

Gökçe

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ZONING FORBEARANCE



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By virtue of the zoning forbearance or “peace”, the zoning and permit distress of approximately thirteen (13) million buildings are expected to be settled. Legalization of the buildings not complying with the zoning legislation has become possible by means of zoning forbearance. The zoning forbearance aims to resolve the conflict between the citizens and the state and to legalize unpermitted buildings not complying with the zoning legislation .

The Building Registration Certificate fee for the buildings within the scope of zoning forbearance is calculated as 3% for residential use or 5% for commercial use of the sum of the land property value and approximate construction cost. The demolition decision adopted according to the Zoning Law and uncollected administrative fines might be canceled with the Building Registration Certificate. In other words, if a demolition decision exists in relation to your building, you may relieve from the consequences of the relevant decision when you obtain a Building Registration Certificate. The Building Registration Certificate is valid until the reconstruction of the building or urban transformation project. In case of any renewal of the buildings having the Building Registration Certificate, the provisions of the zoning legislation in force shall be applicable.

The Building Registration Certificate for unpermitted buildings is only intended for the purpose of use of the relevant building. Thus, it is aimed to create a period of provisional compliance with the law until the urban transformation. In this way, within the scope of “zoning forbearance”, the zoning conflicts resulted in demolition decisions and administrative fines are subject to forbearance.

Therefore, water, electricity and natural gas subscriptions will be possible for the buildings having the Building Registration Certificate. It is also possible for the certificate holders to be able to make building type calterations and to establish condominium ownership according to general procedures.

In the first place, the Bosphorus Coastline defined in the Bosphorus Law and some areas within the frontal view area had been excluded from benefit from the zoning forbearance. However, the immovable properties in these areas fell within the scope of the zoning forbearance during the ongoing process. As a result of these changes, some regions in Sarıyer, Beykoz and Üsküdar have been included to the scope. However, there are still some regions within the historical peninsula of Istanbul that cannot benefit from the zoning forbearance.

The deadline of zoning forbearance has been announced as 31 December 2018, but it has been extended for six (6) more months. In addition to the extension, the applicants also requests installment options to make the payments properly and on time. However, the negative approach of the banks on granting loans for zoning forbearance causes financial difficulty to the citizens.

Although there is a short period to catch the abovementioned deadline, it has been a great convenience for the citizens to make the applications via e-government. It is also possible to make the applications by return receipt requested mail. When the applications are made by mail, it is regulated that the sending date of the petition shall be deemed as the date of application.

A new regulation on the extension of the zoning forbearance is not yet on the agenda. Therefore, if your building is in the scope of zoning forbearance, it will be beneficial to make the application as soon as possible. In order to avoid any deficiency and time loss, it would be useful to seek legal assistance during the Building Registration Certificate application process.

Answers. Not theories.

Gokce Attorney Partnership

Editors:



Doç. Dr. Ali Paslı
ali.pasli@gokce.av.tr



Aslihan Kayhan
aslihan.kayhan@gokce.av.tr



Ahmet Başaran
ahmet.basaran@gokce.av.tr



Ayşenur Karaarslan
aysenur.karaarslan@gokce.av.tr

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Please contact us at
contact@gokce.av.tr
0 212 352 88 33

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