enforcement.

Full settlement extinguishes the offences. It also extinguishes all proceedings for administrative penalty enforcement.

Recording on the land registry

Work completed before the date of entry into force of this law and not recorded on the land registry, as well as non-registered variations, shall be reported within 90 days of the entry into force of this law after having paid all charges required by the provisions in force.

Visura per immobile
 Strumento depositato in data 16/05/2010

Identificativo immobile: Catasto 02/214/01/001/010
Proprietario: Proprietario
Dati catastali:

Catasto	Data	Tipo	Descrizione	Catasto	Data	Tipo	Descrizione
02/214/01/001/010	16/05/2010	1	Proprietà	02/214/01/001/010	16/05/2010	1	Proprietà

Note:
 Il presente strumento è stato depositato in data 16/05/2010.
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Riferimenti:
 Catasto 02/214/01/001/010
 Catasto 02/214/01/001/010

Catasto:
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Recording on the land registry – Plan details

Pre-floor plans



Post-floor plans



Conclusions



By way of conclusion, I would like to point out that the natural consequence of the Law that legalizes unauthorized building works is that the latter acquire a new real estate value. From the point of view of marketing and selling the building works, this new value obviously includes the value of the original land if the construction was completely unauthorized and the value of the part of building that may have already existed.

Thank you for your attention

CONTACTS

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