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“Development of transnational synergies for sustainable growth areas Area of intervention: Tackle crucial problems affecting metropolitan areas and regional systems of settlements”

WP4 - Legislative data





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LEGISLATION AND ADMINISTRATIVE PROCEDURES

REGULATIONS GOVERNING PUBLIC OWNERSHIP AND SALES PROCEDURES





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NATIONAL LEVEL

NUMBER, TITLE, DATE: ARTS. 822-956 CIVIL CODE (ROYAL DECREE 16 MARCH 1942, N. 262)

LINK TO THE OFFICAL WEBSITE: <http://www.altalex.com/index.php?idnot=36117>

ABSTRACT: This section of the Civil Code incorporates the fundamental principles that regulate public and private ownership, controlling the means of acquisition, transfer, protection and cessation of ownership.



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NATIONAL LEVEL

NUMBER, TITLE, DATE: LAW n. 296 December 27, 2006, (Finance Law 2007)

(Published in the Official Gazette of the Italian Republic n.8 of 11 January 2007 –Ordinary Supplement n.7) **Article 1. paragraph 262**

AREA OF APPLICABILITY: Exploitation and alienation of real estate

LINK TO THE OFFICAL WEBSITE: <http://www.parlamento.it/parlam/leggi/06296l.htm>

ABSTRACT: In procedures for the use of public property (state property and assets unavailable and available) the Finance Law for 2007 has regulated, under the procedures of disposal, integrated programs of development (PUV) of public buildings for the promotion of local development .

In particular, the State Property Office may determine, in consultation with the local authorities, a plurality of public property which is on a single redevelopment process, consistent with the broad spatial development, which may constitute, in the economic and social context of reference, a stimulus and attraction of local development interventions.

In the preparation of programs should be assessed on a priority basis the possibility of enhancing the public real estate by lease or license to use, or through the allocation of functions of social, cultural, sports, recreation, education.





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NATIONAL LEVEL

NUMBER, TITLE, DATE: LAW N.244, DECEMBER 24, 2007 (FINANCE LAW 2008)
(Published in the Official Gazette of the Italian Republic No. 300 of December 28, 2007 - Ordinary Supplement No. 285)

AREA OF APPLICABILITY: Exploitation and alienation of real estate

LINK TO THE OFFICIAL WEBSITE: <http://www.parlamento.it/parlam/leggi/07244l.htm>

ABSTRACT: The regulation of the use of public treasures contained in the Finance Act for 2007 was later supplemented by the Finance Law 2008 (Act No. 244 of 2007, Art. 1, paragraphs 313-319), which introduced the "**Plan exploitation of public goods for the promotion and development of local systems,**" comprise all of the programs in unit value (PUV) in order to enable significant local development processes through the recovery and reuse of property and property rights, consistent with the broad spatial development, economic and social development and sustainability goals quality and regional and urban development.



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NATIONAL LEVEL

NUMBER, TITLE, DATE: DECREE NO. 112, 25 JUNE 2008

(Published in the Official Gazette of the Italian Republic No.147 of 25 June 2008 - Ordinary Supplement No. 152L)

CONVERTED INTO LAW 133 OF AUGUST 6, 2008 (Published in the Official Gazette of the Italian Republic No 195 of August 21, 2008 - Ordinary Supplement No. 196) **Article 58**

AREA OF APPLICABILITY: Exploitation and alienation of real estate

LINK TO THE OFFICAL WEBSITE:

Decree <http://www.camera.it/parlam/leggi/decreti/08112d.htm>

Law <http://www.camera.it/parlam/leggi/08133l.htm>

ABSTRACT: Article 58 of Decree Law of 25 June 2008, No 112 ("Urgent provisions for economic development, simplification, competitiveness, the stabilization of public finance and tax equalization", ratified by Law 6 August 2008, No. 133) states that **regions, provinces, municipalities and other local** prepare a "**Plan of real estate valuations and disposals**" identifying, by resolution of the Executive, individual property for non-performance of his official duties that fall within the territory under its jurisdiction.

The purpose of the rule is to proceed with the reorganization, management and development of real estate assets of regional and local authorities





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NATIONAL LEVEL

TERRITORIAL ORGANISATION OF THE STATE

NUMBER, TITLE, DATE: Legislative DECREE 18 AUGUST 2000, No. 267

Updated to the amendments made by Law of 15 July 2009, n. 94, (Published in the Official Gazette of the Italian Republic No. 170 of July 24, 2009 - Ordinary Supplement No. 128)

AREA OF APPLICABILITY: "Consolidated laws on the local authorities"

The text contains only the principles and order provisions of local authorities.

The legislation ordering the local authorities and governing the performance of duties as may be expressly sets out the principles that are mandatory limit for their self-regulation

LINK TO THE OFFICAL WEBSITE: <http://finanzalocale.interno.it/docum/studi/varie/testounico.html>

ABSTRACT: *Regional system of local governments*

Regions organize the exercise of administrative functions at the local level by municipalities and provinces. The regional laws conform to the principles set out in this text only as to the functions of the municipality and the province, identifying the municipal and provincial interests in relation to the characteristics of the population and territory.

The generality of the duties and administrative functions is attributed to the municipalities, provinces and mountain communities, depending on their size and regional associations and organizations, excluding only those functions that require the unit operating at regional level.

The law sets out the principles of regional cooperation of municipalities and provinces between them and the region in order to achieve an efficient system of local autonomy in the service of economic development, social and civic life.





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NATIONAL LEVEL

TERRITORIAL ORGANISATION OF THE STATE

The law sets out the principles of regional cooperation of municipalities and provinces between them and the region in order to achieve an efficient system of local autonomy in the service of economic development, social and civic life.

The Regions, in their legislative autonomy, provide tools and procedures for fitting and consultation, including standing, giving rise to structural and functional forms of cooperation in order to enable collaboration and action coordinated between regions and local authorities within the respective powers.

Regional and local planning.

The region to indicate the overall goals of socio-economic and territorial planning and allocating these resources for financing the investment program of local authorities.

Municipalities and provinces accounted for in terms of the objectives contained in the plans and programs of the State and regions and shall, within its respective jurisdiction, to their specification and implementation.

The regional law provides ways and forms of participation of local training plans and regional programs and other measures in the region.

The regional law sets out the criteria and establish procedures for the acts and instruments of socio-economic programming and planning of territorial planning of municipalities and provinces are relevant to the implementation of regional programs..





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NATIONAL LEVEL

TERRITORIAL ORGANISATION OF THE STATE

Province - Functions.

Belong to the province of the administrative functions of provincial interest covering large areas of communes or the whole province in the following areas:

- a) soil conservation, protection and enhancement of the environment and disaster preparedness;
- b) protection and enhancement of water and energy resources;
- c) promotion of cultural heritage;
- d) roads and transport;
- e) protection of flora and fauna parks and nature reserves;
- f) hunting and fishing in inland waters;
- g) organization of waste management at the provincial level, detection, regulation and control of water discharges and air emissions and noise;
- h) health, hygiene and public profile, awarded by the national and regional legislation;
- i) tasks related to upper secondary education and the arts and vocational training, including school construction, allocated by national and regional legislation;
- l) data collection and processing, technical and administrative assistance to local authorities.



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NATIONAL LEVEL

TERRITORIAL ORGANISATION OF THE STATE

Municipality - Functions.

Pertaining to municipality all administrative functions that relate to the population and the municipal territory, namely in the fields of organic services to individuals and the community, planning and attributed to other institutions by national or regional law in accordance with their skills.

The municipality, for the exercise of functions in appropriate geographical areas, implementing both forms of decentralization and cooperation with other municipalities and the province.



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NATIONAL LEVEL

LEVELS OF TERRITORIAL PLANNING

NUMBER, TITLE, DATE: LAW N.1150, AUGUST 17, 1942

(Published in the Official Gazette of the Italian Republic No.244 of 16 October 1942) and subsequent amendments and additions

AREA OF APPLICABILITY: Town Planning and General Regulations.

This law represents the main regulatory reference for town planning and territorial development in general.

LINK TO THE OFFICIAL WEBSITE: http://www.bosettiegatti.com/info/norme/statali/1942_1150.htm

ABSTRACT: 1. Coordination territorial plans:

These kind of plans have the aim to guide and coordinate town planning following a set of specific rules concerning:

- special areas to reserve to special usage destination and subject to law specific restrictions;
- areas to settle new building;
- main road, railway, etc. networks.

These Plans are drafted together with the involved Administrations and are subjected to the Public Works Superior Council prior advice.





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NATIONAL LEVEL

LEVELS OF TERRITORIAL PLANNING

2. Municipal Regulatory Plans

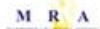
These Plans have to show and fix the following items:

- the main road, railway and shipping networks;
- the municipal territory partition, with the setting of the regulations to comply with in each area;
- the areas reserved to public building or to public usage spaces;
- the regulations to comply with in special historical, environmental and landscape areas.

The Plan is compulsory for all the Municipalities comprised in special list approved by the Public Works Ministry, in concert with the Ministry of the Interior and Finance and provided with the Works Superior Council advice.

3) Detailed Regulatory Plans

They serve to put the General Regulatory Plan into effect, and fix road networks and some kinds of altimetrical features (such as building mass and height, buildings assigned to demolition or rebuilding, cadastral list of estates to expropriate or regulate). These Plans have to be approved by Regions. Furthermore, the law fixes the specific rules for the building activity, establishing that anyone intends to make a new building or widen, modify or demolish an existing one, has to obtain the authorization depends upon the existence of the primary urbanization works or upon their foresight by the Municipality for the next three-year period. The building license, besides, cannot have validity for more than one year.





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NATIONAL LEVEL

LEVELS OF TERRITORIAL PLANNING

The Region of Molise still does not have a general town planning, and for that reason the only main legal reference still remains the law n. 1150 made in 1942. The Region of Molise does not have any town planning law fixing the instruction for the correct use and transformation of the territory. For this reason the main reference remains the national law n. 1150 of 1942. The territorial and town planning instruments in the Region of Molise do actually exist only at a MUNICIPAL LEVEL.





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REGIONAL LEVEL

NUMBER, TITLE, DATE: LAW N. 30 DECEMBER 11, 2009, (OFFICIAL GAZETTE OF THE REGION MOLISE No. 30, December 16, 2009)

AREA OF APPLICABILITY: Regional intervention extraordinary aim of revitalizing the building sector, to promote green building techniques and the use of renewable and alternative energy sources, and to support social housing to be allocated to disadvantaged groups and school buildings.

LINK TO THE OFFICAL WEBSITE:

<http://www.regione.molise.it/web/crm/lr.nsf/0/D27A5B8179C9506DC12576A2002D547E?OpenDocument>

ABSTRACT: The Region promotes extraordinary measures to support the construction sector, through interventions aimed at improving the quality of housing, to preserve, maintain, rebuild and revitalize the existing building, to promote affordable housing for young couples and disadvantaged groups and poor and school buildings and to enhance the architectural features, energy, technology and security of buildings.





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REGIONAL LEVEL

NUMBER, TITLE, DATE: Municipal Plan

AREA OF APPLICABILITY: General Town Plan

ABSTRACT:It affects the Municipal Territory.

Its drafting, approval and management are regulated by the national town planning, since in the Region of Molise a local town plan does not exist. It is effective unlimitedly in time, but the restrictions on areas assigned to services lose five years after their apposition.

The General Town Plan comprises the whole municipal territory and determines:

- the main road network;
- the municipal territory partition into zones;
- the areas assigned to become public spaces;
- the area reserved to public building or public services;
- the restrictions for historical, environmental and landscape areas;
- the rules for the plan implementation.



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REGIONAL LEVEL

The General Town Plan, in determining the town a/o building preservation or transformation instructions, single out six main homogeneous zones:

- A. historical, artistic and environmental interest;
- B. partially built-up areas, subject to building completion;
- C. not built-up but subject to building activity;
- D. assigned to productive activity;
- E. assigned to agricultural usage;
- F. assigned to facilities and installations of general interest.

The General Town Plan are implemented through direct building interventions (license to build or DIA) or through prior urbanistic interventions (Detailed Plans, Council Building Plans, productive Settlement Plans).



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REGIONAL LEVEL

NUMBER, TITLE, DATE: Municipal Plan

AREA OF APPLICABILITY: Building Programme

ABSTRACT: The Building Programme was conceived as an attachment of the Building Regulation and had the essential function of:

- linking specific rules to municipal territory zones through specific map;
- assuring a minimum level of spatial organization to building development process;
- defining building typologies through differentiation of places.

Actually, in the real management of this instruments, it has been given the same value of the General Town Plan, as far as it concerns the zoning process and putting of restrictions even for expropriations.

For this reason the drafting, the approval and the management of this instrument follow point-by-point the Regulation Plans' ones. The Building Regulation, even if assumes its own value even with respect to the General Town Plan, and rules building activities especially regarding authorization procedures, work execution and control, building restrictions, aesthetic building restrictions, igienic and sanitary restrictions and work planning and execution, in point of fact has been relegated as a simple attachment of the Building Programme.

The absence of a regional town planning, even in this case, does not allow an effective use of this municipal town planning, that, in a reality made of very small and isolated settlements, should have been instead much more important for the whole territory planning.





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REGIONAL LEVEL

NUMBER, TITLE, DATE: Legislative Decree August 18, 2000, no. 267 "Uniform laws on the Local Authorities' Article 120
Circular of the Ministry of Public Works 11/12/2000 (protocol No. 622/Segr.)

AREA OF APPLICABILITY: Operational tools real estate

LINK TO THE OFFICAL WEBSITE: <http://finanzalocale.interno.it/docum/studi/varie/testounico.html>

ABSTRACT: The **STU** are a urban type of society characterized by a purpose that consists in the design and implementation of interventions of urban transformation in the implementation of planning instruments in force.

The instrument is particularly appropriate in cases of:

- (i) transactions involving settlements that require works of urban restructuring more significant than works of building renovation and restoration;
- (li) areas characterized by a significant qualitative gap that can not be repaired with single interventions;

(lii) interventions are particularly complex and challenging even in economic terms, for which the public administration deems to associate its actions to private ones
(Iv) operations of consolidation and re-stitching of the fabric urban context to the implementation of complex infrastructure projects;

(V) reorganization of territories included in areas Urban , creating new assets through the the recovery of a number of buildings

The STU can also be applied in medium and small municipalities in cases in which the intervention and the extent of funds are difficult to manage in the ordinary forms by the local government.





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REGIONAL LEVEL

NUMBER, TITLE, DATE: DECREE Legislative JUNE 25, 2008, No. 112

(Published in the Official Gazette of the Italian Republic No.147 of 25 June 2008 - Ordinary Supplement No. 152L)

CONVERTED INTO LAW 133 OF AUGUST 6, 2008

(Published in the Official Gazette of the Italian Republic No 195 of August 21, 2008 - Ordinary Supplement No. 196) ART.58, PARAGRAPH 6

ART. 3A SEPTEMBER 25, 2001 DECREE-LAW NO 351 (with amendments into law November 23, 2001, No 410), introduced by art. 1, paragraph 259 of the L. 296/2006

AREA OF APPLICABILITY: Operational tools / real estate

LINK TO THE OFFICAL WEBSITE: <http://www.camera.it/parlam/leggi/decreti/08112d.htm>

<http://www.camera.it/parlam/leggi/08133l.htm>

<http://www.parlamento.it/parlam/leggi/01410l.htm>





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ABSTRACT: Grant of exploitation

With the granting of exploitation the City can give a concession to private for a long time (up to 50 years) to enable them to carry out, as the dealers, the redevelopment or conversion necessary to make the building susceptible to exploitation.

The characteristics of this instrument can be summarized thus:

(I) purposes: valuation of real estate;

(ii) Scope: Individual real estate, falling

in the area of jurisdiction of the municipality, not instrumental the performance of official duties of the Authority, subject to divestment or enhancement, inserted in the Plan and Disposals of real estate valuations

annexed to the budget

(iii) type of dealers: private investors;

(iv) type of interventions: rehabilitation and conversion

through to recovery, restoration, restructuring

tion, new construction, routine maintenance and repairs

(Even with the introduction of new destinations

of use);

(v) period: fifty years (adjusted to reflect economic-financial balance of the investment plan and the associated management);

(vi) fees: a market value .

This grant represents an innovative tool aimed to enable the Municipality to attract private investment in medium-long term in relation to their specific assets that require strong action to recover, restoration or renovation.





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REGIONAL LEVEL

NUMBER, TITLE, DATE: Legislative Decree april 12, 2006, n. 163
(published in the Official Gazette No. 100, May 2, 2006 - S.O. No 107)

Capo III Certified Financial Planner, a company project and discipline of the lease for the work. Article 153

TRASPOSITION OF ANY EU DIRECTIVE: Implementation of Directives 2004/17/EC and 2004/18/EC

AREA OF APPLICABILITY: Operational tools real estate

Code of Public Contracts for works, services, supplies

LINK TO THE OFFICAL WEBSITE: <http://www.camera.it/parlam/leggi/deleghe/testi/06163dl.htm>

ABSTRACT: The code governs the contracts of the contracting clients, the contracting entities and individuals, relating to the acquisition of services, goods, works and works.

In cases where the rules allow the establishment of joint ventures for construction and / or management of a public work or service, the choice of the private is done with public procedures.

PROJECT FINANCING

The project financing, namely the construction of public works at no cost to the government, is a entirely new model for the financing and construction of public works.

Project financing is configured primarily as a complex operation to a specific investment for the realization of a work and / or management of a service, at the initiative of the promoters (sponsors) private or public

