

|   |   |
|---|---|
| CITY OFFICE<br>OF KRAKOW  | Service sheet / external procedure no. GS-21  |
|   | Sale of residential premises owned by the Municipality of Krakow to tenants along with a perpetual lease or sale of a fraction of the land under the building |
| <p><b>1. Handle the matter electronically</b><br/>Not applicable</p> <p><b>2. Appendices</b><br/>Declaration of the tenant (Appendix 1), application for buyout (Appendix 2), statement on the expenditures made (Appendix 3)</p> <p><b>3. Sign language version</b><br/>Not applicable</p> <p><b>4. Matter handled by</b><br/>Department of the Treasury, Kasprowicza 29<br/>Premises Disposal Unit</p> <p><b>5. Documents from the Applicant (client)</b></p> <ol style="list-style-type: none"> <li>1) An application for the sale of a dwelling owned by the Municipality of Krakow submitted until December 31, 2016 in the Municipal Building Board for which it is necessary to obtain from the Housing Department confirmation of the legal title to the occupied premises.</li> <li>2) The current document confirming the tenant's legal title to the occupied premises, i.e. the lease agreement concluded for an indefinite period and in cases that do not require a return to conclude an annex to the lease agreement a letter from the Department of Housing confirming the validity of the legal title to the occupied premises and specifying the circumstances of the lease (e.g. in the presidential conversion mode premises, obtaining a replacement flat.)</li> <li>3) Document confirming the legal title to the premises in which the spouse is registered or resides (applies to the situation where the spouses have different addresses of registration / residence).</li> <li>4) In the event of a change in the civil status of the tenant during the period of rental of a dwelling - documents confirming the tenant's current marital status. In the event of a court separation or divorce ordered by the court, the tenant should attach to the application a final court decision declaring a divorce or separation. Confirmation with an appropriate printout from the ELUD application of death or marriage of the tenant / co-tenant / spouse does not require submission of a death certificate or a marriage certificate.</li> <li>5) A statement regarding personal data in accordance with Appendix 1 to the procedure and the statements and documents referred to in this Appendix as well as a request for buyout in accordance with Appendix 2 to the procedure.</li> <li>6) In the case of a premise created from the adaptation of a part of a building - documents related to the investment in question, significant for the sale of the premises, i.e. <ul style="list-style-type: none"> <li>– permission to adapt,</li> <li>– legal title to the premises created from the adaptation,</li> </ul> </li> </ol> |   |

- a technical design of the premises to be adapted.
  - declaration of the tenant regarding the material scope of the outlays made from its own resources.
- 7) In the case of premises being at the disposal of authorized organizational units (eg the Police),
- decision of the disposer about the allocation of a dwelling,
  - a lease agreement concluded for an indefinite period,
  - a certificate from the trustee regarding the consent for the purchase of a dwelling.

The documents mentioned in points 2-7 should be submitted as the original or a copy certified as conforming to the original.

Copies of documents may be authenticated by the institution which issued the document, notary or attorney-in-law being a lawyer, legal advisor, patent attorney or tax advisor.

In the case of submitting documents by a proxy, an excerpt from the original power of attorney to buy out a flat in the form of a notarial deed is attached to the file.

Until the documentation is completed by the tenant, the case remains unresolved. The applicant / tenant submits an application for the sale of a dwelling, together with attachments in the Municipal Building Board.

## **6. Fees**

Costs of valuation of real estate, easements, surveying works, individual architectural and construction inventory and obtaining a certificate of independence of the premises, notarial and court fees, extracts from the land registry and excerpts from registration maps, and costs of other documents necessary to sell the premises for sale the applicant.

It is not subject to a stamp duty (in accordance with Article 2, point 1, letter h of the Act of November 16, 2006 on Stamp Duty (unified text: Journal of Laws of 2016 item 1827, as amended).

The aforementioned fees and costs incurred by the parties as part of preparatory activities prior to the sale of premises for sale, carried out by individual Departments of the City of Krakow, municipal units or other organizational units - are collected by the Departments and units. The same principle applies to the recovery of fees and costs already incurred by the above-mentioned entities.

## **7. Form of consideration**

Contract in the form of a notarial deed.

## **8. Time of consideration**

Up to 3 months from the date of signing the order by the Mayor of the City of Krakow, but not earlier than after 6 weeks from the date of displaying the list constituting an attachment to the said order.

## **9. Documents obtained in the proceedings and activities carried out**

### **1) Housing Department of the City of Krakow**

After carrying out the activities concerning the confirmation of the legal title to the occupied premises by the applicant, the Department of Housing of the Municipal Office of Krakow sends to the Board of Municipal Buildings and the City Treasury Department information on the results of the proceedings, in the scope of:

- a) the legitimacy of lease control within the framework of ownership rights,
- b) Confirmation or verification of the correctness of the legal title held by the applicants / tenants to the occupied dwelling,
- c) determining the current and complete circle of tenants of a given dwelling,
- d) determining whether the premises were allocated in the so-called the presidential mode and whether it is a place at the disposal of authorized organizational units (eg the Police),
- e) information regarding the inclusions from the sale of premises referred to in § 1 point of Resolution No. XLVI/568/08 of the City Council of Krakow of 11 June 2008 on the rules for the sale of residential premises owned by the Municipality of Krakow and the terms of granting discounts and percentages (unified text, Official Journal of the Malopolska Region of 2016, item 7759).

## **2) Board of Municipal Buildings in Krakow**

After accepting the application for the sale of a dwelling, the Municipal Building Board:

- a) informs about the need to provide the documents referred to in point 5. Documents from the Applicant (client):
- b) prepares an apartment information card containing, in particular, data on arrears for the use of a dwelling, repairs for measures of the Municipality of Krakow in the last 10 years and the tenant's help from the Municipal Krakow in the form of cancellation of receivables when rent arrears, rent cuts on time last 5 years (after possible agreement with the relevant Departments of the City of Krakow),
- c) completes information regarding the exclusions from the sale of premises referred to in § 1 point 1-7 of Resolution XLVI/568/08 of the City Council of Krakow dated 11.06.2008,
- d) accepts declarations from applicants / tenants in accordance with the appendices to this procedure,
- e) performs control of the legitimacy of the lease as part of the management board,
- f) if necessary:
  - confirms the validity and verifies the correctness of the inventory of the premises inventory as of the date of its execution,
  - he commissions an architectural and building inventory of the premises or building (in case he has not been done before), he applies to the Department of Architecture and Urban Planning of the City of Krakow Office for issuing a certificate on the independence of the flat,
- g) draws up an annex to the rental agreement based on a referral to its conclusion or an architectural and construction inventory, containing the tenant's statement that he has been familiar with the inventory of the premises and does not bring any comments to it,
- h) confirms whether the tenant benefited from the rent relief (for adaptation) from the date of adaptation,
- i) send the application together with the information collected and the documents referred to in point a-h.

## **3) Department of the Treasury of the City of Krakow**

It performs preliminary verification of applications and incomplete applications - within 1 month from finding any deficiencies - to the Management Board of Municipal Buildings. He undertakes explanatory activities, as a result of which:

- a) checks the legal status of the real estate covered by the application,
- b) conducts explanatory proceedings to determine whether third-party claims have been filed against the real estate covered by the application, including previous owners or their heirs in the property restitution claim,
- c) checks whether administrative proceedings concerning the correctness of acquisition of real estate by a local government unit or the State Treasury are under way,
- d) checks whether it is not necessary to suspend the sale of premises due to the conditions specified in § 1 items 8-13 or the circumstances referred to in point a-c
- e) checks whether the applicant (tenant) or his spouse has previously purchased a flat with the Municipality of Krakow or the State Treasury using a discount or other form of price reduction,
- f) accepts declarations from applicants / tenants in accordance with the Appendix to this procedure
- g) instruct the property expert to draw up an appraisal report specifying the market value of the flat and share in the common property and, if necessary, apply to the Municipal Buildings Board for submission of a current apartment information card containing the detailed information referred to in point 9b.2b of the procedure,
- h) certifies the right of ownership of the Municipality of Kraków (electronic copy from the land and mortgage register covering the real estate developed with the building in which the sale of premises is carried out and an excerpt from the land register),
- i) prepares the order of the Mayor of the City of Krakow for the purpose of selling the property (premises) for sale in a non-proprietary mode, or prepares the order of the Mayor of Krakow to exclude from the sale in a non-proprietary mode of real estate (premises) in case of an important interest of the Municipality of Krakow
- j) applies to the Board of Municipal Buildings for obtaining information whether the tenant has benefited and in what amount from the help of the Municipality of Krakow in the form of cancellation of receivables due to the use of a dwelling or rent reduction within 5 years counting back from the day when the premises was intended for sale ( giving specific amounts broken down into months),
- k) valorizes the amounts given by the Municipal Building Board according to the wording of the provisions of the Act of August 21, 1997 on Real Estate Management, based on the management
- l) prepares a report on the negotiations in the case after the President of the City of Krakow has taken the order referred to in point 3 letters j
- m) submit the documentation to the notary's office,
- n) represents the Municipality of Krakow in a sale transaction prepared in the form of a notarial deed,
- o) regarding the applications held by the City Treasury Department, in which there is any doubt regarding the data provided regarding the nature of the tenancy and tenants, the City Treasury Department applies to the Department of Housing for confirmation of the current arrangements in this regard.

### **3) Appeal procedure**

Not applicable.

### **4) Legal basis**

1. Article 34 par. 1 point 3, par. 3, art. 35 par. 1 and 2, art. 37 par. 2 point 1, art. 218 of the Act of 21 August 1997 on real estate management (unified text Journal of Laws of 2016 item 2147, as amended)
2. Art. 3 par. 1, art. 4 par. 3 of the Act of 24 June 1994 on the ownership of premises (Laws of 2015, item 1892),
3. Art. 140 of the Act of 23 April 1964 - Civil Code (unified text Journal of Laws of 2017, item 459),
4. Art. 75 § 2, art. 76 § 1 and 2 and art. 76 a § 1, § 2 and §4 and art. 217 § 2 point 2 of the Act of June 14, 1960 Code of Administrative Procedure (unified text Journal of Laws of 2016, item 23 as amended), applied respectively in the field of receiving statements from the parties, certifying documents and issuing certificates,
5. Art. 89 of the Act of 6 April 1990 on the Police (unified text Journal of U. of 2016, item 1782, as amended)
6. Art. 362 of the Act of 6 July 1982 on land and mortgage registers (unified text Journal of U. of 2016, item 790, as amended)
7. Resolution No. XLVI/568/08 of the City Council of Krakow of 11 June 2008 on the rules for the sale of residential premises owned by the Municipality of Krakow and the terms of granting discounts and percentages (unified text, Official Journal of the Malopolska Region of 2016, item 7759).
8. Art. 2 point 1 letter h of the Act of November 16, 2006 on Stamp Duty (unified text Journal of U. of 2016, item 1827).

## 12. Additional information for the client

The resignation of the tenant from the purchase of the tenant premises or the death of the tenant before the application for the purchase of the rented dwelling is finalized will result in the necessity of submitting a new application in accordance with the applicable procedure.

The dates provided for in this procedure can change for reasons independent of the Municipality of Krakow.

Developed by: **Head of the Unit**  
First name and Surname  
Joanna Symoń  
Date: 28.02.2017

Opinion presented by:  
**Legal Counsellor**  
First name and surname

Approved by: **Head of the Department**  
First name and Surname Marta Witkiewicz  
Date: 3.03.2017