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Construction, management of construction projects and forensic examination in the innovations of the legislative system

The article provides an overview of the main changes in the legal regulation of public relations in the field of construction, real estate management, housing and utility services, as well as the legal cases on the cadastral value of the real estate considered in court from July 1, 2021 to December 1, 2021.

The co-authors draw attention to the most significant transformations of the legal regulation system, aimed at improving the behavior of the state and subjects of their industry. These innovations influence the legitimate interests of citizens, acting as construction co-investors. The co-authors also address the implementation of construction projects, the introduction of standard project documentation, mechanisms allowing developers to obtain compensations for the rise in the cost of building materials.

Keywords: amendments, legislation, construction supervision, forensic structural engineering examination, forensic land examination, state registration of real estate, construction co-investors, estimated cost of construction, apartment building, market value, utilities, subsidizes mortgage, "garage amnesty", urban planning

The information from the following open sources was used to make an overview: the official website of the State Duma of the Federal Assembly of the Russian Federation; the official Internet portal of legal information <http://www.pravo.gov.ru>; Rossiyskaya Gazeta Internet portal; ConsultantPlus legal reference system; Garant information and legal portal; RBC Real Estate information portal; CIAN information portal; official website of the Government of Russia; the official website of the Ministry of Construction, Housing and Utility Services of the Russian Federation; the official website of the Ministry of Energy of Russia; the official website of the Federal State Budgetary Institution "FKP Rosreestra"; the official website of the Federal Taxation Service of Russia; the official website of the Ministry of Emergency Situations of Russia.

DECREE OF THE GOVERNMENT OF THE RUSSIAN FEDERATION DATED 28.05.2021 NO. 815 [1]; INFORMATION OF FAU "GLAVGOSEXPERTIZA RUSSIA"

Since September 1, 2021, a new list of national standards and codes of rules has been in effect, as a result of which the compliance with the requirements of the Federal Law "Technical Regulations on Safety of Buildings and Structures" is mandatory. As of September 1, the list of mandatory requirements is reduced by more than 3.8 thousand positions, including references to documents of voluntary application. The new list has no norms, the application of which is advisory. In addition, the document expands the possibilities of using new materials and design solutions, excluding requirements limiting their use.

It is established that:

- the project documentation and (or) the results of engineering surveys accepted by the developer or technical customer, the development of which began in the period from August 1,

2020 to September 1, 2021 and which are submitted for examination, are checked for compliance with national standards and codes of rules (parts thereof) included in the list approved by the Decree of the Government of the Russian Federation dated 07.04.2020 No. 985, or in a new list at the choice of the developer or technical customer;

- the project documentation and (or) the results of engineering surveys accepted by the developer or technical customer, the development of which was started before August 1, 2020 and which are submitted for examination, are checked for compliance with national standards and codes of rules (their parts) included in the list approved by the Decree of the Government of the Russian Federation dated 26.12.2014 No. 1521, or in a new list at the choice of the developer or technical customer.

The list was updated after analyzing the current regulatory technical documents and with the active participation of representatives of the industry and the expert community. It is assumed that the abolition of excessive building codes in Russia will allow developers to accelerate the implementation of projects by 35 %.

A similar Decree of the Government of the Russian Federation No. 985 of 04.07.2020 becomes invalid.

FEDERAL LAW NO. 273-FZ DATED 01.07.2021 [2]; ROSREESTR INFORMATION DATED 19.07.2021

On July 1, 2021, Federal Law No. 273-FZ of July 1, 2021 "On Amendments to the Federal Law "On Participation in the Shared Construction of Apartment Buildings and Other Real Estate Objects and on Amendments to Certain Legislative Acts of the Russian Federation" and Certain Legislative Acts of the Russian Federation" entered into force, which supplemented Part three of

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► **Article 41 of Federal Law No. 73-FZ of May 31, 2001 “On State Forensic Expertise in the Russian Federation” [3].** According to the amendments, from July 1, 2021, the Government of the Russian Federation may establish a list of types of forensic examinations conducted exclusively by state forensic expert organizations.

The draft decree of the Government of the Russian Federation “On approval of the list of types of forensic examinations conducted exclusively by state forensic expert organizations” was posted on the Federal Portal of RLA Projects on October 11, 2021 (Project ID 01/01/10-21/00121310). In the list of types of examinations conducted exclusively by state forensic expert organizations, it is proposed to include judicial construction and technical and judicial land management expertise in cases related to challenging the cadastral value of construction objects and the territory functionally related to them, as well as land management objects in order to improve the procedure for establishing the market value of real estate objects in terms of conducting a forensic examination when challenging the cadastral value.

Ensuring the production of these forensic examinations exclusively by state forensic expert organizations will solve the problem associated with the dishonesty of non-state forensic experts in the production of forensic examinations in cases related to the establishment of the cadastral value of real estate and land plots.

Provisions aimed at increasing guarantees of the rights and legitimate interests of citizens participating in shared-equity construction have come into force. In order to finance measures to complete the construction of unfinished construction projects, the construction of apartment buildings and other real estate objects as part of the settlement of the developer's obligations to the construction participants, the Fund for the Protection of the Rights of Shareholders has been granted the right to attract funds from the participants of shared-equity construction for the construction (creation) of an apartment building and (or) other real estate objects. The funds of the participants of shared-equity construction are sent to the settlement account of the Fund opened in an authorized bank in the field of housing construction. In respect of these funds, bank support is provided. These provisions apply to shared-equity construction contracts concluded after July 1, 2021.

The Federal Law “On Assistance to the Development and Improvement of Management Efficiency in the Housing Sector and on Amendments to Certain Legislative Acts of the Russian Federation” [4] contains provisions on the Unified Housing Construction Information System (UHCIS). The UHCIS is created, operated and modernized by a Single Institute for Development in the housing sector, which collects, processes information for its inclusion in the system, stores such information, provides access to it, provides it, places it and distributes it.

The UHCIS is a set of information contained in databases and information technologies and technical means that ensure its processing, designed for complex automation of the processes of collecting and processing information in the housing sector and ensuring all types of information interaction (exchange) in accordance with the regulatory legal acts of the Russian Federation.

A list of information to be posted in the UHCIS is provided.

Interaction through the UHCIS of individuals and legal entities in the provision of state and municipal services (functions) to them, as well as the implementation of other services (services) is carried out using the public services portal in cases and in accordance with the procedure established by the Government of the Russian Federation.

The list of functions and powers carried out by the Fund for the Protection of the Rights of Shareholders is expanding.

Such new functions and powers include:

- performing legal and other actions as an agent of a non-profit organization in the organizational and legal form of the foundation established by the subject of the Russian Federation, including transactions related to the sale of residential and non-residential premises, parking spaces in the objects owned by the Foundation of the subject of the Russian Federation, the completion of construction of which was carried out with the involvement of the Fund;
- performing the functions of a technical customer, including carrying out construction control by the Fund or a legal entity specially created by it for these purposes, including by creating a special legal entity by the Fund for the purpose of performing such functions, in relation to apartment buildings and (or) other real estate objects, the completion of which is carried out by the Fund of the subject of the Russian Federation using funds provided by the Fund.

The Foundation has the right to create commercial and non-profit organizations on the territory of the Russian Federation to achieve the goals of its creation, to contribute to the authorized capital of such organizations land plots with inseparable improvements located on them, transferred to the Foundation on the prescribed grounds.

In order to settle the obligations of the developer to the construction participants in accordance with the procedure established by Article 201.15-1 of the Bankruptcy Law, if it is impossible to complete the construction of unfinished construction objects on the land plot on which the construction object is located or should be built, due to the restrictions established by law, the Fund may decide to finance measures for the construction of apartment buildings and other real estate objects on another land plot, located in state or municipal ownership and provided to the Fund for rent or gratuitous use in accordance with land legislation for the construction of apartment buildings and other real estate objects. In the event of a decision on financing measures for the construction of apartment buildings and other real estate objects, the Fund prepares project documentation, which may provide for changing the project documentation of unfinished construction objects, performs engineering surveys for the construction (creation) of apartment buildings and (or) other real estate objects specified in this part, and also conducts an examination of such project documentation and the results of engineering surveys.

At the same time, the list of purposes for which the Fund's property can be used is expanding. Such goals include, in particular, financing the preparation of project documentation, the execution of engineering surveys, as well as the examination of project documentation and the results of engineering surveys necessary for the construction (creation) of apartment buildings and (or) other real estate objects.

FEDERAL LAW NO. 191-FZ DATED 11.06.2021 [5]; ROSREESTR LETTER DATED 02.07.2021 NO. 11-4975-AB/21 [6]; ROSAVIATION LETTER DATED 12.08.2021 NO. EX-29096/04 [7]; ROSREESTR INFORMATION DATED 19.07.2021

On July 1, 2021, a law came into force that expands the opportunities of participants in public discussions and public hearings, as well as clarifying the regime of the airfield territory. During the period of posting the project to be considered at public discussions or public hearings, and information materials to it and the

exposition of such a project, participants in discussions (hearings) who have passed identification have the right to make suggestions and comments to the organizer in the form of an electronic document.

The corresponding change was made to paragraph 3 of Part 10 of Article 5.1 of the RF Civil Code.

In addition, a number of changes affect the regime of the aerodrome territory. For example, it has been established that the list of restrictions on the use of land plots providing for a ban on the construction, reconstruction, operation of certain types of capital construction facilities in the seventh subzone of the aerodrome territory is determined taking into account the possibility of applying measures to prevent and eliminate negative physical effects and based on the results of calculation and assessment of risks to human health.

DECREE OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 1670 DATED 30.09.2021 [8]

On October 20, 2021, amendments were made to housing legislation, as a result of which general requirements for the organization and implementation of regional state housing control (supervision) were defined. State housing control (supervision) is carried out by the authorized executive authorities of the subjects of the Russian Federation.

The subject and objects of control (supervision) are defined.

The State housing supervision authority classifies the objects of supervision to one of the categories of risk of harm (high, medium, moderate and low) in accordance with the established criteria.

According to the severity and scale of the potential negative consequences of non-compliance by legal entities and sole proprietors with mandatory requirements, the activities of controlled persons subject to regional state housing control (supervision) are divided into severity groups "A" and "B".

The group of severity "A" includes the activities of legal entities and sole proprietors for the management of apartment buildings, the provision of services and (or) the performance of maintenance and repair of common property in apartment buildings in relation to apartment buildings equipped with elevators and (or) a centralized gas supply system, including apartment buildings in which gas is used for the production of hot water and (or) heat supply services.

In other cases, the activities of controlled persons belong to the severity group "B".

Severity group "A" correlates with the categories of high and medium risk, severity group "B" — with the categories of moderate and low risk.

Within the framework of State housing supervision, preventive measures such as informing, summarizing law enforcement practices, warning announcements, counseling and a preventive visit are carried out.

The Decree of the Government of the Russian Federation of 11.06.2013 No. 493 "On State housing supervision" becomes invalid.

FEDERAL LAW NO. 170-FZ DATED 11.06.2021 [9]

The state construction supervision bodies are authorized to keep a register of capital construction objects, in respect of which they carry out state construction supervision. The subject of state construction supervision is being clarified. The subject of such supervision now includes, among other things, compliance with the requirements for ensuring the conservation of the capital construction facility and the requirements for the procedure for carrying out construction control.

The subject of state construction supervision in relation to capital construction projects, construction work, reconstruction of which has been completed, is in compliance with:

- requirements for a construction permit and compliance of the capital construction facility with the parameters specified in the construction permit, if a construction permit is required for the construction or reconstruction of the capital construction facility;
- compliance of the parameters of capital construction facilities with the maximum parameters of permitted construction, reconstruction of capital construction facilities, established rules of land use and development, documentation on the layout of the territory, and mandatory requirements for the parameters of capital construction facilities, if a construction permit is not required for the construction or reconstruction of the capital construction facility.

After the completion of the construction, reconstruction of the capital construction facility, the state construction supervision authority conducts an on-site inspection, according to the results of which the work performed is evaluated and a decision is made to issue an opinion on the compliance of the constructed, reconstructed capital construction facility with the requirements of the project documentation and (or) information model, or to refuse to issue such an opinion.

When exercising federal state control over the activities of national associations of SRO, the system of assessment and risk management of harm (damage) to legally protected values is not applied.

DECREE OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 1006 DATED 25.06.2021 [10]

The conduct of federal state control over the activities of national associations of SRO is regulated. The procedure for the organization and implementation of federal state control over the activities of the National Association of SROs based on the membership of Persons performing engineering surveys and SROs based on the membership of persons preparing project documentation, as well as the National Association of SROs based on the membership of Persons carrying out construction has been established.

The control is carried out by the Ministry of Construction of Russia.

The subject of control is compliance by national associations with the mandatory requirements established by the RF Urban Planning Code. The objects of control are the activities, actions (inaction) of national associations, within which mandatory requirements must be met.

The following types of preventive measures are carried out: informing, generalization of law enforcement practice, warning announcement, counseling and preventive visit.

Control is carried out without carrying out planned control (supervisory) measures. Documentary and field inspections are carried out.

DECREE OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 1087 DATED 30.06.2021 [11]

On July 2, 2021, the Regulation on Federal State Construction Supervision came into force. Federal State construction supervision is carried out by Rostekhnadzor and its territorial bodies.

The subject and objects of supervision are defined.

In the implementation of federal state construction supervision, the following types of preventive measures can be carried out: informing, generalization of law enforcement practice, warning announcement, counseling and preventive visit.

▶ Such control (supervisory) measures as documentary inspection, field inspection are carried out. At the same time, federal state construction supervision is carried out without carrying out planned control (supervisory) measures.

FEDERAL LAW NO. 275-FZ DATED 01.07.2021 [12]; ROSREESTR LETTER NO. 13/1-5758-AB/21 DATED 28.07.2021 [13]; ROSREESTR INFORMATION DATED 19.07.2021

Certain changes have been made and entered into force in the Urban Planning Code of the Russian Federation since July 12. The concept of working documentation is introduced, which is documentation containing materials in text and graphic forms and (or) in the form of an information model, according to which construction, reconstruction of a capital construction facility, and their parts are carried out. The working documentation is developed on the basis of the project documentation. Preparation of project documentation and working documentation can be carried out simultaneously.

The Government of the Russian Federation has the right to establish the procedure for conducting examinations of project documentation on the principle of "one window", according to which the said examinations are carried out on the basis of a single request from the applicant, and interaction between bodies, organizations authorized to conduct these examinations is carried out without the participation of the applicant.

Construction and reconstruction of capital construction facilities are now carried out in accordance with the project documentation and working documentation.

If changes are made to the working documentation that meet certain requirements, bringing the project documentation into compliance with such changes made to the working documentation is not required, provided that such changes to the working documentation are approved by the developer, the technical customer in accordance with the procedure provided for in part 15 of Article 48 of the UPC of the Russian Federation. In this case, changes to the working documentation approved by the developer or technical customer are recognized as part of the project documentation.

In cases determined by the Government of the Russian Federation, when carrying out routine repairs of buildings, structures, replacement and (or) restoration of individual elements of building structures of such buildings, structures (with the exception of elements of load-bearing building structures), elements of engineering support systems and networks of engineering support of such buildings, structures can be carried out.

With the adopted amendments, the legislator also clarified the requirements for the technical plan. Thus, information about a building, a structure or a single immovable complex, with the exception of information about their location, area, building area, is indicated in the technical plan on the basis of not only project documentation, but also a building permit, a structure (if such a permit is required for construction).

Since September 1, 2021, the issues of implementation of projects for the construction of capital construction facilities have been regulated. The UPC of the Russian Federation introduces the concept of "project for the construction of a capital construction facility", which means a list of activities carried out by the developer, technical customer, federal executive authorities, executive state authorities of the subjects of the Russian Federation, local self-government bodies and (or) other organizations for the construction,

reconstruction of a capital construction facility, commissioning of such an object, as well as state registration of rights to it.

The stages of implementation of the project for the construction of a capital construction facility are established, each of which includes a set of specific measures.

The Government of the Russian Federation approves an exhaustive list of documents, information, materials, approvals necessary for the implementation of measures during the implementation of the project for the construction of a capital construction facility.

Also, this Federal Law introduces the institute of standard project documentation. Standard design documentation is introduced to replace cost-effective reuse design documentation.

Project documentation that has received a positive conclusion of the state expert examination of project documentation and used in the construction, reconstruction of a capital construction facility, in respect of which permission has been obtained to put it into operation, by the decision of the federal executive authority authorized by the Government of the Russian Federation, may be recognized as standard project documentation.

Information about standard design documentation is included in the unified state register of expert opinions on design documentation for capital construction projects.

From the date of inclusion of information on standard project documentation in the unified state register of expert opinions of project documentation, the developer, the technical customer, the person who provided for the execution of engineering surveys and (or) preparation of project documentation in the cases provided for in parts 1.1 and 1.2 of Article 48 of the Civil Code of the Russian Federation, when carrying out architectural and construction design, construction, reconstruction of a capital construction facility, has the right to use standard project documentation prepared in relation to a similar capital construction facility. In this case, the design assignment specifies information about the standard design documentation, according to which it is planned to carry out such construction, reconstruction of the capital construction facility.

The Government of the Russian Federation may establish cases of mandatory use of standard project documentation.

Cost-effective reuse project documentation, information about which, as of October 1, 2021, is included in the unified state register of expert opinions on project documentation for capital construction projects, is recognized as standard project documentation.

DECREE OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 1129 DATED 07.07.2021 [14]

Since July 17, 2021, the procedure for granting loans for the design, construction and (or) reconstruction of infrastructure facilities has been established on the basis of a concession agreement or agreements on public-private partnership, municipal-private partnership. Amendments were made to the Decree of the Government of the Russian Federation No. 2459 dated 31.12.2020. A specialized company has the right to grant a loan to a legal entity (legal entities operating under a simple partnership agreement (joint activity agreement)) implementing or planning to implement a project for the construction and (or) reconstruction of infrastructure facilities, which may be objects of a concession agreement or objects of a public-private partnership agreement, a municipal-private partnership agreement, for the purpose of designing, construction and (or) reconstruction of such facilities.

DECREE OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 1160 DATED 12.07.2021 [15]

On July 22, 2021, amendments to the Decree of the Government of the Russian Federation dated December 23, 2016 No. 1452 "On monitoring the prices of construction resources" came into force [16]. It is envisaged that information on the indices of changes in the estimated cost of construction by groups of homogeneous construction resources should be posted in the Federal State Information System of Pricing in Construction starting in 2022, quarterly, no later than the 25th day of the second month of the quarter following the reporting one.

The concepts of "group of homogeneous construction resources", "consolidated list of representative construction resources", "lists of specialized construction resources" and "representative construction resource" are introduced.

ORDER OF THE MINISTRY OF CONSTRUCTION OF THE RUSSIAN FEDERATION DATED 02.20.2021 NO. 79/PR [17]

On August 21, 2021, changes to the Methodology for calculating the indices of changes in the estimated cost of construction came into force. It is envisaged that information on the indices of changes in the estimated cost is placed in the Federal State Information System of Pricing in Construction by inclusion in the federal register of estimated standards as reference information, and also published on the website of the Ministry of Construction of Russia.

The procedure for determining the estimated cost of construction and installation works, indices for individual construction resources is being clarified.

Among other things, the orders are defined:

- recalculation of the estimated cost in case of changes to the project documentation by the decision of the developer after receiving a positive conclusion of the state expertise, but before the date of conclusion of the state (municipal) contract;
- calculation of indices of changes in the estimated prices of services for the transportation of goods for construction by road;
- calculation of indices for groups of homogeneous construction resources.

The new edition contains recommended samples of the following forms: "Object resource statement", "Results of market analysis of current prices of material resources", "Calculation of current prices for the operation of construction machinery and mechanisms", "Calculation of the average monthly wage of a first-class worker employed in the construction industry".

FEDERAL LAW NO. 276-FZ OF 01.07.2021 [18]

Since September 1, 2021, legislative changes have been adopted in the field of providing technical conditions necessary for architectural and construction design. It has been established, for example, that the technical conditions for connection (technological connection) of capital construction facilities to engineering support networks used for architectural and construction design purposes are issued for the purpose of concluding a connection agreement (technological connection) without charging a fee within 7 working days.

The validity period of the technical conditions is established by the copyright holder of the network of engineering and technical support for at least 3 years or for at least 5 years in the case of complex development of the territory.

It provides for the possibility of establishing a fee for connection (technological connection) of capital construction facilities to engineering networks based on the stages of design, construction, reconstruction of facilities.

The features of reconstruction, overhaul of existing linear facilities in connection with the planned construction, reconstruction or overhaul of capital construction facilities are determined.

DECREE OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 1812 DATED 10.22.2021 [19]

The mechanism that allows developers to compensate for the rise in the cost of building materials has been extended from November 9, 2021 to Government contracts concluded before October 1, 2021. Previously, this mechanism applied to government contracts concluded before July 1, 2021.

The mechanism provides for the right of contractors, in agreement with customers, to increase the price of government contracts due to the rise in the cost of construction materials by no more than 30 %.

We are talking about state contracts, the subject of which is the performance of works on construction, reconstruction, capital repairs, demolition of capital construction facilities, carrying out works on the preservation of cultural heritage objects and which are concluded in accordance with the Law on the Contract System.

At the same time, the list of customers is expanding, in contracts with which significant changes in terms of price increases can be made.

ORDER OF THE MINISTRY OF CONSTRUCTION OF THE RUSSIAN FEDERATION DATED 26.08.2021 NO. 610/PR [20]

From October 12, 2021, the recognition of apartment buildings that are in a limited operable technical condition will be carried out in accordance with the established procedure. The assessment and inspection of apartment buildings in order to recognize them as being in a limited operable technical condition is carried out by an interdepartmental commission established by the executive authority of the subject of the Russian Federation, on the territory of which such apartment buildings are located.

The decision to recognize apartment buildings as being in a limited operable technical condition is made by the executive authority of the subject of the Russian Federation (with the exception of apartment buildings, all premises in which are federally owned) within 30 calendar days from the date of receipt of the relevant decision of the commission.

The basis for recognizing apartment buildings as being in a limited operable technical condition is the technical condition of a building structure or an apartment building as a whole, established by a specialized organization, including the condition of the foundation soils, in which there are rolls, defects and damages that have led to a decrease in load-bearing capacity, in which there is no danger of sudden destruction, loss of stability or overturning, both the functioning of structures and the operation of such an apartment building are possible either by monitoring (monitoring) its technical condition, or by carrying out the necessary measures to restore or strengthen structures and (or) foundation soils and subsequent monitoring of the technical condition of such an apartment building.

If the grounds for recognizing an apartment building as being in a limited operable technical condition are eliminated, the applicants have the right to initiate a re-evaluation procedure and a survey of the technical condition of the apartment building.

► **ORDER OF THE MINISTRY OF CONSTRUCTION OF THE RUSSIAN FEDERATION DATED 08.18.2021 NO. 584/PR [21]**

The methodology of determining the standard value of one square meter of the total area of residential premises in the Russian Federation and the average market value of one square meter of the total area of residential premises in the subjects of the Russian Federation is updated. Previously, the calculation of the average market value of one square meter of the total area of residential premises in the subjects of the Russian Federation was carried out based on official statistics, the average cost of construction, the average cost of one square meter of the total area of residential premises purchased by participants of the main event "Fulfillment of state obligations to provide housing to categories of citizens established by federal legislation" of the state program of the Russian Federation "Providing affordable and comfortable housing and utilities to citizens of the Russian Federation", and also taking into account the deflator index.

In accordance with the new methodology, the calculation of the average market value of one square meter of the total area of residential premises in the subjects of the Russian Federation will be carried out on the basis of the average price of one square meter of the total area of residential premises in the primary market in the relevant subject of the Russian Federation according to Rosstat for the period preceding the settlement, with the exception of the subjects of the Far Eastern Federal District.

The deflator index is excluded from the calculation formulas.

A similar Order of the Ministry of Construction of Russia dated 17.12.2018 No. 816/pr. becomes invalid.

DECREE OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 1017 DATED 25.06.2021 [22]

Since July 10, 2021, amendments to the Rules for the Provision of Utilities to Owners and Users of Premises in Apartment Buildings and Residential Buildings have come into force. The amendments are aimed at implementing Federal Law No. 351-FZ of 27.10.2020 "On Amendments to Articles 157 and 157.2 of the Housing Code of the Russian Federation regarding the Regulation of the Procedure for Changing the amount of payment for Utilities provided in Violation of the established requirements", which regulates the procedure for changing the amount of payment for utilities provided in violation of the established requirements.

It is provided that the management organization, homeowners' association or housing cooperative are obliged, among other things, to compensate the resource-supplying organization that provides utilities to owners and users of premises in an apartment building, the expenses actually incurred by it due to changes in the amount of utility fees due to the provision of utilities with interruptions exceeding the established duration and (or) with a violation of quality. The deadline for fulfilling such a duty is 10 working days from the date of receipt of the request of the resource supply organization.

Compensation is made if the provision of utilities with interruptions exceeding the prescribed duration and (or) with a violation of quality is caused by improper performance of duties for the maintenance and repair of common property in an apartment building by a person managing an apartment building, which is established by the inspection act, provided that there are no recorded violations of the quality of communal resources and (or) interruptions in the supply of communal resources by the resource-supplying

organization to the boundaries of common property in an apartment building and the boundaries of external networks of engineering and technical support of the specified house.

Also, on July 10, 2021, the Decree of the Government of the Russian Federation No. 354 dated 05.06.2011 "On the provision of utilities to owners and users of premises in apartment buildings and residential buildings" was excluded from the list of acts that are not covered by the mechanism of the "regulatory guillotine" [23].

DECREE OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 1295 DATED 31.07.2021 [24]

On August 10, 2021, amendments to the Rules for Providing Utilities to Owners and Users of Premises in Apartment Buildings and Residential Buildings came into force. It provides for the procedure for determining the payment for communal heating services in apartment buildings connected to centralized heat supply networks according to an independent scheme – through an individual heating point — that are equipped with a collective (communal) heat metering device and in which not all rooms are equipped with individual heat metering devices, taking into account the readings of the latter.

DECREE OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 1700 DATED 07.10.2021 [25]

On October 19, 2021, changes to the Basis for the Formation of Indices of Changes in the Amount of Citizens' Fees for Utilities in the Russian Federation came into force. It is stipulated, in particular, that in the case of relocation of citizens from emergency housing stock within the framework of the implementation of the regional targeted program for the resettlement of citizens from emergency housing stock for the calculation and application of limit indices, the set, volume of utilities and tariffs (prices) for utilities in the base period (December of the previous calendar year) are assumed to be equal to the set, volume of utilities and tariffs (prices) for utilities that were in effect in the base period (December of the previous calendar year) within the boundaries of the settlement, municipal district, urban district for consumers in apartment buildings and (or) residential buildings of a similar degree of improvement, determined by the decision of the authorized executive authority of the subject of the Russian Federation.

The amendments are aimed at introducing a system of stimulating investments through guarantees of their return by introducing a procedure and determining the regulations for "long-term" (for the duration of the concession agreement and (or) investment program) approval by the Federal Antimonopoly Service of Russia of the excess by the subjects of the Russian Federation of the indices of changes in the amount of citizens' fees for utilities.

Point excesses can be allowed by the heads of regions in individual municipalities to attract and support investments in the housing and utilities sector aimed at modernization, reconstruction, new construction of communal facilities, to increase their energy efficiency and technical level in order to provide high-quality utilities.

Excess is possible only if there is a clear justification for the need to implement investment measures in accordance with the approved schemes of heat, water supply, sanitation, placed in the public domain, with the submission to the Federal Antimonopoly Service of Russia of documents in accordance with the list established by law.

At the same time, the obligation of the region to regularly provide a report on the implementation of investment measures is fixed, and in case of their non-fulfillment, the "long-term" agreement is subject to cancellation.

DECREE OF THE GOVERNMENT OF THE RUSSIAN FEDERATION NO. 1758 DATED 18.10.2021 [26]

On October 18, 2021, the preferential mortgage program was extended to the purchase and construction of private homes. Amendments were made to the Resolutions of the Government of the Russian Federation No. 566 dated 23.04.2020 [27] and No. 1121 dated 27.07.2020 [28].

In particular, it is provided that a preferential housing (mortgage) loan (loan) can also be issued:

- for purchase from developers — legal entities (with the exception of investment funds, including their management companies) or from developers — sole proprietors of individual residential buildings with land plots located on the territory of the Russian Federation, under purchase and sale agreements;
- for the acquisition by borrowers from legal entities (with the exception of investment funds, including their management companies) or from sole proprietors of individual residential houses on land plots located on the territory of the Russian Federation, under purchase and sale agreements, according to which legal entities or sole proprietors undertake in the future to transfer to borrowers ownership of individual residential houses that will be created after the conclusion of such agreements, with land plots;
- for payment by borrowers for the construction of individual residential buildings on land plots carried out under one or more contract agreements concluded by borrowers with legal entities or sole proprietors, or for the acquisition by borrowers of land plots located on the territory of the Russian Federation under purchase and sale agreements and payment for the construction of individual residential houses on them, carried out under one or more contract agreements concluded by borrowers with legal entities or sole proprietors.

The procedure for reimbursement of lost income within the framework of subsidies is being clarified.

The list of conditions under which the lost income is reimbursed to creditors has been supplemented.

The total amount of loans (loans) for which compensation of lost income is carried out has been increased to 2.4 trillion rubles (inclusive).

The application form for receiving compensation for lost income has been adjusted.

**FEDERAL LAW NO. 79-FZ DATED 05.04.2021 [29];
DECREE OF THE GOVERNMENT OF THE RUSSIAN
FEDERATION DATED 04.10.2021 NO. 1683 [30];
ROSREESTR LETTERS DATED 03.08.2021
NO. 01-5931-GE/21 [31] AND DATED 08.10.2021
NO. 11-01640/21 [32], ROSREESTR INFORMATION
DATED 15.06.2021 AND 18.10.2021**

On September 1, 2021, there were changes in the sphere of regulation of relations related to real estate. The law on "garage amnesty" comes into force. In particular, it is established that until September 1, 2026, a citizen using a garage that is an object of capital construction and erected before the date of entry into

force of the Urban Planning Code of the Russian Federation (December 30, 2004) has the right to grant ownership free of charge to a land plot in state or municipal ownership on which it is located, if:

- the land plot for the garage was provided to a citizen or transferred to him by any organization (including with which this citizen was in an employment or other relationship) or otherwise allocated to him or the right to use such a land plot arose from a citizen for other reasons;
- a land plot is formed from a land plot provided or otherwise allocated to a garage cooperative or another organization under which a garage cooperative was organized for the placement of garages, or the right to use such a land plot arose from the cooperative (organization) for other reasons and the garage and (or) the land plot on which it is located are distributed to the appropriate citizen on the basis of a decision of the general meeting of members of the garage cooperative or another document establishing such distribution.

At the same time, not only garage owners who meet the specified criteria can now use the "garage amnesty", but also their heirs or citizens who purchased a garage by agreement from such owners.

The issues of the use by citizens of lands or land plots in state or municipal ownership for the construction of garages that are non-capital structures, or for parking vehicles of disabled people near their place of residence have been settled.

Besides:

- single-storey garages that are blocked by common walls with other single-storey garages, information about which is entered in the Unified State Register of Real Estate as premises in a building or structure, are recognized as independent buildings;
- objects created before September 1, 2021, which, in accordance with the title or title documents or in accordance with the records of the Unified State Register of Real Estate, have the name or purpose "garage box", are recognized as garages.

**FEDERAL LAW NO. 120-FZ DATED 30.04.2021 [33];
ROSREESTR ORDERS DATED 01.06.2021 NO. P/0241 [34]
AND DATED 25.08.2021 NO. P/0368 [35]; ROSREESTR
LETTERS DATED 13.05.2021 NO. 14-3555-GE/21 [36] AND
DATED 20.07.2021 NO. 18-02191/21 [37]**

On October 28, 2021, amendments to Federal Law No. 218-FZ of 13.07.2015 "On State Registration of Real Estate" came into force [38]. The basic information about the real estate object, which is entered into the real estate cadaster, is being clarified.

The terms of state cadastral registration and state registration of rights in a number of cases have been determined.

It is possible to transfer to the registration authority an application for state registration of rights and documents attached to it through a notary (except if the applicant is a cadastral engineer).

The maximum allowable size of the parking space is no longer limited.

If the technical plan for a building, structure, or construction-in-progress object registered before January 1, 2013 is prepared solely for the purpose of entering information about the location of such objects on a land plot into the Unified State Register of Real Estate, then the preparation of the technical plan does not require the use of project documentation, commissioning permits or construction permits and the inclusion of copies thereof, as well as the inclusion in the technical plan of plans of all floors of a building, structure or plans of a building, structure.

State authorities and local self-government bodies are now obliged to send documents (information contained in them) to the rights registration authority for entering information into the EGRN in case they make decisions (acts):

- on establishing or changing the permitted use of a building, structure; on granting permission for a conditionally permitted type of use of a land plot; on establishing compliance between the type of permitted use of a land plot specified in the application for establishing compliance of the type of permitted use of a land plot with the classifier of types of permitted use of land plots, and the type of permitted use of land plots established by the classifier of types of permitted use of land plots;
- about changing the purpose of the building, structure, premises.

In addition, certain provisions of the Order of the Rosreestr 01.06.2021 No. P/0241 come into force.

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2. On Amendments to the Federal Law "On Participation in the Shared Construction of Apartment Buildings and Other Real Estate Objects and on Amendments to Certain Legislative Acts of the Russian Federation" and Certain Legislative Acts of the Russian Federation" : Federal Law No. 273-FZ dated 01.07.2021.
3. On State Forensic Expert Activity in the Russian Federation : Federal Law No. 73-FZ of 31.05.2001.
4. On Promoting the Development and Improvement of Management Efficiency in the Housing Sector and on Amendments to Certain Legislative Acts of the Russian Federation : Federal Law No. 225-FZ of 13.07.2015.
5. On Amendments to Certain Legislative Acts of the Russian Federation : Federal Law No. 191-FZ of 11.06.2021.
6. On the Application of Federal Law No. 191-FZ dated June 11, 2021 : Rosreestr Letter No. 11-4975-AB/21 dated 02.07.2021.
7. On the coordination of the placement of objects within the Boundaries of aerodrome Territories, air approach lanes and sanitary protection zones of civil aviation airfields : Letter of the Federal Air Transport Agency dated 12.08.2021 No. Ex-29096/04.
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9. On Amendments to Certain Legislative Acts of the Russian Federation in Connection with the Adoption of the Federal Law "On State Control (Supervision) and Municipal Control in the Russian Federation" : Federal Law No. 170-FZ of 11.06.2021.
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12. On Amendments to the Urban Planning Code of the Russian Federation and Certain Legislative Acts of the Russian Federation : Federal Law No. 275-FZ of 01.07.2021
13. On the Application of legislation in connection with the Entry into Force of Certain Provisions of Federal Law No. 275-FZ dated 01.07.2021 : Letter of the Federal Register of 28.07.2021 No. 13/1-5758-AB/21.
14. On Amendments to the Resolution of the Government of the Russian Federation of December 31, 2020 No. 2459 : Resolution of the Government of the Russian Federation of 07.07.2021 No. 1129.
15. On Amendments to the Resolution of the Government of the Russian Federation of December 23, 2016 No. 1452 : Resolution of the Government of the Russian Federation of 12.07.2021 No. 1160.
16. On monitoring the prices of construction resources (together with the "Rules for monitoring the prices of construction resources") : Decree of the Government of the Russian Federation No. 1452 dated December 23, 2016.
17. On Amendments to the Methodology for Calculating the Indices of Changes in the Estimated cost of Construction, approved by Order of the Ministry of Construction and Housing and Communal Services of the Russian Federation dated June 5, 2019 No. 326/pr : Order of the Ministry of Construction of the Russian Federation dated 02.20.2021 No. 79/pr.
18. On Amendments to the Urban Planning Code of the Russian Federation and Certain Legislative Acts of the Russian Federation : Federal Law No. 276-FZ of 01.07.2021.
19. On Amendments to Certain Acts of the Government of the Russian Federation : Resolution of the Government of the Russian Federation No. 1812 dated 10.22.2021.
20. On Establishing the Procedure for recognizing Apartment buildings as being in a limited operable technical condition : Order of the Ministry of Construction of the Russian Federation No. 610/pr dated 08.26.2021.
21. On approval of the Methodology for determining the standard value of one square meter of the total area of residential premises in the Russian Federation and the average market value of one square meter of the total area of residential premises in the subjects of the Russian Federation : Order of the Ministry of Construction of the Russian Federation dated 08.18.2021 No. 584/pr.
22. On Amendments to Certain Acts of the Government of the Russian Federation regarding the Improvement of the Procedure for Changing the Amount of Payment for Utilities Provided in Violation of the Established Requirements : Decree of the Government of the Russian Federation No. 1017 dated 06.25.2021.
23. On the provision of public services to owners and users of premises in apartment buildings and residential buildings : Decree of the Government of the Russian Federation dated 06.05.2011 No. 354.
24. On Amendments to the Rules for the Provision of Utilities to Owners and Users of Premises in Apartment Buildings and Residential Buildings and Invalidation of subparagraph "d" of paragraph 5 of the Amendments to the Acts of the Government of the Russian Federation approved by the Decree of the Government of the Russian Federation dated February 27, 2017 № 232 : Decree of the Government of the Russian Federation No. 1295 dated 07.31.2021.
25. On Amendments to the Basis for the Formation of Indices of Changes in the Amount of Citizens' Fees for Utilities in the Russian Federation : Decree of the Government of the Russian Federation No. 1700 dated 07.10.2021.
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30. On Amendments to Certain Acts of the Government of the Russian Federation in Connection with the Adoption of Federal Law No. 79-FZ of April 5, 2021 "On Amendments to Certain Legislative Acts of the Russian Federation" : Resolution of the Government of the Russian Federation of 04.10.2021 No. 1683.

31. On the Implementation of the Provisions of Part 1 of Article 18 of Federal Law No. 79-FZ dated 05.04.2021 : Rosreestr Letter No. 01-5931-GE/21 dated 03.08.2021.

32. On "garage amnesty" : Rosreestr letter dated 08.10.2021 No. 11-01640/21.

33. On State Registration of Real Estate and Certain Legislative Acts of the Russian Federation : Federal Law No. 120-FZ dated 30.04.2021 "On Amendments to the Federal Law

34. On Establishing the Procedure for Maintaining the Unified State Register of Real Estate, the Form of a special Registration Inscription on a document Expressing the content of the Transaction, the composition of information included in a special registration inscription on a document Expressing the content of the Transaction, and the requirements for its completion, as well as the requirements for the

format of a special registration inscription on a document Expressing the content of the transaction, in electronic form, the procedure for changing information about the location of the boundaries of a land plot in the unified state register of real estate when correcting a registry error : Rosreestr Order No. P/0241 dated 01.06.2021.

35. On establishing the form of an extract from the household book about the citizen's right to a land plot : Order of the Federal Register of 25.08.2021 No. P/0368.

36. On Amendments Made by Federal Law No. 120-FZ of 30.04.2021 : Letter of the Federal Register of 13.05.2021 No. 14-3555-GE/21.

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38. On State Registration of Real Estate : Federal Law No. 218-FZ of 13.07.2015.

Строительство, эксплуатация строительных объектов и судебная экспертиза в новациях системы правового регулирования

В статье представлен обзор основных изменений правового регулирования общественных отношений в сфере строительства, управления недвижимостью и жилищно-коммунальным комплексом, судопроизводства по делам, связанным с оспариванием кадастровой стоимости недвижимости с 1 июля 2021 года по 1 декабря 2021 года.

Авторы обращают внимание на наиболее значимые преобразования системы правового регулирования, которые имеют своей целью совершенствование взаимодействия государства и субъектов строительной индустрии, а также смежных с ней отраслей хозяйствования и судопроизводства, складывающегося на современном этапе в Российской Федерации. К таким изменениям следует относить: введение в действие нового перечня национальных стандартов и сводов правил, в результате применения которых на обязательной основе обеспечивается соблюдение требований Федерального закона «Технический регламент о безопасности зданий и сооружений», вступление в силу закона, направленного на повышение гарантий прав и законных интересов граждан — участников долевого строительства, установление порядка предоставления займов на цели проектирования и строительства объектов инфраструктуры на основании концессионного соглашения или соглашения о государственно-частном партнерстве, о муниципально-частном партнерстве, вступление в силу изменений Методики расчета индексов изменения сметной стоимости строительства, урегулирование вопросов реализации проектов по строительству объектов капитального строительства, введение института типовой проектной документации, распространение на государственные контракты, заключенные до 1 октября 2021 года, действия механизма, позволяющего компенсировать застройщикам удорожание строительных материалов, установление порядка признания многоквартирных домов, находящихся в ограниченно-работоспособном состоянии, включение в перечень видов судебных экспертиз, проводимых исключительно государственными судебно-экспертными организациями, судебной строительно-технической и землеустроительной экспертиз по делам, связанным с оспариванием кадастровой стоимости объектов недвижимости.

Ключевые слова: изменения, дополнения, законодательство, строительный надзор, судебная строительно-техническая экспертиза, судебная землеустроительная экспертиза, государственная регистрация недвижимости, участники долевого строительства, сметная стоимость строительства, многоквартирный дом, рыночная стоимость, коммунальные услуги, льготная ипотека, «гаражная амнистия», градостроительство

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1. Об утверждении перечня национальных стандартов и сводов правил (частей таких стандартов и сводов правил), в результате

применения которых на обязательной основе обеспечивается соблюдение требований Федерального закона «Технический регламент о безопасности зданий и сооружений», и о признании утратившим силу Постановления Правительства Российской Федерации от 4 июля 2020 г. № 985 : Постановление Правительства РФ от 28.05.2021 № 815.

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20. Об установлении Порядка признания многоквартирных домов находящимися в ограниченно работоспособном техническом состоянии: Приказ Минстроя России от 26.08.2021 № 610/пр.

21. Об утверждении Методики определения норматива стоимости одного квадратного метра общей площади жилого помещения по Российской Федерации и средней рыночной стоимости одного квадратного метра общей площади жилого помещения по субъектам Российской Федерации: Приказ Минстроя России от 18.08.2021 № 584/пр.

22. О внесении изменений в некоторые акты Правительства Российской Федерации в части совершенствования порядка изменения размера платы за коммунальные услуги, предоставленные с нарушением установленных требований: Постановление Правительства РФ от 25.06.2021 № 1017.

23. О предоставлении коммунальных услуг собственникам и пользователям помещений в многоквартирных домах и жилых домах: Постановление Правительства РФ от 06.05.2011 № 354.

24. О внесении изменений в Правила предоставления коммунальных услуг собственникам и пользователям помещений в многоквартирных домах и жилых домах и признании утратившим силу подпункта «д» пункта 5 изменений, которые вносятся в акты Правительства Российской Федерации, утвержденные постановлением Правительства Российской Федерации от 27 февраля 2017 г. № 232: Постановление Правительства Российской Федерации от 31.07.2021 № 1295.

25. О внесении изменений в Основы формирования индексов изменения размера платы граждан за коммунальные услуги в Российской Федерации: Постановление Правительства Российской Федерации от 07.10.2021 № 1700.

26. Об особенностях определения лимитов средств на выдачу жилищных (ипотечных) кредитов (займов), выданных гражданам Российской Федерации в 2020–2022 годах, по которым кредитным и иным организациям осуществляется возмещение недополученных доходов, и о внесении изменений в некоторые акты Правительства Российской Федерации: Постановление Правительства Российской Федерации от 18.10.2021 № 1758.

27. Об утверждении Правил возмещения кредитным и иным организациям недополученных доходов по жилищным (ипотечным) кредитам (займам), выданным гражданам Российской Федерации в 2020 году: Постановление Правительства Российской Федерации от 23.04.2020 № 566.

28. Об утверждении Правил предоставления субсидий из федерального бюджета акционерному обществу «ДОМ.РФ» в виде вкладов в имущество акционерного общества «ДОМ.РФ», не увеличивающих его уставный капитал, в целях возмещения кредитным и иным организациям недополученных доходов по жилищным (ипотечным) кредитам (займам), выданным гражданам Российской Федерации в 2020–2022 годах, и внесении изменений в некоторые акты Правительства Российской Федерации: Постановление Правительства РФ от 27.07.2020 № 1121.

29. О внесении изменений в отдельные законодательные акты Российской Федерации: Федеральный закон от 05.04.2021 № 79-ФЗ.

30. О внесении изменений в некоторые акты Правительства Российской Федерации в связи с принятием Федерального закона от 5 апреля 2021 г. № 79-ФЗ «О внесении изменений

в отдельные законодательные акты Российской Федерации»: Постановление Правительства РФ от 04.10.2021 № 1683.

31. О реализации положений части 1 статьи 18 Федерального закона от 05.04.2021 № 79-ФЗ: Письмо Росреестра от 03.08.2021 № 01-5931-ГЕ/21.

32. О «гаражной амнистии»: Письмо Росреестра от 08.10.2021 № 11-01640/21.

33. О внесении изменений в Федеральный закон «О государственной регистрации недвижимости» и отдельные законодательные акты Российской Федерации: Федеральный закон от 30.04.2021 № 120-ФЗ.

34. Об установлении порядка ведения Единого государственного реестра недвижимости, формы специальной регистрационной надписи на документе, выражающем содержание сделки, состава сведений, включаемых в специальную регистрационную надпись на документе, выражающем содержание сделки, и требований к ее заполнению, а также требований к формату специальной регистрационной надписи на документе, выражающем содержание сделки, в электронной форме, порядка изменения в Едином государственном реестре недвижимости сведений о местоположении границ земельного участка при исправлении реестровой ошибки: Приказ Федеральной службы государственной регистрации, кадастра и картографии от 01.06.2021 № П/0241.

35. Об установлении формы выписки из похозяйственной книги о наличии у гражданина права на земельный участок: Приказ Федеральной службы государственной регистрации, кадастра и картографии от 25.08.2021 № П/0368.

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37. О порядке осуществления кадастровой деятельности: Росреестра от 20.07.2021 № 18-02191/21.

38. О государственной регистрации недвижимости: Федеральный закон от 13.07.2015 № 218-ФЗ.

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