

CODE OF GEORGIA ON SPATIAL PLANNING, ARCHITECTURAL  
AND CONSTRUCTION ACTIVITIES

Chapter I – Main Provisions

**Article 1 – Scope of the Code**

1. This Code shall establish:

- a) a system of spatial planning and urban development plans of Georgia, its main principles, goals and objectives, as well as the hierarchy and composition of spatial planning and urban development plans, and procedures for their drafting and approval;
- b) the terms of the use of a land plot for construction, and the main requirements for buildings or structures;
- c) the issuance of construction permits, certain types of construction supervision and offences in the field of construction, measures of liability, and procedures for conducting administrative proceedings in relation to offences in the field of construction.

2. The matters relating to the construction of objects involving increased technical hazard, the protection of cultural heritage, municipal housing and other similar matters shall be determined by the relevant legislation of Georgia.

**Article 2 – Goal and objectives of the Code**

1. The goal of this Code is to provide legislative framework for spatial planning, urban development planning, and architectural and construction activities in the territory of Georgia.

2. The objectives of this Code shall be to:

- a) regulate the use and development of the entire territory of Georgia and its parts through the spatial planning and urban development plans elaborated and approved based on equal consideration of the public and private interests;
- b) provide favourable environment for human life and activities, and protect human health, environment, natural resources and cultural heritage in the process of spatial planning, urban development planning and construction;
- c) ensure the efficient engagement of public in the process of spatial planning and urban development planning;
- d) facilitate the quality enhancement of architectural and construction activities through the assistance from the State;
- e) ensure the provision by the State of artistic freedom of an architect and the development of architectural education;
- f) establish the main requirements related to the structural strength, stability, reliability, seismic stability, fire resistance, energy efficiency and noise protection of buildings or structures;



g) ensure the urban development that is safe for human health and life, establish the best practice of construction activities and improve the quality of construction;

h) ensure the stable environment for investment by simplifying the administrative procedures relating to the obtaining of a construction permit, and by raising the efficiency of the construction supervision.

### **Article 3 – Definition of terms**

For purposes of this Code, the terms used herein shall have the following meaning:

a) agglomeration – spatial grouping of settlements with the monocentric or polycentric configuration, which are interrelated through intensive business, entrepreneurial, cultural and educational, transportation and engineering infrastructural links;

b) architectural sketch – an outline reflecting an architectural concept created as a result of architectural work that meets the requirements determined by the relevant ordinance of the Government of Georgia;

c) architectural design – a key document reflecting an architectural concept created as a result of architectural work and professional activities that meets the requirements determined by the relevant ordinance of the Government of Georgia;

d) architectural activities – activities that are intended to design a building, structure, interior, exterior, to solve spatial planning matters, and to determine the instructions for engineering and technical, technological and other aspects of the project;

e) new construction – construction undertaken in the part of a land parcel, where there is no building located, or where the existing building is completely replaced; also the installation and placement of a temporary building or structure;

f) type of use – a type of actual use of a territory, or a type of use defined by an urban development document. A type of use shall be uniform (a predominant type), if at least 75% of the territory is used for identical function, whereas a type of use shall be combined, if more than 25% of the territory is used for different functions;

g) urban development plan – a plan provided for by Article 40 of this Code;

h) detailed urban development plan – a plan provided for by Article 41 of this Code;

i) building setback line (red line) – a fictitious boundary established by an urban development document for a land parcel beyond which a building or structure shall be placed. One or more red lines may be established for a single land parcel;

j) building mandatory line (blue line) – a fictitious border established by an urban development document for a land parcel on which a building or structure shall be placed. One or more blue lines may be established for a single land parcel;

k) built-up area – a part of a settled area that may include any zone determined by the main provisions, except for environmental protection zones, landscapes and recreation zones, agricultural zones, the transport zone 2 and the military zone 2;

l) special regulation zone – a status assigned to a municipality or its part due to public, economic, ecological, humanitarian, defence, sports and health, recreational, cultural and/or other factors of high significance;

m) special regulation area – an area with special regulation status (recreational, resort, defence or other status assigned by a legal act of the Government of Georgia) assigned to a settlement by a legal act of the Government of



Georgia;

n) resettlement – distribution of population in the entire territory of Georgia according to the economic and other types of activities;

o) master plan – a plan provided for by Article 39 of this Code;

p) settlement – a territorial unit of the resettlement of population as provided for by the Organic Law of Georgia Local Self-Government Code;

q) local development of a settlement – an urban development process which aims to improve the potential of a developed settlement by increasing the development density (the intensity of development), through the re-use of degraded areas and other similar activities;

r) demolishing – organised destruction or disassembling of an existing building or structure, or a part thereof;

s) (deleted – 20.12.2019, No 5693);

t) insolation – exposure of the surface of a territory and/or indoors of a building to direct sun rays;

u) accredited inspection authority – an authority provided for by Article 15(f) of Product Safety and Free Movement Code;

v) infrastructure – a combination of engineering and technical, transportation as well as communication facilities, structures and networks;

w) historic built environment protection zone – a historic built environment protection zone provided for by the Law of Georgia on Cultural Heritage;

x) conservation – a combination of activities carried out in the manner provided for by the legislation of Georgia for the purpose of maintaining buildings or structures in existing conditions, and for safeguarding buildings or structures from destruction or irreversible alterations;

y) structural design – a detailed (draft) document reflecting the design calculations and solutions necessary for carrying out construction, which complies with the requirements established by the relevant ordinance of the Government of Georgia;

z) structural scheme – a key document reflecting the design calculations and solutions necessary for carrying out construction, which complies with the requirements established by the relevant ordinance of the Government of Georgia;

z1) cultural heritage protection zone – a cultural heritage protection zone provided for by the Law of Georgia on Cultural Heritage;

z2) adjacent boundary zone – a part of a land parcel in the distance of less than three meters from the adjacent boundaries of a land parcel;

z3) construction – a combination of actions taken during the preparation of a construction site, the new construction, reconstruction, demolishing, conservation and/or repair of buildings or structures or their parts;

z4) person carrying out construction – a holder of a construction permit or a person carrying out unauthorised construction;

z5) construction organisation plan – an integral part of a construction design providing detailed conditions for carrying out construction, including: the date of commencement of construction works; the stages and duration of construction; the schedule of construction based on the stages of construction; a place on a construction site for placing construction equipment and construction materials; a place for installing a temporary building or structure



on a construction site; methods and measures for ensuring safety; a list of protocols on covered-up works, inspections and tests; optimal time frames for the performance of certain works, and other matters provided for by the legislation of Georgia;

z6) building notice – the obligation of a person carrying out construction to provide a building notice (simple notice, detailed notice) to an authorised body issuing a construction permit for the purpose of construction of buildings or structures of Classes I-II;

z7) structure – a structural system made of construction materials and/or units, which are immovably fixed to the ground;

z7<sup>1</sup>) reconstruction – substantial alteration of an existing building or structure, and/or the parts thereof for the purpose of the physical and qualitative improvement;

z7<sup>2</sup>) milestone report – an appropriate document drafted in respect of the completion of individual stages of construction;

z7<sup>3</sup>) public boundary zone – a zone with the length of not more than 15 meters (unless longer distance is determined by a detailed urban development plan) from the public boundaries of a land parcel to the middle line of the adjoining public space;

z7<sup>4</sup>) public space – a registered or unregistered space adjoining a land parcel, which is used for public purposes, in particular, streets, roads, main roads, side-streets, pavements, lawns, gardens, small public gardens, water tables, landscapes and recreational areas, public roads, servitude, etc., and any other similar spaces;

z7<sup>5</sup>) Agency – a legal entity under public law under the Ministry called Spatial and Urban Development Agency;

z7<sup>6</sup>) construction documentation – the documentation approved or agreed in accordance with the legislation of Georgia for obtaining a permit that serves as a basis for carrying out construction;

z7<sup>7</sup>) construction material – products manufactured for construction purposes;

z7<sup>8</sup>) quality of construction material – a combination of qualitative properties of construction materials;

z7<sup>9</sup>) construction site – an area determined under a construction organisation plan, which is necessary for carrying out construction works and providing services;

z7<sup>10</sup>) construction works – a process of carrying out the construction of an object;

z7<sup>11</sup>) construction and/or permit conditions – the conditions of construction determined by a construction permit or a building notice and the construction documentation;

z7<sup>12</sup>) construction activities – preparation of permit documentation, organisation of a construction site, fulfilment of the conditions for carrying out construction and the conditions of the construction and/or permit, and such activities individually or jointly;

z7<sup>13</sup>) permit documentation – documents for obtaining a construction permit which are drafted in accordance with the legislation of Georgia and which shall be provided to an administrative body issuing a construction permit. The requirements for permit documentation shall be determined in accordance with Article 106 of this Code;

z7<sup>14</sup>) spatial planning – geographical representation of the economic (including the agrarian, industrial, transportation, etc.), social, cultural and ecological policy of the public, which is formed within the limits of a diverse and multi-disciplinary approach, and ensures the balanced development and physical organisation of the space based on an overall strategy;



z7<sup>15</sup>) requirement of spatial planning and urban development plans – a priority and necessity determined on the basis of the goals, objectives and the main principles of spatial planning and urban development plans which shall be determined by a respective authorised body;

z7<sup>16</sup>) strategic environmental assessment – procedures determined by the legislation of Georgia for the study and general prognostication of possible impacts on the environment and human health as a result of the implementation of the plan determined by Article 5(1) of this Code, and based on the relevant investigation;

z7<sup>17</sup>) technological scheme – a key document describing the installation and operation of technological equipment and devices and/or systems necessary for carrying out construction;

z7<sup>18</sup>) unauthorised construction – construction undertaken without the legal grounds established by the legislation of Georgia, or through the violation of construction documentation, where a function of a building or structure is altered and/or the gross floor area ratio of the development is exceeded;

z7<sup>19</sup>) urban heritage – a developed unity of material and non-material values of the urban life;

z7<sup>20</sup>) functional zone – a regulated area of general character, designation, and use, to which special restrictions apply. The functional zone shall be divided into sub-zones of different designation (the zones with special characteristics);

z7<sup>21</sup>) urban development plan – a master plan, a development plan and/or a detailed development plan which is a normative administrative and legal act. An urban development plan may be prepared for cities and/or towns, urban-type settlements, and villages;

z7<sup>22</sup>) urban development planning – a process of developing an urban development plan for settlements and various types of territories for the purpose of creating favourable, healthy and safe environment for human life, activities and recreation based on the principles of sustainable development and protection of cultural heritage;

z7<sup>23</sup>) urban development zoning – the planning of a settlement for the purpose of determining the functional zones and establishing the parameters of regulation of the urban development;

z7<sup>24</sup>) urban development measures – a system of urban development measures carried out for the purpose of improving the transportation and engineering infrastructure, and/or for improving the conditions of the exploitation of buildings or structures, including the sanitary and hygienic conditions;

z7<sup>25</sup>) repair – construction during which the defects in the appearance of buildings or structures and the bearing structures are eliminated without alteration;

z7<sup>26</sup>) building or structure, which forms a roofed space and is enclosed by walls and/or other enclosing structures;

z7<sup>27</sup>) building or structure – a building and/or structure;

z7<sup>28</sup>) main provisions – an ordinance of the Government of Georgia on the Main Provisions for the Regulation of the Use and Development of Territories;

z7<sup>29</sup>) pre-feasibility study – topographic and geodesic survey, engineering-geological survey, environmental survey, survey of the conditions of buildings or structures, urban development survey, document-based survey and/or any other relevant survey;

z7<sup>30</sup>) pre-feasibility study results – a part of the permit documentation which, in the manner provided for by the legislation of Georgia, reflects the results of topographic and geodesic survey, engineering and geological survey, environmental survey, conditions of buildings or structures, urban development survey, document-based survey



and/or any other respective survey results;

z7<sup>31</sup>) Ministry – the Ministry of Economy and Sustainable Development of Georgia;

[z7<sup>32</sup>) landscaping design – a design for arranging a planned landscaping area in the construction site, which can include green plant(s) on the relevant area, including woody plants (trees, shrubs) and non-woody plants, their compensatory planting and/or planting of green plants in accordance with the procedures established by the legislation of Georgia. *(Shall become effective from 1 January 2024)*]

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 1516 of 26 April 2022 – website, 13.5.2022*

*Law of Georgia No 2738 of 5 April 2023 – website, 18.4.2023*

## **Chapter II – Spatial Planning and Urban Development Planning**

### **Article 4 – Objectives of spatial planning and urban development planning**

1. The objectives of spatial planning and urban development planning shall be: the arrangement, development and the adequate supply of the entire territory of Georgia and its parts and settlements; the equal consideration of different sectoral interests and the overcoming of potential obstacles between different levels of planning; the provision of conditions for the harmonious development of the human habitation area.
2. The development of individual parts of the territory of Georgia shall comply with the basic principles of spatial planning, whereas, during the spatial planning of the entire territory of Georgia, the main requirements for the development of its individual parts shall be taken into account.
3. The main goals of the spatial planning of Georgia shall facilitate its full integration with the main requirements of the European and international development.

### **Article 5 – A system of spatial planning and urban development plans, their hierarchy and compatibility**

1. The following hierarchy of the spatial planning and urban development plans shall apply in Georgia:
  - a) the spatial plans. They shall include:
    - a.a) a spatial planning plan of Georgia;
    - a.b) a spatial planning plan of an autonomous republic;
    - a.c) a multi-municipal and/or a municipality spatial planning plan;
  - b) the urban development plans. They shall include:
    - b.a.) a master plan;
    - b.b) a development plan;
    - b.c) a detailed development plan.



2. In the process of the spatial planning and urban development planning, the compatibility of hierarchically subordinate plans with hierarchically superior plans shall be ensured.
3. The absence of a hierarchically superior plan or individual composite parts of the plan shall not delay the drafting of a hierarchically subordinate plan. In such case, the requirements established by Article 4(2) of this Code shall be taken into account.
4. In certain cases, a plan of agglomeration of settlements may be drafted. The rules established for the drafting and approving of a multi-municipal and/or a spatial planning plan of a municipality shall apply.
5. The requirements of a hierarchically subordinate plan which are substantially different from those of a hierarchically superior plan may be established only after or together with the making of a relevant amendment to the hierarchically superior plan.

## **Article 6 – Integrated plans and sectoral plans**

1. The spatial planning and urban development planning shall be carried out through the integrated plans and sectoral plans.
2. The plans determined by Article 5(1) of this Code shall be integrated plans.
3. An integrated plan shall combine all key matters relating to the spatial planning and shall determine the main fields of spatial development for a particular territory, taking into account Article 16(3) and (4) of this Code.
4. Certain aspects (the landscape protection, waste management, seismic zoning, etc.) in the form of an independent plan may be identified from an integrated plan and verified. The requirements established by this Code for the spatial planning and urban development plans shall apply thereto, without any alterations.
5. A sectoral plan (for environmental protection, the protection of cultural heritage, the development of energy sector, the development of agriculture, the development of a transportation system, etc.) shall be a document drafted and approved by a duly authorised body and the matters relating to its contents, its drafting and approval shall be regulated by the legislation effective in an appropriate field, and it shall be in compliance with the spatial planning and urban development plans.
6. The main aspects of the sectoral development plans of a territory shall be included in and harmonised with the system of spatial planning and urban development plans.

## **Article 7 – Compatibility of a sectoral plan with the integrated plans**

1. A sectoral plan shall comply with the requirements of the spatial planning and urban development plans.
2. The spatial planning and urban development plans shall not contravene a hierarchically superior sectoral plan and shall be made in compliance with its requirements.
3. For the purposes of this article, compatibility shall be ensured both during the formulation of the planning goals and the creation of a planning concept, and in the process of elaboration, discussion, agreement and approval of draft plans.

## **Article 8 – Guidelines for spatial planning and urban development planning and ensuring the compliance of plans with new circumstances**



1. The spatial planning and urban development planning shall be based on the principles of sustainable development, which shall ensure the harmonisation of the economic and social preconditions for the use and development of a respective territory, with the requirements for reducing the risk of emergency situations, and with the environmental requirements. For this purpose, the spatial planning and urban development planning shall be carried out in compliance with the following principles:

a) the provision and maintenance of proper living conditions for humans both in the populated and unpopulated areas;

b) the provision of equal preconditions for the economic, social and ecological development of the country, the maintenance of and making appropriate arrangements for a long-term development potential;

c) the development of a polycentric structure of settlements, the improvement of the link between the urban and rural areas through the urban means;

d) giving preference to the renovation and/or intensification of settlements (including degraded or abandoned settlements), the rational and sustainable use of land, and the preservation of various opportunities for the use of space in the future, rather than giving preference to the conversion of unsettled areas;

e) the protection of the system of unsettled areas and/or the preservation of the naturally and/or culturally formulated diversity;

f) the transformation of a settlement with poorly developed infrastructure into an independent (self-sufficient) functional unit based on the partnership with the urban areas and other centres of development;

g) ensuring the efficient compliance of the service and transport and/or engineering infrastructure with the system of settled and unsettled areas, the access to communications and information in the entire territory of the country, the development of social infrastructure, the encouragement and promotion of economic activities by providing appropriate territorial preconditions;

h) the promotion of the formation of the transportation system integrated into settlements and giving preference to the public transport;

i) the mitigation, to the maximum extent possible, of negative environmental impacts caused by transportation and/or engineering infrastructure, and the elimination of any other potential negative impacts;

j) the protection and maintenance of historical and cultural links, cultural and natural landscapes, their specific character, and historical and natural monuments;

k) the maintenance and development of protected and recreational areas, and the maintenance, protection and restoration of soil, water, flora, fauna and climate;

l) the protection of the settled and unsettled areas from natural, man-made and social threats and emergency situations (including from fire), through the relevant planning solutions, engineering and economic and organisational measures;

m) the preservation of prospective areas for the development of renewable energy, and the creation of spatial and territorial preconditions that contribute to the absorption of greenhouse gases from ambient air;

n) ensuring the opportunity for scientific research, the safety and efficiency of navigation routes, and the sustainable use of appropriate natural resources during the spatial planning of the territorial sea (waters) and the special economic zones of Georgia;

o) the preservation and sustainable development of natural and cultural landscapes, especially by promoting the development of agricultural areas and intensive, multi-functional settlements;



p) taking account of seismic situation existing in Georgia in the process of spatial planning and urban development planning.

2. The guidelines for spatial planning and urban development planning shall be binding for an administrative body with planning authority.

3. Where there is incompliance between a spatial category and a functional zone in certain territories during the process of spatial planning and urban development planning, the matter shall be regulated in accordance with the requirements provided for by Article 9 of this Code.

4. Where there is a necessity of spatial planning and urban development planning and there are newly originated circumstances, the spatial planning and urban development plans shall be updated.

5. Amendments to spatial planning and urban development plans shall be made in accordance with the procedures for drafting and approving new plans.

### **Article 9 – Principle of equal consideration of interests**

1. Where necessary, alternative solutions for spatial planning and urban development planning shall be presented and taken into account in the process of equal consideration of interests.

2. In the process of spatial planning and urban development planning, an authorised administrative body is obliged to ensure the balancing of all major public and private interests.

### **Article 10 – Strategic environmental assessment**

The spatial planning and urban development plans shall be subject to strategic environmental assessment in accordance with the procedures and in the cases provided for by Environmental Assessment Code.

### **Article 11 – Structure of spatial planning and urban development plans**

1. The spatial planning and urban development plans shall consist of textual and graphical parts.

2. The wording of the textual part shall describe the essential aspects of the spatial planning and the activities to be carried out: the existing situation and its assessment, the basic requirements, the objectives and planned activities.

3. The textual part shall contain the substantiation which shall give all significant circumstances, based on which the interests have been considered equally in the process of planning.

4. The graphical part shall comply with the cartographic norms and the scales established by the legislation of Georgia.

5. The spatial planning and urban development plans shall establish the time frames for revising the said plans.

### **Article 12 – Binding nature of spatial planning and urban development plans**

The requirements provided for by the spatial planning and urban development plans shall be binding for any person.



### **Article 13 – Proactive nature of spatial planning and urban development plans**

For the purpose of ensuring the full and timely access to information, an administrative body with planning authority is obliged to ensure the publication of the spatial planning and urban development plans on the official website of the respective body. Where amendments to such plans are made, they shall be updated.

### **Article 14 – Information system of spatial planning and urban development planning**

1. The goal of the information system of spatial planning and urban development planning shall be to create maximally full and objective information data for carrying out spatial planning and urban development planning.
2. The system of spatial planning and urban development planning shall be managed at the Agency level and at the levels of a municipality/municipalities, which may be based on various information databases existing in this field.
3. (Deleted – 26.4.2022, No 1516).
4. An administrative body authorised to plan at the local level is obliged to organise the management of the information system of spatial planning and urban development planning within its jurisdiction, and provide all available information to the Agency.
5. The Agency shall systematise and/or process the data provided by an administrative body authorised to plan, and/or any other body, and/or information obtained on its own initiative.
6. The Agency shall ensure the publicity of information created in accordance with paragraph (5) of this article in the manner provided for by the legislation of Georgia.
7. Procedures for the management of the information system of spatial planning and urban development planning shall be determined by the Government of Georgia.

*Law of Georgia No 7011 of 15 July 2020 – website, 28.7.2020*

*Law of Georgia No 1516 of 26 April 2022 – website, 13.5.2022*

### **Article 14<sup>1</sup> – Objectives of activities of the Agency, its powers, management and structure**

1. The Agency shall be a legal entity under public law within the Ministry, which is established on the basis of this Code.
2. The legal status, the objectives of activities and the powers of the Agency shall be determined by this Code, other legislative and subordinate normative acts of Georgia, and the Regulations of the Agency.
3. The legal basis of the Agency's activities shall be the Constitution of Georgia, the international agreements of Georgia, this Code, the Regulations of the Agency and the relevant legislation of Georgia.
4. The structure of the Agency and the functions of its structural subdivisions shall be determined by the Regulations of the Agency. The Regulations of the Agency shall be approved by the Ministry.
5. The head of the Agency shall be appointed and dismissed by the Minister of Economy and Sustainable Development of Georgia.



6. The head of the Agency shall be authorised to issue normative acts.
7. Administrative and legal acts of the Agency shall be appealed in court.
8. The Agency shall be under state control by the Ministry.
9. The Agency shall be authorised to receive the fee for the service provided by the Agency, as provided for by the legislation of Georgia, which shall be transferred to the account of the Agency.
10. The types of services to be provided by the Agency, the relevant fee rates, the rules for payment of fees, exemption from payment and refund of paid fees shall be determined by the ordinance of the Government of Georgia, subject to the following conditions:
  - a) within the scope of powers of the Agency, the service fee rate related to the spatial /city planning and/or their constituent parts shall not exceed 10% of the cost of developing such a plan;
  - b) the service fee rate for trainings, consultations, assigning the status of the relevant zone, issuing preliminary assessment documents and opinions/reports shall not exceed GEL 50 000.
11. Sources of financing of the Agency shall be: targeted funds allocated from the state budget of Georgia, fees for the provision of services by the Agency, other revenues allowed by the legislation of Georgia.
12. For achieving the objectives of its activities and performing its functions, the Agency shall have property. The procedure for creating the property of the Agency shall be determined by the legislation of Georgia.

*Law of Georgia No 1516 of 26 April 2022 – website, 13.5.2022*

### **Chapter III – Spatial Planning Plan of Georgia**

#### **Article 15 – Objectives of the spatial planning plan of Georgia**

1. The following shall be the objectives of the spatial planning plan of Georgia: the spatial arrangement, the development and adequate supply of the entire territory of the country, as well as the provision of preconditions for carrying out coordinated spatial planning at the lower level.
2. For achieving the special objectives of spatial planning, a planning unit identified by historical and cultural and/or economic characteristics may be determined by a legal act of the Government of Georgia.
3. For a planning unit referred to in paragraph (2) of this article, the Government of Georgia shall approve a respective spatial planning plan for the drafting of which the requirements established by this Code shall apply.

#### **Article 16 – Composition of spatial planning plan of Georgia**

1. The spatial planning plan of Georgia shall include the following:
  - a) the existing and prospective structure of the housing (on settled and unsettled areas), the hierarchy of the centres of different level settlements, the aspects of demography, urbanisation and decentralisation;
  - b) the spatial categories (settled areas, agricultural areas, natural landscapes, other areas);



- c) the system of the development centres;
- d) the areas of employment, the areas of intensive development of housing, the areas with poorly developed structures;
- e) the measures for the protection of the unsettled areas, for the preservation and development of their functions;
- f) the territories on the unsettled areas for the extraction of mineral resources;
- g) the water bodies and water catchment areas;
- h) the agricultural areas;
- i) the areas for the protection and development of woodlands;
- j) a system of protected areas;
- k) the recreational areas and resort areas;
- l) the cultural heritage protection areas;
- m) the main engineering communications and transport links;
- n) the main development streams of infrastructure and the spatial and territorial development;
- o) the power generating facilities;
- p) the areas with production potential;
- q) the key measures to be adopted for the improvement of the ecological condition existing in separate parts of the country, the preservation of the natural and historical and cultural heritage areas;
- r) the areas designated for defence purposes.

2. Based on the need of the spatial planning, a spatial planning plan of Georgia may also include special areas to be used for other purposes, such as the free industrial, economic and tourist zones.

3. A spatial planning plan of Georgia shall also include the activities for the protection, improvement and development of landscapes.

4. If the requirements provided for by paragraph 3) of this article are determined independently in the plan, the procedures provided for by Articles 6 and 7 of this Code shall apply.

## **Article 17 – Special requirements for spatial planning plans of a territorial sea (waters) and special economic zones of Georgia**

1. For the purposes of this Code, a territorial sea (waters) of Georgia and a special economic zone of Georgia shall be defined in accordance with the Law of Georgia on Maritime Space of Georgia.

2. A spatial planning plan of Georgia may include spatial planning plans of a territorial sea (waters) of Georgia and a special economic zone of Georgia. The plans may include, within the above said zones, the areas for harvesting and using living and non-living marine resources, the areas intended for the formation of an induced environment, the special regime of environmental protection, the aquaculture, the tourism development and other areas for carrying out scientific exploration.



3. The spatial planning plans of a territorial sea (waters) of Georgia and of a special economic zone of Georgia shall be drafted and approved in accordance with the procedures established for a spatial planning plan of Georgia.

*Law of Georgia No 6417 of 24 June 2020 – website, 1.7.2020*

#### **Article 18 – Authority to draft the spatial planning plan of Georgia**

1. Based on the need of the spatial planning, the drafting of a spatial planning plan of Georgia shall be ensured by the Agency, and the Ministry shall submit the plan to the Government of Georgia for approval.

2. The Agency shall be authorised to give an order, under the legislation of Georgia, to a subject of private law to draft a spatial planning plan of Georgia or a part thereof, and/or any other related documents.

*Law of Georgia No 1516 of 26 April 2022 – website, 13.5.2022*

#### **Article 19 – Administrative procedures with respect to the review and approval of a draft spatial planning plan of Georgia**

1. A spatial planning plan of Georgia shall be reviewed and approved in two interdependent, but autonomous stages from the viewpoint of administrative procedures:

a) stage I – the review and approval of the concept of a spatial planning plan of Georgia;

b) stage II – the review and approval of a spatial planning plan of Georgia.

2. A concept of a spatial planning plan of Georgia shall involve the main goals and objectives of spatial planning of the country, and the ways for their achievement and the solutions.

3. The Ministry shall submit to the Government of Georgia a concept of a spatial planning plan of Georgia prepared by the Agency and an expert opinion made in relation to the concept.

4. A concept of a spatial planning plan of Georgia shall be approved by the Government of Georgia.

5. A spatial planning plan of Georgia shall be drafted based on the approved concept of the spatial planning plan of Georgia.

6. The Ministry shall submit to the Government of Georgia an expert opinion in relation to a spatial planning plan of Georgia submitted by the Agency.

7. A spatial planning plan of Georgia shall be approved by the Government of Georgia on the recommendation of the Ministry.

*Law of Georgia No 1516 of 26 April 2022 – website, 13.5.2022*

#### **Article 20 – Making amendments to the concept of a spatial planning of Georgia and/or a spatial planning plan of Georgia**

The amendments to the concept of a spatial planning of Georgia and/or a spatial planning plan of Georgia shall be made in accordance with procedures established for the approval.



## **Article 21 – Binding nature of a spatial planning plan of Georgia, its correlation to hierarchically subordinate spatial planning plans and the possibility to make an exception**

1. The requirements established by a spatial planning plan of Georgia shall be binding for hierarchically subordinate spatial planning plans.
2. The content of a spatial planning plan of Georgia may be represented in the form of the binding requirements, as well as in the form of the possibility to admit alternatives.
3. The different requirements may be established by the hierarchically subordinate plans, if such possibility is envisaged by a spatial planning plan of Georgia, unless the establishment of different requirements alter the key essence of the plan, which shall be agreed with the Agency.
4. The establishment of substantially different requirements by the hierarchically subordinate plans shall be allowed only after making appropriate amendments to a spatial planning plan of Georgia.

*Law of Georgia No 1516 of 26 April 2022 – website, 13.5.2022*

## **Article 22 – Preliminary assessment of infrastructural and/or any other similar construction projects having effect on the spatial planning of Georgia**

1. During the pre-feasibility study of infrastructural and/or any other similar construction projects having effect on the spatial planning of Georgia, an interested person shall apply to the Agency for the determination of the conceptual compliance of the said projects with the spatial planning plans, their principles and objectives, as well as with the approved infrastructural projects.
2. Information provided by an interested person for the purpose of the determination of the conceptual compliance of the infrastructural and/or any other similar construction projects having effect on the spatial planning of Georgia, shall give grounds for taking a decision on the relevant matters. The Agency shall have the authority to request the interested person to provide other information and documents additionally, which are required for taking a decision on the above matters.
3. A decision on the matter determined by paragraph (1) of this article shall be taken by the Agency.
4. A decision determined by this article shall not, in the future, release a person from the obligations provided for by the legislation of Georgia, the fulfilment of which shall be necessary for taking a final decision with respect to infrastructural and/or other construction projects.
5. Procedures and conditions for the determination of the conceptual compliance of infrastructural and/or other similar construction projects having effect on the spatial planning of Georgia shall be determined by the Government of Georgia.

*Law of Georgia No 1516 of 26 April 2022 – website, 13.5.2022*

## **Article 23 – Submitting a proposal on the bringing into alignment of hierarchically subordinate spatial planning or urban development plans and/or key measures which are essential from spatial and territorial viewpoint**

In the case of violation of the requirements provided for by Article 21(3) and/or Article 21(4) of this Code, the Agency shall be authorised to submit a proposal to a duly authorised body on the bringing into alignment and/or annulling the hierarchically subordinate spatial planning or urban development plans and/or key measures which are essential from spatial and territorial viewpoint.



## **Chapter IV – Spatial Planning Plan of the Autonomous Republics**

### **Article 24 – Objectives of a spatial planning plan of the autonomous republics, its drafting and composition**

1. A spatial planning plan of the autonomous republics shall specify a spatial planning plan within the administrative boundaries of a respective autonomous republic.
2. The objectives of a spatial planning plan of the autonomous republics shall be the following: the organisation and adequate provision of a physical environment and infrastructure of the entire territory of a respective autonomous republic, also the provision of the preconditions which are necessary for the coordinated spatial planning at the lower level.
3. For ensuring the harmonised development of municipalities, a spatial planning plan of the autonomous republics shall take into account the interests relating to spatial development of the adjoining municipalities and/or the requirements of the applicable spatial planning and urban development plans.
4. A spatial planning plan of the autonomous republics, depending on the need of spatial planning, shall determine the key aspects of spatial planning for the autonomous republics as provided for by Article 16 of this Code.

*Law of Georgia No 7011 of 15 July 2020 – website, 28.7.2020*

### **Article 25 – Public administrative procedures with respect to the review and approval of a spatial planning plan of the autonomous republics**

1. A spatial planning plan of an autonomous republic shall be reviewed and approved in two interdependent, but autonomous stages in terms of administrative procedures:
  - a) stage I – the review and approval of the concept of a spatial planning plan of an autonomous republic;
  - b) stage II – the review and approval of a spatial planning plan of an autonomous republic.
2. The concept of a spatial planning plan of an autonomous republic shall cover the main goals and objectives of spatial planning and the ways of the achievement of such goals and objectives.
3. Stage I envisages the review and approval of a draft concept of the spatial planning plan of an autonomous republic. The government of the autonomous republic shall submit to the Government of Georgia an expert opinion on the concept of the spatial planning plan of the autonomous republic. The concept of the spatial planning plan of the autonomous republic shall be approved by the government of the autonomous republic in agreement with the Government of Georgia.
4. Stage II shall commence after the completion of a draft spatial planning plan of the autonomous republic based on the approved concept of the spatial planning plan of the autonomous republic, for the purpose of its review and approval.
5. The government of an autonomous republic shall submit to the Government of Georgia an expert opinion on the spatial planning plan of the autonomous republic. The government of the autonomous republic in agreement with the Government of Georgia shall approve the spatial planning plan of the autonomous republic.



6. Procedures for drafting the spatial planning plans of the autonomous republics and the contents of the spatial planning plans of the autonomous republics shall be determined by a legal act of the Government of Georgia.

#### **Article 26 – Binding nature of spatial planning plans of the autonomous republics, their correlation with hierarchically subordinate spatial planning plans and the possibility to make exception**

1. The requirements established by the spatial planning plans of the autonomous republics shall be binding for the spatial planning and urban development plans of the respective municipalities included within the administrative boundaries of the autonomous republics.

2. Procedures provided for by Article 21(3)(4) of this Code shall apply to the determination of the requirements which are different from those determined by the spatial planning plans of the autonomous republics in the hierarchically subordinated plans. In such case, the respective authorities of the autonomous republics may agree on different requirements.

#### **Article 27 – Compliance of hierarchically subordinate plans**

In the case of violation of the requirements set forth by Article 26 of this Code, the respective agencies of the autonomous republics shall be entitled to make a proposal on the bringing into alignment and/or annulment of hierarchically subordinate spatial planning plans to the body authorised to annul such acts.

### **Chapter V – Multi-municipal and/or Municipality Spatial Planning Plans**

#### **Article 28 – Grounds for drafting a multi-municipal and/or municipality spatial planning plan and the objectives of such plan**

1. The drafting of a spatial planning plan within the administrative boundaries of a municipality shall be empowered to a respective municipality.

2. The objectives of a spatial planning plan of a municipality shall be: the organisation, development and adequate supply of the physical environment and infrastructure of territories within the administrative boundaries of a respective municipality.

3. Based on the agreement between the municipalities, a multi-municipal spatial planning plan may be drafted. In such case, a final draft of the multi-municipal spatial planning plan shall be submitted for legal consultation to a legal supervision authority in accordance with procedures provided for by Article 137 of the Organic Law of Georgia Local Self-Government Code.

#### **Article 29 – Composition of a multi-municipal and/or municipality spatial planning plan**

Depending on the needs of the spatial planning, a multi-municipal and/or municipality spatial planning plan shall include the aspects provided for by Article 16 of this Code.

#### **Article 30 – Public administrative procedures with respect to the drafting of a multi-municipal spatial planning plan**



1. The drafting of a multi-municipal spatial planning plan shall commence based on the agreement determined under Article 28(3) of this Code.
2. To ensure the drafting of a multi-municipal spatial planning plan, the Sakrebulo (a representative body) of a municipality shall approve the composition and statute of a joint council on the recommendation of a Mayor of the respective municipality. When carrying out its activities, the joint council shall be guided by procedures established by Chapter VII of the General Administrative Code of Georgia and the statute of the joint council.
3. On the recommendation of the joint council, a multi-municipal spatial planning plan shall be approved by a joint normative act of the Sakrebulo of respective municipalities.
4. Procedures for drafting a multi-municipal spatial planning plan and its content shall be determined by an ordinance of the Government of Georgia.

### **Article 31 – Public administrative procedures with respect to the review and approval of a spatial planning plan of a municipality**

1. A spatial planning plan of a municipality shall be reviewed and approved in two interdependent, but autonomous stages in terms of administrative procedures:
  - a) stage I – the review and approval of the concept of a spatial planning plan of a municipality;
  - b) stage II – the review and approval of a spatial planning plan of a municipality.
2. Stage I shall commence after the drafting of a concept of a spatial planning plan of a municipality, during which, the concept of the spatial planning plan of the municipality shall be reviewed and approved based on the pre-feasibility study. The concept shall include the main goals and objectives of spatial planning of the municipality, and the ways for their achievement and for the solution of objectives.
3. A respective municipality shall submit to the Agency for review a concept and the expert opinion on the concept of a spatial planning plan of the municipality. The Agency shall ensure the involvement of other interested ministries/agencies, and the submittal to the municipalities of the relevant expert opinions prepared on the basis of on own comments and opinions.
4. A concept of a spatial planning plan of a municipality shall be approved by the Sakrebulo of the respective municipality.
5. Stage II shall commence after the drafting of a spatial planning plan of a municipality, based on the approved concept of the spatial planning plan of the municipality, for the purpose of its review and approval.
6. A final draft of a spatial planning plan of a municipality shall be submitted for legal consultation to a legal supervision authority in accordance with procedures provided for by Article 137 of the Organic Law of Georgia Local Self-Government Code.
7. A spatial planning plan of a municipality shall be approved by the Sakrebulo of a respective municipality.
8. The amendments to a spatial planning plan of a municipality shall be made by a decision of the Sakrebulo of the municipality, based on the application of a person concerned, in accordance with procedures for the review and approval of a spatial planning plan of a municipality.
9. Procedures for drafting a spatial planning plan of a municipality and its content shall be determined by an ordinance of the Government of Georgia.



### **Article 32 – Taking into account the interests of adjoining municipalities in multi-municipal and/or municipality spatial planning plans**

1. To ensure the harmonised development, the multi-municipal and/or municipality spatial planning plans shall involve the interests of other adjoining municipalities or the requirements of the applicable plans.
2. For the purposes of paragraph 1 of this article, a respective municipality shall ensure the involvement of adjoining municipalities in the public administrative procedures relating to the drafting and approval of the said plans, immediately after the commencement of the drafting of a multi-municipal and/or municipality spatial planning plan.

### **Article 33 – Binding nature of a multi-municipal and/or municipality spatial planning plan for hierarchically subordinate plans and the possibility to make exception**

1. The requirements established by a multi-municipal and/or municipality spatial planning plan shall be binding for hierarchically subordinate urban development plans.
2. The hierarchically subordinate urban development plans may establish different requirements, if such possibility is envisaged by a multi-municipal and/or municipality spatial planning plan, unless the establishment of different requirements alter the essence of the plan.
3. The hierarchically subordinate urban development plans may establish the requirements which are substantially different from those of multi-municipal and/or municipality spatial planning plans, only after the respective changes in the said multi-municipal and/or municipality spatial planning plans are made.

### **Article 34 – Amendments to a multi-municipal spatial planning plan**

1. The amendments to a multi-municipal spatial planning plan may be made by a decision of the interested municipality, unless such amendments concern common interests. In such case, an adjoining municipality shall be engaged in the administrative procedures relating to the making of amendments to a multi-municipal spatial planning plan.
2. If the amendments to be made to a multi-municipal spatial planning plan concern common interests, the said amendments to the plan shall be made based on the consent of all relevant municipalities upon the request of the interested municipality.
3. A multi-municipal spatial planning plan shall be declared invalid in the manner prescribed by paragraph 2 of this article.

## **Chapter VI – Urban Development Planning and Main Instruments for its Execution**

### **Article 35 – Urban development planning**

The carrying out of urban development planning within the administrative boundaries of a municipality shall fall within the powers of the relevant municipality, except for the case provided for by Article 36 of this Code.



## **Article 36 – Special regulation area, special regulation zone**

1. Under a legal act of the Government of Georgia, a settlement may be granted the status of a special regulation area (recreational, resort, defence, etc.), whereas a municipality or a part thereof may be granted the status of a special regulation zone, depending on highly important public, economic, ecologic, humanitarian, defensive, sports and recreation, cultural and/or any other factors. The matters relating to the sports and recreational zones shall be regulated by the special legislation.
2. For the area determined by paragraph 1 of this article, the Government of Georgia shall approve a relevant master plan, and the Agency shall approve a development plan/detailed development plan. When drafting the plans, the requirements provided for by this Code for drafting an urban development plan shall apply.
3. For the zone determined by paragraph 1 of this article, the Agency shall approve an appropriate regime and/or a development plan and/or a detailed development plan.
4. A construction permit in the area and/or zone determined by paragraph 1 of this article shall be issued in compliance with the requirements provided for by an ordinance of the Government of Georgia.
5. When taking a decision on issuing a construction permit, the terms of the use of a land parcel for construction shall be determined based on the urban development plan approved in accordance with this article, or based on the regime established by the document determining the zone.

*Law of Georgia No 1516 of 26 April 2022 – website, 13.5.2022*

## **Article 37 – Types and main objectives of urban development plans**

1. The urban development planning in the territory of a municipality shall be carried out in a 2-stage system which includes:
  - a) the regulation of the land use that is performed through a master plan;
  - b) the regulation of the built-up area that is performed through a development plan and/or a detailed development plan.
2. The objectives of the master plan shall be: the development of the entire territory of a settlement, general regulation of its use and development and the adequate supply.
3. The objectives of a development plan shall be: the development of the parts of the territory of a settlement, specific regulation of their use and development, and the adequate supply.
4. Where necessary, a development plan may include the entire territory of a settlement, if the plan aims to provide a general regulation of the use and development of the entire territory of the settlement.
5. The content of an urban development plan shall be determined by a legal act of the Government of Georgia.
6. If a development plan covers all provisions provided for by Article 41 of this Code, the drafting of a detailed plan shall not be mandatory.

## **Article 38 – Basic principles of urban development planning**

1. An urban development plan shall be drafted and implemented in such manner to promote the sustainable



development of a settlement, public welfare, socially equitable land use, the creation and development of a favourable and safe environment, the maintenance and enhancement of the aesthetic quality of the architectural, urban development and landscape objects.

2. In addition to the requirements established by paragraph 1 of this article, in the process of urban development planning, the public and private interests in the field of spatial planning shall be considered, including:

a) the creation and maintenance of living environment that is safe for health and the creation and maintenance of safe labour conditions;

b) the creation and maintenance of stable social infrastructure;

c) the meeting of the requirements of population (in particular – of families, children, the youth, the elderly and persons with disabilities) in the field of social and cultural development;

d) the creation of the spatial and territorial conditions which are favourable for education, sports and recreation;

e) the maintenance, updating and development of the social and technical infrastructure of settlements;

f) the maintenance, management and development of the planning elements (streets, squares, buildings, greenspaces) having cultural, historical, architectural, urban heritage and aesthetic values;

g) the protection of the environment and recreational areas (the mitigation of negative impacts on biodiversity, soil, water and ambient air, the protection of climate and landscape, the promotion of the reduction of emissions and the development of renewable energy, etc.), and the compliance with the requirements established by various sectoral environmental plans;

h) the promotion of the development of economic sectors;

i) the creation of the attractive and safe investment environment;

j) the provision of communication systems;

k) ensuring mobility of population by developing an integrated transportation system, and the creation of conditions which are favourable for using public transport;

l) the reduction of negative impacts on the environment caused by transport to the maximum extent possible;

m) the protection of settlements from natural and man-made emergency situations (including from fire);

n) the comprehensive development of military defence capacity and civil security.

3. An urban development plan shall consider the principle of the rational use of land.

4. An urban development plan shall be based on the principle of zoning.

5. If a land parcel is at the same time included in the cultural heritage protection zone, or the regime established by other sectoral plan applies to it, the terms of its use for construction shall also consider the requirements established by a respective legislation applicable for the respective zone and/or the regime.

6. To ensure the harmonised and coordinated development, a master plan and an urban development plan shall also include the interests of an adjoining municipality.

## **Article 39 – Content of the master plan**



Based on the needs of the spatial planning, a master plan, in addition to the aspects provided for by Article 16 of this Code, shall include:

- a) functional zones, and where required, the sub-zones;
- b) the areas intended for the social infrastructure, in particular, schools, kindergartens, health care, cultural, sports and other social institutions;
- c) the areas intended for the technical infrastructure, the systems for electricity supply, natural gas and water supply, water discharge, storm water systems, and the communication and waste recycling systems;
- d) the areas designated for transportation infrastructure; the matters relating to the development of a comprehensive transport scheme;
- e) the areas which may be exposed to potential floods, mudflows and other areas that are hazardous in terms of being impacted by natural occurrences;
- f) the areas which may not be used for construction (agricultural areas, the systems of greenspaces, beaches, cemeteries, etc.);
- g) cultural heritage protection zones and the details of other sectoral plans (if any);
- h) the areas for reserve.

#### **Article 40 – Content of a development plan**

1. A development plan shall consist of a textual and a graphical part.
2. Considering the necessity of a development planning, a development plan may establish specific terms of development, including:
  - a) the functional sub-zones;
  - b) the types of the use of a territory within the functional sub-zones;
  - c) the parameters for the regulation of a development;
  - d) a type of a development (a ribbon development, cluster housing, sporadic housing, combined housing, etc.);
  - e) other aspects established for a master plan, if they are necessary for the development planning.
3. A development plan may also cover the development conditions established by Article 41 of this Code.

#### **Article 41 – Content of a detailed development plan**

1. A detailed development plan shall consist of a textual and a graphical part.
2. In terms of functional zoning of a land parcel, a detailed development plan shall establish the following:
  - a) the functional sub-zones, and the following parameters of regulation of a development in the sub-zones:
    - a.a) the maximum urban development ratio;



a.b) the maximum gross floor area ratio or the maximum and minimum gross floor area ratios;

a.c) the minimum landscaping rate;

a.d) the maximum number of storeys and/or the maximum height of a development;

b) the type of a development;

c) the permitted types of the use of a land parcel and a building;

d) the parameters (minimum index and/or maximum index and/or overall dimensions) of the area of a land parcel;

e) a building setback line (red line);

f) a building mandatory line (blue line);

g) a transportation infrastructure network and utility network;

h) the number of parking lots;

[i) landscaping, except for individual residential houses and the functional zone in which the minimum landscaping rate is not determined, as well as a detailed description and qualitative assessment of the green plant(s) on the land plot. *(Shall become effective from 1 January 2024)*]

3. In the case of the necessity of urban development planning, a detailed development plan shall also include the following:

a) the areas intended for public spaces (playgrounds, recreation and sports, parking, etc., areas);

b) the areas intended for special purposes (storage and public activity areas, ports and other areas designated for tourism development);

c) the terms of the use of the areas which shall not be subject to the development;

d) the systems of electricity, natural gas and water supply, water discharge, telecommunication and other systems.

4. A detailed development plan shall consider the requirements established by Article 85 of this Code with respect to ensuring the opportunity to use a public space by persons with disabilities.

5. The maximum land-to-building ratio and/or maximum gross floor area ratio established by the main provisions may be exceeded based on a detailed development plan, if it is compensated by any other activity, it is required by special reasons (for instance, preservation and development of urban values) of urban development, it does not come in conflict with the public interests and does not deteriorate the sanitary and hygienic conditions of a human habitation area and the work environment.

*Law of Georgia No 2738 of 5 April 2023 – website, 18.4.2023*

#### **Article 42 – Public administrative procedures with respect to the review and approval of a master plan**

1. A municipality shall have the authority to order a subject of private law to draft a master plan or the part thereof and/or other related documents.

2. A master plan shall be reviewed and approved in two interdependent, but autonomous stages in terms of administrative procedures:



a) stage I – the review and approval of the concept of a master plan;

b) stage II – the review and approval of a master plan.

3. Stage I shall commence after the drafting of the concept of a master plan during which, the concept of the master plan shall be reviewed and approved based on the pre-feasibility study. The concept of the master plan shall take into account the main goals and objectives of an urban development planning and the ways for their achievement.

3<sup>1</sup>. A concept of a master plan shall be submitted by a relevant municipality to the Agency for obtaining the relevant opinion. The Agency shall ensure the involvement of other interested ministries/agencies, as well as the submittal to the municipality of the relevant opinion prepared on the basis of their comments and opinions.

4. A concept of a master plan of a municipality shall be approved by the Sakrebulo of a relevant municipality.

5. Stage II shall commence after the completion of the drafting of a master plan of a municipality, based on the approved concept of the master plan, for the purpose of its review and approval.

6. An executive body of a municipality shall submit a draft master plan to the authorised administrative bodies. The bodies shall draft respective recommendations.

7. The final draft of a master plan shall be submitted for legal consultation to a legal supervision authority in the manner provided for by Article 137 of the Organic Law of Georgia Local Self-Government Code.

8. A master plan shall be approved by the Sakrebulo of a respective municipality.

9. The amendments to a master plan shall be made by a decision or on the initiative of the Sakrebulo or based on the application by any person.

10. In the case of making few amendments to a master plan, Stage I determined by this article shall not be completed.

11. A duly authorised administrative body shall publish information on the commencement of the drafting of a concept of a master plan (including information on the exact borders of the planning area) not later than three months before the initiation of administrative procedures.

12. Procedures for the drafting of a master plan shall be determined by an ordinance of the Government of Georgia.

*Law of Georgia No 1516 of 26 April 2022 – website, 13.5.2022*

#### **Article 43 – Public administrative procedures with respect to the review and approval of a development plan and/or detailed development plan**

1. An administrative procedure with respect to the review and approval of a development plan and/or detailed development plan shall be carried out in the manner prescribed by Article 42 (except for Article 42(7)) of this Code, and an administrative procedure related to the review and approval of a detailed development plan of the settlement, where a hierarchically superior urban development plan is in force, shall not be in the scope of Article 42(3<sup>1</sup>) of this Code.

1<sup>1</sup>. The Agency shall carry out administrative procedures related to the review and approval of the development plan/detailed development plan for the territory/zone provided for by Article 36 of this Code in the manner established by Article 42 of this Code (except for paragraphs 3<sup>1</sup> and 7 of Article 42 of this Code).



2. If the goal of the development plan and/or detailed development plan is the intense development of a settled area, an administrative procedure related to its review and approval shall be limited to the review and approval of a draft development plan and/or a draft detailed development plan.

3. If there is no master plan for an area, a decision of the executive body of a respective municipality on the drafting of a development plan and/or a detailed development plan shall be agreed with the Sakrebulo of the same municipality.

4. At each stage of public administrative procedures relating to a development plan and/or a detailed development plan, a notice board shall be placed in a publicly accessible place, on which, at least information on the boundaries of the area subject to planning, the time frames for providing the opinions and assessments from the interested persons, and the approximate time frame for approving the plan shall be placed.

5. A duly authorised administrative body shall publish information on the commencement of the drafting of a development plan (including information on the exact boundaries of the planning area) not later than three months before the commencement of administrative procedures. A person shall place information on the commencement of the drafting of a detailed development plan on a notice board in the proximity of a project site, in a publicly visible area, not later than two weeks before the commencement of the administrative proceedings.

6. The amendments to a development plan and/or detailed development plan shall be made by a decision or on the initiative of the Sakrebulo of a municipality or based on the application of a person.

7. Procedures for drafting a development plan shall be determined by an ordinance of the Government of Georgia.

*Law of Georgia No 1516 of 26 April 2022 – website, 13.5.2022*

*Law of Georgia No 2818 of 3 May 2023 – website, 19.5.2023*

#### **Article 44 – Binding nature of a master plan**

In the case of availability of a master plan, a development plan and/or a detailed development plan shall take into account the requirements established by the master plan.

#### **Article 45 – The principle of functional zoning**

1. A functional zoning shall be the division of a territory into functional zones on the basis of the urban development documents. The functional zoning shall determine the construction sites, areas which are not intended for construction, and the terms and conditions for their use and development.

2. The functional zoning shall be carried out in the manner that facilitates the development of the types of combined land use in the settled area.

3. The functional zone of a land parcel which is determined by the applicable urban development plan shall be altered based on the amendment made to the same plan.

4. For a land parcel not falling within the area of an urban development plan, a function determined for the construction purposes may be established only based on the procedures provided for by Article 67, Article 68 and Article 103 of this Code.

#### **Article 46 – Main provisions**



1. The use and development of areas shall be based on the principle of functional zoning that shall be defined in accordance with Article 45 of this Code.
2. The objectives of the main provisions shall be to provide the legal grounds for the urban development plans and establish, together with those plans, the terms and conditions of the use of land parcels for construction.
3. The main provisions shall establish the following:
  - a) the requirements towards construction sites, functional zones and functional sub-zones;
  - b) the parameters of the development of a land parcel according to the functional zones and functional sub-zones, and the procedures for their calculation;
  - c) the types of development, the procedures for the establishment of the development areas on a land parcel;
  - d) the regulations and rules of calculation of boundary zones;
  - e) a list of types of the permitted land use in the functional sub-zones;
  - f) the areas that are not intended for construction and a list of the types of buildings or structures allowed to be constructed in the areas.
4. A draft of main provisions shall be worked out and submitted for approval to the Government of Georgia by the Agency.

*Law of Georgia No 1516 of 26 April 2022 – website, 13.5.2022*

#### **Article 47 – An administrative contract in relation to urban development matters**

1. A body with the planning authority may, for the purpose of exercising its own powers, conclude an administrative contract (for instance, a contract on drafting an urban development plan, carrying out urban development activities, undertaking construction and/or regulation of infrastructure) with a subject of private law.
2. Natural persons and legal entities under public law may initiate the drafting of a detailed development plan of a certain area and may implement it by providing private funding. If a duly authorised body takes a positive decision, a relevant contract shall be concluded between the said body and an initiator.
3. When concluding a contract determined by paragraph 1 of this article, the relations associated with the state procurement and competition shall be regulated by the legislation in the relevant field.

[3. When concluding a contract determined by paragraph 1 of this article, the relations associated with the public procurement and competition shall be regulated by the legislation in the relevant field. *(Shall become effective from 1 January 2025)*]

4. When concluding a contract determined by paragraph 1 of this article, the time frames for completing a respective assignment shall be determined. For a detailed development plan, such time frames shall not exceed six months. In the case of a substantiated request, such time frames may be extended by two months.

*Law of Georgia No 2577 of 9 February 2023 – website, 27.2.2023*

#### **Article 48 – Temporary restriction of the issuance of a construction permit in the process of drafting an urban development plan**



1. If an urban development plan is being drafted, a body issuing a construction permit may, based on the grounded refusal, suspend the administrative procedures relating to the issuance of a construction permit. The term of the above restriction shall not exceed 12 months. If the urban development plan is approved before the expiry of the said term, the administrative procedures shall be resumed from the date of approval of the plan.
2. The term of restriction established by paragraph 1 of this article may be extended by not more than three months.
3. If the procedures for issuing a construction permit are not resumed after the expiry of the term established by paragraph 1 and/or paragraph 2 of this article, an applicant for construction permit may seek remedies. The amount of remedies shall be determined under Article 49 of this Code.
4. To achieve the goals determined by Article 36(1) of this Code, an executive body of a respective municipality, in agreement with the Government of Georgia, or the Government of Georgia shall be entitled to impose restriction on the development of the areas for a reasonable period of time.

#### **Article 49 – Compensation of damages caused by making amendments to an urban development plan and/or by annulling the plan**

1. An owner or a legal user of an immovable thing may claim compensation for the direct damage he/she has sustained due to the making of amendments to a detailed urban development plan or the annulment of the plan by an authorised body. In such case, the amount of damage shall be calculated based on the financial expenses incurred by the owner or the legal user of the immovable thing during the performance of construction and/or project activities and which were incurred by the owner immediately from the above plan. The amount of damage may be established based on the agreement between the owner and/or the legal user of the immovable thing and the authorised administrative body. In the case of failure to agree, the owner or the legal user of the immovable thing may apply to a court.
2. The right to claim compensation for damages as provided for by paragraph 1 of this article shall not exist, if five years have elapsed since the making of amendments to or annulling a detailed urban development plan.

#### **Article 50 – Preferential right of purchase by the State and a municipality for urgent public needs**

1. The state and/or a municipality shall have a preferential right to purchase a land parcel and the building or structure inseparable from the land parcel for urgent public needs in the case of the alienation of the land parcel by an owner, if the land parcel is within:
  - a) the coverage area of an urban development plan and, in accordance with the plan, the land parcel shall be used for the construction of public or defence facilities, for carrying out urban development activities or for the development of a settlement;
  - b) the historic development protection zone, where the buildings or structures located in the zone do not comply with the requirements established for the zone.
2. A preferential right of the State and a municipality to purchase shall be subject to registration with the registry of title to immovable things in the manner prescribed by the Law of Georgia on Public Registry.
3. For exercising the preferential right to purchase, an authorised administrative body shall issue a substantiated legal act. For the registration of the preferential right to purchase, the above act shall be submitted to the National Agency of Public Registry.
4. For the purposes of this Code, the preferential right to purchase shall be the right of the State or a municipality to purchase property from an owner at the price and on the same conditions which the owner intends to apply



when selling the property to a third party.

5. An owner is obliged to offer his/her property to the State and/or a municipality at the price and on the conditions which the owner intends to apply when selling the property to a third party. In the case of the change of the price and/or conditions agreed with the third party, the owner is obliged to offer the State and/or a municipality to purchase the property at the changed price and/or on the changed conditions, using the preferential right to purchase.

6. The State and/or a municipality shall notify an owner in writing of the decision on the exercise of the preferential right to purchase, within 10 days. The failure to respond to the notification within the stated period shall be deemed the refusal to exercise the preferential right to purchase.

7. A contract between an owner and the State and/or a municipality shall be concluded within five working days after the State and/or a municipality provides response.

## **Article 51 – Land swaps**

1. Land swaps may be required due to the following activities necessary for the implementation of a development plan and/or a detailed development plan:

- a) the arrangement or extension of the internal transport roads and/or engineering and communication networks;
- b) the construction of other infrastructural facility;
- c) the rational change of the configuration of land parcels.

2. Land swaps consider the gaining of an ownership right by a municipality in relation to a land parcel, which is necessary to carry out activities determined by paragraph 1 of this article, through the transfer of a substitute land parcel into the ownership of an owner, or a land parcel which has equal value, or in the case of land swaps which involve a land parcel without equal value, through the provision of appropriate monetary compensation, or through the transfer of any other property. During land swaps, the approval from the owner of the land parcel shall be required.

3. The value of a land parcel subject to the transfer to an owner as a result of land swaps, as a rule, shall not be less than the value of the land parcel which is owned by the owner. The value of the land parcel shall be established based on an audit (expert) opinion. The costs associated with the drafting of the opinion, as well as the costs related to the making of a cadastre map/maps of the land parcel shall be borne by the city hall of a respective municipality.

4. If the value of property to be transferred to a private owner is less than the value of property owned by him/her, a respective municipality shall reimburse to the owner the difference between the values of property through the transfer of money and/or any other property.

5. If the person initiating land swaps is a private owner and the value of property to be transferred to such person exceeds the value of property to be transferred to a municipality, the latter shall be reimbursed the difference between the values of property through the transfer of money and/or any other property.

6. Land swaps may take place through the administrative procedures that are parallel to those performed with respect to urban development activities, if there is an available draft development plan worked out on the basis of Article 63 of this Code.

## **Article 52 – Administrative procedures with respect to land swaps**



1. The administrative procedures with respect to the necessity of land swaps may be initiated on the initiative of an executive body of a municipality, or based on an application of a private owner initiating the land swaps.
2. A decision on the necessity of land swaps shall be taken by the city hall of a respective municipality, by the consent of the Sakrebulo of the same municipality.
3. Where necessary, a decision determined by paragraph 2 of this article may be taken based on a plan of land swaps. The plan shall cover the scope of land swaps, the boundaries and value of land parcels subject to land swaps, a new cadastre map and information on owners and monetary compensation.
4. Within two months after taking a respective decision on the necessity of land swaps, an administrative agreement on land swaps shall be concluded between a municipality and an owner.
5. On the initiative of the government of Tbilisi Municipality, a procedure for the exchange of property as provided for by the Organic Law of Georgia Local Self-Government Code may be applied in lieu of the land swaps.

### **Article 53 – Provision of infrastructure of common use in the territories of settlements**

1. In order to comply with the requirements established by urban development plans, a municipality shall be responsible for providing the territories of settlements with the transport infrastructure and storm water drainage network of common use within the competence determined by legislation of Georgia.
2. An owner and/or user of a land parcel may apply to a city hall of a municipality with initiative to provide the settlements with local transport infrastructure and storm water drainage network of common use, at his/her own resources. If the city hall of the municipality takes a positive decision, an administrative contract shall be concluded with an interested person.
3. Taking into account the density determined on the basis of the urban development plans, the persons authorised to provide the territories of settlements with the transport infrastructure and storm water drainage network of common use, are obliged to plan the network with relevant conductivity, and carry out the plans consistently.

## **Chapter VII – Urban Development Activities**

### **Article 54 – Carrying out urban development activities in a settled area and in a cultural heritage protection zone.**

1. The matters related to carrying out urban development activities in a settled area shall be regulated in accordance with the rules established by this chapter.
2. In the case of a cultural heritage protection zone and a monument of cultural heritage, the requirements established by a relevant sectoral legislation shall apply in addition to the requirements established by this chapter for carrying out urban development activities.

### **Article 55 – Goals of urban development activities**

1. Urban development activities shall serve public interests and provide the opportunity to develop by improving environmental, social, cultural, economic and hygienic conditions of certain parts of the country.



2. The necessity of carrying out urban development activities shall be determined in accordance with the quality of degradation of the existing development, and the level of decrease of living and working conditions of population and of the functional capacity of settlements.

## **Article 56 – Procedures for carrying out urban development activities**

1. The right to carry out urban development activities shall be exercised by the executive body of a municipality, a legal person established by a municipality, or a person with a relevant permit.

2. The consent of the association of tenants of a multi apartment building or of an owner of an individual house located within the scope of urban development activities shall not be required for carrying out works in the framework of the above activities, if they constitute minor reconstruction works (change of a façade, repair of a roof, reinforcement of a balcony, etc.) and during the works, the key parameters of the building and/or a privately owned area are not altered.

3. The development and/or rehabilitation of a multi apartment building located in the area of the urban development activities by a person carrying out the urban development activities shall be carried out with the consent of the member(s) of the association of tenants, whose individually owned property area exceeds half of the total area of the individually owned property, and the development and/or rehabilitation of an individual building shall be carried out with the consent of the owner of the individual building. The said consent can be expressed in the contract between the owner and the person implementing the urban development activities.

4. The improvement of the immovable property located within the urban development activity area may be funded by the resources of the State Budget of Georgia, the municipal budget, a person carrying out urban development activities, an owner of the immovable property and/or a third person.

5. If the total area of a building increases by 5% or more as a result of urban development activities, the increased area is isolated and it can function independently, the increased area shall be registered with the Public Registry as the property of a person carrying out urban development activities and/or of an owner of the immovable property, in proportion with the expenses borne by the owner for funding the increase of the area. The ownership rights of a person carrying out the urban development activities shall be registered with the Public Registry without the consent of the association of tenants and/or the consent of the owners.

6. If in a multi apartment building, the increased area is less than 5% of the total area of the building and/or the increased area is not isolated and it cannot function independently, the added area shall be the property of the tenants' association, whereas in the case of an individual house, the added area shall be the property of an owner of the individual house. When developing an immovable property located in the area of the urban development activities, the area of the building shall be at least equal to the area of the existing building before the development, and the value of the building must exceed the value of the existing building before the development. In order to ensure this, a person carrying out the urban development activities is obliged to assess the area and value of the building before the development of the immovable property located in the area of the urban development activities and to submit the relevant opinion to the owner, and, after the completion of the urban development activities, to assess the area and value of the building and submit the relevant opinion to the owner.

7. If the immovable property located within the urban development activity area is in dilapidated condition and cannot be reinforced, which is verified by an appropriate expert opinion, according to which, its existence endangers human health and/or life, such building shall be demolished without a permission of an owner of the building. In that case, before demolishing the building, a person carrying out urban development activities is obliged to transfer to the owner at least the equivalent property, or give the fair and full compensation of the property, or, if a new building with the same function is constructed in the same place, to transfer to the owner the area in the new building which shall be at least equivalent to the area owned by the owner in the old building. If, during the construction of a new building, the total area of the building increases by more than 5 percent, so that the increased area is isolated and can function independently, the increased area shall be registered with the Public Registry as the property of a person carrying out urban development activities and/or of an owner of the



immovable property, and it shall be transferred to his/her ownership in proportion to the costs incurred by him/her for financing the increase of the area. The ownership right of the person carrying out the urban development activities shall be registered with the Public Registry without the consent of the association of tenants and/or the owners.

8. The damage incurred to an owner as a result of urban development activities carried out in accordance with this article shall be compensated by a subject undertaking rehabilitation.

9. A person carrying out the urban development activities shall be entitled to obtain a construction permit for any immovable property located in the area of the urban development activities.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

### **Article 57 – Informing an interested person on urban development activities**

1. Information on urban development activities shall be provided not later than two weeks before carrying out such activities, to all interested owners and/or users of property. The interested person shall be informed by placing a notice board in a publicly-accessible area close to the project site, as well as through an official website of the city hall of a respective municipality, and where necessary, through the mass media.

2. Any interested person may submit his/her opinion with regard to urban development activities to relevant municipalities, in accordance with the procedures established by Article 118 of the General Administrative Code of Georgia.

### **Article 58 – Preliminary surveys**

1. Before taking a decision on urban development activities, the executive body of a municipality shall undertake preliminary surveys based on which the need of carrying out those activities, as well as their social, economic and environmental aspects shall be determined.

2. The preliminary surveys determined by paragraph (1) of this article shall not be conducted, if information on current conditions of the territory is already available.

### **Article 59 – Decision on urban development activities**

In line with the requirements established by Articles 55, 57 and Article 58 of this Code, the Sakrebulo of a respective municipality shall, on the recommendation of the executive body of the same municipality, approve a plan for urban development activities. The plan shall establish the goals and scope of the above activities; it also may cover the social, economic, environmental, cultural heritage protection, construction, infrastructural and other similar aspects aimed at reducing and eradicating the expected negative consequences.

### **Article 60 – Temporary restriction of the issuance of a construction permit within the area of urban development activities**

1. During the carrying out of urban development activities, a body authorised to issue a construction permit within the area of the said activities may, based on a reasonable refusal, suspend the administrative procedure initiated with respect to the issuance of a construction permit. The term of the above restriction shall not exceed 12 months.



2. The term of restriction established by paragraph 1 of this article may be extended by not more than three months.
3. If procedure for the issuance of a construction permit is not resumed after the expiry of the term established by paragraph 1 and/or paragraph 2 of this article, an applicant for construction permit may seek remedies.
4. The amount of damage shall be calculated according to the financial expenses which have been borne by an applicant for construction permit when carrying out construction and/or design activities and which have immediately arisen from a relevant urban development plan and/or detailed urban development plan.
5. The amount of damage may be established based on the agreement reached between an authorised administrative body and an applicant for construction permit, or by an independent expert and/or an auditor selected by them jointly. The costs related to the above expert and/or the auditor shall be borne by the applicant for construction permit.

#### **Article 61 – Drafting of a detailed urban development plan for the area of urban development activities**

When necessary, the executive body of a municipality shall, based on the decision taken under Article 59 of this Code, ensure the working out of a draft detailed urban development plan.

#### **Article 62 – Person responsible for the implementation of a detailed urban development plan**

A respective municipality shall be responsible for the compliance with the requirements established by a detailed urban development plan drafted for an area of urban development activities.

#### **Article 63 – Procedures for drafting a detailed urban development plan for an area of urban development activities**

Relations associated with the participation of the society and administrative bodies interested in drafting a detailed urban development plan determined by Article 61 of this Code shall be regulated by procedures provided for by Article 43 of this Code.

### **Chapter VIII – Regulation of the Use of a Land Parcel for Construction and Development**

#### **Article 64 – Goals of this chapter**

1. The goals of this chapter shall be to:
  - a) establish the main terms and conditions for the use of a land parcel for construction and for its development, and promote the introduction of the best practice in construction activities;
  - b) establish, as an exception, the conditions for the development of a land parcel located on the area which is not designated for construction.
2. When using a land parcel for construction and during the development of the land parcel, the human life and health, and public security and order shall be ensured.



## **Article 65 – Main grounds for regulating the development of a land parcel**

1. The main grounds for regulating the development of a land parcel shall be a detailed development plan under Article 66 of this Code.
2. Other cases not covered by paragraph 1 of this article, shall be regulated in accordance with Article 67 and Article 68, and the main provisions of this Code.
3. If an urban development plan and/or a detailed urban development plan determines the change of a functional zone, based on which, an agricultural land parcel may be changed into a non-agricultural land parcel, an interested person shall have the right to apply to a respective authorised body for the registration of the change of the intended use of the land parcel.
4. An application submitted by an interested person to a respective authorised body on the change of the intended use of a land parcel as a result of the approval of an urban development plan and/or a detailed urban development plan referred to in paragraph 3 of this article, shall serve as the grounds for the change of the intended use of the land parcel by the National Agency of Public Registry.

## **Article 66 – Land parcel located within the area of action of a detailed urban development plan**

1. Construction on a land parcel located within the area of activity of a detailed development plan shall be permitted in accordance with the said plan.
2. A detailed development plan shall serve as the main grounds for issuing a construction permit.

## **Article 67 – Land parcel located within the formed system of the development**

1. For a land parcel located within the formed system of the development and to which a detailed development plan does not apply, a construction permit may be issued based on the applicable urban development plan (if any) and the main provisions, if it complies with the existing development environment in terms of the type of use, the parameters and the type of development and the allocation of a building on the land parcel, and if it does not come in conflict with the neighbourhood interests.
2. Terms of the use of a land parcel for construction within the formed system of the development shall be established in accordance with procedures established by Articles 103 and 104 and the main provisions of this Code.
3. An individual residential house may be constructed on a private agricultural land, which shall be in conformance with the functional zone and/or the functional sub-zone and/or the existing environment of the development. Construction on such land parcel shall also be permitted in accordance with Article 68 of this Code.

## **Article 68 – Land parcel located outside the formed system of the development**

For a land parcel located outside the formed system of the development and to which a detailed development plan does not apply, a construction permit may be issued only for the construction of a building (except for the construction of a building containing a residential function or determined by the main provision) to which the designation has been assigned according to the function of the relevant territory, based on the applicable spatial planning plan and an urban development plan (if any), and the requirements of the main provisions, unless they



are in conflict with public interests.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

### **Article 69 – Identification of a land parcel and/or a building inappropriate for construction**

1. A land parcel and/or a building shall be inappropriate for construction, if it does not comply with the type of use, the parameters of the development, the rules for the allocation of a building on a land parcel, the parameters of the area of a land parcel as permitted by a development plan and/or the main provisions, or if it is located in the territory which is not designated for construction. The inappropriateness shall be established in each specific case, with respect to a specific target of construction.
2. An interested person may file an application to a duly authorised body for the identification of a land parcel as appropriate and/or inappropriate for construction. The authorised body is obliged to provide information to an applicant within five working days.
3. If information provided for by paragraph 2 of this article has not been disseminated before applying for notification on construction, the appropriateness and/or inappropriateness of a land parcel and/or a building shall be identified at the stage of the review of the application for notification on construction, or at Stage I of the issuance of the construction permit, whereas in the case provided for by Article 102(1) of this Code, the appropriateness and/or inappropriateness of a land parcel and/or a building shall be identified at the stage of the review of the detailed development plan.
4. Further development (new construction, reconstruction that causes the change of the parameters of a building, adaptation, fragmentation of a land parcel and/or land assembly) of an inappropriate land parcel and a building shall be performed on condition that such inappropriateness is reduced or eradicated.
5. If a land parcel and/or a building is simultaneously included in the cultural heritage protection zone, in the area of protected territories, forest resources, water resources, or the area of subsoil resources, or if another regime applies to it, the conditions of its use for construction shall also consider the requirements established for the said zone and/or regime.
6. Individual indicators for the aspects specified by paragraph 1 of this article may be provided for by a detailed development plan for the cultural heritage protection zone.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 5967 of 22 May 2020 – website, 28.5.2020*

### **Article 70 – Subdivision and merger of land parcels**

In the case of subdivision and merger of a land parcel on which buildings or structures are located, the requirements provided for by Articles 66-69 and Article 72 of this Code shall also be taken into account.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

### **Article 71 – Establishment of easement over a land parcel and right-of way**

1. The right-of-way and/or easement over a land parcel owned by the State and/or a municipality may be established based on an administrative and legal act of an authorised body, if this is conditioned by the interests of the State, and public or private interests. The National Agency of Public Registry shall register easement over the



land parcel based on the above administrative and legal act.

2. The relations associated with the establishment of easement over a land parcel and the right-of-way on a privately-owned land parcel shall be regulated by the Civil Code of Georgia.

3. If the factual circumstances are eradicated based on which the rights determined by paragraph 1 of this article have been established, a respective administrative body shall cancel the act referred to in paragraph 1 of this article.

#### **Article 72 – Provision of a land parcel with infrastructure**

1. New construction in urban areas, except for the cultural heritage protection zone, on a land parcel, and/or such reconstruction of buildings or structures located on a land parcel which result in increasing the existing parameters of the building or structure, shall be permitted only if it is or will be adequately provided with a motorway access, including by using easement.

2. In the cultural heritage protection zone, a land parcel shall be provided with the infrastructure in the manner prescribed by respective legislation.

3. Buildings or structures shall be supplied with electricity, natural gas, water, drainage and discharge systems, communication lines and transport infrastructure in the manner prescribed by the legislation of Georgia.

4. In the case of issuing a construction permit, an administrative body issuing a permit shall send information determined by Article 103(3)(a-b) of this Code to the companies owning the electricity distribution network, natural gas distribution network, water supply distribution network (if any) and to the owner of the water discharge network (if a party issuing the construction permit and an owner of the water discharge network are different persons). This paragraph does not apply to the municipality where the procedure for issuing the construction permit in electronic form is established.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

#### **Article 73 – Regulation of the supply of a land parcel and a building or structure with electricity, natural gas, water and water drainage**

In the case of request by an interested person, a land parcel and a building or structure shall be supplied by an owner of the relevant network with electricity, natural gas, water and water discharge in accordance with the procedures provided for by the ordinances of the Georgian National Energy and Water Supply Regulatory Commission (GNERC) on the Approval of Procedures for Supply and Consumption of Electricity (Power), on the Approval of Procedures for Supply and Consumption of Natural Gas, and on the Approval of Procedures for Supply and Consumption of Drinking Water.

#### **Article 74 – Regulation of a boundary zone on a land parcel**

1. The goal of regulation of a boundary zone on a land parcel shall be to comply with the requirements for insulation, natural lighting, ventilation, fire safety, evacuation and landscaping.

2. There are two types of a boundary zone:

a) a public boundary zone;

b) an adjacent boundary zone.



3. Protection of an adjacent boundary zone shall not be necessary, if, under a development plan and/or a detailed development plan, or under the legislation of Georgia, it is mandatory or permitted to place a building or structure on the boundary of a land parcel.

4. The boundary zones shall be regulated by the main provisions. The main provisions shall include:

a) interrelation of the boundary zones and the procedure for calculation of distance between buildings or structures;

b) procedures for determining the parameters of a building or structure with respect to a boundary zone;

c) procedures for intrusion of parts of a building or structure into a boundary zone;

d) procedures for the placement of auxiliary buildings or structures in the boundary zone.

#### **Article 75 – Preservation of areas necessary for water permeability on a land parcel**

1. When issuing a construction permit, a municipality is obliged to establish the requirements which ensure the preservation of free areas necessary for water permeability in soil on a land parcel, taking into account the area determined by the minimum landscaping rate.

2. The landscaping rate of a land parcel shall determine the minimum share of the area of the territory of a land parcel that shall not to be covered with waterproof material, under which no building or structure and/or the parts thereof shall be located, and which shall be intended for ensuring water permeability and landscaping.

3. The preservation of free areas determined by paragraph 1 of this article shall also consider the facing of the surface of soil in such manner to allow the permeability of soil (water permeability).

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

#### **Article 76 – Allocation of a parking lot on a land parcel**

The matters relating to the allocation of a parking lot on a land parcel shall be regulated according to the main provisions. Exceptions and/or additional terms shall be established by a legal act of the Sakrebulo of a respective municipality.

#### **Article 77 – General rules of fencing a land parcel**

1. A land parcel shall be fenced in such manner (except for the temporary fencing of a construction site) to ensure the preservation of lighting, ventilation, aesthetic aspect of the appearance of a settlement, and the protection of other public interests.

2. The terms of fencing of a land parcel established by the main provisions shall be based on the principles determined by paragraph 1 of this article.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*



**Article 78 – Technical regulations and standards relating to the main requirements for buildings or structures**

1. Main requirements for buildings or structures shall be established in accordance with this Code, technical regulations and standards.
2. During the drafting by the Government of Georgia of respective technical regulations relating to the requirements established by this chapter, the European standards – Eurocodes worked out by the European Committee for Standardization (CEN) with respect to the design, construction and operation of buildings or structures shall be taken into account, as well as some other international construction regulations and standards, where necessary.
3. During the drafting of the regulations and standards provided for by this article, the best international practice shall also be taken into consideration.
4. In the case of cultural heritage, during the drafting of the regulations and standards provided for by this article the requirements established by respective sectoral legislation shall also be taken into account.

**Article 79 – General requirements for buildings or structures**

1. A building or structure, in the period of its exploitation, shall comply with the function determined by the construction document (if any), as well as with the requirements for the protection of human health, environmental safety, security and amenities.
2. A building or structure shall be designed and constructed in such manner to ensure its long life.
3. During the reconstruction of a building or structure constructed before 3 June 2019, the requirements established by this chapter shall be met to the maximum extent possible.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

**Article 80 – Regulation of architectural parameters and aesthetic features of a building or structure**

1. Architectural parameters and aesthetic features of a building or structure shall be established by an urban development plan and/or a legal act of the Sakrebulo of a municipality that aims to develop/maintain the development with high aesthetic value, and to raise the quality of living.
2. Architectural parameters and aesthetic features of a building or structure may be established both for the entire territory of a municipality, and its parts.
3. Non-compliance with the parameters and features determined by paragraph 1 of this article may serve as the grounds for refusing to grant a construction permit, if the parameters and features have been established before filing an application for obtaining a construction permit.
4. In individual areas and/or with respect to individual buildings or structures determined by a decision of the Sakrebulo of a municipality, which have high urban value and/or the architectural and aesthetic solutions of which is of high public interest, an architectural sketch and/or an architectural design of a new construction or of substantial reconstruction of a building or structure shall be selected by an open competition.
5. If an open competition is announced with respect to a new construction or an architectural sketch and/or an



architectural design of substantial reconstruction of a building or structure, a person announcing the competition may establish new and/or detailed requirements with respect to the parameters and features provided for by paragraph 1 of this article.

6. The design which has been selected during an open competition (which has won the competition) shall constitute a prior decision on the issuance of a construction permit. During the issuance of a construction permit and/or the implementation of construction works, only minor changes may be made to the design.

7. Procedures for holding a competition determined by this article shall be established by a legal act of the Government of Georgia.

8. Aesthetic aspect of a building or structure shall not come in conflict with the principles which have been established by a formulated and valuable development, and at the same time, shall comply with contemporary requirements. The areas of high urban value and appropriate aesthetic parameters shall be regulated based on a legal act of the Sakrebulo of a municipality.

9. (Deleted – 20.12.2019, No 5693).

10. (Deleted – 20.12.2019, No 5693).

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

### **Article 81 – Structural strength, stability and reliability of a building or structure**

A building or structure shall be designed and constructed in such manner that that under the maximum design load in the period of its exploitation:

- a) individual parts of the building or structure, their structural connections, and the foundation of the building or structure are not subject to structural failure, and preserve strength;
- b) the building or structure preserve stability and/or balance, and its deformation does not exceed the permissible limit;
- c) the load-bearing structures and engineering systems of the building or structure are reliable throughout the period of their exploitation, especially, under seismic impact, and comply with the requirements established by respective technical regulations.

### **Article 82 – Compliance with fire safety**

A building or structure shall be designed and constructed in such manner that during fire:

- a) the strength and reliability are preserved for the building or structure;
- b) the spread of fire and/or smoke from one part of the building or structure to other is minimised;
- c) the spread of fire to the adjoining building or structure is minimised;
- d) safe evacuation of people is possible, also fire is extinguished by fire and rescue divisions, and people and property are safe.

### **Article 83 – Keeping hygiene, protection of health and environment**



A building or structure shall be designed and constructed in such manner to ensure the compliance with the requirements of (if any) insulation of a building or structure, and the protection of the interests of dwellers of a building or structure, neighbours and the hired in order to protect their health and provide natural illumination.

#### **Article 84 – Enforcement of safety during the exploitation of a building or structure**

1. A building or structure shall be designed and constructed in such manner to ensure that during the exploitation human life and human health are not endangered. Special attention shall be paid to the matters relating to the damage of electrical wiring, the falling, collapse, explosion, dropping etc. of construction materials and products.
2. During the design and construction of a building or structure, the engineering and technical measures of civil security shall also be considered, which aim to safeguard the population from emergency situations, reduce the possible losses and destruction and provide the conditions which are necessary for promoting the rescue and other emergency works.

#### **Article 85 – Ensure the possibility of the use of a building or structure and public space for persons with disabilities**

1. A building or structure (except for an individual residential house) shall be designed and constructed in such manner to ensure the compliance with the terms established by the legislation of Georgia for persons with disabilities.
2. The requirement established by paragraph 1 of this article shall also apply to a land parcel attached to a building or structure determined by the same paragraph, as well as to the public space (parks, gardens, boulevards, small public gardens, streets, pavements, etc.).

#### **Article 86 – Ensuring the protection from noise**

A building or structure shall be designed and constructed in such manner to ensure the compliance with the sound isolation norms (if any), and to use, in accordance with the norms applicable in Georgia in relation to noise, property by its occupants and/or persons located close to it, for its intended purpose, and to ensure appropriate conditions for their recreation and work.

#### **Article 87 – Energy efficiency of a building**

Maximum energy efficiency of a building shall be ensured by its rational layout in the development, proper orientation to the cardinal points, selection of the fencing design and parameters based on the thermos-technical calculations, proper thermal insulation of the fencing structures, based on the calculation of elements protecting from the sun, and the use of the equipment for heating, conditioning, lighting, ventilation and/or any other modern energy-efficient equipment.

#### **Article 88 – Use of renewable energy in a building or structure**

1. When designing and constructing a building or structure, the opportunity of using renewable energy shall be taken into account.



2. The use of renewable energy in a building or structure may include the following technical means:

- a) the passive use of the solar energy;
- b) the active use of the solar energy (solar-powered water-heating equipment, combined systems of hot water supply, solar light sensitive cells);
- c) the use of the wind energy;
- d) the systems of geothermal heating/cooling and hot water supply;
- e) other systems which allow efficient use of renewable energy.

## **Chapter X – Main Requirements for the Quality of Construction Materials**

### **Article 89 – The requirements for construction materials**

1. Construction materials, when used reasonably and if the useful life is observed, shall not endanger human safety and health.
2. Main requirements for construction materials shall be established by technical regulations. During the working out of such regulations, the requirements established by this chapter shall be taken into account, as well as the characteristics determining the classes of buildings or structures according to their designation.
3. Construction materials shall be placed on the market in accordance with the legislation of Georgia.

### **Article 90 – Assessment of the compliance of construction materials**

The compliance of construction materials shall be assessed in accordance with Chapter VIII of the Product Safety and Free Movement Code.

### **Article 91 – Information on the quality of construction materials**

Information on the quality of construction materials shall be provided to consumers in accordance with Article 12 of the Product Safety and Free Movement Code.

## **Chapter XI – Terms and Conditions and Grounds for the Issuance of a Construction Permit**

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

### **Article 92 – Placement of a building or structure in the functional sub-zone intended for the development**

1. In the functional sub-zone intended for the development, a building or structure that complies with the type of use allowed in the sub-zone shall be permitted.



2. The construction of a building or structure relevant to the type of use permitted in a functional sub-zone under the main provisions, may not be allowed, if the building or structure, by its location, dimensions and functional purpose, comes in conflict with the specificity of the sub-zone and/or the principle of adherence to the interests of the adjacent zones.

3. The gross floor area ratio of a land parcel and/or gross floor area intensity ratio of a land parcel may be exceeded only in the cases provided for by Article 41(5) of this Code.

4. When implementing large-scale infrastructural projects, the requirements established by Articles 66-69 of this Code shall not apply. In such case, a respective municipality shall participate in the process of the issuance of a construction permit, also, the spatial planning and urban development plans (if any) of the municipality shall be taken into account observing the principle of combination of interests.

### **Article 93 – Legal grounds for carrying out the construction of a building or structure**

1. The legal grounds for carrying out the construction of a building or structure shall be a building notice or a construction permit, except for the cases provided for by paragraphs 3 and 6 of this article.

2. When carrying out construction works that are not subject to obtaining a building notice or a construction permit, the requirements established by respective legislation shall be complied with.

3. Minor changes to a building or structure and/or to construction documents provided for by the legislation of Georgia does not require a building notice or a construction permit. Making such changes to buildings or structures and/or construction documents determined by the legislation of Georgia, which exceed the limits allowed after a minor change, shall require re-obtaining of the legal grounds determined by this article. The characteristics and parameters of those minor changes, the making of which do not require a construction permit or a building notice, shall be determined by an ordinance of the Government of Georgia.

4. Construction subject to a notice, which has been initiated without the notice, shall be unauthorised construction. Unauthorised construction shall be also considered construction carried out in violation of the building notice, which does not comply with the characteristics of the building or structure of the class specified for the building notice.

5. In the case of extreme necessity (natural, man-made and/or any force majeure circumstance), an authorised public or municipal authority may carry out construction activities before obtaining a construction permit. In such case, the above authority shall, during or upon the completion of construction, apply an administrative body issuing a construction permit, on the basis of a grounded request, to issue of a construction permit. The matters related to simplified procedures for the issuance of a construction permit shall be regulated by an ordinance of the Government of Georgia.

6. For the purpose of elimination of offences in the field of construction, the works to be performed based on the instruction and/or assignment of an administrative body exercising public supervision over construction, and/or based on a court decision, does not require a building notice or a construction permit. In such case, the requirements established by technical regulations shall be followed.

7. The matters related to the issuance of a construction permit by a simplified procedure in the free industrial, economic and tourist zones, shall be regulated by an ordinance of the Government of Georgia.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

### **Article 94 – Construction of buildings or structures subject to the obligation to obtain a building notice or a construction permit**



1. Construction of a building or structure of Class I, except for the cases established by this Code, shall be subject to a simple building notice.
2. Construction of a building or structure of Classes III-IV, except for the cases established by this Code, shall be subject to the obligation to obtain a construction permit.
3. For the construction of a building or structure of Class II within the administrative boundaries of a municipality or the part thereof, the Sakrebulo of the municipality may, instead of the obligation to obtain a construction permit, impose the obligation to provide a detailed building notice.
4. For the construction of a building or structure of Class I within the administrative boundaries of a municipality or the part thereof, the Sakrebulo of the municipality may, instead of the obligation to receive a simple building notice, determine the obligation to receive a detailed building notice or to obtain a construction permit.

#### **Article 95 – General rule of building notice**

1. A list of documents enclosed to a simple building notice and a detailed building notice, its content and the rule of coordination of the construction shall be determined by an ordinance of the Government of Georgia.
2. If the construction provided for by a building notice does not comply with the requirements established by the legislation of Georgia, the relevant administrative body shall be obliged to take a negative decision.
3. In the case of failure to respond to a building notice within the prescribed period, an applicant may commence construction under the building notice. After the expiry of the set period, a respective administrative body, in the case of request by the applicant for construction permit, shall issue a written consent within three working days after the request.
4. In the case determined by paragraph three of this article, the construction provided for by a building notice shall commence in accordance with the submitted documents and the applicable technical regulations. The submitted documents shall comply with the legislation of Georgia.
5. An applicant for construction permit may request a construction permit instead of a simple building notice or a detailed building notice. In such case, the applicant for construction permit shall submit to a respective administrative body the documents determined by Article 106(1) of this Code.
6. The term of validity of a building notice shall be one year after the delivery of the notice.

#### **Article 96 – Classes of buildings or structures**

1. In terms of human health, environmental protection, as well as the issuance of a construction permit and commissioning, buildings or structures shall be divided into five classes:
  - a) a building or structure of Class I – a building or structure with minor risk;
  - b) a building or structure of Class II – a building or structure with low risk;
  - c) a building or structure of Class III – a building or structure with medium risk;
  - d) a building or structure of Class IV – a building or structure with high risk;
  - e) a building or structure of Class V – a building or structure with increased technical risk.
2. A building or structure shall be assigned a certain class according to the functional designation and parameters



of a building or structure to be constructed or demolished.

3. During the reconstruction, if the class of a building or structure increases or decreases, it shall be determined according to the final characteristics and parameters provided for by the permit documentation.

4. If a building or structure or a combination of buildings or structures have the characteristics and parameters determining various classes, such building or structure or a combination of buildings or structures shall be assigned a class according to the highest characteristics and parameters.

5. For the purposes of paragraph 4 of this article, a combination of buildings or structures involves the buildings or structures, for the construction of which the permit conditions shall be determined by a single act of a construction permit.

6. The characteristics defining classes of a building or structure, and types of construction shall be determined by an ordinance of the Government of Georgia.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

### **Article 97 – Applicant for construction permit and holder of a construction permit**

1. An applicant for construction permit shall be a person who plans to construct a building or structure of Classes I-IV and intends to provide a building notice or obtain a construction permit.

2. A holder of a construction permit shall be a person who holds the right to construct a building or structure of Classes I-IV. If the holder of a construction permit is changed, information on the fact of change shall be provided to an administrative body which issuing the construction permit. In such case, respective amendments shall be made to the construction permit.

3. At the final stage of issuing a construction permit, the applicant for the construction permit/holder of the construction permit may be the owner, user of the land parcel or a building or structure located or to be constructed on the land parcel, or of the part thereof, or a person authorised thereby, who has an interest in the development of the construction project.

4. If construction is planned on the land parcel or a building or structure privately owned by any other person or owned jointly, an applicant for construction permit shall additionally provide the consent of a respective owner and/or co-owner.

5. In the case of construction planned in a public space, an applicant for construction permit may be an interested person, if there is consent from an administrative body authorised to plan and/or manage the public space on initiating construction.

6. Construction of a building or structure on a street, square, bridge, pavement, tunnel and the passage between the land parcels shall be inadmissible (except for a building or structure of state importance), whereas the construction of such buildings or structures in a park, garden, small public garden, etc. that has no public or state importance of common use, shall be impermissible.

7. With respect to the establishment of terms of use of a land parcel for construction, or the agreement on an architectural design, an applicant for construction permit may be any interested person. The agreement of an architectural design on a land parcel shall not exclude the agreement on any other architectural design on the same land parcel. The matters relating to the establishment of terms of use of a land parcel for construction, and to the agreement of an architectural design shall be regulated by a legal act of the Government of Georgia.

8. An applicant for construction permit shall order the design of a building or structure to a duly qualified person participating in construction activities, if the criteria of such qualification are explicitly provided for by the



legislation of Georgia.

9. A holder of construction permit shall ensure the performance of construction by a person with relevant qualification participating in construction activities, if the criteria of such qualification are explicitly provided for by the legislation of Georgia.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

#### **Article 98 – Person authorised to draft permit documentation**

1. Any person may prepare the documents enclosed to the building notice for a building or structure of Class I. The person shall ensure the drafting of the documents enclosed to a building notice in accordance with the requirements set forth by the legislation of Georgia.

2. The right to work out an architectural sketch or an architectural design, structural and/or technological scheme and/or the part thereof, belonging to Classes II, III and IV shall be assigned, respectively, to an architect and a design engineer.

3. A person authorised to draft the permit documentation shall be responsible to ensure the compliance of the documentation drafted by him/her with the technical regulations.

4. The relations associated with the copyrights and related rights on architectural and structural designs shall be regulated in accordance with the legislation of Georgia.

#### **Article 99 – Person authorised to carry out expert assessment of the permit documentation**

1. Expert assessment of the permit documentation shall be performed by an accredited inspection authority and/or a certified expert in the cases and manner provided for by the legislation of Georgia.

2. An accredited inspection authority, a certified expert shall be a person with relevant insurance, whose competence is verified by a duly authorised body.

3. An accredited inspection authority and/or a certified expert shall issue a respective expert opinion, whereas, if necessary, a recommendation which is required for minimising the risks associated with construction or design activities.

4. An accredited inspection authority, a certified expert shall be entitled to carry out expert activities in accordance with the activities provided for by the legislation of Georgia.

5. An accredited inspection authority, a certified expert shall be responsible for the competence and accuracy of the opinions provided.

6. An applicant for construction permit shall reimburse an accredited inspection authority, a certified expert the amount determined for expert services even if an expert opinion is negative.

### **Chapter XII – Procedure for Issuance of Construction Permits**

#### **Article 100 – A body issuing a construction permit**



An administrative authority with the power to issue an agreement on the building notice, or a construction permit shall be the executive body of a respective municipality or a legal entity under public law established by the municipality.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

#### **Article 101 – Stages for the issuance of a construction permit**

1. A construction permit shall be issued in two stages, except for the case provided for by Article 108 of this Code (a 3-stage procedure):

- a) stage I – approval of terms of use of a land parcel for construction;
- b) stage II – issuance of a construction permit.

2. At each stage of the issuance of a construction permit, an independent administrative procedure shall be carried out.

3. Unless the precondition determined by Article 102(1) of this Code exists, an applicant for construction permit may request the initiation of the administrative procedure established for the following stage only within the terms prescribed by an individual administrative and legal act issued at stage I of the issuance of the construction permit.

#### **Article 102 – Special rule of issuance of a construction permit**

1. For a land parcel to which a detailed development plan applies, the completion of stage I of the issuance of a construction permit determined by this Code shall not be necessary. In such case, the terms for use of a land parcel for construction shall be determined by a detailed development plan.

2. If a detailed development plan determined by paragraph 1 of this article is not available, the administrative procedure established for stage I of the issuance of a construction permit shall be initiated.

3. Before the issuance of a construction permit, an applicant for construction permit may request the approval (a 3-stage procedure) of an architectural design in compliance with the procedures prescribed by Article 108 of this Code.

4. When applying an architectural design of buildings or structures of Classes II, III and IV to another territory, (except for the territory of the cultural heritage protection zone) unless it contravenes the formulated nature of the development, a construction permit may be issued through a simple administrative procedure, based on the terms of the use of a land parcel for construction, which shall not exceed 10 working days. Based on an additional geological report and the design of foundation, if necessary, relevant changes may be made to the construction documentation.

#### **Article 103 – Grounds for issuing the terms of the use of a land parcel for construction, and their main content**

1. The terms of the use of a land parcel for construction shall be issued in the cases determined by Articles 67 and 68 of this Code.

2. The terms of the use of a land parcel for construction shall reflect the requirements established by the legislation of Georgia for drafting the permit documentation.



3. The terms of the use of a land parcel for construction shall include:

a) an extract from the Public Registry and the cadastral data on a land parcel;

b) the main requirements for the development of a land parcel and/or a building or structure;

b.a) the type of use;

b.b) the main parameters of the development;

b.c) the type of the development;

b.d) the conditions for the determination of the placement of a building or structure on a land parcel (including the development boundaries and/or statutory building lines) and of the maximum height, and where necessary, the number of floors in a building;

b.e) the functional profile of a building;

[b.f) information on the planned landscaping, which describes the proposed landscaping design (except for individual residential houses);

b.g) an expert's opinion on the description and quality assessment of the green plant(s) on the land parcel and the topographical plan, on which green plants are marked according to the numbers assigned by the expert's opinion (except for the functional zone in which the minimum landscaping rate is not determined); (*Shall become effective from 1 January 2024*)]

c) other requirements prescribed by the legislation of Georgia.

4. The matters determined by paragraph 3 of this article shall be regulated by a legal act of the Government of Georgia.

5. The terms of the use of a land parcel for construction may require the repair and/or reconstruction of the existing main infrastructural networks and transport lines may be requested, if the planned construction entails their extension and/or damage.

6. The requirement provided for by paragraph 5 of this article shall be reflected in the terms of construction permit with respect to the implementation of which the rules established by Articles 72 and 73 of this Code shall apply.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 2738 of 5 April 2023 – website, 18.4.2023*

#### **Article 104 – Administrative procedures with respect to the approval of the terms of the use of a land parcel for construction**

1. An administrative authority issuing a construction permit shall take a decision on the approval of the terms of the use of a land parcel for construction in accordance with the administrative procedures established by Chapter VI of the General Administrative Code of Georgia.

2. A decision on the approval of the terms of the use of a land parcel for construction shall be taken within 10 working days after the receipt of an application, except for the case provided for by Article 109 of this Code.

3. An applicant for construction permit shall file an application to an administrative authority issuing a construction permit. The application shall comply with the requirements established by Article 78 of the General



4. All necessary documents provided for by the legislation of Georgia shall be attached to the submitted application.
5. Procedures provided for by Article 83 of the General Administrative Code of Georgia shall apply to the establishment of the compliance of the submitted application and the enclosed documents with a list determined by the legislation of Georgia, and to the identification of the deficiency in the above application and documents.
6. If longer period is required for the establishment of the circumstances which are essential to a case, as compared to the period determined for administrative procedures under paragraph 2 of this article, an administrative authority issuing a construction permit may take a grounded decision on the extension of the period for administrative procedures by not more than three months, before the expiry of the initial period.
7. If a decision is not taken within the period provided for by the legislation Georgia, the terms of the use of a land parcel for construction that has been applied for, shall be deemed approved in accordance with the standards determined by the legislation of Georgia for the respective project. After the expiry of the specified period, an administrative body shall issue the terms of the use of a land parcel for construction upon request, but within no later than three working days, provided that such terms comply with the requirements determined by the legislation of Georgia.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

#### **Article 105 – Validity of the terms of the use of a land parcel for construction**

The validity of the terms of the use of a land parcel for construction shall be three years following their approval, before the commencement of stage II of the permit procedures.

#### **Article 106 – Documents enclosed to an application for obtaining a construction permit**

1. An application for permit shall include:

- a) information on the ownership of a land parcel and a building or structure (if any);
- b) an administrative and legal act on the approval of the terms of the use of a land parcel for construction, or information on a detailed development plan;
- c) results of the prefeasibility survey;
- d) a detailed architectural design;
- e) a plan of construction organisation;
- f) preliminary decision (if any);
- g) engineering-geological survey, a structural scheme and/or design, and where necessary, a technological scheme and/or design as well;
- h) in the cases provided for by the legislation of Georgia, an opinion of an accredited inspection authority and/or a certified expert on an architectural design, engineering-geologic survey, structural scheme / design, and where necessary, on the technological scheme/design;
- i) a document certifying the payment of a permit fee;



j) photographs describing a notice board;

[k) landscaping design (if there is a detailed development plan – a landscaping design agreed within the framework of the plan), in which the area determined by the minimum landscaping rate, the type and characteristics of the plants (including age, circumference, height), the date of completion of the landscaping design, the person responsible for the maintenance of plants must be mentioned; also, the image of the landscaping project shall be given in the form of a photomontage (except for architectural designs of individual residential houses and those buildings or structures, the agreement of which is requested in the functional area of the land parcel, in which the minimum landscaping rate is not determined);

l) photographs describing an additional notice board, on which information on the use of the area determined by the minimum landscaping rate on the construction site, and the main aspects and parameters of the landscaping design shall be specified. *(Shall become effective from 1 January 2024)*

2. The requirements with regard to the documents provided for by paragraph 1 of this article shall be determined by a legal act of the Government of Georgia.

3. The documents determined by paragraph 1(b) of this article shall not be requested, if the planned construction does not entail the change in main parameters of the development and in the type of the use of an existing building or structure. In such case, the requirements established by Article 85 of this Code shall apply.

4. In the case of a 3-stage procedure, an individual administrative and legal act on the approval of an architectural design adopted based on Article 108 of this Code shall be provided in addition to the documents determined by paragraph 1 of this article. In such a case, the documents provided for by paragraph 1(b), (c), (f) and (h) of this article shall not be required.

5. If obtaining a construction permit is associated with such construction involving activities that require the environmental impact assessment procedures, an applicant for construction permit shall apply to the legal entity under public law called the National Environmental Agency under the Ministry of Environmental Protection and Agriculture of Georgia for taking a respective decision. In such case, the applicant for construction permit shall submit the above decision to an administrative authority issuing a construction permit, in addition to the permit documentation provided for by this article.

6. An application for permit shall also include information on the technical regulations and/or standards applied during the drafting of permit documentation.

7. A detailed list and content of the documents to be provided for obtaining a construction permit for a building or structure of Classes II-IV shall be determined by a legal act of the Government of Georgia.

8. By a decision of the Sakrebulo of a municipality, the permit documentation or the part thereof may be submitted electronically.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 1447 of 17 March 2022 – website, 24.3.2022*

*Law of Georgia No 2738 of 5 April – website, 18.4.2023*

## **Article 107 – Administrative procedures with respect to the issuance of a construction permit**

1. A construction permit shall be issued on the basis of simple administrative procedures established by Chapter VI of the General Administrative Code of Georgia.

2. Procedures provided for by Article 83 of the General Administrative Code of Georgia shall apply to the



establishment of the compliance of a submitted application and the enclosed documents with a list determined by the legislation of Georgia, and to the establishment of defects in the above application and documents.

3. An administrative body issuing a construction permit shall take a decision on the issuance of or refusal to issue a construction permit within 20 working days, except for the case provided for by Article 109 of this Code. In the case of a 3-stage procedure, a decision on the issuance of or refusal to issue a construction permit shall be taken within five working days.

4. If for the establishment of circumstances essential to a case, it is necessary to apply the period that exceeds the period determined for administrative procedures as provided for by paragraph three of this article, an administrative authority issuing a construction permit shall be authorised to take a grounded decision on the extension of the period for administrative procedures by not more than 20 working days, whereas in the case of the cultural heritage protection zone, by not more than 30 working days, before the expiry of the initially determined period.

5. An expert opinion shall include the method of conducting the examination and the notes, and, in the case of a positive expert opinion – its justification. The final expert opinion shall be explicitly positive or negative. In the event of a negative expert opinion, the administrative body issuing the construction permit is obliged to make a decision on the refusal to issue the construction permit.

6. In the case of grounded suspicion with respect to the positive expert opinion, an administrative authority issuing a construction permit shall be entitled to request explanation from a body/person carrying out the expert examination, or to an alternative body/person. In the case of the wrong expert opinion, the matter of bringing charges against the expert shall arise in accordance with the respective agreement and the legislation of Georgia.

7. If a positive or a negative decision on the issuance of a construction permit is not taken within the period determined by the legislation of Georgia, the permit shall be deemed issued.

8. The Sakrebulo of a municipality shall be authorised to establish simplified procedures for the issuance of a construction permit, and the amount of fees thereof.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

#### **Article 108 – Administrative procedures with respect to the approval of an architectural design.**

1. An administrative authority issuing a construction permit shall take a decision on the approval of an architectural design through the simple administrative procedures established by Chapter VI of the General Administrative Code of Georgia.

2. For the approval of an architectural design, an applicant for construction permit shall file an application to an administrative body issuing a construction permit. The application shall comply with the requirements established by Article 78 of the General Administrative Code of Georgia. The following shall be enclosed to the application:

a) an architectural design;

b) the documents determined by Article 106(1) (b), (c), (f), and (h) and Article 106(5) of this Code.

**[b) the documents determined by Article 106(1) (b), (c), (f), (h), (k) and (l) and Article 106(5) of this Code. (*Shall become effective from 1 January 2024*)]**

3. A decision on the approval of an architectural design shall be taken within 17 working days except for the case provided for by Article 109 of this Code.

4. To establish the compliance of the submitted application and the enclosed documents with a list determined by the legislation of Georgia, and the defects in the above application and documents, the procedures provided for by



Article 83 of the General Administrative Code of Georgia shall apply.

5. If a decision on the approval of an architectural design is not taken within the period prescribed by paragraph 3 of this article, the architectural design shall be deemed approved.

6. Validity of the approved architectural design shall be five years after its approval, before the commencement of stage III of the permit procedures.

*Law of Georgia No 2738 of 5 April 2023 – website, 18.4.2023*

### **Article 109 – Participation of another administrative authority in the administrative procedures with respect to the issuance of a construction permit**

1. An administrative authority issuing a construction permit may, within the period determined by Article 84 of the General Administrative Code of Georgia, engage, where necessary, another administrative authority in the administrative procedures (including in a 2-stage procedure) relating to the approval of the terms of the use of a land parcel for construction, or in the process of the approval of an architectural design.

2. Another administrative authority shall take a decision on the matter relating to the approval of the terms of the use of a land parcel for construction within not later than 20 working days after filing a relevant application, and shall submit the decision to an administrative authority issuing a construction permit. The period determined by this article shall not be included in the period determined by Article 104(2) of this Code.

3. Another administrative authority shall examine the compliance of an architectural design with the terms of the use of a land parcel for construction within 10 working days, and shall draft an appropriate report, which shall be submitted to an administrative authority issuing a construction permit. The period shall not be included in the period determined by Article 107(3) and Article 108(3).

### **Article 110 – Participation of an interested person in administrative procedures with respect to the issuance of a construction permit**

1. In order to timely provide information on the commencement of individual stages of the issuance of a construction permit to an interested person, a notice board shall be placed at the public boundary zone of the construction site three calendar days before the commencement of administrative procedures.

[1<sup>1</sup>. Within 10 days from the issuance of the permit under the set procedures, a permit holder shall place another, additional notice board next to the existing notice board, on which information on the use of the area determined by the minimum landscaping rate on the construction site, the main aspects and parameters of the landscaping design (except for architectural designs of individual residential houses and buildings or structures, the agreement of which is requested in the functional area of the land parcel, in which the minimum landscaping rate is not determined) shall be specified, in particular:

a) the area determined by the minimum landscaping rate

b) the date of approval of the landscaping design

c) the type and characterization of green plants to be cultivated (including the age, circumference and height)

d) date of completion of landscaping design

e) information on persons responsible for the maintenance of the grown green plants



f) duration of the maintenance of the grown green plants

g) a model and/or image of the agreed landscaping design in the form of a photomontage. *(Shall become effective from 1 January 2024)*

2. An interested person whose lawful interests are directly and immediately affected by the planned construction, shall be engaged in the administrative procedure in accordance with Article 95 of the General Administrative Code of Georgia.

3. An administrative authority shall allow an interested person to review the submitted application for construction permit, and the enclosed documents within the reasonable period.

4. An interested person may provide evidence, as well as file motions requesting the investigation of the circumstances of the case, in compliance with the requirements established by Article 98 of the General Administrative Code of Georgia.

*Law of Georgia No 2738 of 5 April 2023 – website, 18.4.2023*

### **Article 111 – Entry into force and validity of a construction permit**

1. A construction permit shall be issued with a reasonable validity determined by the construction organisation project.

2. A construction permit shall enter into force from the moment a notification on the issuance of a construction permit is delivered to /is read by an applicant.

3. A notification on the issuance of a construction permit shall be sent by an insured letter, through an official web-site or technical means (phone and/or e-mail).

4. An administrative authority issuing a construction permit shall take a decision on the means to be used for sending to an applicant a notification on the issuance of a construction permit.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

### **Article 112 – New construction permit, issuance of a construction permit in the case of unauthorised construction, making changes to a construction permit**

1. If construction is not completed and/or the requirements of the construction documents are violated after the expiry of the validity of a construction permit, a holder of the construction permit shall apply to an administrative authority issuing a construction permit with a request to issue a new construction permit.

2. If unauthorised construction is undertaken which complies with the requirements established by the legislation of Georgia, an administrative authority issuing a construction permit may, based on the application of an interested person, review the matter relating to the issuance of a construction permit.

3. To an application determined by paragraph 1 of this article shall be enclosed a schedule of construction necessary for carrying out the remaining works, information on the reasonable period required for the completion of construction, in the case of violation of the requirements of the construction documents, a receipt confirming the payment of relevant fine, a new document (receipt) confirming the payment of fees for obtaining a construction permit, and in the case of the necessity of making changes to the architectural design, also the adjusted architectural design. In such case, an administrative authority issuing a construction permit shall issue a permit in the manner determined by this Code.



4. In the case provided for by paragraph 2 of this article, an applicant shall provide a receipt confirming the payment of a respective fine, an expert opinion on the compliance of the completed construction with technical regulations, and the drawings of measurement or an architectural design of the existing building.

5. Changes to a construction permit may be made, if a person requests the extension of the validity of the construction permit and if no such construction works have been carried out on the construction site which shall require a new construction permit.

6. In the case provided for by paragraph 5 of this article, a holder of construction permit shall, before the expiry of the validity of the permit, file to an administrative authority issuing a permit, an application requesting the extension of the validity of the construction permit. The application shall be attached by a schedule of construction necessary for carrying out the remaining works, as well as information on the reasonable period requested for the completion of construction in accordance with the schedule. In such case, a relevant change shall be made to a construction permit.

7. The matter of making such changes to the construction documents that do not require a new construction permit, as well as the matters relating to the issuance of a construction permit shall be regulated by a legal act of the Government of Georgia.

### **Article 113 – Preliminary decision**

1. A preliminary decision is an approval of the architectural sketch (concept of construction) drafted by an administrative authority issuing a construction permit with respect to the construction of a building or the part thereof, planned based on an administrative and legal act.

2. A person shall have a lawful reliance to a preliminary decision, unless there are the grounds provided for by Article 9(2) of the General Administrative Code of Georgia.

### **Article 114 – Filing an application on a preliminary decision**

1. Any person may request a preliminary decision.

2. An application for a preliminary decision and the enclosed documents shall contain such details that provide an actual opportunity for taking the decision. A list of the above documents shall be determined by an ordinance of the Government of Georgia.

### **Article 115 – Term of validity of a preliminary decision and procedures for taking a preliminary decision**

1. The validity of a preliminary decision shall be five years after taking such decision.

2. Procedures for taking a preliminary decision shall be determined by an ordinance of the Government of Georgia.

3. A preliminary decision shall not be taken if there are no terms of the use of a land parcel for construction or a detailed development plan.

### **Article 116 – Inadmissibility of the suspension of validity of a construction permit, and a rule of exception**

1. Validity of the right (of an individual administrative and legal act) to carry out construction that has been



obtained based on a construction permit or a building notice, shall not be suspended due to the filing of an administrative appeal, or appeal before a court.

2. An authorised administrative body or a court may, by the request of an interested party, suspend the validity of an individual administrative and legal act or the part thereof, if there is a grounded suspicion with respect to the legality of the appealed act or if the urgent enforcement of the act substantially damages the interested party or makes the protection of the lawful right or interest of the above party impossible.

3. In the case provided for by paragraph 2 of this article, a body taking a decision shall determine a reasonable period for suspending the validity of the appealed act.

## **Chapter XIII – Construction Supervision**

### **Article 117 – Types of construction supervision**

1. The following shall be the types of construction supervision:

- a) the public supervision over construction;
- b) the technical supervision over construction;
- c) the supervision over construction safety.

2. The public supervision over construction shall be carried out by a municipality, the technical supervision over construction shall be exercised by an accredited inspection authority and/or certified expert (in addition, on projects implemented by Tbilisi City Municipality – a legal entity established by Tbilisi City Municipality), whereas the supervision over construction safety shall be exercised by the duly qualified person as provided for by the legislation of Georgia.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

### **Article 118 – Public supervision over construction**

1. The public supervision over construction is supervision exercised over the compliance with the construction/permit terms, the terms of construction safety, commissioning of a building or structure and other requirements established by the legislation of Georgia, as well as the identification of an unauthorised construction or the construction undertaken in violation of the legislation of Georgia, and the provision of adequate response.

2. The administrative body carrying out public supervision over construction shall a person determined by the representative body of a municipality.

3. During the technical supervision over construction exercised by a party exercising the technical supervision over construction, an administrative body exercising the public supervision over construction shall exercise the public supervision over construction:

- a) randomly;
- b) based on a risk analysis;
- c) based on an appeal of an interested person and/or the application by an accredited inspection authority and/or a



certified expert.

4. An administrative authority exercising public supervision over construction shall exercise, annually, public supervision of 10% of the total number of those buildings or structures belonging to Classes III and IV for the construction of which it issued construction permits in the previous year.

5. An administrative authority exercising public supervision over construction may have an unrestricted access to a construction site, and examine it, also request the persons responsible for construction the documents relating to the construction site, including the documents confirming the compliance with the requirements established by the technical regulations.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

## **Article 119 – Technical supervision over construction**

1. The technical supervision over construction shall be exercised by an accredited inspection authority and/or a certified expert. The accredited inspection authority shall be a person determined by the Product Safety and Free Movement Code of Georgia, exercising supervision over construction in the manner determined by this Code, and any other legislative and subordinate normative acts of Georgia. The certified expert shall be a person determined by the legislation of Georgia who, based on a respective certificate, exercises supervision over construction in the manner determined by this Code and any other legislative and subordinate normative acts of Georgia.

1<sup>1</sup>. Technical supervision over the construction of projects implemented by the Tbilisi Municipality shall be carried out, in addition, by a legal entity established by the Tbilisi Municipality.

2. An accredited inspection authority, a certified expert shall be entitled to exercise technical supervision only over such activity for which it has been accredited or certified.

3. The exercising by a holder of construction permit of technical supervision shall consider the control during the construction over the compliance with the requirements established by the construction documents.

4. A holder of construction permit for buildings or structures of Classes I and II shall be entitled, and a holder of construction permit for buildings or structures of Classes III and IV shall order an accredited inspection authority and/or a certified expert, based on a respective agreement, to carry out the inspection of the construction site. The accredited inspection authority, the certified expert shall notify thereof the authority exercising public supervision over construction.

5. If, in the process of construction of a building or structure of Class I and/or Class II, a holder of construction permit does not designate a technical supervisor of construction, he/she shall be directly responsible for compliance with the requirements established by the construction documents in the process of construction.

6. A party exercising technical supervision over construction shall be responsible for the accuracy of the work performed and for the authenticity of information reflected therein. The party exercising technical supervision over construction is obliged to keep the documents that reflect the construction process. Procedures for maintaining such documents shall be determined by an ordinance of the Government of Georgia.

7. An accredited inspection authority, a certified expert are obliged to:

a) have the relevant professional liability insurance for obtaining the right to inspect a construction object;

b) submit to a relevant authority exercising public supervision over construction respective documents on the completion of individual stages of construction;

c) be fully responsible for the damages to a holder of the construction permit;



d) be liable for the accuracy of documents drafted by it in accordance with the legislation of Georgia.

8. The matters relating to the inspection of a construction site by an accredited inspection authority and a certified expert, as well as the insurance of their liability shall be regulated by an ordinance of the Government of Georgia.

Note: the obligation to submit the milestone report as provided for by paragraph 7 (b) of this article shall not apply to the construction of an individual residential house.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 964 of 2 November 2021 – website, 5.11.2021*

## **Article 120 – Checking the compliance of the documents submitted to the body exercising public supervision over construction with the terms of construction/permit**

1. Within 15 working days (except for linear structures, and in the case of a linear structure – within five working days) after an accredited inspection authority and/or a certified expert provides a positive opinion on the completion of individual stages of construction, the body exercising public supervision over construction shall be authorised to verify the compliance of the documents covering respective stage with the construction/permit terms. After the expiry of the period, the above stage of construction shall be deemed delivered.

2. If the body exercising public supervision over construction finds the deficiency in the submitted report, or the incompliance of the documents reflecting the relevant construction stage with the construction/permit conditions, the said stage shall not be deemed completed. The cause(s) of failure to complete a construction stage shall be notified to a holder of construction permit in writing, within the period specified by paragraph 1 of this article. In such case, the body exercising public supervision over construction shall, for the purpose of eliminating the deficiency or bringing the documents reflecting the relevant construction stage in line with the construction/permit conditions, prescribe a reasonable period for the holder of construction permit. The failure to eliminate the deficiency within the said period shall be deemed the violation of the permit conditions.

3. At the last stage of construction, the stage may be completed and a building or structure may be put into exploitation on the basis of a single application, within 10 working days of the request by a holder of construction permit, unless otherwise provided for by the legislation of Georgia.

4. In the case of the construction of an individual residential house of Class II, a holder of the construction permit shall be entitled, and in the case of the construction of individual residential houses of Classes III and IV, a holder of the construction permit is obliged to submit to the authorised body an assessment of the construction works carried out by an accredited inspection body and/or a certified expert regarding the compliance of the conducted construction works with the permit terms, in order to prove the suitability of putting a building or structure into exploitation. If a holder of the construction permit does not appoint a technical supervisor over construction in the process of construction of a Class II individual residential house, he/she shall be responsible for submitting to the authorised body an assessment of the compliance of the construction works with the permit terms in order to prove the suitability of putting Class II individual residential house into exploitation.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 964 of 2 November 2021 – website, 5.11.2021*

## **Article 121 – Construction safety supervision**

1. In the process of construction of buildings or structures of Classes III and IV, a holder of construction permits, or a person carrying out construction shall designate a person responsible for the construction safety. If in the



process of construction of buildings or structures of Classes I or II, the holder of construction permits does not designate a supervisor over construction safety, he/she shall supervise construction safety himself/herself.

2. A person responsible for construction safety shall be a duly qualified person determined by the legislation of Georgia to permanently inspect the compliance with the safety rules and standards in the process of construction by specialists engaged in construction, and in the case of their violation, to notify the body exercising public supervision over construction to take measures determined by the legislation of Georgia.

3. During the construction all technical means shall be used as per requirements of construction safety rules and standards.

## **Chapter XIV – Administrative Proceedings Relating to the Hearing of Cases on Offences in the Field of Construction and Enforcement Instruments**

### **Article 122 – Concept of an offence and an offender in the field of construction**

1. An offence in the field of construction is an action provided for by Chapter XV of this Code, and the administrative proceedings with respect to the hearing of the case related to such offence shall be conducted as provided for by the said Chapter.

2. For the purposes of Chapters XIV and XV of this Code, an offender in the field of construction may be:

a) a holder of construction permit

b) a person carrying out unauthorised construction;

c) an owner or a user of a building or structure and/or a land parcel for construction, if a person carrying out construction cannot be identified;

d) during unauthorised construction, if a land parcel is the property of the State and/or a municipality, a person carrying out unauthorised construction, whereas, if such person cannot be identified, a user of the land parcel;

e) an owner of a building or structure the damage rate of which immediately endangers human life and/or health, except for a building having the status of a cultural and/or architectural monument, for the reconstruction and/or demolishing of which the owner has applied to a relevant body and failed to obtain the required permit.

3. If a person who, based on an order, has been and/or would have been instructed to bring the unauthorised construction in line with the legislation of Georgia, has died, the obligation to perform such instruction shall be transferred to an owner and/or a user of a relevant building or structure and/or a land parcel allocated for construction. In the case of reorganisation of a legal entity, the obligation to perform the said instruction shall be transferred to its legal successor (if any).

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

### **Article 123 – Administrative proceedings with respect to an offence in the field of construction**

1. Except for the cases provided for by paragraph 2 of this article, the body exercising public supervision over construction shall start administrative proceedings by issuing an instruction to an offender, which shall represent a comment given to the offender in relation to the incompliance and a request that shall determine a reasonable period within which the offender shall comply with the terms determined by the instruction in order to eliminate the offence in the field of construction.



2. The administrative proceedings relating to an offence in the field of construction shall be initiated by drafting an act of inspection:

- a) in presence of an offence provided for by Article 136 of this Code;
- b) where an order on imposing a fine for an offence is approved;
- c) where the amount of fine imposed on an offender is tripled;
- d) where a milestone protocol has not been submitted as per procedures;
- e) in the case of the failure to file to an authorised body an application within the specified period for putting a construction project into exploitation the construction of which has been completed;
- f) if an offender, based on his/her application, acknowledges the offences at the construction site and requests the taking of measures determined by law;
- g) in presence of an offence provided for by Article 138(1) of this Code, if it occurs in the areas defined by the Forest Code and Law of Georgia on Water, in the special regulation territory or zone, cultural heritage protection zone and/or within the administrative boundaries of Tbilisi Municipality.

[g) in presence of an offence provided for by Article 138(1) of this Code, if it occurs in the territory defined by the Forest Code and Law of Georgia on the Management of Water Resources, in the special regulation territory or zone, cultural heritage protection zone and/or within the administrative boundaries of Tbilisi Municipality. **(Shall become effective from 1 September 2026)**]

3. Where an offence is committed in the field of construction, based on a grounded motion of an offender, an act of inspection may be drafted before the expiry of the period determined by the instruction, which shall be specified in the act of inspection.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 5967 of 22 May 2020 – website, 28.5.2020*

*Law of Georgia No 3436 of 30 June 2023 – website, 20.7.2023*

## **Article 124 – Issuing an instruction for an offence in the field of construction and drafting an inspection act**

### **Article 124 – Giving an instruction in relation to an offence in the field of construction and making up an act of inspection**

1. The body exercising public supervision over construction shall have the authority to give an instruction to:

- a) submit construction documents and/or eliminate an offence;
- b) prohibit the use of construction materials, items and structures on a construction site, if they fail to comply with the specified requirements;
- c) correct the violated rules established by the construction organisation project.

2. Instructions on the elimination of an offence shall be issued for a reasonable period.

3. After the expiry of the period specified by the instruction, the body exercising public supervision over construction shall, within not more than seven calendar days, verify the fulfilment of the instructions, draft an act of inspection and include information on the fulfilment or non-fulfilment of the instructions therein.



## Article 125 – Order on imposing a fine on an offender in the field of construction

1. The body exercising public supervision over construction shall, within two months after the drafting of an act of inspection, issue an order in relation to the case of an offence in the field of construction.

2. In presence of motivated grounds, the period of issuing an order may be extended for not more than two months.

2<sup>1</sup>. The offender shall be notified of the place, date and time of the official examination of the case and the identity of an official examining the case, except for an offence in the field of construction provided for by Article 138 of this Code.

3. In the case of an offence provided for by Article 138(1) of this Code, if it occurs in the territory determined by the Forest Code and Law of Georgia on Water, in the special regulation area or zone, cultural heritage protection zone and/or within the administrative boundaries of Tbilisi Municipality, the body exercising public supervision over construction shall, immediately after the drafting of an act of inspection, issue an order on the imposition of a fine.

[3. In the case of an offence provided for by Article 138(1) of this Code, if it occurs in the territory determined by the Forest Code and Law of Georgia on the Management of Water Resources, in the special regulation area or zone, cultural heritage protection zone and/or within the administrative boundaries of Tbilisi Municipality, the body exercising public supervision over construction shall, immediately after the drafting of an act of inspection, issue an order on the imposition of a fine. *(Shall become effective from 1 September 2026)*]

4. If an offence is specified in an act of inspection, the body exercising public supervision over construction shall issue an order on imposing a fine on the offender in the field of construction.

5. The body exercising public supervision over construction shall issue an order on the termination of the proceedings on the offence in the field of construction, if:

a) an instruction has been followed and the offences have been eliminated;

b) an administrative body issuing a construction permit has taken a decision on the legalisation of the project;

c) there are no grounds for issuing an order specified by paragraph 4 of this article or Article 127(2) of this Code;

d) an instruction has not been fulfilled in time, however, an offence has been eliminated before issuing an order, except for an offence provided for by Article 138(1) of this Code, if it occurs in the area determined by the Forest Code and Law of Georgia on Water, in the special regulation area or zone, cultural heritage protection zone and/or within the administrative boundaries of Tbilisi Municipality.

[d) an instruction has not been fulfilled in time, however, an offence has been eliminated before issuing an order, except for an offence provided for by Article 138(1) of this Code, if it occurs in the area determined by the Forest Code and Law of Georgia on the Management of Water Resources, in the special regulation area or zone, cultural heritage protection zone and/or within the administrative boundaries of Tbilisi Municipality. *(Shall become effective from 1 September 2026)*]

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 5967 of 22 May 2020 – website, 28.5.2020*

*Law of Georgia No 3436 of 30 June 2023 – website, 20.7.2023*



**Article 126 – Procedures for the payment of a fine by an offender in the field of construction, and for the imposition of a fine on the offender in the field of construction**

1. An offender in the field of construction shall pay an imposed fine within 30 calendar days after the delivery of an order on imposing a fine for an offence in the field of construction. The amount of fine shall be transferred to a respective budget in the manner determined by the Budget Code of Georgia.
2. In the case of non-payment of the fine (except for a tripled fine provided for by paragraph 3 of this article) within the set time frame, a fine shall be imposed on an offender in the field of construction in the amount specified in the order on the imposition of a fine on an offender, after the expiry of the time frame specified by paragraph 1 of this article.
3. In the case of failure to eradicate the legal grounds for the imposition of a fine, in every three months after its imposition, an offender in the field of construction shall be imposed a fine which is triple the amount of the fine imposed last, which may be imposed on an offender for not more than three times, except for the case provided for by Article 132<sup>1</sup>(4) of this Code.
4. An order provided for by this article shall be enforced in accordance with the Law of Georgia on Enforcement Proceedings.
5. The payment of a fine by an offender in the field of construction shall not release the offender in the field of construction from the obligation to eliminate the offence.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 5706 of 5 February 2020 – website, 10.2.2020*

**Article 127 – Order on the suspension of an authorised construction or construction carried out in violation of the permit terms and/or on the demolishing of the construction carried out in violation of law**

1. The body exercising public supervision over construction may suspend construction fully or partially, if it is an unauthorised construction or it is carried out in violation of the permit terms and it cannot be eliminated without suspending the construction.
2. The body exercising public supervision over construction may:
  - a) issue an order on a complete or partial demolition of buildings or structures constructed in violation of the legislation of Georgia;
  - b) without giving instructions, issue an order on the demolition of the unauthorised construction, if a person carrying out the unauthorised construction cannot be identified, and a land parcel is in the property of the State and/or a municipality;
  - c) issue an order on the demolition of the unauthorised construction, if a person carrying out the unauthorised construction has been identified and a land parcel is in the property of the State and/or a municipality.
3. The body exercising public supervision over construction may, along with the order determined by Article 125(4) of this Code, take the decisions provided for by paragraphs 1 and 2 of this article.
4. The order provided for by paragraphs 1 and 2 of this article shall be issued within the time frame determined by Article 125(1)-(3) of this Code.
5. The order of the body exercising public supervision over construction shall contain information on possible



criminal liability in case of non-suspension of the said construction.

*Law of Georgia No 2484 of 22 December 2022 – website, 29.12.2022*

**Article 128 – Procedures for consulting a decision made by a superior administrative body on the basis of the review of an instruction, act of inspection, order, notification and an administrative appeal, for the suspension of the flow of period determined by the instruction, and for appealing the order**

1. An instruction, an act of inspection or an order in relation to an offender in the field of construction shall be consulted officially on the construction site. If the offender is absent from the construction site or he/she refuses to consult the relevant act/acts, the posting of the act/acts in a visible place of the construction site shall be considered as being consulted.

1<sup>1</sup>. Based on the review of the administrative appeal against the order in relation to the offender in the field of construction, the decision made by a superior administrative body shall be officially consulted at the address specified in the administrative appeal. If an offender in the field of construction is not present at the address specified in the administrative appeal or refuses to consult the said decision, an offender in the field of construction shall be deemed to have consulted the decision in the following circumstances:

a) placing the decision in a visible place of the construction site

b) placing the decision on the official website of the City Hall of the relevant municipality.

1<sup>2</sup>. In the case provided for by paragraph 1<sup>1</sup>(a) of this article, when the decision made by the superior administrative body based on the examination of the administrative appeal is placed in a visible area of the construction site, the date of its placement shall be specified, which shall be confirmed through the preparation of the protocol by the authorised person.

1<sup>3</sup>. In the case provided for by paragraph 1<sup>1</sup> of this article, only the title and operative part of the decision made by the superior administrative body based on the review of the administrative appeal shall be placed in a visible area of the construction site and on the official website of the City Hall of the relevant municipality. When placing the information on the said website, the date of its placement shall be specified. The information shall be kept for a reasonable period of time.

1<sup>4</sup>. If, in the case provided for by paragraph 1<sup>1</sup> of this article, an offender is not present at the address indicated in the administrative appeal submitted against the order, or refuses to consult the relevant decision which was made based on the examination of the administrative appeal, in order to inform the relevant person(s) of the decision made by the superior administrative body, the appropriate body of the respective municipality shall place the said decision both in a visible area of the construction site and on the official website of the City Hall of the respective municipality. The decision made by the superior administrative body based on the examination of the administrative appeal shall be deemed to have been consulted by an offender on the seventh day of its placement in a visible area of the construction site or on the official website of the municipality. If the time of placing the said decision in a visible place of the construction site and the time of posting it on the official website of the City Hall of the municipality do not coincide, the 7-day period for submitting the decision shall start counting from the later placement.

1<sup>5</sup>. If the telephone number and/or e-mail address of the author of the appeal is specified in the administrative appeal against the order in the case provided for by paragraph 1<sup>1</sup> of this article, on the basis of the decision of the superior administrative body, the relevant person/persons can be sent a short text message via their telephone numbers regarding the decision made and/or such decision may be sent to the relevant person/persons via e-mail. In accordance with this paragraph, the sending of the relevant information via telephone or an email shall not be deemed to have consulted the decision.

2. For the purposes of paragraphs 1 and 1<sup>1</sup> of this article, a visible area of a construction site shall be:



- a) a notice board;
- b) a building temporarily placed on the construction site;
- c) the security fence enclosing the construction site;
- d) a facade of a construction project;
- e) in the case of construction of an apartment house – also the entrance door of the apartment house.

3. An order issued by the body exercising public supervision over construction may be appealed within 15 calendar days after being introduced, in accordance with the procedures provided for by the legislation of Georgia. In addition, the appeal against the order of the body exercising public supervision over construction activities shall not suspend its execution in the part of suspension of construction or dismantling.

4. The appealing of the orders provided for Article 127(2)(b) and (c) of this Code shall not suspend their validity.

5. Validity of the period determined by an instruction shall be suspended from the initiation of procedures for legalisation of projects or the parts thereof that have been constructed without the permit and/or in breach of the design, but no more than three months in total.

6. (Deleted – 20.12.2019, No 5693).

7. (Deleted – 20.12.2019, No 5693).

8. The order stipulated by this Law is an administrative-legal act, which shall be enforced in accordance with the procedures provided for by this Code and the law of Georgia On Enforcement Proceedings. The order of the body exercising public supervision over construction shall be substantiated and contain the details established for the administrative-legal act, the name and address of the body in which the administrative-legal act can be appealed, and the period for appealing. The aforementioned order shall be enforced no later than six months from the date of its entry into legal force.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 1520 of 26 April 2022 – website, 6.5.2022*

## **Article 129 – Compensation for damage and expenses**

1. The imposition of a fine and/or the elimination of an offence in the field of construction shall not release an offender from the obligation to compensate for the damage incurred as a result of the offence.

2. In the case of failure to eliminate an offence within the set period, if the failure to immediately eliminate the offence can harm the state or public interests, also, if during the proceedings relating to an offence in the field of construction, the circumstances provided for by Article 127(2)(b) and (c) of this Code are identified, the administrative body exercising public supervision over construction may take a grounded decision on the fulfilment of the instruction by itself or through a third person, by its own expenses. The decision may be appealed in the manner determined by the legislation of Georgia. The appeal of the decision shall not suspend its enforcement.

3. After identifying the expenses incurred under paragraph 2 of this article, the administrative body exercising public supervision over construction shall issue an order on the compensation of expenses and send it to an offender in the field of construction. The period determined for compensation of the said expenses shall not exceed 90 calendar days, unless other period is negotiated by the parties, but no less than 180 calendar days.



4. A person who has incurred expenses for the maintenance of the appearance of the building or structure in his/her ownership or legal possession, for its sustainability and for the safety of the construction site, shall have the right to request from the offender the compensation of the expenses incurred, if it was due to the violation of the construction norms and the conservation regime during the implementation of construction activities on the adjacent land parcel. In the case of failure to reach an agreement on the compensation of the mentioned expenses, the dispute shall be resolved by the court.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

## Chapter XV – Types of Offences in the Field of Construction

### Article 130 – Unauthorised construction

1. The unauthorised construction (except for the cases stipulated by paragraph (2) of this article and Article 131 of this Code) shall entail the imposition of a fine:

- a) in a self-governing city – in the amount of GEL 6 000;
- b) in a town – in the amount of GEL 4 000;
- c) in an urban-type settlement or village – in the amount of GEL 1 000.

2. Unauthorised construction (except for the cases provided for by Article 131 of this Code) shall lead to the imposition of fines:

- a) for the construction of Class III or Class IV building or structure on an immovable property owned by the state or municipality and/or for the construction carried out on Class III or Class IV building or structure, which causes a change in the dimensions of the building or structure, in the amount of GEL 25 000;
- b) for the construction of Class III or Class IV building or structure on a privately-owned immovable property and/or for the construction carried out on Class III or Class IV building or structure, which causes a change in the dimensions of the building or structure, in the amount of GEL 20 000;

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 2484 of 22 December 2022 – website, 29.12.2022*

### Article 131 – Unauthorised construction in the areas defined by the Forest Code and Law of Georgia on Water, in the special regulation areas or zones, cultural heritage protection zones and/or within the administrative boundaries of Tbilisi Municipality

**[Article 131 – Unauthorised construction in the areas defined by the Forest Code and on Law of Georgia on the Management of Water Resources, in the special regulation areas or zones, cultural heritage protection zones and/or within the administrative boundaries of Tbilisi Municipality (shall become effective from 1 September 2026)]**

1. The unauthorised construction (except for the cases stipulated by paragraphs 2 and 3 of this article) in the areas defined by the Forest Code and on Law of Georgia on Water, in the special regulation areas or zones, cultural heritage protection zones and/or within the administrative boundaries of Tbilisi Municipality shall entail the imposition of a fine in the amount of:



- a) GEL 25 000 for the immovable property owned by the State or a municipality;
- b) GEL 8 000 for the privately-owned immovable property (except for the case provided for by sub-paragraph (c) of this paragraph);
- c) GEL 20 000 for the privately-owned immovable property, in the case of construction of buildings or structures of Classes III or IV, and/or in the case of carrying out construction on buildings or structures of Classes III or IV;

[1. The unauthorised construction (except for the cases stipulated by paragraphs 2 and 3 of this article) in the areas determined by the Forest Code and Law of Georgia on Management of Water Resources, in the special regulation areas or zones, cultural heritage protection zones and/or within the administrative boundaries of Tbilisi Municipality shall entail the imposition of a fine in the amount of:

- a) GEL 25 000 for the immovable property owned by the State or a municipality;
- b) GEL 8 000 for the privately-owned immovable property (except for the case provided for by sub-paragraph (c) of this paragraph);
- c) GEL 20 000 for the privately-owned immovable property, in the case of construction of buildings or structures of Classes III or IV, and/or in the case of carrying out construction on buildings or structures of Classes III or IV. *(Shall become effective from 1 September 2026)*

2. Unauthorised reconstruction in the area determined by paragraph (1) of this article that shall not result in altering the dimensions of a building or structure,

– shall entail the imposition of a fine in the amount of GEL 4,000.

3. An unauthorised new construction, reconstruction and/or demolition of a building or structure of Class I in the area determined by paragraph 1(a) of this article,

shall entail the imposition of a fine in the amount of GEL 8,000.

4. (Deleted – 20.12.2019, No 5693).

5. For the purposes of this article, the reconstruction without altering the dimensions of a building or structure shall be considered as the reconstruction which does not alter the parameters of the foundation, enclosure structure and the roof of a building or structure.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 5967 of 22 May 2020 – website, 28.5.2020*

*Law of Georgia No 964 of 2 November 2021 – website, 5.11.2021*

*Law of Georgia No 3436 of 30 June 2023 – website, 20.7.2023*

## **Article 132 – Violation of construction and/or permit terms**

1. The violation of the construction and/or permit terms determined by the construction documents and construction regulations:

a) in the areas determined by the Forest Code and Law of Georgia on Water, in the special regulation areas or zones, cultural heritage protection zones and/or within the administrative boundaries of Tbilisi Municipality shall entail the imposition of a fine in the amount of:



- a.a) GEL 2 000 for the construction of a building or structure of Class I;
- a.b) GEL 4 000 for the construction of a building or structure of Class II;
- a.c) GEL 10 000 for the construction of a building or structure of Class III;
- a.d) GEL 15 000 for the construction of a building or structure of Class IV;

[a) in the areas determined by the Forest Code and Law of Georgia on the Management of Water Resources, in the special regulation areas or zones, cultural heritage protection zones and/or within the administrative boundaries of Tbilisi Municipality shall entail the imposition of a fine in the amount of:

- a.a) GEL 2 000 for the construction of a building or structure of Class I;
- a.b) GEL 4 000 for the construction of a building or structure of Class II;
- a.c) GEL 10 000 for the construction of a building or structure of Class III;
- a.d) GEL 15 000 for the construction of a building or structure of Class IV.

***(Shall become effective from 1 September 2026)***

b) in a city, shall entail the imposition of a fine in the amount of:

- b.a) GEL 800 for the construction of a building or structure of Classes I or II;
- b.b) GEL 10 000 for the construction of a building or structure of Class III;
- b.c) GEL 15 000 for the construction of a building or structure of Class IV;

c) in an urban-type settlement or a village, shall entail the imposition of a fine in the amount of:

- c.a) GEL 200 for the construction of a building or structure of Classes I or II;
- c.b) GEL 10 000 for the construction of a building or structure of Classes III;
- c.c) GEL 15 000 for the construction of a building or structure of Class IV.

2. (Deleted – 20.12.2019, No 5693).

3. If an offender violating the permit terms during the construction (also reconstruction) of an individual residence house of Class II (except for immovable monuments of cultural heritage and commercial properties) makes appropriate changes to the project design documents before the initiation of the proceedings on the offence in the field of construction, he/she shall not bear the liability determined by paragraph (1) of this article.

4. In the case of violation of the permit terms during the construction (also reconstruction) of an individual residential house of Class II, an administrative body exercising public supervision over construction shall, before the initiation of administrative proceedings, determine a 45-day period for an offender to make appropriate changes to the project design documents or to eliminate the offence. Such period may be extended for not more than three months, if the offender files an application for making changes to the project design documents and the administrative body issuing a construction permit has not taken a decision.

4<sup>1</sup>. The construction carried out in violation of the building notice, which does not exceed the characteristics of Class I building or structure, which is confirmed by a person authorised to issue a construction permit in accordance with the rules and procedures established by the legislation of Georgia, shall not be considered a construction violation.



5. The fine determined by paragraph 1(b) and (c) of this article shall be applied in the case where a respective area is not simultaneously included in the area determined by paragraph 1(a) of this article.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 5967 of 22 May 2020 – website, 28.5.2020*

*Law of Georgia No 2484 of 22 December 2022 – website, 29.12.2022*

*Law of Georgia No 3436 of 30 June 2023 – website, 20.7.2023*

### **Article 132<sup>1</sup> – Failure to consider the special arrangement and architectural and planning elements for persons with disabilities as provided for by the appropriate technical regulations**

1. Failure to consider the special arrangement and architectural and planning elements (except for individual residential houses) for persons with disabilities as provided for by the appropriate technical regulations shall entail the imposition of a fine in the amount of:

a) in a self-governing city, resort area or tourist zone:

a.a) for Class I (public purpose) buildings or structures – in the amount of GEL 3 000;

a.b) for Class II buildings or structures – in the amount of GEL 5 000;

a.c) for Class III buildings or structures – in the amount of GEL 12 000;

a.d) for Class IV buildings or structures – in the amount of GEL 20 000;

b) in the municipality settlement – town:

b.a) for Class I (public purpose) buildings or structures – in the amount of GEL 1 000;

b.b) for Class II buildings or structures – in the amount of GEL 2 000;

b.c) for Class III buildings or structures – in the amount of GEL 5 000;

b.d) for Class IV buildings or structures – in the amount of GEL 10 000;

c) in the municipality settlement – borough or village:

c.a) for Class I (public purpose) buildings or structures – in the amount of GEL 200;

c.b) for Class II buildings or structures – in the amount of GEL 500;

c.c) for Class III buildings or structures – in the amount of GEL 1 000;

c.d) for Class IV buildings or structures – in the amount of GEL 3 000.

2. The body exercising public supervision over construction activities, together with the adoption of the resolution on the imposition of a fine for the violation of the construction rules as provided for by paragraph 1 of this article, shall warn a person committing an offence in writing on ensuring the compliance of the construction with space arrangement and architectural and planning elements for persons with disabilities and shall give at least 30 day-period to eliminate such violation.



3. Non-fulfilment of the requirement stipulated in paragraph 2 of this article will lead to a fine in the double amount of the fine specified in paragraph 1 of this article.

4. Provisions provided for by paragraphs 2 and 3 of this article shall be applied before ensuring the compliance of the construction with the space arrangement and architectural and planning elements for persons with disabilities.

*Law of Georgia No 5706 of 5 February 2020 – website, 10.2.2020*

### **Article 133 – (Deleted)**

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

### **Article 134 – Failure to place a notice board on the project site or the placement of incomplete information on the notice board**

1. Failure to place a notice board on the project site or the placement of incomplete information on the notice board shall entail the imposition of a fine:

a) in the areas determined by the Forest Code and the Law of Georgia on Water, in the special regulation areas or zones, cultural heritage protection zones and/or within the administrative boundaries of Tbilisi Municipality shall result in imposing a fine in the amount of GEL 2 000;

[a) in the areas determined by the Forest Code and the Law of Georgia on the Management of Water Resources, in the special regulation areas or zones, cultural heritage protection zones and/or within the administrative boundaries of Tbilisi Municipality shall result in imposing a fine in the amount of GEL 2 000; *(Shall become effective from 1 September 2026)*]

b) in a town – in the amount of GEL 400;

c) in an urban – type settlement or a village – in the amount of GEL 50.

2. (Deleted – 20.12.2019, No 5693).

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 5967 of 22 May 2020 – website, 28.5.2020*

*Law of Georgia No 3436 of 30 June 2023 – website, 20.7.2023*

### **Article 135 – Abandoning an object under construction by violating the rule of conservation**

1. The suspension of construction for longer than six months by violating the rule of conservation shall entail the imposition of a fine:

a) in the area defined by the Forest Code and the Law of Georgia on Water, in the special regulation areas or zones, cultural heritage protection zones and/or within the administrative boundaries of Tbilisi Municipality:

a.a) in the amount of GEL 5 000 during the construction of a building or structure of Classes I or II;

a.b) in the amount of GEL 20 000 during the construction of a building or structure of Classes III or IV;



[a] in the area defined by the Forest Code and the Law of Georgia on the Management of Water Resources, in the special regulation areas or zones, cultural heritage protection zones and/or within the administrative boundaries of Tbilisi Municipality:

a.a) in the amount of GEL 5 000 during the construction of a building or structure of Classes I or II;

a.b) in the amount of GEL 20 000 during the construction of a building or structure of Classes III or IV; ***(Shall become effective from 1 September 2026)***

b) in a town:

b.a) in the amount of GEL 1 000 during the construction of a building or structure of Classes I or II;

b.b) in the amount of GEL 2 000 during the construction of a building or structure of Classes III or IV;

c) in an urban-type settlement or a village:

c.a) in the amount of GEL 200 during the construction of a building or structure of Classes I or II;

c.b) in the amount of GEL 1 000 during the construction of a building or structure of Classes III or IV.

2. (Deleted – 20.12.2019, No 5693).

3. The fine determined by paragraph 1(b) and (c) of this article shall be applied in the case where a respective area is not simultaneously included in the area determined by paragraph 1(a) of this article.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 5967 of 22 May 2020 – website, 28.5.2020*

*Law of Georgia No 3436 of 30 June 2023 – website, 20.7.2023*

### **Article 136 – Failure to comply with the order on the suspension of construction issued by the body exercising public supervision over construction**

1. Failure to comply with the order on the suspension of construction issued by the body exercising public supervision over construction shall entail the imposition of a fine:

a) in the areas defined by the Forest Code and the Law of Georgia on Water, in the special regulation areas or zones, cultural heritage protection zones and/or within the administrative boundaries of Tbilisi Municipality – in the amount of GEL 50 000;

[a] in the areas defined by the Forest Code and the Law of Georgia on the Management of Water Resources, in the special regulation areas or zones, cultural heritage protection zones and/or within the administrative boundaries of Tbilisi Municipality – in the amount of GEL 50 000; ***(Shall become effective from 1 September 2026)***

b) in a town:

b.a) in the amount of GEL 5 000 during the construction of a building or structure of Classes I or II;

b.b) in the amount of GEL 25 000 during the construction of a building or structure of Classes III or IV;

c) in an urban-type settlement or a village:



c.a) in the amount of GEL 1 000 during the construction of a building or structure of Classes I or II;

c.b) in the amount of GEL 10 000 during the construction of a building or structure of Classes III or IV.

2. (Deleted – 20.12.2019, No 5693).

3. The fine determined by paragraph 1(b) and (c) of this article shall be applied in the case where a respective area is not simultaneously included in the area determined by sub-paragraph (a) of the same paragraph.

4. The body exercising public supervision shall inspect the relevant construction at least once a month after the adoption of the resolution on the suspension of construction, in order to control the implementation of the resolution, in accordance with the rules established by the Sakrebulo of the relevant municipality.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 5967 of 22 May 2020 – website, 28.5.2020*

*Law of Georgia No 2484 of 22 December 2022 – website, 29.12.2022*

*Law of Georgia No 3436 of 30 June 2023 – website, 20.7.2023*

### **Article 137 – Failure to carry out compulsory reconstruction or demolition of a damaged building or structure posing a threat**

1. If an owner of a damaged building or structure becomes aware that his/her property poses a threat to the life and/or health of third parties, the owner, within not later than 10 working days after being informed thereon, is obliged to notify a respective local authority thereof and take one of the following measures:

a) apply, within the period determined by a legal act of the Government of Georgia, to an administrative body issuing a construction permit for the issuance of a permit for the reconstruction or demolishing of the damaged building or structure, and in the case of obtaining such permit, accordingly, carry out reconstruction or demolishing activities;

b) follow the instructions of a respective body, also take safety measures within its capacity to prevent the threat.

2. Failure to take the action determined by paragraph (1)(a) or (b) of this article shall result in the imposition of a fine in the amount of GEL 5 000.

3. The matters provided for by this article shall be determined by an ordinance of the Government of Georgia on the Rules and Conditions for the Issuance of a Construction Permit, and for Commissioning of a Building or structure.

*Law of Georgia No 7011 of 15 July 2020 – website, 28.7.2020*

### **Article 137<sup>1</sup> – Failure to carry out repair, reconstruction, restoration and/or dismantling of the building or structure that distorts the appearance of the municipality**

Failure to carry out repair, reconstruction, restoration and/or dismantling of the building or structure that distorts the appearance of the municipality and is located in the area of visual perception from the public space:

a) in the area of the special regime zone of construction, where the special regime of construction is established, in the areas defined by the Forest Code and Law of Georgia on Water, cultural heritage protection zones, resort and recreation zones or the area of Tbilisi Municipality – shall lead to the imposition of a fine in the amount of GEL 5



000;

[a) in the area of the special regime zone of construction, where the special regime of construction is established, in the areas defined by the Forest Code and the Law of Georgia on Water, cultural heritage protection zones, resort and recreation zones or the area of Tbilisi Municipality – shall lead to the imposition of a fine in the amount of GEL 5 000; *(Shall become effective from 1 September 2026)*]

b) in a self-governing city, except for the territory mentioned in sub-paragraph a) of this article, shall result in a fine of GEL 1 000;

c) in the settlement of a municipality – a city, except for the territory mentioned in sub-paragraph (a) of this article, shall result in a fine in the amount of GEL 500;

d) in the settlement of a municipality – borough or village, except for the territory mentioned in sub-paragraph a) of this article, shall result in a fine in the amount of GEL 200.

**Note:**

1. For the purposes of this article, a building or structure is considered to distort the outward appearance of the municipality, if its external facing, roofing, glazing, fencing, external enclosing is damaged.

2. In the event of an offence provided for by this article, the body exercising public supervision over construction activities shall issue an instruction to the owner of the building or structure, by which, taking into account the condition of the building or structure, he/she will be given a reasonable time to eliminate the offence (equipping the building or structure with a protective grid will not be considered as elimination of the violation). After the expiry of the period determined by the instruction, the body exercising public supervision over the construction activities shall draw up an inspection act. If the violation is not eliminated within the specified period, the owner of the building or structure shall be charged with the fine provided for by this article in accordance with the procedure established by this Code.

3. If there is an offence provided for by this article, the body exercising public supervision over construction activities shall have the right to issue an instruction to the owner of the building or structure for demounting it only when this building or structure cannot be renovated (repaired), reconstructed or restored.

4. The effect of this article shall not apply to a residential house located on the homestead plot, cultural property and building or structure used for residential purpose.

*Law of Georgia No 5779 of 17 March 2020 – website, 23.3.2020*

*Law of Georgia No 3436 of 30 June 2023 – website, 20.7.2023*

**Article 138 – Violation of construction safety rules**

1. The violation of construction safety rules shall result in the imposition of a fine in the amount of GEL 30 000.

2. (Deleted – 20.12.2019, No 5693).

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

**Chapter XVI – Commissioning of a Building or structure**



## **Article 139 – Commissioning of a building or structure**

1. A building or structure of Class I shall not be subject to the recognition as suitable for commissioning.
2. The rules for commissioning of buildings of Classes II, III and IV shall be determined by a legal act of the Government of Georgia.

## **Article 139<sup>1</sup> – Operation of a building or structure without commissioning**

1. It shall not be allowed to operate a building or structure until the issuance of the relevant act on the commissioning of the building or structure in accordance with the procedure established by the legislation of Georgia.
2. It shall not be allowed to supply a building or structure with electricity and natural gas unless it has been commissioned.
3. The restriction provided for by paragraph 2 of this article shall not apply to the supply of electricity and natural gas to non-commissioned building or structure for construction activities, which shall not exceed the validity period of the relevant construction permit.
4. The issues related to the supply of electricity and natural gas for the construction activities of non-commissioned buildings or structures shall be regulated by the normative act of the Georgian National Energy and Water Supply Regulatory Commission.

*Law of Georgia No 722 of 12 July 2021 – website, 14.7.2021*

## **Chapter XVII – Mandatory Certification when Carrying out Architectural and Construction Activities**

### **Article 140 – Mandatory certification when carrying out architectural and construction activities**

1. The following shall be subject to mandatory certification: an architect entitled to endorse an architectural design, a civil engineer responsible for endorsing a structural design and for carrying out construction works; an expert of the architectural design and structural design.
2. The specialists examining the permit documentation at the administrative body issuing a construction permit shall be subject to mandatory certification.
3. The rules for certification of persons determined by paragraphs 1 and 2 of this article shall be determined in accordance with the legislation of Georgia.

## **Chapter XVIII – Transitional and Final Provisions**

### **Article 141 – Transitional Provisions**



1. Construction permits issued before 3 June 2019 shall retain legal force; in addition, with respect to the commissioning of buildings or structures constructed based on the above permit, the requirements and rules established by the legal acts applicable at the moment of issuing the permit shall apply.

2. Buildings or structures constructed and being constructed as of 3 June 2019 which were not subject to the obligation to obtain a construction permit or a building notice before 3 June 2019, shall not be required to obtain the said permit or a building notice after 3 June 2019.

3. Before 1 January 2025 the Agency shall, on the initiative of a municipality and under the instruction of the Government of Georgia, be entitled to work out a draft spatial planning plan and/or an urban development plan of a respective municipality. The said drafts shall be approved by an administrative and legal act of the Agency after which, the draft spatial planning plan and/or the urban development plan of the municipality shall be approved by the Sakrebulo of the respective municipality.

4. Before 1 January 2028 all municipalities shall ensure the drafting of a spatial planning plan of the respective municipality.

5. (Deleted – 20.12.2019, No 5693).

6. The decision on the increase of the maximum gross floor area ratio taken before 3 June 2019 based on which, an agreed design has not been adopted and/or for which a construction permit has not been issued before 1 January 2020, shall become void from 1 January 2020.

7. Paragraph 6 of this article shall not apply to the decision on the increase of the maximum gross floor area ratio established by the built-up area regulation plan.

8. The reconstruction of buildings or structures constructed before 3 June 2019 which, in their actual condition, are irrelevant due to exceeding the maximum gross floor area ratio of the development of a land parcel and/or land parcel development intensity, shall be allowed without the increase of the above irrelevance or on the condition of elimination or reduction of such irrelevance.

9. Before 1 March 2024, the expert examination and technical supervision of the permit documentation determined by this Code shall, together with the accredited inspection authorities and certified experts, also be performed by persons temporarily designated for the performance of the expert examination and technical supervision of the permit documentation.

10. The spatial organisation plans and/or their planning assignments approved before 3 June 2019 shall remain legally effective. Based on the planning assignments of such plans the drafting of an appropriate plan may be completed in accordance with legislation applicable at the moment of the approval of the said planning assignment.

11. The master plans for land use and built-up area regulation plans approved before 3 June 2019, which contain the matters regulated by the master plan for land use, shall remain in effect until a new plan is approved, but no later than 3 June 2029.

12. Based on the planning assignment of the master plans for land use approved before 3 June 2019, and the planning assignment of the built-up area regulation plans containing matters regulated by master plans for land use, the drafting of an appropriate plan may be completed in accordance with legislation applicable at the moment of the approval of the said planning assignment. A plan approved under this paragraph shall remain in effect until a new plan is approved, but no later than 3 June 2029.

13. In relation to the areas to which the master plans for land use approved in accordance with legislation effective before 3 June 2019 as provided for by paragraphs 11 and 12 of this article apply and those built-up area regulation plans, which contain matters regulated by the master plan of land use, the approval of hierarchically subordinate urban development documentation, also, the regulation of the use of settlement areas and the built-up areas, the making of amendments thereto shall be carried out in accordance with procedures determined by the relevant legal acts effective before 3 June 2019. The mentioned regulation shall not apply to matters related to the



implementation of urban planning measures. In this case, the requirements of this Code (except for Articles 61-63 of this Code) and relevant subordinate normative acts shall apply.

14. The built-up area regulation plans approved before 3 June 2019 based on the relevant legislation effective before 3 June 2029 shall comply with the detailed development plans provided for by this Code and shall remain legally effective. Where amendments need to be made in such plans, their compliance with the requirements of this Code and the relevant subordinate acts shall be ensured.

15. (Deleted – 20.12.2019, No 5693).

16. The planning assignments of the built-up area regulation plans approved before 3 June 2019 shall remain legally effective until 3 June 2021. Based on the planning assignments of such plans the drafting of a relevant plan may be completed in accordance with legislation effective at the moment of the approval of the said planning assignments. Where amendments need to be made in such plans, their compliance with the requirements of this Code and the relevant subordinate acts shall be ensured.

16<sup>1</sup>. The administrative proceedings related to making amendments to the urban development plan approved without a concept can be carried out until 3 June 2029 by reviewing and approving the draft amendments to be made to the said plan.

17. If the terms of the use of a land parcel for construction are issued before 3 June 2019, for the issuance of a construction permit within the validity of the said terms, the legislation effective at the moment of their approval and the urban development plans shall apply.

18. In the case of the conduct of the technical supervision over construction, the legislation effective at the moment of the conclusion of a contract shall apply.

19. (Deleted – 20.12.2019, No 5693).

20. The legal acts provided for by paragraph 13 of this article and the corresponding legal acts adopted on their basis shall remain in legal force. Amendments to the said legal acts may be made or they may be annulled/declared as null and void in the manner established for their adoption or annulment/declaration as null and void.

21. Municipalities approving plans under paragraph 11 of this article shall, by 31 December 2021, develop action plans to ensure the compliance with this Code of land use master plans and/or built-up regulation plans that include matters regulated by land use master plans.

22. Where necessary, the representative body of the municipality shall ensure, in accordance with Article 128 of this Code, the approval of the manner and conditions of notification of the decision made by the superior administrative body on the basis of consideration of the administrative complaint submitted against the person committing an offence in the field of construction.

23. Before the approval of the master plan for the development of the city of Batumi, but no later than 1 January 2027, in the case of a positive recommendation of the deliberative council, upon the submission of the Mayor of the City of Batumi on the basis of the decision of the Sakrebulo of the City of Batumi, and in the form of temporary supporting measure, it shall be possible to increase the maximum land-to-building ratio within the administrative boundaries of the City of Batumi without a detailed development plan. It shall be also allowed to approve urban planning documentation and construction documentation or make amendments thereto under conditions different from those stipulated by the requirements established by the legislation of Georgia (maximum height of a building or structure, functional zone (except for the maximum land-to-building ratio and the landscaping rate)). Making the decision provided for in this paragraph shall be permissible if it is compensated by an appropriate measure, at the same time, it does not conflict with the regulations determined by the legislation on the protection of cultural heritage, public interests, and does not lead to the deterioration of the sanitary-hygienic conditions of the living and working environment of people. In addition, the temporary supporting measures shall not conflict with the aesthetic parameters of urban planning and shall consider the conditions of effective maintenance/improvement of the existing engineering, transport and green infrastructure. The temporary supporting measures provided for in this paragraph can only be used:



- a) on a land parcel allocated/transferred for meeting the requirements of the victims of cooperative housing
- b) when implementing a project of special state and/or municipal importance, in the case of appropriate justification
- c) in order to replace a damaged building or structure (a multi-apartment residential building or a multi-apartment building with a residential function)
- d) in order to complete the project, which is considered to be an unfinished construction based on the rules established by the legislation of Georgia.

24. The Mayor of the Batumi Municipality shall apply to the Sakrebulo of the Batumi Municipality regarding the use of the temporary supportive measure provided for in paragraph 23 of this article only in the case of a positive recommendation of the deliberative council. The rules of activity of the deliberative council shall be approved by the Sakrebulo of Batumi municipality, and the composition of the deliberative council shall be determined by the Mayor of Batumi municipality.

25. In the event that the Sakrebulo of the Municipality of Batumi makes a decision on the use of a temporary supporting measure provided for in paragraph 23 of this article, as a result of the measure, at least 10% of the increased area of the building or structure shall be registered as a useful area in the property of the Municipality of Batumi and shall be used for a social purpose, including, for the replacement of damaged residential houses. The area shall be registered under the ownership of the Batumi Municipality without the consent of the owner and/or the owner of the construction permit.

*Law of Georgia N 4748 of 30 May 2019, website 30.5.2019*

*Law of Georgia No 4748 of 30 May 2019 – website, 30.5.2019*

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 1520 of 26 April 2022 – website, 6.5.2022*

*Law of Georgia No 1516 of 26 April 2022 – website, 13.5.2022*

*Law of Georgia No 1712 of 23 June 2022 – website, 5.7.2022*

*Law of Georgia No 1896 of 7 October 2022 – website, 10.10.2022*

*Law of Georgia No 2032 of 16 November 2022 – website, 25.11.2022*

### **Article 141<sup>1</sup> – Making a decision on the legalisation of the project or a part thereof built without a permit and/or in violation of the design documents**

1. An authority issuing a construction permit shall be authorised to legalise the project or a part thereof built without a permit and/or in violation of the design documents before 1 January 2007, as well as to determine the period for the completion of the unfinished project started before 1 January 2007, and to carry out further legalisation.

2. The Government of Georgia shall approve the terms and conditions of legalisation of the project or a part thereof built without a permit and/or in violation of the design documents, as well as the term of completion of the unfinished project started before 1 January 2007, and the terms and conditions of its legalisation.



**Article 141<sup>2</sup> – Exemption of a person committing an offence in the field of construction from the liability for placing a temporary building or structure, a booth in the public territory and/or its adjacent territory without a building notice or a construction permit**

1. If before 1 January 2021 a person committing an offence in the field of construction was held liable for the offense under Articles 130-132 of this Code and Articles 43 and 44 of the Product Safety and Free Movement Code, which was reflected in the placement of a temporary building or structure, a booth in the public territory and/or its adjacent territory without a building notice or a construction permit, but by 1 January 2021, the amount of the fine/penalty has not been paid or has been partially paid, he/she shall be released from the obligation to pay the amount of the fine/penalty and/or its unpaid part. And if a person committing an offence in the field of construction has committed an offense by 1 January 2021, although the proceedings against him/her have not been initiated or the proceedings have been initiated, but the resolution has not been issued, he/she shall be exempt from the obligation to pay the fine/penalty as provided for by Articles 130-132 of this Code and Articles 43 and 44 of the Product Safety and Free Movement Code.

2. A body exercising public supervision shall:

a) annul the resolution on the imposition of a fine on a person committing an offence in the field of construction and/or of a penalty with respect to the offender, who, until 1 January 2021, was liable for committing the offense in the field of construction as provided for in paragraph 1 of this article and who has not paid or partially paid the amount of penalty/fine by 1 January 2021;

b) in relation to a person committing an offence in the field of construction, who, by 1 January 2021 has committed the offense provided for in paragraph 1 of this article and against whom the proceedings have not been initiated, shall not initiate the appropriate proceedings, and if the proceedings have been started, but the resolution has not been issued, adopt the resolution on the termination of the proceedings.

*Law of Georgia No 81 of 5 January 2021 – website, 6.1.2021*

*Law of Georgia No 964 of 2 November 2021 – website, 5.11.2021*

**Article 141<sup>3</sup> – Temporary procedures for commissioning the construction carried out in violation of the permit conditions within the administrative boundaries of Tbilisi Municipality**

1. A body exercising public supervision shall be authorised to commission the completed building or structure within the administrative boundaries of Tbilisi Municipality, including the independently functioning project the construction of which has been completed (the project), on which a construction permit was issued and the construction of which was carried out in violation of the agreed architectural design (including by changing the built-up regulation plan parameters, in violation of functional zoning) or on an inappropriate land parcel. This paragraph shall also apply to the project for which the construction permit has not been issued, although its construction is carried out in the area of the approved built-up regulation plan/detailed development plan.

2. Commissioning shall apply to the project for which a construction permit has been issued within the administrative boundaries of Tbilisi Municipality and whose construction has been completed as of 18 August 2020, also, to the project for which the construction permit has not been issued, although it is located in the area of the approved built-up regulation plan/detailed development plan and its construction, as of 18 August 2020, has been completed.

3. For the purposes of this article, a project whose main structural system and exterior construction works, except for facing and improvement works, have been completed, shall be considered to be a completed project.



4. For commissioning the project, the interested person shall apply to the body exercising public supervision over construction within 2 years after the entry into force of this article.

5. The interested person shall submit an application to the body exercising public supervision over construction in order to commission the project. The application shall be accompanied by the following documentation:

a) a topographical plan showing the existing condition of the project

b) an extract from the public registry and a survey drawing of the corresponding land parcel, on which the project to be commissioned shall be shown

c) an architectural design of the project and a survey drawing reflecting the existing condition of the project

d) the photographs of the project

e) expert opinion confirming the stability and seismic resistance of the project supporting structures issued by an accredited inspection authority

f) where necessary – expert opinion on the project issued by an accredited inspection authority

g) in the case of violation of the internal planning of the project or the facing and improvement works – consent of the relevant persons

h) the mandatory number of parking lots provided for by the agreed architectural design (if such an obligation exists in the agreed architectural design), and in the absence of the mentioned design – in the absence of the number of parking lots stipulated by the legislation of Georgia for this project – the consent from relevant persons

i) protocols of testing technological devices (an elevator, escalator, etc.) installed in the building or structure.

6. For the purposes of paragraph 5(g) and (h) of this article, the need for the consent of relevant persons and the circle of these persons shall be determined by a body exercising public supervision over construction.

7. An interested person shall have the right to carry out the facing and improvement works provided for by paragraph (5)(g) of this article in agreement with the Tbilisi City Municipality, within 2 years after the entry into force of this article, which shall not require an additional construction permit. The works to be implemented under this paragraph shall comply with the principles of the agreed architectural design, and in the absence of a construction permit – with the principles of other agreed architectural designs in the area of the approved built-up regulation plan/detailed development plan (if any).

8. The principle of reasonable accommodation should be taken into account in the process of commissioning the project (except for individual residential houses), in order to ensure that persons with disability and other persons have equal rights and to ensure the elimination of discrimination.

9. After submitting the documentation specified in paragraph 5 of this article to a body exercising public supervision, it confirms the construction made in violation, taking into account the construction works. In accordance with the requirements of this article, he/she is obliged to make a decision on commissioning or refusing to commission the project. The body exercising public supervision over construction shall make a decision provided for in this paragraph within 6 months from the submission of the relevant application. In the case he/she does not make the appropriate decision, the period will extend to 6 months. Violation of the period set by a body exercising public supervision for making a decision shall be considered as a refusal to issue an administrative-legal act on commissioning the project, in accordance with Article 177(2) of the General Administrative Code of Georgia. Failure to make the said decision within the said period shall not limit the right of a person to submit an application repeatedly to a body exercising public supervision over construction for commissioning the project.

10. In accordance with this article, commissioning the project shall not mean:



a) the legality of works carried out in violation of the boundary zone;

b) the exemption from the payment of the amount established for the increase of the gross floor area ratio (K-2) for the land parcel.

11. Before commissioning the project, in order to ensure its safety or due to private and public interests, a body exercising public supervision over construction shall have the right to request the interested person to submit additional documentation or to fulfil the relevant conditions directly in connection with the commissioning of the project. Failure to submit the documentation required under this paragraph or failure to comply with the relevant conditions may serve as grounds for refusing to commission the project.

12. A person committing an offence in the field of construction who, prior to the entry into force of this article, was held responsible for committing the offense provided for by Articles 131 and 132 of this Code and Articles 44 and 45 of the Product Safety and Free Movement Code within the administrative boundaries of Tbilisi Municipality (except for the non-payment of the amount established for the increase of the gross floor area ratio (K-2) for the land parcel), and who has not paid or has partially paid the amount of the fine/penalty at the time of the entry into force of this article, shall be released from the obligation to pay the amount of the fine/penalty and/or its part unpaid, and the offender who, at the time of the entry into force of this article, has committed the offense provided for by Articles 131 and 132 of this Code and Articles 44 and 45 of the Product Safety and Free Movement Code within the administrative boundaries of the Tbilisi City Municipality (except for the non-payment of the amount established for the increase of the gross floor area ratio (K-2) for the land parcel) and in respect of whom the proceedings have not been initiated or have been initiated, but the resolution has not been issued, shall be exempted from the responsibility as provided for in Articles 131 and 132 of this Code and Articles 44 and 45 of the Product Safety and Free Movement Code.

13. An offender who, prior to the entry into force of this article, in accordance with Article 126(3) of this Code and Article 26(4) of the Product Safety and Free Movement Code, for committing an offense in the field of construction within the administrative boundaries of the Tbilisi City Municipality, was imposed a fine of three times the amount, and he/she has not paid or partially paid the amount, also, an offender, who was subject to the imposition of a fine of three times the amount determined by the mentioned articles and who has not been imposed the fine at the time of the entry into force of this article, shall be released from the obligation to pay the fine of three times the amount or its unpaid part.

14. A body exercising public supervision over construction shall:

a) with respect to an offender who, before the entry into force of this article, was held responsible for committing an offence in the field of construction within the administrative boundaries of Tbilisi City Municipality as provided for by paragraphs 12 and 13 of this article, and who has not paid the fine/penalty amount or has partially paid the amount at the time of the entry into force of this paragraph, declare the resolution on the imposition of a penalty on the offender and/or charging a fine to the offender as null and void;

b) with respect to an offender who, at the moment of the entry into force of this article, has committed an offence in the field of construction as provided for by paragraphs 12 and 13 of this article, and in respect of whom the relevant proceedings have not been initiated, not initiate the relevant proceedings, and if the proceedings have been initiated, but the resolution has not been issued, adopt a resolution on the termination of the initiated proceedings.

15. Paragraphs 12-14 of this article shall apply only to a person who, in violation of the law, carried out construction activities on the project site, which will be commissioned in accordance with this article.

16. This article shall not apply to:

a) Class V buildings or structures

b) the immovable property determined by the Law of Georgia on Cultural Heritage;



c) the entity whose activity, in accordance with the Environmental Assessment Code, is subject to environmental impact assessment;

d) the entity that carries out the activities provided for by the ordinance of the Government of Georgia on Approval of Technical Regulations on Environmental Protection.

17. For the purposes of this article, the interested person can be the original owner/client, as well as any other interested person whose legal interest is proven both individually and in the form of joint/shared right/interest.

*Law of Georgia No 722 of 12 July 2021 – website, 14.7.2021*

**Article 141<sup>4</sup> – Exemption from liability for non-submission of a milestone report according to the determined procedure during the construction of an individual residential house**

1. A person committing an offence in the field of construction who, prior to the entry into force of this article, was held responsible for the failure to submit a milestone report to the appropriate body exercising public supervision over construction during the construction of an individual residential house, and has not paid or partially paid the amount of the fine/penalty at the time of the entry into force of this article, shall be released from the obligation to pay the amount of the fine/penalty and/or its unpaid part. Also exempted from responsibility shall be an offender who, during the construction of an individual residential house, has not submitted a milestone report to the relevant body exercising public supervision, and against whom the proceedings have not been initiated or the proceedings have been initiated, but the resolution has not been issued.

2. A body exercising public supervision over construction shall:

a) with respect to an offender who, before the entry into force of this article, was held responsible for committing an offence in the field of construction as provided for by paragraph 1 of this article, and who has not paid the fine/penalty amount or has partially paid the amount at the time of the entry into force of the said paragraph, declare the resolution on the imposition of a penalty on the offender and/or charging a fine to the offender as null and void;

b) with respect to an offender who, at the moment of the entry into force of this article, has committed an offence in the field of construction as provided for by paragraph 1 of this article, and in respect of whom the relevant proceedings have not been initiated, not initiate the relevant proceedings, and if the proceedings have been initiated, but the resolution has not been issued, adopt a resolution on the termination of the initiated proceedings.

*Law of Georgia No 964 of 2 November 2021 – website, 5.11.2021*

**Article 141<sup>5</sup> – Temporary rules for exemption from liability for non-submission of a milestone report according to the determined procedure during the construction of a building or structure**

1. During the construction of a building or structure, a person committing an offence in the field of construction shall not be held liable under Article 132 of this Code for failure to submit the milestone report to the relevant body exercising public supervision over construction until 1 January 2023.

2. An offender, who was held liable for the failure to submit the milestone report to the relevant body exercising public supervision over construction before 1 May 2022, and has not paid or partially paid the fine/penalty by 1 May 2022, shall be exempt from the payment of a fine/penalty and/or of the unpaid amount. In addition, exempt from liability shall be the offender who, during the construction of the building or structure, did not submit a milestone report to the appropriate body exercising public supervision over construction, and against whom the proceedings have not been initiated or the proceedings have been initiated, but the resolution has not been issued.



3. A body exercising public supervision over construction shall:

a) with respect to an offender who, before 1 May 2022, was held responsible for committing an offence in the field of construction as provided for by paragraph 1 of this article, and who has not paid the fine/penalty amount or has partially paid the amount before 1 May 2022, declare the resolution on the imposition of a penalty on the offender and/or charging a fine to the offender as null and void;

b) with respect to an offender who, before 1 May 2022, has committed an offence in the field of construction as provided for by paragraph 1 of this article, and in respect of whom the relevant proceedings have not been initiated, not initiate the relevant proceedings, and if the proceedings have been initiated, but the resolution has not been issued, adopt a resolution on the termination of the initiated proceedings.

*Law of Georgia No 964 of 2 November 2021 – website, 5.11.2021*

*Law of Georgia No 1486 of 12 April 2022 – website, 19.4.2022*

**[Article 141<sup>5</sup> – Temporary rules for exemption from liability for non-submission of a milestone report according to the determined procedure during the construction of a building or structure**

1. During the construction of a building or structure, a person committing an offence in the field of construction shall not be held liable under Article 132 of this Code for failure to submit the milestone report to the relevant body exercising public supervision over construction until 31 December 2025.

2. An offender, who was held liable for the failure to submit the milestone report to the relevant body exercising public supervision over construction before 1 January 2024, and has not paid or partially paid the fine/penalty by 1 January 2024, shall be exempt from the payment of a fine/penalty and/or of the unpaid amount. In addition, exempt from liability shall be the offender who, during the construction of the building or structure, did not submit a milestone report to the appropriate body exercising public supervision over construction, and against whom the proceedings have not been initiated or the proceedings have been initiated, but the resolution has not been issued.

3. A body exercising public supervision over construction shall:

a) with respect to an offender who, before 1 January 2024, was held responsible for committing an offence in the field of construction as provided for by paragraph 1 of this article, and who has not paid the fine/penalty amount or has partially paid the amount before 1 January 2024, declare the resolution on the imposition of a penalty on the offender and/or charging a fine to the offender as null and void;

b) with respect to an offender who, before 1 January 2024, has committed an offence in the field of construction as provided for by paragraph 1 of this article, and in respect of whom the relevant proceedings have not been initiated, not initiate the relevant proceedings, and if the proceedings have been initiated, but the resolution has not been issued, adopt a resolution on the termination of the initiated proceedings. *(Shall become effective from 1 January 2024)*

*Law of Georgia No 3899 of 13 December 2023 – website, 25.12.2023*

**Article 141<sup>6</sup> – temporary measures promoting the dismantling of damaged apartment buildings and/or multi-functional residential houses and the construction of new apartment buildings and/or multi-functional residential houses in the administrative boundaries of Batumi Municipality within the framework of the state/municipal target programme until 1 January 2027**

1. If apartment buildings and/or multi-functional residential houses located within the administrative boundaries



of Batumi municipality are damaged and not subject to reinforcement, which is confirmed by the relevant expert report, according to which the existence of these houses poses a threat to human health and/or life, such houses shall be subject to dismantling, and within the framework of the state/municipal target programme, in the case of a positive recommendation of the deliberative council, by the decision of the Mayor of Batumi Municipality, in the form of temporary measures promoting the construction of new apartment buildings and/or multi-functional residential houses, it is possible to exceed the maximum land-to-building ratio and/or maximum gross floor area ratio without a detailed development plan, also, the construction documentation should be approved under conditions different from the requirements (maximum height of a building, functional zone and its regulations, requirements stipulated by the planning assignment of the approved built-up regulation plan/development regulation plan, requirements stipulated by the conditions of land use for construction, requirements stipulated by the architectural-construction design, transportation and landscaping regulations, boundary zone and the manner of placing a building or structure, the number of parking spaces and other requirements, except for the regulations determined by the legislation on the protection of cultural heritage) established by the legislation of Georgia or changes should be made thereto. In addition, other measures can be used to compensate for temporary supporting measures.

2. The temporary supporting measures provided for in paragraph 1 of this article may be applied unless they conflict with public interests and lead to the deterioration of the sanitary-hygienic condition of the living and working environment. In addition, the aesthetic parameters of the urban planning and conditions for effective maintenance/improvement of existing engineering, transport and landscaping infrastructure should be taken into account.

3. The Mayor of Batumi municipality shall make a decision on the use of the temporary supporting measures provided for by paragraph 1 of this article only in the case of a positive recommendation of the deliberative council. The rules of activity of the deliberative council shall be approved by the Sakrebulo of Batumi municipality, and the composition of the deliberative council shall be determined by the Mayor of Batumi municipality.

*Law of Georgia No 1712 of 23 June 2022 – website, 5.7.2022*

#### **Article 141<sup>7</sup> – Temporary rule for commissioning the construction made in violation of permit conditions within the administrative boundaries of Batumi Municipality**

1. The body exercising public supervision over construction shall be authorised to commission the completed building or structure within the administrative boundaries of Batumi Municipality, including the independently functioning project the construction of which has been completed (the project), on which a construction permit was issued and the construction of which was carried out in violation of the agreed architectural design (including by changing the built-up regulation plan parameters, in violation of functional zoning) or on an inappropriate land parcel. This paragraph shall also apply to the projects for which the construction permit has not been issued, although their construction is carried out in the area of the approved built-up regulation plan/detailed development plan, also on an individual residential house located on a land parcel in private ownership (except for a commercial facility and a facility built in the area determined by the Sakrebulo of the Municipality of Batumi after the entry into force of this article), the characteristics of which do not exceed the characteristics of Class II building or structure, and the construction of which is carried out without a construction permit or a building notice.

2. Commissioning shall apply to the project for which a construction permit has been issued within the administrative boundaries of Batumi Municipality and whose construction has been completed as of 26 September 2022, also, to the project for which the construction permit has not been issued, although it is located in the area of the approved built-up regulation plan/detailed development plan and its construction, as of 26 September 2022, has been completed. Commissioning also applies to an individual residential house located on a privately owned land parcel (except for a commercial facility and a facility built in the area determined by the Sakrebulo of Batumi Municipality after the entry into force of this article), the characteristics of which do not exceed the characteristics of Class II building or structure for which a construction permit has not been issued and the construction of which, as of 26 September 2022, has been completed.



3. For the purposes of this article, a project whose main structural system and exterior construction works, except for facing and improvement works, have been completed, shall be considered to be a completed project.

4. For commissioning the project, the interested person shall apply to the body exercising public supervision over construction within 2 years after the entry into force of this article.

5. The interested person shall submit an application to the body exercising public supervision over construction in order to commission the project. The application shall be accompanied by the following documentation:

a) a topographical plan showing the existing condition of the project

b) an extract from the public registry and a survey drawing of the corresponding land parcel, on which the project to be commissioned shall be shown

c) an architectural design of the project and a survey drawing reflecting the existing condition of the project

d) the photographs of the project

e) expert opinion confirming the stability and seismic resistance of the project supporting structures issued by an accredited inspection authority

f) where necessary – expert opinion on the project issued by an accredited inspection authority

g) in the case of violation of the internal planning of the project or the facing and improvement works – consent of the relevant persons

h) the mandatory number of parking lots provided for by the agreed architectural design (if such an obligation exists in the agreed architectural design), and in the absence of the mentioned design – in the absence of the number of parking lots stipulated by the legislation of Georgia for this project – the consent from relevant persons

i) protocols of testing technological devices (an elevator, escalator, etc.) installed in the building or structure.

j) in the case of a commercial facility whose characteristics exceed the characteristics of Class II building or structure – an opinion on the compliance with the fire safety requirements applicable at the time of issuing the relevant construction permit.

6. For the purposes of paragraph (5)(g) and (h) of this article, the need for the consent of relevant persons and the circle of these persons shall be determined by a body exercising public supervision over construction.

7. An interested person shall have the right to carry out the facing and improvement works provided for by paragraph (5)(g) of this article in agreement with Batumi Municipality, within 2 years after the entry into force of this article, which shall not require an additional construction permit. The works to be implemented under this paragraph shall comply with the principles of the agreed architectural design, and in the absence of a construction permit – with the principles of other agreed architectural designs in the area of the approved built-up regulation plan/detailed development plan (if any).

8. The principle of reasonable accommodation should be taken into account in the process of commissioning the project (except for individual residential houses), in order to ensure that persons with disability and other persons have equal rights and to ensure the elimination of discrimination.

9. After submitting the documentation specified in paragraph 5 of this article to a body exercising public supervision, it shall confirm the construction made in violation, taking into account the construction works. In accordance with the requirements of this article, he/she is obliged to make a decision on commissioning or refusing to commission the project. The body exercising public supervision over construction shall make a decision provided for in this paragraph within 6 months from the submission of the relevant application. In the case he/she does not make the appropriate decision, the period shall be extended to 6 months. Violation of the



period set by a body exercising public supervision for making a decision shall be considered as a refusal to issue an administrative-legal act on commissioning the project, in accordance with Article 177(2) of the General Administrative Code of Georgia. Failure to make the said decision within the said period shall not limit the right of a person to submit repeatedly an application to a body exercising public supervision over construction for commissioning the project.

10. In accordance with this article, commissioning the project shall not mean:

- a) the legality of works carried out in violation of the boundary zone;
- b) the exemption from the payment of the amount established for the increase of the gross floor area ratio (K-2) for the land parcel.

11. Before commissioning the project, in order to ensure its safety or due to private and public interests, a body exercising public supervision over construction shall have the right to request the interested person to submit additional documentation or to fulfil the relevant conditions directly in connection with the commissioning of the project. Failure to submit the documentation required under this paragraph or failure to comply with the relevant conditions may serve as grounds for refusing to commission the project.

12. A person committing an offence in the field of construction who, prior to the entry into force of this article, was held responsible for committing the offense provided for by Articles 130-132 of this Code and Articles 43-45 of the Product Safety and Free Movement Code within the administrative boundaries of Tbilisi Municipality (except for the non-payment of the amount established for the increase of the gross floor area ratio (K-2) for the land parcel), and who has not paid or has partially paid the amount of the fine/penalty at the time of the entry into force of this article, shall be released from the obligation to pay the amount of the fine/penalty and/or its part unpaid, and the offender who, at the time of the entry into force of this article, has committed the offense provided for by Articles 130-132 of this Code and Articles 43-45 of the Product Safety and Free Movement Code within the administrative boundaries of the Tbilisi City Municipality (except for the non-payment of the amount established for the increase of the gross floor area ratio (K-2) for the land parcel) and in respect of whom the proceedings have not been initiated or have been initiated, but the resolution has not been issued, shall be exempted from the responsibility as provided for in Articles 130-132 of this Code and Articles 43-45 of the Product Safety and Free Movement Code.

13. An offender who, prior to the entry into force of this article, in accordance with Article 126(3) of this Code and Article 26(4) of the Product Safety and Free Movement Code, for committing an offense in the field of construction within the administrative boundaries of the Tbilisi City Municipality, was imposed a fine of three times the amount, and he/she has not paid or partially paid the amount, also, an offender, who was subject to the imposition of a fine of three times the amount determined by the mentioned articles and who has not been imposed the fine at the time of the entry into force of this article, shall be released from the obligation to pay the fine of three times the amount or its unpaid part.

14. A body exercising public supervision over construction shall:

- a) with respect to an offender who, before the entry into force of this article, was held responsible for committing an offence in the field of construction within the administrative boundaries of Batumi Municipality as provided for by paragraphs 12 and 13 of this article, and who has not paid the fine/penalty amount or has partially paid the amount at the time of the entry into force of this paragraph, declare the resolution on the imposition of a penalty on the offender and/or charging a fine to the offender as null and void;
- b) with respect to an offender who, at the moment of the entry into force of this article, has committed an offence in the field of construction as provided for by paragraphs 12 and 13 of this article, and in respect of whom the relevant proceedings have not been initiated, not initiate the relevant proceedings, and if the proceedings have been initiated, but the resolution has not been issued, adopt a resolution on the termination of the initiated proceedings.

15. Paragraphs 12-14 of this article shall apply only to a person who, in violation of the law, carried out construction activities on the project site, which will be commissioned in accordance with this article.



16. This article shall not apply to:

- a) Class V buildings or structures;
- b) the immovable property determined by the Law of Georgia On Cultural Heritage;
- c) the entity whose activity, in accordance with the Environmental Assessment Code, is subject to environmental impact assessment;
- d) the entity that carries out the activities provided for by the ordinance of the Government of Georgia on Approval of Technical Regulations on Environmental Protection.

17. For the purposes of this article, the interested person can be the original owner/client, as well as any other interested person whose legal interest is proven both individually and in the form of joint/shared right/interest.

*Law of Georgia No 2990 of 31 May 2023 – website, 16.6.2023*

#### **Article 142 – Subordinate normative acts to adopt**

1. With respect to the entry into force of this Code, the Government of Georgia shall adopt the following ordinances on:

- a) the Rule of Drafting Spatial Planning and Urban Development Plans;
- b) the Main Provisions for Regulation of the Use and Development of Territories;
- c) the Rule and Conditions for the Issuance of a Construction Permit and Commissioning of Buildings or Structures;
- d) the Information System of Spatial Planning;
- e) the Organisation and Security of Construction;
- f) the Determination of the Rule and Conditions for the Establishment of Conceptual Compliance of Infrastructural and/or Other Similar Construction Designs Affecting Spatial Planning of Georgia;
- g) the Approval of Technical Regulations on Construction Products;
- h) (deleted – 20.12.2019, No 5693);
- i) the Procedure of Maintaining the Documentation Reflecting the Process of Construction by a Person Carrying Out Construction;
- j) the Minimum Requirements to Insulation of Buildings;
- k) the Rule of Certification of Architects, Civil Engineers and Experts Carrying Out Technical Supervision of Construction;
- l) the Rule of Inspection of a Construction Object by an Accredited Inspection Authority and a Certified Expert and on the Insurance of their Liability;
- m) (deleted – 20.12.2019, No 5693);



- n) Temporary Rule of Expert Examination of Permit Documentation and on Carrying out Technical Supervision.
2. The subordinate normative acts determined by paragraph 1(a-c), (g), and (n) of this article shall be adopted before 3 June 2019.
  3. A subordinate normative act determined by paragraph 1(j) of this article shall be adopted before 30 December 2021.
  4. The subordinate normative acts determined by paragraph 1(k) of this article shall be adopted before 1 March 2022.
  5. A subordinate normative act determined by paragraph 1(i) of this article shall be adopted before 1 April 2020.
  6. The subordinate normative acts determined by paragraph 1(e) and (f) of this article shall be adopted before 1 May 2020.
  7. A subordinate normative act determined by paragraph 1(l) of this article shall be adopted before 1 March 2022.
  8. A subordinate normative act determined by paragraph 1(d) of this article shall be adopted before 1 January 2022.
  9. When drafting a subordinate normative act determined by paragraph 1(e) of this article, the requirements of the EU Directive 92/57/EEC shall be taken into account.
  10. When drafting a subordinate normative act determined by paragraph 1(g) of this article, the requirements of the EU Regulation 305/2011 shall be taken into account.
  11. Before 3 June 2019 the Government of Georgia shall ensure the compliance of relevant subordinate normative acts with this Code.
  12. Before 1 June 2019 the Government of Georgia shall ensure the submittal of the draft Law of Georgia on Energy Efficiency of Buildings to the Parliament of Georgia.

*Law of Georgia No 4748 of 30 May 2019 – website, 30.5.2019*

#### **Article 143 – Invalid normative act**

From 3 June 2019, the Law of Georgia of 2 June 2005 on the Principles of Spatial Organisation and Urban Development (Legislative Herald of Georgia, No 30, 24.6.2005, Article 186) shall be declared invalid.

#### **Article 144 – Entry into force of this Code**

1. This Code, except for Articles 1-141 of this Code, shall become effective upon its promulgation.
2. Articles 1-13, Articles 15-21, Articles 23-139 and Article 141 of this Code shall become effective from 3 June 2019.
3. Article 22 of this Code shall become effective from 1 May 2020.
4. Article 140 of this Code shall become effective from 1 October 2022.
5. Article 14 of this Code shall become effective from 1 January 2022.



6. The validity of Article 88(1) of this Code shall be suspended until 31 December 2024.

7. The validity of Article 140 of this Code shall be suspended until 1 March 2024.

*Law of Georgia No 5693 of 20 December 2019 – website, 26.12.2019*

*Law of Georgia No 1896 of 7 October 2022 – website, 10.10.2022*

**President of Georgia**

**Giorgi Margvelashvili**

**Kutaisi,**

**20 July 2018**

**No3213-რს**

