

Amendment of the regulation on technical requirements to be met by buildings and their location

The Ministry of Infrastructure and Construction has drafted an amendment of the regulation of 12 April 2002 on technical conditions to be met by buildings and their location. The main objectives of the amendment are to adapt the current technical and construction regulations to technology advances and developments in techniques and the current project execution environment and to eliminate obsolete laws and regulations. As the Ministry states, the revised law will significantly accelerate and simplify the implementation of investment projects.

The revised law clarifies many issues, which to date have given rise to interpretation difficulties, and it also introduces a wide range of measures simplifying investment processes. The legislator modified several definitions set forth in the regulation, such as "city centre development", "storey" or "biologically-active area", and it also introduced several new notions, including "building plot", "car parking facility" and "kitchenette". The key changes include those relating to the distance of new buildings from the plot boundary and the option to locate a building directly next to the plot boundary in specific cases. Moreover, the legislator resolved to increase the minimum permitted width of parking spaces for passenger cars from 2.3 metres to 2.5 metres.

The draft regulation also stipulates that buildings that accommodate catering, commercial or service facilities and that have a usable floor area exceeding 1,000 m² and petrol stations with a usable floor area exceeding 100 m² will have to feature a separate room (equipped with a wash basin and ventila-

tion) adapted for breast feeding and baby changing. Upon the adoption of the amended regulation, buildings that accommodate banking, commercial or service facilities with a usable floor area of up to 100 m² will be exempted from the requirement to provide generally accessible lavatories.

A wide range of changes have also been introduced with regard to apartments. The requirements regarding the minimum width of specific rooms have also been lifted. Under the current legal regime, the minimum clear width of rooms should be as follows: 2.2 metres for a single bedroom; 2.7 metres for a double bedroom; 1.8 metres for a kitchen of a single-bedroom flat; 2.4 metres for a kitchen of a multi-room flat. Following the adoption of the revised regulation, the buyer will decide about the width or length of individual rooms as the regulation introduces only one requirement – the minimum usable floor area for apartments will be 25 m². The legislator has also resolved to remove the requirement to ensure mandatory space for an automatic washing machine

in the bathroom and introduce the possibility to have it fitted in other rooms as well. Additionally, it is acceptable to build single-bedroom apartments with a kitchenette connected to the room. Previously, it was only possible to arrange a kitchenette only in the hall.

The amendment also introduces a wide range of changes and facilitations regarding fire-protection requirements. These include for example a detailed notion of what the forest boundary or reduction of the distance from the forest boundary to the buildings (in clearly specified cases) as well as introduction of fire-safety requirements applicable to garages conditional on the fire zone area rather than the total area of the garage as was previously the case.

The proposed changes, in particular those that eliminate obsolete or defunct regulations, should be regarded as positive. It should be noted that the revised regulations will apply to newly-designed buildings or those which are redeveloped. The draft regulation has already been notified to the European Commission and it needs to be signed by the competent minister. The revised regulation is scheduled to enter into force on 1 January 2018.

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