



## real estate - legal changes published in December 2022

### **Law No 377/2022 amending and supplementing the Law on Cadaster and Real Estate Publication No 7/1996 ("Law No 377/2022") was published in the Official Gazette, Part I No 1260 of 28 December 2022.**

The above-mentioned law provides specific completions and amendments to the Land Registry and Real Estate Publicity Law No 7/1996 and regulates, in principle, the registration of possession with the relevant land book, the registration of land related to the residential house and the annexes, as well as the legal status of the possessors that use and pay taxes on the land but have not obtained specific title deeds.

In the case of properties for which title deeds have been issued and the possessor has been identified, possession will be noted, with prior registration of the title deed in Part II of the land book. Moreover, in the case of properties for which owners, possessors or other precarious holders cannot be identified with the occasion of the systematic registration, as well as in the absence of documents proving the status of possessor, the ownership right will be provisionally registered in favor of the administrative-territorial unit. Interested persons may subsequently request either the justification of the provisional registration through the registration of the ownership right of the administrative-territorial unit or the registration of the true owner, or the registration of possession, subject to certain conditions imposed by law.

In the case where the minutes of possession have been issued, the ownership right will be provisionally registered in favor of the entitled persons, according to the minutes and the decision of the county land commission. Moreover, registrations in the land registers opened following the completion of systematic registration may be amended, in accordance with Law No 377/2022, ex officio or on request, without any fee, up to the date of the first subsequent registration.

Another regulation introduced by Law No 377/2022 concerns land relating to residential houses and annexes. Such, as well as the surrounding courtyard and the garden, are registered with the land book in the absence of property deeds and the ownership right with the agricultural register and the cadastral documentation.

Ownership of buildings constructed before 1 August 2001 is registered on the basis of the tax certificate, eliminating the condition of **lack of building permit**. In addition, the above-mentioned certificate **will include the actual surface area of the building and the related land**, without having to prove the payment of all tax obligations due to the local public administration authority.