



Anti-Crisis Shield Act – real property, the construction process and the code of administrative proceedings

- »» The amended Act on specific support instruments in relation to the spread of SARS-CoV-2 entered into force. This Act amends, among others, the Act of 2 March 2020 on special arrangements for the prevention, counteracting and combating of COVID-19, other infectious diseases and crisis situations caused by them ("Shield Act") and introduces a number of new solutions applicable during the state of epidemic. Below we present the most important amendments concerning real property, construction law and administrative proceeding matters, including amendment to the Act, which came into force on 16 March 2020.

CONSTRUCTION PROCESS

- »» Exclusion of the principle of deadline suspension concerning inter alia:
 - planning procedures concerning the study of the conditions and directions of spatial development, as well as the local spatial development plan;
 - issuing decisions on the conditions for land development.
- »» Suspension of the obligation to obtain an operating permit during the state of epidemic threat or state of epidemic (therefore, effective from 14 March 2020):
 - for those categories of buildings whose construction requires a building permit, and
 - where the use of the building was to occur before the completion of all construction works.
- »» Applications for a use permit submitted before the amended act enters into force are treated as notifications of the completion of construction, and the time limit for the submission of objections begins on the date of the amended Anti-Crisis Shield entry into force.
- »» Temporary suspension of the provisions of the Construction Law in respect of the design, construction, reconstruction, renovation, maintenance or demolition of buildings necessary to maintain the continuity of essential services (e.g. telecommunications, transport, energy, water or communications).

ADMINISTRATIVE PROCEEDINGS

- »» Shield 3.0 as before enables relevant authorities to issue letters in administrative proceedings in electronic form, even if: (i) a party or participant has not submitted an application electronically; (ii) a public authority has not received a request for electronic service (e.g. through a trusted profile); or, (iii) such form of service has not been consented to. In such case, a printout of a letter issued in electronic form is then delivered to the party or participant in the proceedings.

PROPERTY TAXES/FEES

- »» Extension of the deadline for the payment of the transformation fee and annual perpetual usufruct fee until even the end of 2020, by way of a regulation issued by the competent minister. Expansion of the exemption and deferral of property tax for real estate related to business activities or which is used by NGOs and other public benefit entities, whose liquidity has deteriorated due to the COVID-19 epidemic.

WKB experts are at your disposal

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CHANGES INTRODUCED BY THE SHIELD 3.0

Resumption and commencement of deadlines set out in administrative law (e.g. time limits to file an appeal, time limits to file a motion for the resumption of proceedings, time limits to remedy formal deficiencies) and resumption and commencement of procedural and judicial deadlines in, among others:

- judicial proceedings, including judicial-administrative proceedings;
- administrative proceedings;

thus also for proceedings concerning the issue of decisions necessary in the investment process, such as: environmental decisions, decisions on development conditions, and decisions regarding building and occupancy permits. Deadlines which were suspended will resume running 7 days after the date on which this Act enters into force, and those whose commencement was suspended will begin to run 7 days after the date on which this Act enters into force (Arts. 15 zzs and 15 z zr of the Shield Act were repealed).