Archis Interventions

Archis Interventions in Prishtina

Workshop March 13-15, 2009

MANUAL on the legalization of structures built without construction permit
Qualification of Urban Development in Prishtina, Kosovo

In cooperation with the Municipality of Prishtina

with the support of the Association of Kosovo Municipalities and Co-PLAN Tirana
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Preface

Archis Interventions in Prishtina

MANUAL on the legalization of structures built without a construction permit
Qualification of the urban development in Prishtina, Kosova
Workshop March 13-15th, 2009

Under the aegis of the Archis Foundation in Amsterdam, ‘Archis Interventions Prishtina’ (a member of the Archis Network) and AI/Berlin organized a workshop in Prishtina on the legalization of structures built without a construction permit. The aim was to bring together professional expertise from Berlin, Tiranë and Prishtina and thereby develop a strategic concept in the form of a manual, which would enable institutions to take steps towards legalizing buildings for which a construction permit (planning permission) had never before been obtained.

A further goal of the workshop was to consider how strategic concepts may be more universally applied to provide aid in different circumstances, in line with international urban discourse as represented by the Archis Network.

Problem identification

Since 1999, unauthorized construction (erecting or extending structures without first obtaining a construction permit) has seriously affected the urban structure of Prishtina and given rise to social, infrastructural, and safety problems. More than 70% of the urban fabric has been transformed due to the lack of law enforcement, and the absence of mandatory planning and building standards. Public awareness of the fundamental problems caused by illegal construction is still rather limited.

Short description of the project – Main activities 2006-2008

During two workshops (2006/2007) held in Prishtina, Archis Interventions (a group of local and international experts) developed strategies that combine various approaches in order to raise public awareness of and sensitivity to environmental qualities and architectural values.

The strategies address different stakeholders and attempt to bridge the gap between them. They are designed as a mediation tool, to be used both by the responsible municipal department and by private builders in the process of legalizing structures built without a construction permit, or of improving existing structures in line with current building regulations. The strategies also foresee advice and planning support for building projects already underway. A media campaign put these activities in the public eye, which intensified public discussion of the problems associated with illegal construction. The strategic solutions offered are designed also to improve communication between the local administration, investors and property owners.
Preface

Archis Interventions in Prishtina

An analysis of the problem in Prishtina – which took account of social and safety aspects, and its impact on the future of the city – was published and presented locally and internationally in combination with a strategic development concept for the regulation and improvement of construction. This raised awareness among the citizens of Prishtina and the policymakers responsible for these issues, as did various public presentations in Prishtina in 2007, including the students’ “Workshop and Exhibition of the Prototypes Studied”, and articles in the local press about the Archis Interventions project. Moreover, qualification of illegal buildings became part of the program of Prof. Dr. Isa Mustafa, the Mayor of Prishtina, and consequently, in 2008, the project for the legalization of buildings constructed without a construction permit was incorporated in the “Mid-term Development Strategy of Prishtina 2008-2011”. How to deal with illegal buildings is a major issue throughout Kosovan municipalities, not least due to their social, political and cultural impact on the cities' development. The Association of Kosovo Municipalities therefore also supports the project.

Results of the workshop – Concept for a »Manual« and recommendations on the legalization process

The first step in developing an implementation strategy was the workshop, where experts were brought together to develop a »Manual« that would explain how major issues (such as security, infrastructure, social aspects) might be addressed and current conditions improved. The »Manual« was conceived in cooperation with international and local experts, including representatives of the Municipality, the Kosovo Institute for Spatial Planning, and other official organizations.

The workshop developed strategies and joint recommendations on how to act in the near future and also jointly formulated provisions for the “Manual”, which is seen as a major step towards resolution of the legalization issue.
I. Section A

Concept of the »Manual«
Minimum standards for legalization

Pristina at present
I. Section A

Concept of the »Manual«

Minimum standards for legalization

The »Manual« outlines basic guidelines on improving the current status of unauthorized buildings. It illustrates the most important guidelines with regard to security standards, social aspects and infrastructural needs. These three issues were considered for three different prototypes, in the form of minimum standards for legalization.

Definition of Prototypes

Prototype 1:
buildings with max 450 m² *

Prototype 2
buildings exceeding 450 m²

Prototype 3
annexes to legal buildings

Issues

Security Aspect
Security is a vital part of the legalization process. Illegal buildings must comply with the minimum of security regulations, or they will not be eligible for legal status. Secure buildings that can withstand disasters such as an earthquake are absolutely necessary for the health and safety of individual citizens and of the whole local community.

Social Aspect
With regard to social aspects, the manual illustrates the most obvious conflicts and problems between neighbors, and those between property owners and the local community. The manual suggests how to solve problems by changing or negotiating a situation.

Social and Technical Infrastructure
Part of the legalization process is the improvement of existing or the installation of new social and technical infrastructure, which is the responsibility of the Municipality. Legalization will provide a basis for the general improvement and maintenance of urban infrastructures.

* Law on Construction of Kosovo, article 2 defines a house: a building which is exclusively designed for residential purposes in a special building plot and covers an overall area of 450 m², consisting of basement and three stores, including the area of the support buildings (garage, stove, storage etc.) if they are built on the same plot.
1. Prototype 01

PROTOTYPE 1
buildings with max 450 m²
1.1. Security Aspect

A / Escape routes
B / Minimum distance - Fire protection
C / Structure (building’s static)
D / Earthquake (building’s dynamic)
1.1. Security Aspect

A / Escape routes

Escape routes are absolutely necessary for the rescue of residents in the case of fire or other disasters. Escape routes must exist and be clearly marked and accessible at all times (i.e. not blocked). In the case of buildings with no direct access to the street, an escape route through the neighbor’s lot must be accessible, also for the purpose of intervention by the fire brigade.
1.1. Security Aspect

A / Escape routes

Minimum Standard:

a) Each building should have direct access to a public road.

b) In the case of a building not having direct access to a public road, agreement on the right to passage via an adjoining plot should be reached with the neighbor or plot owner.

c) If agreement is reached, passage for pedestrian should be minimum 1.0 meter wide and the length of the passage from the building to the main street should be approximately 100 meters.

d) In order that the passage has the character of a secondary street, it should be minimum 3.0 m wide for a one-way street, or minimum 5.5 m for a two-way street.
1.1. Security Aspect

B / Minimum distance - Fire protection

Maintaining a minimum distance between buildings can prevent the spread of fire and thus increase safety (i.e. fire that breaks out in one building may be prevented from spreading quickly to the neighboring building).

Minimum Standard:

a) if a building is on the plot line:
   - windows, doors, balconies or other openings in the border wall are not permitted;
   - the roof is not permitted to extend over the wall the roof should contain an attic.

b) if the building is up to 1.0 meter distant from the neighboring building:
   - windows and balconies are not permitted;
   - the roof is not permitted to extend over the plot line;
   - a fence or any other structure that blocks passage between the two neighboring buildings is not permitted.
1.1. Security Aspect

B / Minimum distance - Fire protection

**Minimum Standard:**

C) if the building is between 1.0 - 3.0 meters from the plot line:
- windows are permitted only in bathrooms and stairwells;
- other windows may be permitted only if the neighbor confirms in writing that, in the case of fire, he/she and the resident party are jointly liable for any damage caused to their own buildings or to other neighboring structures.

D) if the building is more 3.0 meters from the plot line, planning regulations apply.
1.1. Security Aspect

C / Structure (a building’s static)

Each building should be structurally safe, in terms of its static calculation. A certified structural engineer must check the structure of the building, verify its current status, and conclude whether its static complies with the applicable norms and standards.

Minimum Standard:

For every building, the following should be issued:

a) verification of the structural safety of the building by a certified structural engineer. Method of verification shall be proposed by the engineer and adopted by the municipal body for legalization;

b) technical documentation of the existing building (as laid down in the Law on Construction), prepared by a certified architectural firm. If findings regarding the stability of the building suggest interventions in its structure, the technical documentation should include proposals for structural additions or other interventions, and the overall static calculation. Structural additions to or other proposed interventions in the structure proposed by the structural engineer must be approved by the municipal body for legalization and be installed or completed before a legalization permit can be issued;

c) a declaration by the owner that he/she bears complete and sole liability for the structural safety of the building.

D / Earthquake (building’s dynamic)

Each building should be structurally safe in terms of its dynamic calculation. A certified structural engineer must check the structure of the building (also in terms of its earthquake resistance), verify its current status, and conclude whether its dynamic complies with the applicable norms and standards.

Minimum Standard:

For every building, the following should be issued:

a) verification of the building's structural safety with regard to earthquakes, for the given seismic zone;

b) a dynamic analysis of the building (combination earthquake-wind, in accordance with the applicable norms) as part of the technical documentation, which is to be prepared by a certified structural engineer.
1.2. Social Aspect

A / Relations between neighbors
A1 / Interference (e.g. blocking of views or light)
A2 / Occupation of a neighbor's plot

B / Relations between individuals and the neighborhood
B1 / Occupation of public space
1.2. Social Aspect

A / Relations between neighbors

Conflicts between neighbors mostly result from (alleged) interference such as blocking a view or light, building too closely to the neighbor’s building, or occupying the neighbor’s plot. Negotiation or agreement between neighbors in the case of such problems may also provide a basis for the legalization of a building.

A1 / Interference (e.g. blocking of views or light)

Minimum Standard:

a) A building should not block the neighboring buildings’ primary view. A neighbor whose primary view is blocked has the right to challenge the offending applicant’s request for legalization.

b) The primary view is considered as blocked when:
   - a building with max. 450 m² (for which legalization has been requested) lies less than 3.0 meters distant from the plot line of a neighbor whose building also has a max. 450 m²;
   - a building with max 450 m² (for which legalization has been requested) lies less than 5.5 meters distant from the border wall of a neighboring building with more than 450 m², when the border wall contains openings other than the windows of bathrooms and stairwells;

c) In the case of blocking, a building can be legalized if the neighbor whose front facade is blocked gives his/her consent;

d) If no agreement can be reached, the building causing blocking must be cut back to create the due distance.
1.2. Social Aspect

A / Relations between neighbors

A2 / Occupation of a neighbor’s plot

**Minimum Standard:**

a) a building must be on its own plot;

b) if a building extends onto its neighbor’s plot, the land thus occupied is subject to formal agreement between the neighbors. A building can be legalized only if the neighbor whose plot is occupied gives his/her consent;

c) if no agreement can be reached, the occupied land is subject to legal procedures.
1.2. Social Aspect

B / Relations between individuals and the neighborhood

B1 / Occupation of public space
The occupation of public space (sidewalks, green spaces, open spaces reserved for recreation or other purposes and accessible to the whole neighborhood and/or whole community) raises big problems for the whole city. Such occupation is unacceptable and buildings must be demolished, if they are built in special reserved zones such as:
- protected (landmarked) areas,
- historic center,
- natural environments (such as a biosphere, or also a public park or gardens)
- areas, subject to the implementation of urban planning, especially a neighborhood's primary streets.

In all other cases, the Municipality may decide which form of legalization applies.

Minimum Standard:

a) a building must be on its own plot;

b) if a building occupies public land, it (or that part of it built on public land) is to be demolished;

c) for any building that occupies public space outside of areas of special interest, the Municipality may decide that a specific form of legalization can be negotiated (e.g. legalization for a limited period of time and a certain fee, or redevelopment in accordance with planning provisions).
1.3. Infrastructure

A / Technical Infrastructure
B / Social Infrastructure
1.3. Infrastructure

Legalization assures local citizens the right to improvements in – or the initial installation of – social infrastructure (public transport, schools, childcare), and technical infrastructure (street lighting, electricity, water supply, sewerage). This is part of a process of negotiation between the Municipality and the neighborhood.
1.3. Infrastructure

A / Technical Infrastructure  
(streets, water, sewerage, etc.)

- Street
- Water Supply
- Sewerage, etc.

B / Social Infrastructure  
(education and health facilities, open spaces, etc.)

- Open Spaces
- School, kindergarten
- Public Transport, etc.

Recommendations:

a) the Municipality is to provide an up-to-date inventory of current conditions;

b) the Municipality is to provide better services and infrastructure for legalized buildings.
2. Prototype 02

PROTOTYPE 2
buildings above 450 m²
2.1. Security Aspect

A / Escape routes
B / Minimum distance - Fire protection
C / Structure (building’s static)
D / Earthquake (building’s dynamic)
2.1. Security Aspect

A / Escape routes

Escape routes are absolutely necessary for the rescue of residents in the case of fire or other disasters. Escape routes must exist and also be clearly marked and accessible at all times (i.e. not blocked). In the case of buildings with no direct access to the street, an escape route through the neighbor's lot must be accessible, also for the purpose of intervention by the fire brigade.
2.1. Security Aspect

A / Escape routes

Minimum Standard:

a) The fire brigade should have access to those sides of the building that have windows, doors, or similar openings;

b) The plot of any building for which legalization has been requested should not be fenced in, if the fence blocks access for a fire brigade vehicle;

c) Each building should have direct access to a public road;

d) In the case of a building not having direct access to a public road, agreement on the right to passage via an adjoining plot should be reached with the relevant neighbor or plot owner,

e) The passage created for the purpose of access to a public road should be minimum 3.0 meters wide for a one-way street or minimum 5.5 meters wide for a two-way street;
2.1. Security Aspect

A / Escape routes

**Minimum Standard:**

f) buildings less than 30 meters in length should have at least one staircase, secured with a buffer area (separate hall with double doors, in order that it can function as a fire staircase), on condition that the building is also equipped with other fire prevention equipment, in accordance with the applicable norms and standards;

g) buildings over 30 meters in length require a separate fire staircase, in accordance with the applicable standards and norms for the size of the “fire sector”.
2.1. Security Aspect

B / Minimum distance - Fire protection

Maintaining a minimum distance between buildings can prevent the spread of fire and thus increase safety (i.e. fire that breaks out in one building may be prevented from spreading quickly to the neighboring building).

Minimum Standard:

a) if the building is in the plot line:

- agreement should be reached with the neighbor; he/she should agree to the distance;
- the roof is not permitted to extend over the border wall; the wall should end with an attic;
- windows, doors balconies or other similar openings are not permitted in the border wall;
- where there are openings in facades/walls, a building should have fire prevention access;
- if no such access exists, agreement on the right to pass through the neighbor’s plot should be reached with him/her;
- if the neighbor has no such access or agreement is not reached, the building applying for legalization should secure a passage through the building (access for fire brigade) with a minimum width 3.0 meters and minimum height 4.5 meters;
2.1. Security Aspect

B / Minimum distance - Fire protection

Minimum Standard:

b) if the building is less than 3.0 meters distant from the neighboring building:

- agreement should be reached with the neighbor: he/she should agree to the distance;
- the roof is not permitted to extend over the plot line;
- windows, doors balconies or similar openings are not permitted in the border wall;
- fences or other structures that block passage between two neighboring buildings are not permitted;
- windows of bathrooms and stairwells are permitted in the border wall, only if the neighbor confirms in writing that, in the case of fire, he/she and the resident party are jointly liable for any damage caused to their own buildings or to neighboring structures;
- where there are openings in facades/walls, a building should have fire prevention access;
- if no such access exists, agreement should be reached with the neighbor on the right to pass through his/her plot;
- if the neighbor has no such access or no agreement is reached, the building applying for legalization should secure a passage through the building (access for fire brigade) with minimum width 3.0 meters and minimum height 4.5 meters.
2. Prototype 02

2.1. Security Aspect

B / Minimum distance - Fire protection

Minimum Standard:

C) if the building is between 3.0 – 5.5 meters in a distance from neighboring building:

- agreement should be reached with the neighbor: he/she should agree to the distance;
- windows of bathrooms and staircases are permitted in the border wall; other windows are permitted only if the neighbor confirms in writing that, in the case of fire, he/she and the resident party are jointly liable for any damage caused to their own buildings or to other neighboring structures;
- 3.0-5.5 meters is sufficiently wide for fire prevention access. Agreement should also be reached between neighboring parties on the fire brigade’s right to free passage. No fences or other structure that blocks passage between two neighboring buildings are permitted.
- if no agreement is reached, the building applying for legalization should secure alternative access for fire prevention intervention (street or building passage);
2.1. Security Aspect

B / Minimum distance - Fire protection

**Minimum Standard:**

- if a building is between 3.0 and up to one fourth (¼) of its height distant from the plot line:
  - windows are permitted only in bathrooms and stairwells;
  - other windows are permitted only if the neighbors give their consent.
2. Prototype 02

2.1. Security Aspect

C / Structure (a building’s static)

Each building should be structurally safe, in terms of its static calculation. A certified structural engineer must check the structure of the building, verify its current status, and conclude whether its static complies with the applicable norms and standards.

Minimum Standard:

For every building, the following should be issued:

a) verification of the structural safety of the building by a certified structural engineer. Method of verification shall be proposed by the engineer and adopted by the municipal body for legalization;

b) technical documentation of the existing building (as set forth in the Law on Construction), prepared by a certified architectural firm. If findings regarding the stability of the building suggest interventions in its structure, the technical documentation should include proposals for structural additions or other interventions, and the overall static calculation. Structural additions to or other proposed interventions in the structure proposed by the structural engineer must be approved by the municipal body for legalization and be installed or completed before a legalization permit can be issued;

c) a declaration by the owner that he/she bears complete and sole liability for the structural safety of the building.

D / Earthquake (a building's dynamic)

Each building should be structurally safe in terms of its dynamic calculation. A certified structural engineer must check the structure of the building (also in terms of its earthquake resistance), verify its current status, and conclude whether its dynamic complies with the applicable norms and standards.

Minimum Standard:

For every building, there should be issued:

a) verification of the building’s structural safety with regard to earthquakes, for the given seismic zone;

b) a dynamic analysis of the building (combination earthquake-wind, in accordance with the applicable norms) as part of the technical documentation, which is to be prepared by a certified structural engineer.
2.2. Social Aspect

A / Relations between neighbors
A1 / Interference (e.g. blocking views or light)
A2 / Occupation of a neighbor's plot

B / Relations between individuals and the neighborhood
B1 / Occupation of public space
2.2. Social Aspect

A / Relations between neighbors
Conflicts between neighbors mostly result from (alleged) interference such as blocking a view or light, building too closely to the neighbor's building, or occupying the neighbor's plot. Negotiation or agreement between neighbors in the case of such problems may also provide a basis for the legalization of a building.

A1 / Interference (e.g. blocking views or light)

Minimum Standard:

a) A building should not block the neighboring buildings' primary view. A neighbor whose primary view is blocked has the right to challenge the offending applicant’s request for legalization;

b) The primary view is considered as blocked when:
   - a building with over 450 m² applying for legalization is less than 1/4 of its height distant from the border line of the plot of a neighbor whose building has a max. 450 m²;
   - building with max 450 m² applying for legalization is less than 5.5 meters distant from the border wall of a neighboring building with over 450 m² which has openings other than windows of bathrooms and staircases;

c) In the case of blocking, a building can be legalized if the neighbor whose front facade is blocked gives his/her consent;

d) In no agreement can be reached, the building causing blocking must be cut back to create the due distance.
2.2. Social Aspect

A / Relations between neighbors

A2 / Occupation of a neighbor’s plot

Minimum Standard:

a) a building must be on its own plot.

b) if a building extends onto its neighbor’s plot, the land thus occupied is subject to formal agreement between the neighbors. A building can be legalized only if the neighbor whose plot is occupied gives his/her consent;

c) if no agreement can be reached, the occupied land is subject to legal procedures.
2.2. Social Aspect

B / Relations between individuals and the neighborhood

B1 / Occupation of public space
The occupation of public space (sidewalks, green spaces, open spaces reserved for recreation or other purposes and accessible to the whole neighborhood and/or whole community) raises big problems for the whole city. Such occupation is unacceptable and buildings must be demolished, if they are built in special reserved zones such as:
- protected (landmarked) areas,
- historic center,
- natural environments (such as a biosphere, or also a public park or gardens)
- areas, subject to the implementation of urban planning, especially a neighborhood’s primary streets.

In all other cases, the Municipality may decide which form of legalization applies.

Minimum Standard:

a) a building must be on its own plot;

b) if a building occupies public land, it (or that part of it built on public land) is to be demolished;

c) for any building that occupies public space outside of areas of special interest, the Municipality may decide that a specific form of legalization can be negotiated (e.g. legalization for a limited period of time and a certain fee, or redevelopment in accordance with planning provisions).
2.3. Infrastructure

A / Technical Infrastructure
B / Social Infrastructure
2.3. Infrastructure

Legalization assures local citizens the right to improvements in – or the initial installation of – social infrastructure (public transport, schools, childcare), and technical infrastructure (street lighting, electricity, water supply, sewerage). This is part of a process of negotiation between the Municipality and the neighborhood.
2.3. Infrastructure

A / Technical Infrastructure
(streets, water, sewerage, etc.)

Street

Water Supply

Sewerage, etc.

B / Social Infrastructure
(education and health facilities, open spaces, etc.)

Open Spaces

School, kindergarten

Public Transport, etc.

Recommendations:

a) the Municipality is to provide an up-to-date inventory of current conditions;

b) the Municipality is to provide better services and infrastructure for legalized buildings.
3. Prototype 03

**PROTOTYPE 3**

**extensions to legal building**
1) roof extensions / house on roof
2) cut offs on ground floors / in basements
3) extensions / annexes
3.1. Security Aspect

A / Escape routes
B / Minimum distance - Fire protection
C / Structure (building’s static)
D / Earthquake (building’s dynamic)
3.1. Security Aspect

A / Escape routes
No part of an extension/addition to a building may block an escape route

Minimum Standard:
Any extension to a legal building which blocks an escape route (by blocking the main or secondary street, passages, sidewalks, pedestrian routes, the main staircase or elevator, fire staircase, or other escape routes) shall be demolished.

B / Minimum distance - Fire protection
In the case of fire, a minimum distance protects the neighboring apartments/buildings.

Minimum Standard:

a) If an extension to a legal building in some way occupies public space (i.e. an annex to an elevated basement or ground floor extension on a sidewalk; console/balcony above a sidewalk and/or street, roof extensions over joint terrace/flat roof), the Municipality shall decide on demolition or a form of legalization. The Municipality may also impose architectural unity i.e. a complete re-design of the extension, in keeping with the legal building;

b) If an extension to the legal building does not in some way occupy public space, but contravenes conditions stipulated in the construction permit (an annex to an elevated basement or ground floor, console/balcony, additional floor), the Municipality shall decide on demolition or a form of legalization;

c) If the Municipality decides that a form of legalization is negotiable:
- the owner of the roof extension/house on roof or of the annex to the ground floor/elevated ground floor should secure the written consent of all residents of the neighboring buildings;
- the owner of the extension/annex on other floors should secure the written consent of neighbors resident in apartments on the same floor or on floors above and beneath the extension/annex applying for legalization.
3.1. Security Aspect

C / Structure (building’s static and dynamic)

Each building should be structurally safe.

**Minimum Standard:**

For all the categories, the following should be issued:

a) an assessment of the structural safety of the building (the building’s static and dynamic) by a certified structural engineer. Method of verification shall be proposed by the engineer and approved by the municipal body for legalization.

b) technical documentation of the existing building (as set forth in the Law on Construction), prepared by a certified architectural firm. If findings regarding the stability of the building suggest interventions in its structure, the technical documentation should include proposals for structural additions or other interventions, and the overall static calculation. Structural additions to or other proposed interventions in the structure proposed by the structural engineer must be approved by the municipal body for legalization and be installed or completed before a legalization permit can be issued.

c) a declaration by the owner that he/she bears complete and sole liability for the structural safety of the building.

d) for category 1 only) “roof extensions/house on roof”: the formal written consent of all residents of the neighboring buildings, confirming that they agree to the legalization of the roof extensions/ accommodation on roof.

e) for category 2 only) “cut-offs on ground floors and/or basement” and category 3) “extensions, annexes” for commercial use: binding legal documentation proving that the owner possesses a permit to conduct a stated commercial activity in that building or area.
3.1. Social Aspect

Relations between neighbors
A / Interference (e.g. blocking views or light)
B / Occupation of a neighbor’s plot
C / Occupation of public space

extensions to legal building
1) roof extensions / house on roof
2) cut offs on ground floors / in basements
3) extensions / annexes
3.1. Social Aspect

Relations between neighbors

Minimum Standard:

A / Interference (e.g. blocking views or light)

a) an extension to a legal building should not block the primary view (i.e. the view from a wall that contains openings other than the windows of bathrooms and stairwells) of a neighbor in the same building or in a nearby building. A neighbor whose primary view is blocked has the right to challenge the offending applicant’s request for legalization;

b) The primary view is considered as blocked when:
   - an addition to a legal building is less than 1/4 of the building's height distant from the border wall of a neighboring building with max. 450 m², if the border wall contains openings other than the windows of bathrooms and stairwells;
   - an addition to the legal building is less than 5.5 meters distant from the border wall of a neighboring building with over 450 m² which has openings other than the windows of bathrooms and stairwells;

c) In the case of blocking, a building can be legalized if the neighbor whose front facade is blocked gives his/her consent.

d) If no agreement can be reached, the addition blocking the neighbor’s primary view must be demolished, if not otherwise specified by the municipal body for legalization. The Municipality may also impose architectural unity i.e. a complete re-design of the addition, in keeping with the legal building.

B / Occupation of a neighbor’s plot

a) if an addition to a legal building extends onto its neighbor’s (private) plot, the land thus occupied is subject to formal agreement between the neighbors. A building can be legalized only if the neighbor whose plot is occupied gives his/her consent;

b) if no agreement can be reached, the occupied land is subject to legal procedures.

C / Occupation of public space

a) if an addition to a legal building occupies public land, it (or that part of it built on public land) shall be demolished, unless otherwise specified by the municipal body for legalization. The Municipality may also impose architectural unity i.e. a complete re-design of the extension, in keeping with the legal building.
II. Section B

Recommendations for the Municipality on the Legalization Process

Inventory of the informal connections to the water supply connections in Prishtina (Detail)

BLACK: Buildings and appartments with formal connections to the water supply

RED: Buildings and appartments with informal connections to the water supply
A / Recommendations on the legalization process

1. What to exclude from the legalization process
   a) Risky areas (floating, unstable land, wetlands, etc.);
   b) Archaeological sites;
   c) Other specific areas defined as areas of special interest (preserved zones, historic center or natural resources, touristic attractions, economic and industrial areas, and areas subject to progressive planning implementation).

2. Define categories (prototypes), timeframes and financial implications, based on:
   a) Surfaces (occupancy in m²);
   b) Functions (use of building);
   c) Conditions of legalization.

3. Steps in the legalization process
   a) Completion of legislation on legalization;
   b) Campaign to raise citizens’ awareness of the legalization process;
   c) Process of applying for legalization: the first step is to design a database and to understand the needs to revise/re-draft urban regulatory plans;
      - to design the application form;
      - application on a voluntary basis / “self declaration”;
      - compulsory application, with penalties imposed for deliberate delay.
   d) Creation of a database by the municipal body for legalization:
      - aerial Photo (on DAY 0)
      - vectorial map
      - register applications, including the necessary information acquired from other institutions (Statistical Office, Cadastral Agency, etc.)
   e) On-site verification and monitoring of the collected data, and finalization of the database (buildings and population in GIS system);
   f) Review/revision of existing urban regulatory plans and drafting of new ones. (It is important to consider the review of the urban development plan and drafting of the municipal development plan).
   g) If no municipal development plan (MDP) is available, the Municipality shall adopt provisional requirements for spatial regulation, in conformity with Law Nr. 03/L-106 for changing the Law for Spatial Planning Nr.2003-14, until an MDP has been adopted;
   h) Citizens will submit technical documentation and other legalization documents to the Municipality, within a given timeframe. Documentation for legalization consists of:
      - certificate of ownership (copy of the plan and property certificate);
      - general plan of the plot;
      - recent photos of the building (from all sides);
A / Recommendations for the legalization process

- design of the existing building and (if applicable) any proposed revisions to the current layout, which must comply with the minimum standards for legalization and be drafted by a certified structural engineer or architectural firm.
- certificate confirming the structural safety of the building, issued by a certified construction engineer;
- family certificate (certifies how many people/families, live and/or will be owners of the building undergoing the legalization process);
- declaration from the owner that he/she bears sole and complete liability for the structural safety of the building;
- testimony that financial obligations and other obligations to the municipality have been fulfilled;
- personal declaration that the applicant for the legalization permit will accept the provisions of future urban regulatory plans, in cases when his/her building is located in an area not yet covered by an urban regulatory plan.

l) Evaluation of the technical documents and other documents needed for legalization by the municipal body for legalization, and issue of a decision as to whether the building shall be demolished or legalized. (Decisions shall be taken case by case);

j) Issue of legalization permit;

k) Review of technical and social infrastructure (improvement of existing, or provision of new infrastructure) as a joint effort and contribution of the Municipality and neighborhoods.

B / Phases of the legalization process

1. Preparatory phase

a) Completion of legal basis for legalization;

b) Designation of areas within the municipal boundaries or priority urban areas for legalization;

c) Establishing the municipal body for legalization and supervision of the legalization process;

d) Adoption of actions and criteria (Manual) for legalization;
e) Creation of the database (register) and the application form for legalization;

f) Data collection from institutions obliged to offer any information necessary for the compilation of a register of structures built without a construction permit;

g) Definition of financial and other obligations necessary in order to obtain a legalization permit, and the procedures for fulfilling them.
B / Phases of the legalization process

2. Day “0” (Areal photo)

Day “0” is the day when the areal photo of the municipality is taken. This photo represents the ‘frozen’ situation of the urban structure of the site. Every building or part of a building constructed after this day - i.e. that is not visible in the areal photo - shall not be legalized and shall be demolished.

3. Day “X” (start of the legalization process)

Day “X” starts 24hrs after Day “0”. Areal photo is made public for the local citizens (announcement and notices in the media and on the Municipality’s official homepage). From this day on starts:

   a) the process of application (submission of application form) for the legalization of structures built without a construction permit (voluntary application / self-declaration);
   b) data processing: entering application forms’ data into a database;
   c) strategic evaluation of existing plans and approaches to new urban regulatory plans.

4. Phase “I” of the legalization process (application / registration)

Phase “I” starts on Day “X” and ends the day that all data from applications for legalization of structures built without construction permit are collected and registered in the database (voluntary application / self-declaration). During this phase, the following shall take place:

   a) confirmation or revision of existing urban regulatory plans, against data collected from the areal photo and application forms for legalization of unauthorized structures;
   b) drafting of new urban regulatory plans for areas specified as “areas subject to the process of legalization”;
   c) provisional interruption of issuing of construction permits for areas specified as “areas subject to the process of legalization”.

The conclusion of Phase “I” marks the end of the application and registration phase of the legalization process. The duration of Phase “I” is defined in the Municipal Regulations for Legalization.

5. Phase “II” of the legalization process (submission of documentation)

Phase “II” starts 24hrs after conclusion of the application/registration phase of the legalization process. During this phase, the following shall take place:

   a) submission of technical documentation and other documents necessary to obtain a legalization permit;
   b) approval of new urban regulatory plans for areas specified as “areas subject to the process of legalization” and, consequently, the beginning of the application phase for regular building permits for these areas.

The conclusion of Phase “II” marks the end of the documentation submission phase of the legalization process. The duration of Phase “II” is defined in the Municipal Regulations for Legalization.
B / Phases of the legalization process

6 Day “Y” (deadline for the submission of documentation)
Day “Y” is the deadline for the submission of technical documentation and other documents necessary to obtain a legalization permit.

7 Final phase of the legalization process
The final phase of legalization starts 24hrs after Day “Y”. During this phase, the following will take place:

a) technical documentation and other documents required for legalization by the municipal body for legalization will be assessed;

b) decisions will be issued as to whether a building shall be destroyed, legalized in its present form, or legalized as per the revision necessary in order to comply with minimum standards for legalization;

c) the investor/owner who has applied for legalization of a previously unauthorized building may undertake activities on site, depending on the decision issued by the municipal body for legalization;

d) the issue of legalization permits, following the final decision and on-site inspection of intervention in the building as per the revised layouts, in compliance with minimal standards for legalization, as agreed in the decision issued by the municipal body for legalization;

e) the admission of delayed technical documentation and other documents necessary for legalization (‘compulsory’ applications and penalties), depending on the nature of the delay (whether due to administrative/judicial procedures or other personal delays).

The conclusion of the final phase marks the end of the process of legalizing previously unauthorized buildings. The duration of Phase “II” is defined in the Municipal Regulations for Legalization.

8 Day “Z” (the end of the legalization process)
Day “Z” is the final day of the process of legalization. After day “Z” the following shall take place:

a) the legal basis for legalization (the “Municipal Regulations for Legalization of buildings without permit”) shall be abolished and the sole legal basis for further planning and construction of buildings in the municipality shall be the Law on Spatial Planning and the Construction Law;

b) minimum standards shall cease to apply and the sole applicable standards for planning and construction of buildings in the municipality will be urban conditions as laid down in municipal urban plans, in accordance with the Law on Spatial Planning and the Construction Law;

c) Legalization permits shall cease to be issued and the sole valid document approving construction activities will be the building permit.
II. Section B

C / Timeline

Timeline Archis

Preparatory Phase
- complete legal basis for legalization
- specify urban areas for legalization
- adopt criteria for legalization - Manual

I. Phase
Process of legalization
- a/ application for legalization voluntary declaration
- b/ data collection / processing

Review of urban plans
- a/ revision of existing plans
- b/ plans for uncovered areas
- areal photo
- documentation of existing situation

II. Phase
Process of legalization
- a/ technical documentation
- b/ check of documentation
- c/ ‘forced’ application

II. Phase
- submission of documentation
- c/ legalization permit

Final Phase
- HIGHER FEES delayed application
- a/ renovation to comply with provisions of the Manual

New buildings only according to law and plans

Day X
Day Y
Day Z

END OF LEGALIZATION
**II. Section B**

**C / Timeline**

**Timeline Draft Regulation for legalization**

**ACCORDING TO THE TERMS OF THE DRAFT REGULATION FOR LEGALIZATION OF CONSTRUCTIONS WITHOUT PERMIT**

<table>
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<tbody>
<tr>
<td>Municipality shall submit the Regulation to the Ministry within 30 days from the day of its adoption.</td>
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<td>Dept. for Urbanism, Cadaster and Environment (Dept. UCE) shall create the register of the buildings without permit, within 90 days from the day of entry into force of Regulation</td>
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<td>Municipality, after the deadline for submitting of the requests, shall prepare the register of the buildings without permit within 90 days.</td>
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<td>Other bodies are obliged to offer data, within 30 days, without any compensation, to the competent municipal bodies for the buildings for which they hold data, for the purpose of verification and updating of the register for buildings without permit.</td>
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<td>In order to enter into the registry of buildings without permit, the investor should submit the request to the Dept. UCE within 60 days after public announcement</td>
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<td>Period of declaration, depending on submission, may be extended for 60 days, with a special proposal of the Council of Directors.</td>
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<td>Municipality publishes the Register of the building without permit in the board and in its web page, and publicly announces its publication in media. Publication is considered concluded 30 days from its announcement.</td>
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<td>Investor and a third party has the right to objection against the Register of construction without permit within a period of 30 days.</td>
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<td>Documentation for permit for legalization shall be submitted by the investor within 3 months after the day of publishing of the register by the Municipality.</td>
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<td>For the buildings without permit which fulfill conditions for legalization, the Dept. UCE issues the decision for legalization within 30 days from the day of the submission of the request and documentation.</td>
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<td>Against the Decision, investor may complain to the Ministry within 30 days; against the decision of the Ministry, the investor may raise charges within 30 days in the Supreme Court of the Republic of Kosovo</td>
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</table>
Preparatory Phase
- Complete legal basis for legalization
- Specify urban areas for legalization
- Adopt criteria for legalization (Manual)

I. Phase
- Application for legalization
  - a/ Application for legalization voluntary declaration
  - Investor should submit the request for legalization within 90 days
  - Period of declaration may be extended for 60 days by the Council of Directors
  - Data collection / processing by Dept. UCE
- Review of urban plans
  - a/ Revision of existing plans
  - b/ Plans for uncovered areas
    - Areal photo
    - Documentation of existing situation

II. Phase
- Process of legalization
  - a/ Technical documentation
  - b/ Check of documentation
  - c/ "Forced" application
  - Documentation shall be submitted within 3 months after the day of publishing of the register
- Final Phase
  - a/ Construction activities to comply with provisions of the Manual
  - b/ Legalization permit

Lowest fee
- For buildings fulfilling conditions for legalization Dept. UCE issues legalization permit within 30 days

Higher fees
- Municipality may object against the Register within 30 days
- Investor may object against the Register within 30 days

END OF LEGALIZATION

New buildings only according to law and plans

2.1. Timeline
Timeline and detail of the Legalization Draft Regulation, combined
II. Section B

D / Institutions for legalization process

1. Municipal body for legalization

This body shall be responsible for and shall manage all aspects of the process of legalization. It is recommended that this body be composed of officials from the Department for Urbanism, Cadastre and Environment, Department of Property, and Department of Public Services.

2. Supervisory body of the legalization process

This body shall be responsible for supervision of the legalization process. It is recommended that this body be composed of municipal inspectors and officials from Department for Urbanism, Cadastre and Environment, Department of Property, and Department of Public Services.

3. Advisory board for legalization

This body shall facilitate the process of legalization. It is recommended that this body be composed of external (out source) experts from respective fields, including experts from the region, who have experience of the legalization process.
Legalization is a **ONE TIME** process.

The Day “X” (the start of legalization) is announced **24HRS** before.

After Day “X” a **FUNCTIONING** system for issuing planning permits must be in place.

Buildings constructed after Day “X” shall **NOT BE LEGALIZED**.

Day “Z” is **THE END** of the legalization process.

After Day “Z” only **URBAN PLANNING CRITERIA** shall apply.
Workshop facts

About us
Archis Interventions, a not for profit branch of Archis Foundation (also known for its magazine ‘Volume’) has set itself the task of providing cities with clues and concepts to revive the public domain, of re-energizing their urban spirit, and of revitalizing their trust in dialogue as the essence of civic life. These were the ideals that led Archis Interventions to start its activities in Pristina in 2005, when it established a local NGO – Archis Interventions/Pristina - with the aim of developing and proposing solutions for (re-)structuring urban development.

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Archis Interventions/Pristina in cooperation with Archis Interventions/SEE (Projektbüro Berlin)

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Partner Institutions
Municipality of Pristina
Association of Kosovo Municipalities
Archis Foundation

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Mejruse Kastrati, Head of Planning service, DUPE
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Almedina Musliu, Bachelor of architecture

Shega Mazrekul, student of architecture
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Flutura Dedina, student of architecture
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(Consultations by Florina Jerliu)

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