

Hristoforov C.
PhD student of the Academy
of Public Administration,
Republic of Moldova

THE ROLE OF THE LOCAL PUBLIC ADMINISTRATION IN THE PROCESS OF MONITORING THE DISCIPLINE IN CONSTRUCTIONS

The local public administration represents the totality of the bodies with general or special competence constituted for the satisfaction of the general interests of the inhabitants of an administrative-territorial unit. Communes, cities, municipalities and counties are administrative-territorial units in which local autonomy is exercised and in which local public administration authorities are organized and functioned. The public administration authorities through which local autonomy is achieved in communes, cities and municipalities are local councils, as deliberative authorities, and mayors, as executive authorities.

In the Republic of Moldova, the applicant is a natural or legal person who intends to carry out activities of construction and must be the owner of the land. An authorizing process usually begins with an urbanism certificate for design which is a regulatory act, which makes known to the applicant the prescriptions and elements that characterize the legal, economic, technical and architectural-urban regime of a building / land, established by the documentation urbanism and spatial planning. After the approval of the project documentation, the beneficiary may apply for a building permit.

Public administration has one of the leading roles in the process of urban planning. The competent services of the local public administration authorities ensure the correlation of the urbanism and spatial planning documentation as follows: the provisions of the urban plans and spatial planning plans approved for a territory are subsequently detailed in the documentation elaborated for the component parts of the respective territory. The urbanism and spatial planning documentation is elaborated by the design organizations that have the respective authorizations.

The government and the local public administration authorities have the right to organize competitions for the elaboration of substantiation studies, urban planning and territorial planning documentation. The elaboration of the urbanism and landscaping documentation is financed by the Government or by the respective public administration authorities. In the process of elaborating the urbanism and spatial planning documentation, the mayor performs the preliminary strategic environmental assessment procedure, within which the central body of public administration in the field of environment or its territorial subdivision decides on the need to carry out strategic environmental assessment for the respective documentation in accordance with the provisions of Law on strategic environmental assessment. All of the permits and certificates are issued by the executive authority, following the landscaping/planning documentation.

The most important document when building a house is the building permit. Without this authorization it is impossible to start the execution of the works, considering that it is the document by which the local authorities give their approval for their beginning. The building permit is issued by the mayor of the administrative-territorial unit based on the request of the owner, indicating the location of the building / land, within 30 working days of the date of its registration.

The construction sector is a system that largely aims at generating maximum profit for construction companies by premeditated violation of legal rules. The most serious problem is illegal construction. It is a very current one in Chisinau, as well as in other localities of the country. There is a possibility of forcing the demolition of unauthorized constructions. However, in practice, the demolition of multi-storey buildings built without authorization or built with violations is not carried out.

The local public authorities have insufficient control tools to be able to effectively prevent cases of unauthorized construction. These emerge from the current regulatory framework provided in the Contravention Code, as well as in the Government Decision no. 285/1996 regarding the approval of the Regulation for the reception of the related constructions and installations. The sanctioning instruments regarding unauthorized constructions do not allow the local public authority to act quickly and effectively in preventing and stopping unauthorized constructions. The role of local public authorities, based on their legal responsibilities, is often limited to issuing permits for the construction process. It is strictly necessary for the local and central public authorities to collaborate on the matter of legislative amendments and updating urban plans to daily needs. Therewith, there is necessary to elaborate a project of a Code of Urbanism and Constructions of the Republic of Moldova.

References:

1. Contravention Code of the Republic of Moldova.
2. Law Of The Republic Of Moldova on quality in construction No. 721-XIII of 02.02.96.
3. Law Of The Republic Of Moldova No. 163 of 09.07.2010 regarding the authorization of the execution of construction works.
4. Law Of The Republic Of Moldova on the principles of urbanism and spatial planning No. 835 of 17.05.96.
5. Decision No. 285 of 23-05-1996 regarding the approval of the Regulation for the reception of the related constructions and installations.
6. NCM B.01.00:2016 (MCH 3.01-01-2012). URL: http://www.particip.gov.md/public/documente/134/ro_2931_NCM-Ur.
7. Urbanism și amenajarea teritoriului., Chira S.M.,Editura ERA, București,1998.
8. Dascălu Doina Mira, 2019 — Urbanism și amenajarea teritoriului — Note de curs.
9. Krier R., 2006. Town Spaces, Ed.Birkhauser, Basel.