

<b>CITY OFFICE OF KRAKOW</b>	<b>Service sheet / external procedure no. AU-12</b>
	<b>NOTIFICATION OF CHANGES IN HOW TO USE A CONSTRUCTION OBJECT OR ITS PARTS</b>
<p><b>1. Handle the matter electronically</b> Not applicable.</p> <p><b>2. Appendices</b> Application form for the intention to change the use of the building or part of it. Printing a statement on the right to dispose of the property for construction purposes.</p> <p><b>3. Sign language version</b> Not applicable.</p> <p><b>4. Matter handled by</b> Architecture and Urban Planning Department - 41 Mogilska, 31-545 Krakow.</p> <p><b>5. Documents from the Applicant (client)</b> The following documents must be attached to the application for acceptance:</p> <ol style="list-style-type: none"> <li>1. Determining the current and intended use of the building object or part of it.</li> <li>2. A cadastral map accepted for the state geodetic and cartographic resource, with the scope of investment indicated.</li> <li>3. Description and drawing specifying the location of the building object in relation to the boundaries of the property and other buildings existing or being built on this and neighboring properties, with the designation of the part of the building in which the use is to be changed.</li> <li>4. A brief technical description, specifying the type and characteristics of the building and its construction, together with technical and operational data, including the size and load distribution, and, if necessary, technological data.</li> <li>5. The statement, made under pain of criminal liability, about the right to dispose of the property for construction purposes, in accordance with the template contained in the Regulation of the Minister of Infrastructure and Construction of 24 August 2016 (Journal of Laws of 2016, item 1493).</li> <li>6. Certificate of compliance of the intended manner of use of the building object with the provisions of the applicable local spatial development plan (obtained at the Office of Spatial Planning) or the decision on the conditions of building and land development, in the absence of the applicable local spatial development plan. <u>Note:</u> According to art. 130 § 1 of the Code of Civil Procedure, before the deadline for filing an appeal the decision is not enforced /.</li> <li>7. Technical expertise carried out by a person with building qualifications without restrictions in the relevant specialty - in the event of a change in use, i.e. taking or abandoning a building or part of its activity that changes the conditions: fire, flood, work, health, hygiene and sanitation, protection the environment or the size or load system.</li> </ol>	

8. Documents confirming that designers have the appropriate building licenses, i.e. a decision to grant building licenses and a certificate of entry to the appropriate chamber of professional self-government (valid as at the date of the expertise).
9. Depending on the needs - permits (conservation permit, decision on environmental conditions, etc.), arrangements or opinions required by separate regulations (appraisers, e.g. fire protection, OHS and work ergonomics, sanepid).
10. In the case of acting by a proxy or an attorney - a power of attorney to represent the applicant or a document confirming the granting of a power of attorney / ***original or its officially certified copy*** - *A lawyer, legal advisor, patent attorney, and a tax advisor can themselves authenticate a copy of the power of attorney granted to them and copies of other documents showing their authorization.* A document confirming the granting of a commercial power of attorney can also be a current excerpt from the National Court Register (issued in court or downloaded independently in accordance with Article 4 (4aa) from the Act on the National Court Register).
11. If the application is submitted by an entity not subject to the obligation to enter in the National Court Register - documents confirming the manner of representing the applicant  
/ ***original or certified copy of the original*** by a notary public or by the party's attorney who is a lawyer, legal advisor, patent attorney or tax advisor /.

**NOTE:**

**Documents submitted to the case file should be submitted in the original**

(article 76 § 1 of the Code of Civil Procedure).

If the document required in a given case is in the files of another administrative body or entities which by virtue of law or agreement is authorized to deal with individual cases resolved by administrative decisions or issuing certificates, it is sufficient for a party to provide f an extract or excerpt from this document officially certified by that body or entity (art. 76a § 1 of the Code of Administrative Procedure).

Notaries, as well as legal representatives of the party who are lawyers, attorneys-at-law, patent attorneys, tax advisors and an authorized employee of the body conducting the proceedings to whom the document was presented are authorized to certify copies of documents (art. 76a § 2 and 2b of the Code of Civil Procedure).

**6. Fees**

For submitting a document confirming the granting of a power of attorney or proxy - **PLN 17** (does not apply to powers of attorney granted to a spouse, ascendant, descendant or sibling or when the principal is an entity exempt from stamp duty).

Stamp duty payments can be made to the bank account of the Krakow City Office (e.g. at the post office, bank transfer) or without additional fees at the branches of PKO Bank Polski SA Original proof of payment of the stamp duty to be paid must be attached to the application.

**ACCOUNT NUMBER**

**ACCOUNT NUMBER - Stamp duty - 49 1020 2892 2276 3005 0000 0000**

**7. Form of consideration**

Acceptance of the application in the form of tacit consent or opposition in the form of a decision of the Mayor of the City of Krakow.

## **8. Time of consideration**

Settlement of the matter in accordance with art. 71 section 4 of the Construction Law, i.e. within 30 days from the date of submission of the application for acceptance of the application.

## **9. Documents obtained in the proceedings**

None.

## **10. Appeal procedure**

The decision can be appealed against to the Local Government Appeal Board in Krakow through the Mayor of the City of Krakow - the Architecture and Urban Planning Department of the City Office of Krakow within 14 days from the date of delivery of the decision.

## **11. Legal basis**

1. Article 71 of the Act of 7 July 1994 Construction Law (consolidated text of 2018, Journal item 1202 as amended).
2. Act of 16 November 2006 on Stamp Duty (unified text, Journal of Journal of of Laws of 2016, item 1827, as amended).
3. Art. 72 par. 3 of the Act of October 2008 on sharing information on the environment and its protection, public participation in environmental protection and on environmental impact assessments (consolidated text: Journal of Laws of 2017, item 1405).
4. Ordinance of the Minister of Infrastructure and Construction of August 24, 2016 regarding models: application for building or demolition permission, notification of construction and reconstruction of a single-family residential building, a declaration of the right to dispose of real estate for construction purposes, and a decision on a building permit or demolition (Dz. Laws of 2016 item 1493).

## **12. Additional information for the client**

1. A change in the use of a building object or part thereof means, in particular, taking or discontinuing in a building object or part of its business changing the conditions: fire, flood, work, health, hygiene and sanitation, environmental protection or the size or load system.
2. A change in the use of a building object or part of it requires notification at the UMK Faculty of Architecture and Urban Planning.
3. If it is necessary to complete the application, the Faculty of Architecture and Urban Planning of the Nicolaus Copernicus University imposes on the applicant, by way of a resolution, the obligation to complete missing documents within a specified period, and if they are not completed, he raises an objection by means of a decision.
4. The notification referred to in item 2 should be made before changing the use of the building or part of it. The change of use may take place if, within 30 days from the date of delivery of the application, the Faculty of Architecture and Urban Planning does not raise an objection by way of a decision and no later than 2 years after delivery of the application.
5. The Faculty of Architecture and Urban Planning raises an objection if the intended change in the use of the building or part of it:
  - 1) requires performance of construction works covered by the obligation to obtain a building permit;
  - 2) violates the provisions of the current local spatial development plan and other acts of local law or decisions on the conditions for construction and land development, in the absence of the current local spatial development plan;

- 3) It can cause
  - a) threats to the safety of people or property,
  - b) deterioration of the environment or the condition of the monuments,
  - c) deterioration of health and sanitation conditions,
  - d) introduction, consolidation or increase of restrictions or nuisance for neighboring areas.
6. If the intended change in the use of a building object or part of it requires carrying out construction works:
  - 1) subject to the obligation to obtain a building permit - a decision on changing the way of use takes place in the decision on the building permit;
  - 2) subject to the notification requirement - to the notification referred to in point 2, the provisions of Art. 30 paragraph 2-4.
7. Submission of the notification referred to in point 2 after changing the use of the building object or part thereof has no legal effects.

Developed by:  
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Date:

Opinion presented by: Legal  
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Approved by: Director  
Jadwiga Warat-Hapońska  
Date: