

# **Permitting process under the new Building Act**

## **Abstract**

With the adoption of the new Building Act, there are fundamental changes in public building law. The reform of the building law promises to speed up and simplify the entire permitting process and, therefore, speed up construction and increase housing affordability. In particular, the new regulation overcomes the phased nature of the permitting process, the lack of statements and binding opinions is now handled by the building authority, the time limits for issuing decisions have been shortened and the principle of full appeal has been introduced in the appeal procedure. Unfortunately, it is not entirely clear how to proceed with some of the newly introduced institutes.

The aim of the thesis is to provide a comprehensive view of the process of permitting a construction project under the new Building Act. In doing so, it is based primarily on the explanatory reports and opinions expressed by the professional public. A short comparison with the old regulation is also provided for selected institutes.

The thesis first describes the theoretical background: the modes of authorization – the boundary between the free and the permit regime and the administrative act as a form of administrative activity, its definition, requirements, and characteristics. Then the definitions of the terms project, building and facility are given and the organization of construction authorities and concerned bodies is described.

The main fourth chapter of the thesis is devoted to the actual permitting procedure. The whole process is described from the pre-proceeding stage – obtaining statements and binding opinions, the initiation of the procedure and its conduct, with emphasis on the status and rights of the parties to the procedure, aspects of the assessment of the project, to the issue of the building permit, its validity and the specifics of appeal procedure, judicial review or retrial.

The specifics of the alternative forms of procedure for certain types of construction projects, to the authorization of which a simpler or more complex procedure applies, are also described. Chapter 6 discusses selected situations which cause a change in the content of the permit, its addressees or trigger the termination of the permit. Chapter 7 describes the possibility of changing the project before it is finalized. The last chapter focuses on the consequences of implementing a project without or in breach of a permit and the possibility of additional legalization.

**Key words: Building Act, construction project, building permit**