



Updated the list of requirements
for organizing and conducting
state control in the field of shared
construction of apartment
buildings and other real estate
objects



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Since the entry into force in 2005 of the Federal Law on participation in shared construction, relations between buyers of apartments in houses, which are being constructed and developers have come under closer attention from government agencies. Federal law established a number of legal safeguards for buyers in the time of building a house and regulated the procedure for state control over the activities of developers.

Despite the fact that the standing order contained the procedure for conducting state control and the powers of a state body, in July 2018, the specified norm was supplemented by Part 2.1., which noted that the state control is carried out with taking into account the requirements which are established for this.

Meanwhile, there was no formed opinion about these requirements.

On the 9th of February 2020, in connection with the validation of the "Requirements for the organization and conduction of the state control (supervision) in the field of shared construction of apartment buildings or other real estate objects" (hereinafter referred to as the Requirements), this gap was filled.

According to the Requirements, state control is carried out through the organization and conduction of unscheduled inspections of developers for their conformity with the requirements established by the Federal Law on participation in shared construction, measures to prevent violations of these requirements, control measures without interaction with developers, as well as by suppressing and eliminating identified violations.

A list of control measures without interaction with developers is disclosed. It includes: analysis of the developer's quarterly report and information, the disclosure of which is the developer's responsibility. As well as monitoring the developer's compliance with the requirements for placing information in the unified informational system of housing construction on the Internet.

The requirements also clarified for what purposes the analysis of the developer's quarterly reporting is carried out and what are the consequences of the violations identified in this case, after which follows an unscheduled inspection of the developer.

In our opinion, the adoption of such requirements makes it possible to concretize the organization and the conduction of state control in the field of participation in shared construction, avoid appeals from developers with a request to clarify these requirements, and also makes government regulation measures more public.

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