

The “Building Works Culture” of the Modern Society, Through the Day-to-Day Work of the Italian Surveyor (Constant Updating of Building Register)

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Key words: Cadastre, Capacity Building, Land Management, Property Taxes

SUMMARY

Yet another law in Italy (no. 122/2010) recently established further regulations which will enable, in the immediate future, a very large step towards a “building works culture”.

The law requires the registration within a short period of time of buildings which have been incorrectly registered and buildings which have never been entered in the property register.

Buildings are continuously changing: new buildings, extensions, demolitions, redevelopment and renovation of existing buildings. This generates an enormous interest from the Public Administration and the society in general, and it needs a correct database for representation of the size and fiscal characteristics of all the properties.

By comparing a photogrammetric survey with existing mapping, the *Agenzia del Territorio* (the Italian Real Estate Registry Office), which holds the property register in Italy, has seen that there could be at least two million buildings which have never been registered. Consequently, due to the requirement to carry out the registrations in a short period of time, the Registry Office has requested the availability of private professional technicians (in particular, Building Surveyors) to complete all the building registrations necessary without incurring the specified penalties.

Quite often, the lack of registration of the buildings is due to the problems faced which many of these properties, from the point of view of uncertainties regarding ownership and other rights, correctness of building permits, errors shown in property registers and never corrected, lack of interest of certain owners, abandonment and sale of properties, termination of activities and so on.

To allow for building registration activities to be performed with the necessary technical quality, in accordance with the time required to resolve the above-mentioned problems, a two-stage system has been set up. The first stage consists in immediately assigning the so-called “expected income” to each of these properties, without concern for problems of a formal nature. This would allow the taxation due for non-registered properties to be calculated immediately.

Then, in due time, the second stage would be carried out to define the registration by following the additional procedures which are planned and necessary.

In this way, even these buildings will be taxed in the same way as those already registered, in accordance with the correct fiscal equity.

In addition, in order to improve the quality of the registered data, the law states that the parties will declare compliance of the current situation, at the time of all the notarial deeds to

transfer rights relative to the buildings, with the layout of the property filed in the Building Register.

This declaration may be replaced by a special declaration by the professional Building Surveyor who certifies the requested compliance.

If the Building Surveyor notes that the building may not be certified due to the presence of certain problems, he/she carry out all the steps and technical procedures required to obtain the requested compliance.

This declaration qualifies the Building Surveyor as the certifying party, assigning him/her with a specific and new professional responsibility.

This operation qualifies the building works culture, requiring the correspondence between approved and registered property, in compliance with everyone's right to guarantee for the civilised society the most correct property publicity, which places the focus, with absolute transparency, on the rights and duties of each individual property owner.

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Yet another law (no. 122/2010) in Italy recently established further regulations which will enable, in the immediate future, a very large step towards a tangible achievement of the “building works culture”.

The law requires the registration within a short period of time of buildings which have been incorrectly registered and buildings which have never been entered in the property register.

Buildings are continuously changing, with new buildings, extensions, demolitions, redevelopment and the renovation of existing buildings that constantly modify the condition of places.

These changes generate an enormous interest from the Public Administration and society in general, which needs a correct database for representation of the size and fiscal characteristics of all the properties, and consequently the updating of the mapping and identification data, both administrative and officially recorded details and boundaries.

All Italian municipalities had town planning regulations during the last century, and these were necessary for the detailed planning of building works within their particular territory.

These rules comply with the general requirements of the State and the Regions with regard to town planning, building works, countryside protection, and protection of the environment and cultural heritage.

Compliance with these standards allows for regulation of the building works phenomena in accordance with the needs of the citizens, but, above all, in compliance with the needs of the environment and the territory.

The existing buildings must be conveniently and correctly registered, in compliance with the famous “correspondence triangle”, between built, approved and registered.

The definition of this correspondence, which was set up in 1985 with a specific law (47/85 – *Condono Edilizio* – an amnesty for work done without planning permission), in fact constitutes the so-called “Building Works Culture” which has now become the main social aim of the work of the freelance Surveyor, operating in the sector of building works, cadastral surveys and property registers.

The sensitivity and responsibility of technicians and administrators has now raised the awareness of society as a whole regarding the need to achieve the aim of the “building works culture”.

Consequently, the entire building sector is engaged in establishing compliance with the law, avoiding proliferation of unlawful buildings, improving correct representation and cataloguing properties, and, lastly, determining fair taxation of the properties.

There have been many situations in the past when the “correspondence triangle” was not complied with, so there are currently a large number of building or portions of buildings in Italy which are not accurately surveyed and registered, and amongst these there are also many buildings which are unauthorised and built unlawfully.

Quite often, the lack of registration of the buildings is due to the problems faced with many of these properties, from the point of view of uncertainties regarding ownership and other rights, correctness of building permits, errors shown in property registers and never corrected, lack of interest of certain owners, abandonment and sale of properties, termination of activities and so on.

By comparing a photogrammetric survey with existing mapping, the *Agenzia del Territorio* (the Italian Real Estate Registry Office), which holds the property register in Italy, has seen that there could be at least two million buildings which have never been registered.

Due to the need to register these buildings in a short period of time, especially in order to recover the taxes due, the new law allows for the Italian Real Estate Registry Office to make use of the collaboration of freelance Surveyors.

To allow for building registration activities to be performed with the necessary technical quality, in accordance with the time required to resolve the above-mentioned problems, a two-stage system has been set up. The first stage consists in immediately assigning the so-called “expected income” to each of these properties, without concern for problems of a formal nature.

This would allow the taxation due for non-registered properties to be calculated immediately. Then, in due time, the second stage would be carried out to define the registration by following the additional procedures which are planned and necessary, with precision in terms of shape, size and consistency, to ensure preparation of a correct and complete inventory.

In this way, even these buildings will be taxed in the same way as those already registered, in accordance with the correct fiscal equity.

Naturally, for existing buildings which are not authorised by the Municipality, there will be further difficulties, which consist in the need to apply specific amnesties (where allowed for by the law), for which there are also significant economic penalties.

On the other hand, for existing unauthorised buildings located in areas which are protected or of special environmental interest, there could be even greater difficulties, since they should be demolished.

For this reason, the technical expertise of the Surveyor becomes very important, as he/she knows the places, the people and the local building situations, and may provide the necessary information both to the individual owner, Real Estate Registry Office and Municipality, to bring together the “building works culture”.

The new law states that the Real Estate Registry Office may make use of the collaboration of the Building Surveyors to immediately define the incomes due from the unregistered properties.

This will allow the Real Estate Registry Office to quickly obtain the information required for application of the taxes on the buildings and for the Surveyors to subsequently carry out the registration, which is still necessary.

In addition, in order to improve the quality of the registered data, the law states that the parties will declare compliance of the current situation, at the time of all the notarial deeds to transfer rights relative to the buildings, with the layout of the property filed in the Building Register.

This declaration may be replaced by a special declaration by the professional Surveyor who certifies the requested compliance.

If the Surveyor notes that the building may not be certified due to the presence of certain problems (as identified in surveys or in cadastral plans), the notarial deeds may not be defined, as they would be invalid.

The Surveyor must therefore carry out all the necessary paperwork and technical procedures so that the building in question may be checked and then certified for its correspondence between built and registered property.

This declaration qualifies the Surveyor as the certifying party, assigning him/her with a specific and new professional responsibility.

The operation clearly improves the “building works culture” in compliance with the need to provide the modern society with the most correct property publicity.

This publicity must put into focus, with absolute transparency, the rights and duties of each individual property owner, with the Surveyors always being active protagonists.

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