

COMMUNIQUE ON ZONING RECONCILIATION

Av. Göktuğ Can Burul, LL.M, Esq.

Communique on Zoning Reconciliation (“Communique”), the secondary legislation, awaited for the clearance of uncertainties regarding the addendum to the Zoning Law, which is commonly known as “Zoning Reconciliation” was published at the Official Gazette, dated June 6, 2018 and numbered 30443 and entered into force.

I. Application Periods

As the Communique published at the Official Gazette, the Ministry of Environment and Urban Planning has started accepting applications through E-Government Portal starting from June 8, 2018. Applications under the Communique may be completed until October 31, 2018 through E-Government Portal or to the authorities, duly authorized by the Ministry, by the building owners. Following the application, the Building Registration Certificate fee shall be paid until December 31, 2018.

Applications will be solely based on the statements of the building owners and the Building Registration Certificate will be obtained through E-Government Portal for the applications made through the same portal.

As the system is completely based on the statements of the building owner, it is important not to make any misrepresentations. In case of any misstatements, relevant persons may be prosecuted.

II. Building Registration Fee

Pursuant to the Communique, the Building Registration Fee will be calculated as 3% for the residential uses and 5% for the commercial uses, of the sum of property tax and approximate construction cost of the building.

Under the Communique the unit costs for the calculation of the approximate construction cost are determined as following:

- (i) 200 TL/squaremeter for the simple agricultural buildings,
- (ii) 600 TL/squaremeter for 1-2 story buildings and simple industrial buildings,
- (iii) 1.000 TL/squaremeter for 3-7 story buildings and integrated industrial buildings,
- (iv) 1.600 TL/squaremeter for 8 or more story buildings,
- (v) 2.000 TL/squaremeter for luxurious buildings, villas, shopping malls, hotels, hospitals and similar buildings,
- (vi) 100.000 TL/MW for solar energy plants.

In case a building is used both for residential and commercial purposes, the rates will be considered separately for the calculation of the Building Registration Certificate fee.

Each condominium owner will be responsible for the Building Registration Certificate fee in accordance with the nature of the use of their own condominium and without the payment of the Building Registration Certificate fee in full, the Certificate will not be issued.

III. Benefits of Building Registration Certificate

The Building Registration Certificate will provide the building owner with similar rights to the occupancy permit.

In this respect, when the Building Registration Certificate is issued, any demolition decisions or administrative fines will be canceled. Moreover, the building owner may also apply to the land registry along with certain documents for the type classification and condominium regime.

In addition to the above, the building owner is entitled to obtain business license and work permit with Building Registration Certificate without any need for occupancy permit.

IV. Sale of the Buildings on the Real Estate of Treasury or Municipalities

It is also possible to obtain a Building Registration Certificate for the buildings on the real estate of Treasury and Municipalities. In case a Building Registration Certificate is obtained with

regards to such buildings, it may be sold the Certificate owner from the market value determined by the Ministry of Environment and Urban Planning. Market value may also be paid in installments up to five years provided that at least ten percent of the sale value is paid in advance.

V. Buildings which cannot be subject to Building Registration Certificate

Even though the scope of the Communiqué is wide, certain buildings cannot be subject to the Building Registration Certificate. In this regard, Building Registration Certificate cannot be issued for the buildings that are in the areas provided below:

- (i) Buildings within the area of Bosphorus coastline and preview area as determined under the Bosphorus Law,
- (ii) Buildings within the area of İstanbul historical peninsula,
- (iii) Buildings within the area of historical area determined by the Law on Establishment of Dardanelles Campaign Gallipoli Historical Area Department,
- (iv) Buildings on the real estate owned by the third persons,
- (v) Buildings on the areas owned by Treasury and assigned to relevant institutions.

For further information, please contact:

Av. Göktuğ Can Burul, LL.M, Esq.
goktugburul@bka-law.com
info@bka-law.com
