

## *Chapter IV*

# *LAND ADMINISTRATION AND SPATIAL PLANNING*

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### **A. Land administration**

#### ***Legal and institutional framework for land administration***

Land administration in Belarus is based on the following main legal instruments: the Civil Code, the Land Code, the Law “On State Registration of Real Estate, Rights to It and Transactions with It”, the Presidential Decree “On Valuation Activities in the Republic of Belarus”, the Presidential Decree “On Expropriation and Allocation of Land Plots” and the Law “On Payments for Land”.

The State Property Committee is the specially authorized State body implementing a uniform State policy in the spheres of land management, the State Land Cadastre, the State Register of Real Estate, Related Rights and Transactions, and valuation. The State Property Committee has delegated the accounting functions of the Land Cadastre to the National Cadastral Agency (NCA).

In 2002, a Presidential Decree established NCA as a national organization for State registration of real property. The functions of NCA in this regard were established by the Law “On State Registration of Real Estate, Rights to It and Transactions with It”. In particular, NCA performs manages the Real Estate Register, provides methodological guidance and common direction of the territorial organizations of State registration, and monitors their activities. It also certifies registrars and oversees their activities.

The territorial organizations for State registration ensure the formation of real property and its State registration, rights to it and transactions with it. They also exercise certain other functions within the territories of their districts. There are seven registration districts in Belarus, one of which is the city of Minsk. The other six coincide with the borders of six areas of Belarus. The State registration system employs more than 2,400 people, 800 of whom are registrars. Only these personnel are allowed to introduce data to the records in the Real Estate Register. The organization for State registration

has 125 structural units (local offices), which are located throughout the country.

The Unified Registry of Administrative-Territorial and Territorial Units of the Republic of Belarus stores information about the names, sizes and borders of administrative-territorial and territorial units as well as their administrative centres. Administrative-territorial units include regions, districts, village councils, cities and urban-type settlements where local councils of deputies and government executive bodies are established. Territorial units also include rural-type settlements where councils of deputies and executive and administrative bodies are not established, and also territories with restricted use. These can include, inter alia, areas of outstanding natural beauty, national parks, historical and natural monuments, and conservation areas.

Under the Land Code, the State Land Cadastre consists of: (a) the State Register of Real Estate, Rights to It and Transactions with It; (b) the State Land Value Register; (c) the State Real Estate Prices Register; and (d) the Land Resources Register of the Republic of Belarus.

The State Register of Real Estate, Related Rights and Transactions provides information about real estate, rights to property and related transactions. (The cadastre and registration of rights to real estate have been merged into one system.) It stores information and documents on: (a) registered land plots and immovable properties belonging to them, including information about location, size, boundaries designating use of land plots, and the rights to such land plots; (b) restrictions (encumbrances) of rights including land easements; and (c) transactions.

The State Land Value Register contains data on the cadastral value of land plots obtained through cadastral land evaluation.

The State Real Estate Prices Register stores information on the cadastral value of land plots and properties attached to it and records the dates of land and real estate property transactions. It was developed on the basis of the State Register of Real Estate, Related Rights and Transactions.

The Land Resources Register contains data on: (a) distribution of land categories and types; (b) land tenure holders; (c) the composition, structure, condition, quality and use of land; and (d) other information about uses of the land.

State registration is mandatory for the following properties: land, permanent structures (buildings), incomplete permanent structures, isolated spaces (including premises) and enterprises as property complexes. Rights and obligations exist from the date of property registration. State registration can be invalidated only by a court decision.

### ***Privatization and ownership***

Private ownership of land in Belarus reappeared in 1993. The Land Code, adopted in 1999, is the basic legal act regulating all types of relations associated with the land. The Code states that property in Belarus can be in the hands of the State and/or private actors.

The Land Code regulates the private property rights of citizens, non-governmental legal entities and foreign States. Article 34 establishes that land can be given into ownership in the following circumstances:

**Establishment of a household by citizens of Belarus (one family member) living in rural settlements and urban settlements.** Rural townships' executive and administrative bodies grant additional land parcels in lifelong inherited possession or private ownership in order to keep a household size of at least 1 ha, including the land given for construction and maintenance of an apartment house. Moreover, rural executive and administrative bodies can grant land parcels for lease up to 3 ha for this same purpose. Rural executive and administrative bodies establish the exact size of land parcels depending on local conditions and characteristics.

**Construction and maintenance of an apartment house.** (In cities, from 0.05 to 0.15 ha in size, in rural and urban settlements, from 0.15 to 0.25 ha.) Depending on local conditions and characteristics, land parcels for construction and maintenance of an apartment house can be granted to citizens as follows: in cities, less than 0.05 ha; in rural and urban settlements, less than 0.15 ha. The

granting of land parcels is done with the consent of citizens and with respect to fire prevention as well as sanitary, ecological, building and other norms and rules.

**Conducting collective gardening.** Land parcels for collective gardening are granted to Belarusian citizens in lifelong inherited possession or in private ownership. Land parcels are granted by regional executive and administrative bodies at a rate of up to 0.15 ha to one member of a cooperative, depending on local conditions and characteristics.

**Construction of a dacha.** Land parcels are given to citizens of Belarus to construct a dacha in lifelong inherited possession or in a private ownership at a rate of up to 0.15 ha, to one member of a cooperative society.

Upon the President's decision, land can also be transferred into the possession of non-governmental legal entities. The Land Code establishes that 89 foreign States can own a land parcel necessary for the maintenance of buildings (a part of buildings) and for the accommodation of diplomatic representatives or the consular delegation of the foreign State in Belarus. In exchange, Belarus may have access to land parcels in foreign States for the same purposes.

In a referendum held 24 November 1996, citizens decided that the mineral, water and forest resources of the Republic of Belarus would be under exclusive domain and control of the State. Agricultural land is also publicly owned. These lands make up 86 per cent of the total land area of the Republic (the remaining 14 per cent of land can be transferred into private property). The majority of legal entities hold the right of permanent perpetual use of land.

According to State Land Cadastre data, as of 1 January 2008 the total area of land in the country amounted to 207,598 km<sup>2</sup>. Of this, 716 km<sup>2</sup> of land is in private ownership, which represents 0.3 per cent of the total area of land in the country, and it is currently possible to transfer to private ownership another 8 per cent (8,955 km<sup>2</sup>) of the total area of land. The majority of legal entities have the right of permanent use.

In the country, 4,515 km<sup>2</sup> of land is leased. This leased land makes up 2.2 per cent of the territory. Of this, 181 km<sup>2</sup> (0.1 per cent) is leased to citizens and 4,334 km<sup>2</sup> to legal entities and individual entrepreneurs.<sup>17</sup>

Privatization mainly concerns apartments. According to Real Estate Register data, 1,019,395 apartments are in private ownership.

A great number of unregistered land parcels and buildings still exist, which limits the effective performance of the Real Estate Register. Registration of land parcels and buildings in the Real Estate Register depends on real property formation processes, which are highly complex in Belarus.

### ***Real estate evaluation***

Until 2007, the valuation of real estate, except mass valuation, was not regulated by law in Belarus. During this period any natural or legal entity could be engaged in valuation activities. This situation changed after May 2007, when the Presidential Decree "On Valuation Activities in the Republic of Belarus" entered into force. The Decree states that only certified appraisers can carry out the valuation of objects of civil rights, including of real estate.

The system of valuation standards of real estate was developed in 2007. Standards

determine: (a) the kinds of value, methods of valuation and methods of calculation of value of real estate; (b) requirements for primary information; (c) the procedures, results and documents of valuation; (d) the requirements for appraisers and executors; and (e) mutual relation between the customer and the executor of valuation. Standards of valuation are obligatory for appraisers.

The State Property Committee of Belarus is responsible for certifying appraisers. Appraisers are certified to perform appraisals of the following: land parcels, permanent structures (buildings, constructions), isolated spaces, incomplete constructions, enterprises, property complexes and other property. The procedure for certifying appraisers is prescribed by regulations approved by the Council of Ministers. Certification activities started in May 2007.

Mass valuation is carried out for land parcels. Also called cadastral valuation, this provides the cadastral value of land parcels. Mass valuation of the settlement land started in Belarus in 2003 as a result of a decision made by the Council of Ministers. Cadastral valuation can be performed only by the State organizations employing specialists with certificates for valuating land parcels. The State Property Committee develops mass valuation methodologies and software and performs most of the mass valuation.

Different methods of mass valuation are used to appraise land of settlements and gardening associations as well as commercial and industrial lands outside of settlements. The choice of the most appropriate model of mass valuation is correlated with the market value of land. Results of cadastral valuation are recorded in the State Land Value Register. This Register, as mentioned above, is a part of the State Land Cadastre, and was developed in 2007. Access to the Register is free of charge via the Internet.

### ***Real estate market and lease***

The real estate markets broadly reflect the uneven economic development of Belarus: the land markets are barely developed, the non-residential real estate markets are better developed, and the residential real estate market is the best developed sector.

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<sup>17</sup> The land leased by citizens for various purposes amounts to 11,450 km<sup>2</sup>, or 5.5 per cent of the total land area. It should be noted the small amount of land privately owned by citizens can be explained by the fact that there is no difference between possibilities to use land plots transferred to private ownership and land plots with individual residential houses granted under the right of lifetime inherited ownership. For this reason, almost no one has made use of the opportunity to buy their land plots at the discounted price that equaled the fivefold land tax rate, despite the fact that all Belarusian citizens enjoyed this opportunity in the period 1993–1999. The same holds true for land plots used by legal entities. Despite the fact that legal entities were legally entitled to buy land plots and make them private, they have preferred to use land plots under the right of permanent or temporary use. This option is free of charge, but the possibilities of use are identical to the possibilities of use for land plots transferred to private ownership.

In accordance with existing legislation, land plots used for various purposes can be in the ownership of citizens, and in the cases of certain categories, in the ownership of legal entities. The institutions related to rights of legal entities are underdeveloped. This category possesses other property rights besides the right of ownership, namely the rights of permanent use and of leasing. Local executive and administrative authorities usually act as lessors. Terms, conditions and rental value are set by mutual agreement of the parties and are fixed in the rental agreement. The land lease term shall not exceed 99 years and in the case that it is leased for agricultural purposes, not less than 5 years. Land plots can also be subject to pledge in the case of credit security.

The following trends in land reform development can be observed: (a) development of lease market; (b) transition to a payment-system based on cadastral cost; and (c) distribution of land parcels through auctions. The new edition of the Land Code will make a significant contribution to the development of the real estate market. The new Code, for example, provides that land parcels, as a rule, may be granted into ownership or leased. The main focus is on the lease (as land property rights are restricted by law). The Constitution states that "subsoil, woods, waters and the agricultural lands" can only be in State ownership.

The new Land Code stipulates that in order to obtain a lease, the lessee must pay for the right to conclude the lease contract. If no payment for land was initially made, a legal or natural entity wishing to sell a building constructed on this land should buy or rent the parcel and pay for this right. Nevertheless, there are some exceptions to this rule. For example, if the land is not leased for commercial use, the payment for the concluding the contract will not be charged. The right of permanent use, which is now very popular, becomes vested in State bodies, owners' associations, housing cooperatives and others if the land is not used for commercial purposes.

The rights granted to citizens and organizations by the Land Code of 1999 will, nevertheless, remain in force (e.g. the right of lifelong inherited possession) The new Code also recognizes the right of foreigners to own land, but only in the case of inheritance. Such land can be sold as private property only to citizens of Belarus or to local executive and administrative bodies.

Regarding the primary market, in 2006 257,239 immovable properties were registered, including 143,116 land parcels (56 per cent of the total), and registered in the State Register of Real Estate, Related Rights and Transactions. In the secondary market, in 2006 State registration organizations registered 562,626 cases of transfer of various rights on all kinds of real estate. The residential housing market in Minsk is planned, i.e. residential houses are being built in areas strictly specified by the city authorities according to a plan.

### ***Rent and real estate taxation***

The land tax is calculated by multiplying of the land plot area by the land tax rate. The rate of land tax is fixed and does not depend on the value of land plots. There are plans to set the land tax based on mass (cadastral) land valuation data. Land tax is paid by owners of land or bearers of rights to permanent and temporary use and the right of lifelong inherited possession. The land tax rate does not depend on the type of right. Lessees are exempt and pay only the rent. Since 2006, the rate of rent for the State lands has been estimated based on its cadastral value.

In the course of the privatization process, State-owned land plots have been transferred to citizens as private property since 11 May 2007. Transfers are based on their cadastral value (and not based on the previous preferential and standard cost). This rule was introduced by a Presidential Decree in 2007. The cadastral cost is also used in the case of selling lease rights. Land for construction in the city of Minsk, regional centres and the residential suburbs of these cities is leased after the payment for lease rights on the basis of cadastral cost (charges for land leasehold tenure depend on the term of land leasehold).

There are also document requirements for establishing a system of mortgage loans. For mortgage purposes, the use of cadastral cost consists in the definition of realty cost according to cadastral data. The cost of land subject to mortgage cannot be lower than its cadastral value.

If the owners are Belarusian citizens, no tax is imposed on the dwelling. Legal entities pay taxes for realty according to the cost of real estate, which is specified in financial documents.

### ***Mortgage***

The Real Estate Register of Belarus reported that 3,4624 mortgages were registered in 2006, including 319 (0.9 per cent) mortgages of land parcels, 8,004 (23.4 per cent) permanent structures, 26,135 (75.3 per cent) isolated spaces and 166 (0.4 per cent) incomplete constructions. The majority of mortgages were registered in Minsk (10.7 per cent of the country total) and the regional centres (9.1 per cent in Brest and 2.4 per cent in Vitebsk). In comparison, the number of registered mortgages in 2004 came to 12,865, and the number in 2005 to 9,151.

Most housing credit is in the form of soft loans, which are granted by Belarusbank. To get a soft loan, citizens should be included in the list of persons requesting financial assistance to improve their living conditions. Regional executive committees and other departments approve these lists of persons and their priority. The maximum repayment term for soft loans is 20 years in urban settlements, and 40 years for large families and in rural settlements. The annual interest rate ranges from 3 to 5 per cent.

The premises already constructed and in the process of construction are both subject to mortgage. The building is mortgaged without the land on which it is built. The mortgage right is transferred to a mortgagee from the moment of concluding the credit contract, but not from the moment of the State registration. The transfer of mortgaged premises is forbidden until full repayment of the credit. As of 6 January 2007, 191,000 persons had received soft loans, totalling 2.833 billion roubles.

### ***B. Spatial planning***

Spatial planning in Belarus falls into the following functional categories: (a) planning of socio-economic development; (b) planning of land-use; (c) development of settlements and territories, planning of industrial activities; (d) transportation and engineering and technical infrastructure; (e) planning of social and economic development; and (f) planning of the national environmental network. One of the challenges is to reconcile agricultural and industrial activities with environmental sustainability considerations.

The State Scheme of Integrated Spatial Organization of the Republic of Belarus (SSISO)

provides the strategy for the sustainable urban development in the country. It was developed in 1999 and approved by the Council of Ministers in 2000.<sup>18</sup> In 2007, a Presidential Decree approved an updated version of SSISO developed by the Institute of Regional and Urban Planning (IRUP) at the request of the Ministry of Architecture and Construction. This document can be seen as a master plan for the whole country.

SSISO includes proposals for the interrelated development of the country's environmental network, its national and major regional transportation routes and the functional and planning zoning of its territories. SSISO also contains proposals for improving the living environment and outlines the following solutions to ensure sustainable and competitive development of the National Settlement System:

- Classification of urban settlements by their category, role in the settlement system, functional purpose and size
- Classification of rural settlements
- Strategic directions for the development of urban settlements with due consideration of local specificities
- General areas of improvement for the system of rural settlement with the development of *agrorodki*
- A list of urban and rural settlements the administrative status of which should be changed

The key proposals contained in SSISO and relating to the development of the living environment pertain to: (a) development of the housing sector and construction industry; (b) provision of social and transportation services; (c) the country's energy supply; (d) decontamination and use of domestic waste; (e) provision of telecommunications media; and (f) prevention of emergency situations. These proposals are coordinated with policies and action plans of the relevant ministries and committees.

According to SSISO, the main objectives for housing sector development are increasing the

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<sup>18</sup> Belarus 2015: Summary of National Plan of Spatial Development, Ministry of Architecture and Construction for Belarus.

housing stock, improving its quality and optimizing its location in urban and rural settlements by means of new construction and reconstruction.

SSISO mainly reflects a national perspective for long-term spatial development of Belarus, even though many of its initiatives are implemented at the local level. Although few policy-based decisions are made at this level, local executive committees facilitate the collection of data for analysis, evaluation and recommendations by national-level representatives.

### ***Legislative basis and recent developments in urban planning***

As stated above, Belarus established a Land Code that differed from the previous one developed under the Soviet Union. It was approved on 4 January 1999, and has resulted in policies specifically addressing the needs of Belarus.

The Land Code aims at creating conditions for the rational use and protection of land, the preservation of its fertility and its environmental sustainability<sup>19</sup>. The Code was used as the central legal document for the strategic development of agricultural, industrial, residential, recreational lands as well as for creating suitable infrastructure.

Requirements are further specified in the Law “On Architectural, Urban Planning and Building Activity in the Republic of Belarus” (2004). This Law sets forth requirements in the spheres of: (a) environmental protection; (b) preservation of immovable property of historic and cultural value; (c) creation and development of engineering systems, transportation infrastructure and territorial improvement; and (d) special adaptations for physically handicapped persons (including the disabled and persons with limited walking abilities) and other requirements. The Law prescribes the scope of competence of government bodies at all levels. It also determines the procedure for approving urban development projects. In addition, measures are spelled out that strengthen the authority of territorial architectural and construction bodies, the obligation of public discussion of urban development projects and

issues pertaining to the improvement of human settlements as well as residential and other construction.

In addition, the Building Normatives Act entitled “On the Order of Development, Coordination and Contents of Spatial and Urban Planning Documents” establishes the rules under which ministries and committees develop general terms and procedures for the development and approval of planning strategies at the national, regional and local levels. This Act applies primarily to the work of the Ministry of Architecture and Construction and design organizations.<sup>20</sup>

Currently, there are a number of other technical regulatory legal acts being developed that aimed at improving activities in the sphere of spatial planning.

In addition, a Presidential Decree of 7 June 2007 adopted the State Comprehensive Programme of Development of Regions, Small and Medium Towns for 2007–2010. A concept for regional development in Belarus up to 2015 is also being developed.

The State Programme on Village Recovery and Development for 2005–2010 is a national initiative to reinvigorate rural economies and to solve social problems in rural areas.<sup>21</sup> By proposing viable income generation possibilities in rural settings such as farms or small towns, an attempt is being made to reduce urban migration to Minsk and other large cities.

At present, local communities do not actively participate in national-level spatial development initiatives. Spatial planning is driven by a national agenda as opposed to responding to local demands.

### ***Key spatial planning elements***

In principle, SSISO is an inclusive document that treats all regions of Belarus with

<sup>19</sup> [http://www.belarus.net/softinfo/catal\\_la/100138.htm](http://www.belarus.net/softinfo/catal_la/100138.htm).

<sup>20</sup> <http://www.vasab.leontief.net/countries/belarus1.htm>.

<sup>21</sup> [http://www.mintorg.gov.by/index.php?option=com\\_content&task=view&id=287](http://www.mintorg.gov.by/index.php?option=com_content&task=view&id=287).

equal consideration. The key issues incorporated into SSISO are:

**Transition to sustainable development principles.** The document considers self-sustaining economic strategies for industrial, agricultural and urban development. The ability of administrative and geographic regions to operate with independent budgets and/or limited national financial support is a key challenge.<sup>22</sup>

**Economic reforms supporting effective economic policies.** To effectively manage trade relations on global markets, planning policy should facilitate economic policies that engage international trade partners, mostly focusing upon the Russian Federation and the EU countries.<sup>23</sup>

**Strengthening local governance.** To encourage semi-independent operations within oblasts and administrative subregions, empowering local level authorities is a high priority.<sup>24</sup> Promoting responsible local-level financial management and increasing the role citizens play in decision-making are the two main anticipated outcomes.

While the SSISO has uniform policies that impact national housing policy, it addresses priorities for development in the following three areas.

#### ***Urbanization axis along trade and transport routes within the country***

Belarus is located on a key axis for land transport of industrial and commercial goods circulating between Western Europe and the Russian Federation on the one hand and Ukraine and port locations on the Baltic Sea on the other. As part of the Helsinki Corridor transport system, the Belarusian component of the axis E2 contributes to the larger transport routes for goods. The Government therefore considers this to be a key strategic resource (especially for the country's services and manufacturing sectors).

Through consultation with the Council of Ministers and the Presidential administration, the

Ministry of Architecture and Construction has proposed developing industry adjacent to the axis as a means to minimize regional transport. By

developing shipping nodes located along this axis, local manufacturing and production capabilities will lead to increased efficiency, decreased costs and reduced environmental burden on local road systems as well as on recreational and agricultural reserve areas.

The development of industrial zones within a 50-km radius of the main transport route will stimulate the growth of accessible and affordable housing. This is being funded by oblast budgets and also receives only a small amount of funding from the central government. While much of the route is seeing nominal development, the added housing demands will spur the development of associated services, e.g. schools, commerce and transport infrastructure.

Although estimates of the number of dwelling units are not available, the planned expanded transport axis is expected to strengthen local economies and concentrate resources in areas that will help facilitate international trade between Belarus and neighbouring countries in addition to contributing to the pan-European transport network.<sup>25</sup>

#### ***Urban agglomeration of Minsk***

The population of Minsk continues to grow due to rural-urban migration. Migrants from rural areas move to Minsk in search of jobs. This migration is driving up the rate of urbanization, which now totals 73.4 per cent in the country<sup>26</sup> and is resulting in increased density and creating a strain on the existing housing stock. Expansion of the city's perimeters is making it difficult to maintain preferred density levels, to regulate traffic and pollution and to intensify industrial growth. The rezoning of the city's outer areas is reducing the risk of unplanned or poorly planned rural development on the capital's edges. Efforts to control the situation should result in a more distinct urban-to-rural transition, thereby preserving the rural qualities outside of city boundaries. However, neighbouring cities such as Borisov and Molodechno are increasingly becoming part of the

<sup>22</sup> Belarus 2015: A Summary of the National Plan for Spatial Development, p. 3.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid., p.6.

suburban sprawl of Minsk, and are losing their identities in the process.

A negotiation of administrative boundaries has occurred between the City of Minsk Executive Committee and their counterparts in the Minsk Oblast Committee. The result was the recognition of the right by the city of Minsk to develop property for housing purposes. Increased multi-unit housing demands on the expanded Minsk area are foreseen in tandem with the development of localized industrial zones in this area. The rationale for rezoning perimeter areas of Minsk is to reduce the effects of uncontrolled expansion surrounding peri-urban areas by localizing production, limiting commuting and improving the quality of life for workers and residents in these newly defined urban areas.<sup>27</sup> The planned

expansion of the urban perimeter is depicted in figure VIII.

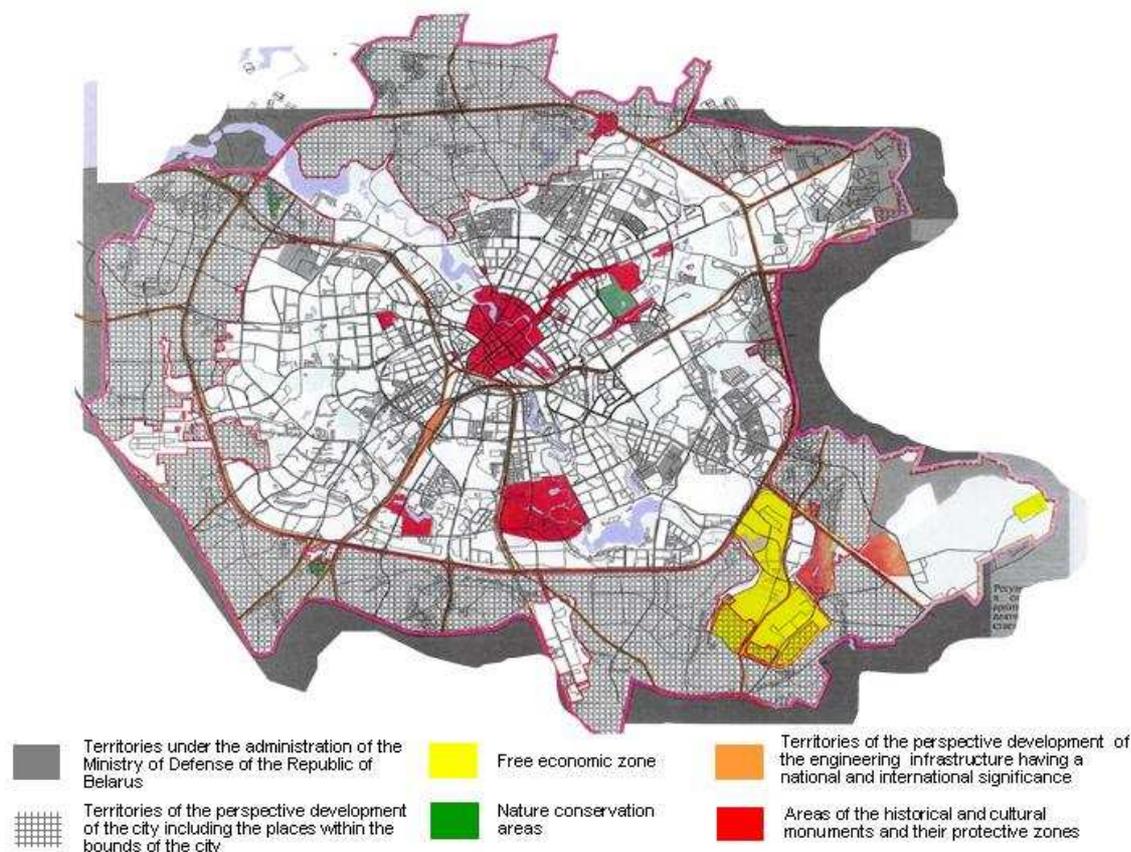
### *Areas affected by Chernobyl*

Although the effects of the Chernobyl disaster have yet to be fully seen, SSISO is taking steps to regenerate areas affected by the 1986 nuclear accident (referred to as “special status areas”). The population of the affected areas where the density of contamination exceeded 40 Ci/km<sup>2</sup> was relocated immediately following the event (a total of 138,000 people).

In accordance with existing legislation, people living in territories where the density of contamination exceeded 15 Ci/km<sup>2</sup> were granted the opportunity to relocate for free to housing provided by the State. Safe living conditions were also created in the areas where the density of contamination was less than 15 Ci/km<sup>2</sup>.

<sup>27</sup> Ibid., p. 3.

**Figure VIII. Scheme of zones of the special governmental regulation of the city of Minsk**



Source: Minsk Urban Authority.

According to SSISO, objectives for development of special status areas are: (a) further overcoming of the consequences of the Chernobyl disaster; (b) socio-economic rehabilitation of contaminated territories; and (c) increasing the well-being of the people who live on these territories. However, agreement on the actual urban development plans of these territories has yet to be reached, as local citizens as well as local and international environmental and public health agencies have differing opinions on these area's current suitability for living.

### **C. Rural development**

Developing collective villages, especially as an economic aid to agricultural production, is a priority for Belarus. To reduce density in cities while providing income-generating opportunities in rural and lower-population-density environments, the Government has proposed two strategies. The first is the State Programme of Village Recovery and Development, which proposes the use of *agrorodki*. The second is the Small and Medium Towns Initiative, which addresses the need for a strong network of small- and medium-sized towns to act as hubs for administrative, institutional and cultural activities.

The State Programme of Village Recovery and Development aims to redevelop rural-based agricultural business ("agri-business") by means of forming new types of rural settlements (i.e. the *agrorodki*) that will have well-developed planning and transportation as well as social infrastructure. The Ministry of Architecture and Construction and the Ministry of Housing and Communal Services are involved in the strategies and implement the projects.

In addition to stimulating the rural economy, *agrorodki* are expected to encourage local residents to stay there as well as to provide incentives for urban dwellers to relocate to rural locations. One aim is to reduce the administrative and infrastructural burden on small- and medium-sized towns by redistributing resources to these new administrative regions. This will enable them to operate with a greater degree of independence. Situated to provide essential services for families living within a 15-km radius, *agrorodki* are small, municipally based administrative regions composed of farms of various sizes. *Agrorodki* will follow general development guidelines set at both the national and regional levels, but will implement the principles selectively at the local

level. It is estimated that Belarus will have as many as 1,481 *agrorodki* by 2010.

The ultimate goal is to develop sustainable local economies that use their own revenues and tax bases to pay for the majority of infrastructural maintenance as well as one-time costs such as establishing transport networks, sanitation and utilities services. Provision of such housing is an incentive for families to either remain in or relocate to *agrorodki* in search of, among other things, employment, lower monthly expenses and reduced exposure to noise and pollution.

The Ministry of Housing and Communal Services of the Republic of Belarus confers with local government representatives on the numbers and condition of existing rural housing stock. The Ministry of Housing and Communal Services has planned that most housing requirements for the initiative will be met by renovating existing housing stock in these rural areas. The quality of rural dwellings is generally adequate, whether for immediate use or for future renovation and reuse. Where housing shortages exist, representatives from local administrative regions meet with oblast representatives of the Ministry of Architecture and Construction and the Committee on State Property to secure the financial backing to meet these housing needs.

Resolutions of the Council of Ministers of the Republic of Belarus annually approve activities aimed at the implementation of Presidential Decree No. 150 of 25 March 2005 "On State Programme of Village Recovery and Development for 2005–2010". In accordance with Resolution of the Council of Ministers of the Republic of Belarus and the National Bank of the Republic of Belarus No. 1838/18 "On Measures of Implementation of Objectives for Housing Construction for 2008" of 12 December 2007, it is envisaged that 7,580 residential houses (flats) will be made available in 2008 by agricultural organizations.

In addition, every year regional executive committees confer with the Ministry of Agriculture and Food Supplies and the Ministry of Architecture and Construction to approve schedules for construction, reconstruction and financing of residential housing by agricultural and other organizations.

The housing construction costs for *agrorodki* are covered primarily by loans

extended by Belagroprombank as well as by the agricultural organizations' own funds.

The Presidential Decree No. 265 “On the State Integrated Programme for the Development of Regions, Small and Medium Towns in 2007–2010” recommends the upgrading and development of housing stock and related infrastructure for cities of up to 50,000 citizens.<sup>28</sup> Similar to the proposal to improve the viability of *agrorodki* nationwide, this initiative recommends the development of multi- and single-family housing units as a means to attract people to less densely populated areas, thereby reducing pressure on the large urban centres. These small- and medium-sized towns play a key role in supporting surrounding administrative regions because they contain much of the infrastructure needed to support rural development that falls within the prescribed 15-km radius.

Both of the above-mentioned initiatives to entice residents to either remain in or relocate to small- and medium-sized towns, together with the promotion of *agrorodki*, are at the same time strategies to redistribute the regional tax responsibilities more evenly throughout Belarus. Increasing migration to large cities has placed a burden on the local tax systems that support local infrastructure and maintenance costs, as the resources available cannot meet current or projected demands. The government strategy to develop in less populated areas while providing essential services will distribute cost burdens over a greater number of populated areas established as administrative regions.

### ***Roles and responsibilities of local governments***

As noted in chapter I, the effective division of responsibilities between central and local governments provides a clear legal and administrative basis for spatial planning. While all housing initiatives originate at the level of the central government, they are intended to affect local populations.

As noted in SSISO, national-level housing policy that empowers local governments and individuals also encourages active participation in the decision-making process. Although they are not democratically elected, the local-level representatives who make up rural councils typically represent the common interests of individuals from their regions.

In response to SSISO, each of the 118 rayons requests a regional plan. As the most basic element of local-level planning, the rayons prioritize needs for their prescribed areas. The rayon must consider the needs of the local rural councils, largely made up of representatives from *agrorodki*. The rayon is responsible for making individual requests as well as for covering the costs of the development of regional plans. The requests are submitted to the oblast executive committee and are then forwarded to the Ministry of Architecture and Construction for subsequent reference during the drawing up of a time schedule for the development of urban development projects. Local government bodies contract IRUP to develop and prioritize urban projects. When developing a regional plan, IRUP consults with representatives of the specific rayon to gain an understanding of how local-level requirements for housing compare with the national plan for industrial and economic development in the area.

Small cities that fall under the jurisdiction of a rayon are considered as part of the rayon itself, while cities of greater than 100,000 people are required to make up detailed plans indicating existing, new and proposed areas for development. Small cities are also expected to pay the costs of developing such plans by using civic funds.

The creation of incentives to stimulate migration from densely populated areas of Belarus such as Minsk and other cities poses many challenges, especially those relating to standardizing services to citizens. The improvement of the road transportation network is a national priority in terms of economic growth, but it also directly and qualitatively impacts the siting of residential developments. Proximity to recreational and service zones as well as access to communal services such as hospitals, schools and water supply is also important. Regional governments are responsible for developing and maintaining systems that support national initiatives such as the development of the transportation network, but location-specific consequences are not typically considered. This

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<sup>28</sup> In accordance with the Integrated Programme of Development of Regions, Small and Medium Towns for 2007–2010, small and medium towns are towns whose populations do not exceed 50,000.

situation often results in financial and logistical difficulties for the oblasts, which are trying to conform to national obligations. For example, according to SSISO, all citizens should have less than one-hour commute by automobile or public transit when travelling to access essential services or places of employment.<sup>29</sup> Meeting this criterion depends on regional and local abilities to negotiate and develop housing resources that help achieve this living standard.

#### **D. Approaches to energy and services management**

In response to the gas supply problems between Belarus and the Russian Federation, there is a move to develop infrastructure for alternative fuel sources that would allow a greater degree of autonomy from neighbouring countries. Between 2006 and 2010, the implementation of energy-saving measures is expected to conserve 884,500 tons worth of standard fuel for a savings of 1,545,800 roubles. The central government's ambitious housing plans are forcing the Ministry of Architecture and Construction to examine ways of using non-traditional and renewable types of energy, notably wind and water energy sources as well as organic waste and biomass recycling. The processing of waste timber products into combustible fuel products is being marketed in an effort to transfer reliance for home heating from petroleum-based products to more sustainable and affordable resources. The development of metered utilities throughout the nation is a priority, with the goal of full implementation by 2010. The use of alternative energies to heat and power public buildings such as hospitals and schools is also being considered, and will result in reduced tax obligations rather than direct financial gains by affected populations.

As noted in chapter II, this issue relates to large-scale strategies of construction of new homes. In 1996, the IRUP Habitat Research Centre received funding from UN-Habitat to research the viability of using sustainable building techniques as a way to decrease dependence on traditional sources of heating and insulation as well as find new cost-effective

construction techniques.<sup>30</sup> While several prototypes have been built and successfully tested, their application has thus far been limited to individual buildings and has not been pursued on any large scale.<sup>31</sup>

#### **E. Transparency in the process of urban and spatial planning:**

Although by law IRUP is not the sole provider of planning services to all of Belarus, the State is de facto their only client. IRUP provides all master plans, regional plans and detailed plans to the six oblasts. The sole exception is Minsk, where Minskgrad is another State-dedicated firm. These organizations are responsible for developing the urban and spatial plans for Minsk and work in collaboration with the Minsk City Executive Committee. While in principle the Ministry of Architecture and Construction can issue licenses to private urban planning firms who would be permitted to provide services to regional clients, no other service providers currently work for the regional or local governments. The result is that IRUP and Minskgrad are the only two providers of research and planning proposals.

The Law "On Privatization of Housing Stock" (1992) has enabled the development and subsequent ownership of building stock by individuals through the mechanism of State-regulated real estate transactions. Private developers must adhere to the guidelines for urban planning set by the Government; these assure equal treatment of clients, whether State-sponsored or individually sponsored. State and private developers are subject to the same zoning requirements. Government controls on new development ensure that private developers of residential buildings cannot negotiate modifications to the existing Land Code. The Land Code clearly defines the types of development for urbanized and non-urbanized areas. SSISO defines "natural" regions as biologically and geographically diverse, and therefore subject to controls that protect opportunities for recreation and tourism development as well as for sustainable

<sup>29</sup> Ibid., p. 12.

<sup>30</sup> [http://www.bestpractices.at/main.php?page=programm/e/europe/best\\_practices/minsk\\_belarus&lang=en](http://www.bestpractices.at/main.php?page=programm/e/europe/best_practices/minsk_belarus&lang=en) (last accessed, 12 December 2008).

<sup>31</sup> <http://www.ebrd.com/projects/psd/psd1997/.htm> last accessed, 12 December 2008).

forestry practices.<sup>32</sup> Housing developments bordering on these areas are reportedly subject to strict control of wastewater and solid waste management.

As a result, housing development is strictly regulated. As part of a national directive to facilitate ownership of dwellings for a broad cross-section of citizens, the State closely monitors the degree and effectiveness of such projects. Administered by the State in compliance with the Law “On Architectural, Urban Planning and Building Activity in the Republic of Belarus” (2005), all development applications and permits are issued by the Ministry of Architecture and Construction<sup>33</sup> – the same body that generates urban and regional plans for the nation. Private development companies must pay installation costs for infrastructure so that residents have access to water, gas, electricity and fibre-optic connections.

Due to this regulatory context, illegal construction of residential dwellings is kept to a minimum. The degree of State control over land use administration has yielded a fairly well regulated system of building permit registration. Rural summer homes (*dachas*) are typically built as secondary seasonal residences for urban dwellers, but there is now a movement towards full-time occupation which is being facilitated by

improved services and transit infrastructure. Rural residents can now commute to urban centres on a daily basis. The expansion of urban boundaries is seen as an effort to gain control over semi-urban areas that are being used more frequently than originally planned and therefore place more strain on the infrastructure. Regional executive committees have decided to improve services and transfer the costs to property owners in the effort to regulate expansion.

Unapproved housing developments in rural areas are subject to fines. It has been reported that violators must pay a modest penalty, yet later become eligible to apply for a variance in zoning. The risk exists that developers may simply absorb the payment of fines as a project cost rather than treat it as a deterrent to irresponsible or illegal development. Although no figures are available to document the frequency of this occurrence, it appears as if the appeal process is not well defined and thus leaves room for confusion. The above applies to rural development within legally defined land plots. Urban construction that lacks appropriate permits is subject to similar review, but since the code requirements for densely populated areas are better defined, the frequency of illegal construction is much lower and also more thoroughly monitored.

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<sup>32</sup> Belarus 2015: A Summary of the National Plan for Spatial Development, p. 18.

<sup>33</sup> According to Article 17 of this Law, however, local executive and administrative bodies responsible for architectural, urban planning and building activities, take decisions on: (a) preliminary discussions about construction site locations; (b) issuance of permits for design and exploration works; and (c) allocations of land plots and the issuance of building permits.