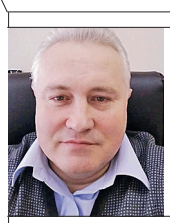
UDK 347

A review of changes in the Russian legislation in the field of construction and real estate management in the first half of 2021

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The review encompasses changes in Russian legislation in the field of construction, real estate, housing and utilities management.

The review addresses the legal and regulatory framework of the shared equity construction legislation and guaranteed rights and legitimate interests of citizens participating in the shared equity construction; reusable project documentation, standard project documentation, the availability of technical specifications needed for the architectural and construction design, connections to engineering networks; the calculation of amounts payable by citizens and organizations for the maintenance of residential premises in apartment buildings in Moscow, the city of federal significance; the protection of rights and legitimate interests of owners of residential buildings in respect of the calculated amounts of utility payments, as well as the improvement of relations in respect of the operation and modernization of the state information system of housing and utility services, protection of state information resources; a decision making procedure as part of the legal framework for the remote participation in meetings of members of civil communities, etc.

Keywords: *amendments, legislation, regulatory legal acts, construction, urban planning, apartment building, housing and utility services*

Note: The information from the following open access sources, including the website of the State Duma of the Federal Assembly of Russian Federation[1]; the Internet portal of legal information[2]; Internet portal "Rossiyskaya Gazeta"[3]; legal reference system "ConsultantPlus"[4]; information and legal portal "Garant.ru"[5]; information portal "RBC Real Estate"[6], was used to make this review.

REGULATORY ACTS

Federal Law No. 273-FZ of July 1, 2021 "On Amendments to Federal Law "On participation in the shared equity construction of apartment buildings and other real estate facilities and amendments to certain legislative acts of the Russian Federation" and particular legislative acts of the Russian Federation" [1]

Regular amendments have been made to the law on the shared equity construction and other legal acts regulating the improvement of the legislation on the shared equity construction and the guarantees of rights and legitimate interests of citizens involved in the shared equity construction.

The Law is effective as of the day of its publication, that is July 01, 2021. The amendments address obligations to the parties involved in the shared equity construction, bankruptcy of developers, and the transfer of a shared equity construction facility.

Towards this end, public non-profit company "Fund for the Protection of the Rights of Citizens involved in the shared equity construction" (hereinafter referred to as the "Fund") is granted the right to complete and initiate the construction of apartment buildings and real estate facilities at the expense of the contributions made by the parties involved in the shared equity construction. These contributions are to be credited to the Fund's current account established with a bank authorized to be involved in the housing construction.

The Fund is authorized to hold the land plots that are owned by the state or municipalities for the purpose of construction of apartment buildings and other real estate facilities if their construction cannot be completed due to the restrictions established by the land and other legislation of the Russian Federation.

It is also stipulated that the preparation of the project documentation and the execution of engineering surveys required for the construction of apartment buildings or other real estate facilities, as well as the examination of project documentation and the results of engineering surveys shall be carried out at the expense of the Fund, including the proceeds obtained as an in-kind contribution of the Russian Federation.

The Fund's making a decision to finance the completion of an unfinished construction facility, the construction of apartment buildings and other properties is possible if the amount of such

1 State Duma of the Federal Assembly of Russian Federation. URL: http//duma.gov.ru
2 Internet portal of legal information. URL: http//www.pravo.gov.ru
3 Internet portal "Rossiyskaya Gazeta". URL: http//rg.ru
4 Legal reference system "ConsultantPlus". URL: http//www.consultant.ru
5 Information and legal portal "Garant.ru". URL: http://www.garant.ru
6 Information portal "RBC Real Estate". URL: http://realty.rbc.ru

financing, as determined by the Government of the Russian Federation, does not exceed the maximum compensation amount payable to citizens involved in construction and request the transfer of residential premises, parking and office spaces. The Fund or a legal entity, established by the Fund for these purposes, is assigned the functions of a technical customer with the right to conduct construction control in respect of apartment buildings, whose completion is carried out by the funds of the subjects of the Russian Federation. In respect of these facilities, the Government of the Russian Federation may also decide to conduct construction control to be performed by the federal executive authority responsible for developing and implementing the government policy in the field of construction, architecture, and urban development, or by a state (budget-funded or autonomous) institution subordinate to the specified authority. The Fund is required to carry out the quarterly monitoring of the implementation by the subjects of the Russian Federation of measures to restore the rights of citizens whose funds were contributed to the construction of apartment buildings or other real estate facilities, included in the unified register of problematic facilities located in the subjects of the Russian Federation.

In order to develop the legal and institutional framework, needed to provide citizens, public authorities, local government bodies and organizations with housing construction information, a unified housing development institution establishes, maintains and modernizes a unified information system on housing construction, this institution has the right to collect, process, store, deliver, place, and distribute this information, and provide access to it.

The list of subjects of the unified housing construction information system that are required to upload the information about housing construction to this system (subjects of the Russian Federation, funds of a subject of the Russian Federation and bankruptcy managers) is expanded, and the same about the list of information to be available in the personal accounts of all subjects of the unified housing construction information system (in particular, all information about housing construction facilities, including their location, degree of completion, construction schedule, as well as reports on the achievement of performance indicators in respect of construction of problematic real estate facilities). The procedure, methods, terms and frequency of uploading information to the unified information system of housing construction, as well as the composition of the information to be uploaded, types and titles of documents to be uploaded as electronic copies will be identified by the Government of the Russian Federation. Information and documents, that are subject to uploading to the unified information system of housing construction, are provided free of charge.

Any interaction initiated through the unified housing construction information system is performed using the Federal State Information System "Unified Portal of State and Municipal Services (functions)" in accordance with the procedure established by the Government of the Russian Federation. The federal law extends the list of grounds for the withdrawal of problematic facilities from a single registry of problematic construction facilities.

Some of the amendments address the bankruptcy of developers and the activities of arbitration managers, as well as the activities of the Fund. It is established that the Fund is granted the right to familiarize itself with the register of claims of construction participants and the grounds for their introduction into such a register, and also has the right to file objections to the arbitration court considering the bankruptcy case of the developer based on the results of the review of the register of claims of construction participants.

The law establishes that judicial acts and acts of the authorized body on the seizure of property or a ban of certain actions with the immovable property of an apartment building in which an object of shared construction is located are no grounds for suspending the state cadastral registration of an apartment building, state registration of the ownership right to an object of shared construction, the state registration of the transfer of ownership rights to such an object. At the same time, the record of the seizure, the prohibition to perform certain actions must be repaid simultaneously with the state registration of the ownership right to the last shared-equity construction object in such an apartment building.

It is planned to provide a comprehensive service for the management of solid municipal waste (hereinafter referred to as MSW) on the territory of Moscow, St. Petersburg and Sevastopol. For regional operators operating in the territory of the subjects of the Russian Federation — the cities of federal significance of Moscow, St. Petersburg and Sevastopol, the ability to attract operators for the treatment of MSW to provide comprehensive services for the treatment of MSW based on the results of auctions in accordance with the procedure established by Federal Law No. 228-FZ of July 18, 2011 "On procurement of goods, works, services by certain types of legal entities". The conditions for conducting such auctions and the procedure for the activities of operators for the treatment of MSW that own objects of processing, neutralization, burial of MSW are being clarified.

Corresponding amendments are being made to the Land Code of the Russian Federation and Federal Laws No. 218-FZ of July 13, 2015 "On State Registration of Real Estate" and No. 225-FZ of July 13, 2015 "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".

Federal Law No. 73-FZ of May 31, 2001 "On State Forensic Expert Activity in the Russian Federation" introduced amendments providing for the possibility of the Government of the Russian Federation to establish a list of types of forensic examinations conducted exclusively by state forensic expert organizations.

Federal Law No. 178-FZ of December 21, 2001 "On the Privatization of State and Municipal Property" is amended to prohibit challenging the price of state or municipal property established by the results of an auction or tender, separately from the results of an auction or tender.

Federal Law No. 275-FZ of July 1, 2021 "On Amendments to the Urban Planning Code of the Russian Federation and Certain Legislative Acts of the Russian Federation" [2]

Changes were made to Urban Planning Code of the Russian Federation and other acts on re-use project documentation, standard project documentation.

The Federal Law will enter into force on September 1, 2021, with the exception of certain provisions that have different effective dates. The legislator unified the activities (stages) carried out during the implementation of projects for the construction of capital construction objects, reconstruction of a capital construction object, commissioning of such an object, as well as state registration of rights to it.

The implementation of a project for the construction of a capital construction facility may consist of the following stages:

The first stage — the acquisition of rights to a land plot, including those provided from lands that are in state or municipal ownership, involves: the provision of a land plot that is in state or municipal

ownership, for rent or ownership at auction in accordance with land legislation; the provision of a land plot that is in state or municipal ownership, without bidding in accordance with land legislation; making a decision on the establishment of a public easement, concluding an agreement on the establishment of a public easement, an easement in accordance with civil legislation, land legislation, making amendments to such an agreement; issuing, in accordance with land legislation, a permit for the use of land or land plots that are in state or municipal ownership, without providing land plots and establishing an easement, a public easement.

The second stage — approval or issuance of information, documents, materials necessary for performing engineering surveys, architectural and construction design, construction, reconstruction of a capital construction object includes: preparation and approval of documentation on territory planning, which include: making a decision on the preparation of a territory planning project, a territory surveying project; public discussions or public hearings on territory planning projects, territory surveying projects; approval of territory planning documentation; granting a permit for a conditionally permitted type of use of a land plot, including holding public discussions or public hearings on a draft decision on granting such a permit; granting permission to deviate from the maximum parameters of permitted construction, reconstruction of a capital construction object, including holding public discussions or public hearings on a draft decision on granting such a permit; issuing a town-planning plan for a land plot; obtaining technical requirements and conditions that are subject to mandatory execution during architectural and construction design for the purpose of reconstruction, capital repairs of existing linear objects, including engineering and technical support networks; concluding a contract with the copyright holders of existing linear objects, including engineering and technical support networks, for the purpose of their reconstruction, capital repairs; obtaining technical conditions for connecting (technological connection) of capital construction objects to engineering and technical support networks; conclusion of contracts on connection (technological connection) of capital construction objects to the networks of engineering and technical support; adoption, in accordance with the land legislation, of a decision on the establishment, modification, or termination of the existence of zones with special conditions for the use of the territory in connection with the construction, reconstruction of the capital construction object.

The third stage — the performance of engineering surveys and the implementation of architectural and construction design includes: conducting an expert examination of the project documentation of capital construction objects and (or) the results of engineering surveys; conducting a state historical and cultural expert examination of the project documentation for the preservation of cultural heritage objects, if necessary; conducting a state environmental expert examination of the project documentation, if necessary.

The fourth stage — construction, reconstruction of a capital construction object, commissioning of a capital construction object provides for: issuing a construction permit (except in cases where the construction of a capital construction object does not require the issuance of a construction permit), making changes to the construction permit, assigning an address to the object of addressing; sending a notification on the compliance of the parameters of an individual housing construction object or a garden house specified in the notification on the planned construction with the established parameters and the permissibility of placing an individual housing construction object or a garden house on a land plot; sending notifications to the federal executive authority authorized to carry out state construction supervision, the executive authority of the subject of the Russian Federation or the State Atomic Energy Corporation Rosatom; signing of acts on connection (technological connection) of the capital construction object to the engineering and technical support networks; granting by the federal state energy supervision body of a temporary permit, a permit for the admission to operation of electric energy production facilities, electric grid facilities, power receiving installations, heat supply facilities and heat-consuming installations; conclusion of energy supply contracts (purchase and sale (supply) of electric energy), hot water supply contracts, cold water supply contracts, heat supply contracts, water disposal contracts, including in relation to an object under construction, being reconstructed for the period of its construction, reconstruction, as well as conclusion of gas supply contracts; issuance of an opinion on the compliance of the constructed, reconstructed capital construction object with the requirements of project documentation (if state construction supervision is provided for; preparation of a technical plan of a building or structure in accordance with Federal Law No. 218-FZ of July 13, 2015 “On State Registration of Real Estate”; issuance of a permit for putting a capital construction object into operation; sending a notification about the compliance of the constructed, reconstructed object of individual housing construction or garden house with the requirements of the legislation on urban planning activities or the non-compliance of the constructed, reconstructed object of individual housing construction or garden house with the requirements of the legislation on urban planning activities.

The fifth stage — state cadastral registration and (or) state registration of rights to a built, reconstructed capital construction object (premises, parking space) are carried out in accordance with Federal Law No. 218-FZ of July 13, 2015 “On State Registration of Real Estate”.

At the same time, the legislator establishes that the Government of the Russian Federation approves an exhaustive list of documents, information, materials, approvals provided for by regulatory legal acts of the Russian Federation and necessary for the implementation of measures during the implementation of a project for the construction of a capital construction facility. The submission of requirements for obtaining permits, conclusions, documents, information, materials, approvals issued by federal executive authorities, executive bodies of state power of the subjects of the Russian Federation, local self-government bodies, organizations subordinate to them, and other organizations, not provided for by the Urban Planning Code of the Russian Federation, is not allowed for the implementation of a project for the construction of a capital construction object.

The Law also excludes the institution of recognition of project documentation as cost-effective re-use project documentation, and instead introduces the institution of recognition of project documentation as standard project documentation (for the purpose of its subsequent repeated application to other similar designed capital construction objects). Standard project documentation can be recognized as project documentation that has received a positive conclusion of the state expert examination of the project documentation and was used in the construction or reconstruction of a capital construction object, in respect of which a permit for commissioning has been obtained. Information on standard design documentation should be included in the unified state register of

expert opinions on design documentation for capital construction projects. The procedure for recognizing project documentation as standard project documentation will be determined by the Government of the Russian Federation. The criteria to be met by standard project documentation, the term of application of standard project documentation, the procedure for making a decision on recognizing project documentation as standard project documentation, the procedure for using standard project documentation, including the procedure for making changes to it, as well as the grounds for excluding standard project documentation from the unified state register of expert opinions on design documentation of capital construction objects will be established by the Government of the Russian Federation.

The Government of the Russian Federation may establish cases of mandatory use of standard project documentation. Federal, regional and municipal authorities, legal entities established by the Russian Federation, subjects of the Russian Federation, municipal, education, and legal entity in the authorized (share) capital in which the share of the Russian Federation, constituent entities of the Russian Federation, municipalities is more than 50 percent receive free of charge the right to use a standard design documentation, the exclusive right to which owned by the Russian Federation, the subject of the Russian Federation or a municipality.

It provides for the right of the Government of the Russian Federation to establish the procedure for conducting expert examinations of project documentation on the principle of "one window", which provides for conducting expert examinations based on a single request from the applicant, while interaction between the bodies and organizations authorized to conduct these examinations is carried out without the participation of the applicant.

The Urban Planning Code establishes the concept of working documentation developed on the basis of project documentation. Construction and reconstruction of capital construction objects must be carried out in accordance with the project documentation and working documentation. The composition and content of project documentation will be determined by the Government of the Russian Federation, which may also set separate requirements for the composition and content of working documentation.

The Law establishes additional methods and procedures for submitting, receiving and issuing: notifications of planned construction, applications for construction permits, construction permits, notifications of completion of construction, notifications of planned demolition or completion of demolition of capital construction objects; applications for the issuance of an urban development plan for a land plot. It clarifies the specifics of urban development activities in the constituent entities of the Russian Federation — federal cities of Moscow, St. Petersburg and Sevastopol in the field of implementation of construction projects and preparation of amendments to the general plans and rules of land use and development.

In order to implement projects for the construction, reconstruction, and modernization of infrastructure facilities, Federal Law No. 185-FZ of July 21, 2007 "On the Fund for Assistance to Housing and Utility Services Reform" is amended, giving the Fund for Assistance to Housing and Utility Services Reform the functions of attracting funds from the National Welfare Fund, providing loans to legal entities at the expense of attracted funds and acquiring bonds of legal entities during their initial placement. At the same time, the Housing and Utility Services Reform Assistance Fund will have the right to act as a member of a syndicate of creditors in accordance with Federal Law No. 486-FZ of December 31, 2007 "On Syndicated Credit (Loan) and Amendments to Certain Legislative Acts of the Russian Federation".

The Federal law establishes that the procedures included before January 1, 2021 in the exhaustive lists of procedures in the fields of construction can be carried out until September 1, 2022.

It is envisaged that cost-effective project documentation for reuse, 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. Corresponding amendments are being made to the Law of the Russian Federation No. 4802-1 of April 15, 1993 "On the Status of the Capital of the Russian Federation", federal Laws No. 135-F3 of July 26, 2006 "On Protection of Competition" and No. 218-FZ of July 13, 2015 "On State Registration of Real Estate".

Federal Law No. 276-FZ of July 1, 2021 "On Amendments to the Urban Planning Code of the Russian Federation and Certain Legislative Acts of the Russian Federation" [3]

The law establishes the procedure for providing technical conditions necessary for architectural and construction design, connection to engineering networks.

The Federal Law comes into force on September 1, 2021. Technical conditions for connection (technological connection) of capital construction objects to engineering and technical support networks used for architectural and construction design (hereinafter referred to as technical conditions) are determined in accordance with the rules for connection (technological connection) to engineering and technical support networks of the corresponding type, and are mandatory appendices to contracts for connection (technological connection) of capital construction objects to engineering and technical support networks of the corresponding type (hereinafter referred to as — connection agreements (technological connection). Contracts are concluded between the right holder of the engineering and technical support network, on the one hand, and the right holders of the land plot and (or) the capital construction object; persons who, in the cases provided for by land legislation, have been granted a permit to use land or a land plot that is in state or municipal ownership, without providing a land plot and establishing an easement, a public easement, as well as persons who are the owner of an easement or a public easement that are established in accordance with civil legislation, land legislation or persons with whom an agreement on integrated development of the territory has been concluded, on the other hand.

Technical specifications are issued for the purpose of concluding a connection agreement (technological connection) without charging a fee within seven working days at the request of the specified persons, except for cases of technological connection to electric networks.

The term of validity of the technical specifications is set by the right holder of the engineering support network for at least three years or for at least five years in the case of integrated development of the territory, unless otherwise provided for by the legislation of the Russian Federation.

In certain cases, for the construction of objects of federal, regional, or local significance, a connection (technological connection) agreement may be concluded in the absence of title documents for a land plot with a federal executive authority, an executive authority of a subject of the Russian Federation, a local self-government body, a legal entity established by the Russian Federation, a subject of the

Russian Federation, or a municipal entity, as well as with other legal entities if there is a decision on preliminary approval of the provision of a land plot to them for these purposes. Such a contract is concluded in the presence of an approved land surveying project and (or) an issued urban development plan for the land plot and a scheme for the location of the land plot or land plots on the cadastral plan of the territory approved in accordance with the land legislation. The cases of concluding such an agreement are determined by the Government of the Russian Federation.

The subject with which the contract on connection (technological connection) is concluded, in agreement with the right holder of the engineering and technical support network, has the right to provide architectural and construction design, construction, reconstruction of the engineering and technical support network located outside the boundaries of the land plot belonging to it, in order to connect (technological connection) the constructed, reconstructed capital construction object to the engineering and technical support networks.

The law establishes that the term of validity of technical conditions for connecting (technological connection) capital construction objects to engineering and technical support networks is determined by the right holder of engineering and technical support networks for at least three years or for complex development of the territory for at least five years, unless otherwise provided for by the legislation of the Russian Federation.

For the construction of objects of federal, regional, or local significance, connection agreements (technological connection) may be concluded in the absence of title documents for the land plot and in the presence of prior approval of the provision of land for these purposes. The cases of concluding such agreements will be determined by the Government of the Russian Federation.

The law shall establish the procedure and terms of payment for connection (technological connection) of capital construction objects to the networks of engineering and technical support, the possibility of a phased payment in the case of construction, reconstruction of capital construction of residential, public and commercial buildings and needed for the functioning of the utilities, transport and social infrastructures, in accordance with the approved draft plan for the area. In cases of construction or reconstruction of capital construction objects within the boundaries of elements of the planning structure or their parts, it is possible to approve complex schemes for engineering support of the territory, providing for the connection of new capital construction objects to existing engineering and technical support networks.

The right holders of capital construction objects connected to engineering and technical support networks are granted the right to reduce the volume of connected (technologically connected) capacity (load) in relation to such capital construction objects, while simultaneously redistributing (assigning the right to use) the released capacity or (load) to other persons interested in connecting (technologically connected).

The Law regulates legal relations that arise during the reconstruction or major repairs of existing linear facilities, engineering and technical support networks in connection with the planned construction, reconstruction, major repairs of capital construction objects (federal, regional, local transport infrastructure objects, multi-apartment residential buildings, residential buildings of blocked development, municipal and social infrastructure objects).

Reconstruction, overhaul of an existing linear object, as well as, if necessary, architectural and construction design for the purpose of such reconstruction, overhaul is carried out in accordance with the contract concluded by the right holder of the existing linear object with the developer or technical customer, taking into account the requirements of this article (hereinafter, for the purposes of this article, the contract).

The contract is concluded with the right holder of an existing linear item without fail in accordance with civil law. The developer or technical customer has the right to apply to the right holder of an existing linear object or engineering support network in order to conclude a contract during the validity period of the technical requirements and conditions.

The legislator has determined the essential terms of the specified agreement. In particular, the contract should include: information about the location of capital construction objects, information about existing linear objects (name, location, cadastral number (if available), reconstruction, major repairs of which are planned to be carried out; the obligation of the parties, if necessary, to ensure the preparation of documentation on the layout of the territory or making changes to it, architectural and construction design for the purpose of reconstruction, capital repairs of existing linear objects in accordance with technical requirements and conditions; the obligation of the parties to perform works, the deadline for performing such works; the obligation of the developer, the technical customer to reimburse the rights holders of existing linear objects for the costs associated with their reconstruction, capital repairs; the form and terms of reimbursement by the developer, the technical customer of the costs incurred in connection with such reconstruction, major repairs of existing linear objects, to their right holders; obligations of the parties to settle relations with the owners of objects connected (technologically connected) in accordance with the established procedure to existing linear objects, reconstruction, major repairs of which are planned to be carried out, due to the impossibility of operation of such existing linear objects during their reconstruction, major repairs; obligations of the parties to ensure the registration of title documents for land plots for the purpose of reconstruction, capital repairs of existing linear objects, as well as for these linear objects after the completion of their reconstruction, capital repairs (if necessary); obligations of the parties to establish, change, terminate zones with special conditions of territories in accordance with land legislation (if necessary); liability of the parties for non-performance or improper performance of the contract.

Compensation is carried out in cash and (or) in kind. The procedure for determining the form of compensation is established by the Government of the Russian Federation. In the case of monetary compensation, the performance of reconstruction and major repairs of existing linear objects is provided by the copyright holders of such objects. In the case of compensation in kind, the performance of these works is provided by developers, technical customers.

In order to prepare a town-planning plan for a land plot, the subjects of town-planning activity should be provided with information on the possibility of connecting (technological connection) capital construction objects to engineering and technical support networks.

Corresponding amendments are being made to the Land Code of the Russian Federation and Federal Laws No. 190-FZ "On Heat Supply" dated July 27, 2010 and No. 416-FZ "On Water Supply and Sanitation" dated December 7, 2011.

Federal Law No. 229-FZ of July 28, 2021 "On Amendments to Certain Legislative Acts of the Russian Federation" [4]

Amendments have been made to the Housing Code of the Russian Federation on the procedure for calculating

the amount of expenses of citizens and organizations as part of the payment for the maintenance of residential premises in an apartment building — the city of federal significance Moscow.

The law comes into force from the date of its official publication — June 28, 2021. The law supplements articles 154 and 156 of the Housing Code of the Russian Federation with provisions according to which in the subject of the Russian Federation — the city of federal significance of Moscow, the specifics of the procedure for calculating the amount of expenses of citizens and organizations as part of the payment for the maintenance of residential premises in an apartment building are established, taking into account that the costs of paying for utility resources consumed during the use and maintenance of common property in an apartment building will not be allocated as part of such a payment. Also, the Federal Law in Article 4 of the Law of the Russian Federation No. 4802-1 of April 15, 1993 "On the status of the capital of the Russian Federation" authorizes the state authorities of the city of Moscow, in accordance with the Housing Code of the Russian Federation, to include in the payment for the maintenance of residential premises the costs of paying for cold water, hot water, electric energy consumed during the use and maintenance of common property in an apartment building, waste water disposal for the maintenance of common property in an apartment building, as well as the procedure for calculating these costs: such expenses for the payment of utility resources consumed during the use and maintenance of common property in an apartment building will not be allocated as part of the payment for the maintenance of residential premises.

The utility resources consumed during the use and maintenance of common property in an apartment building will be paid by the management organization or the homeowners' association or the housing cooperative when calculating with organizations that provide these services from the funds paid as a fee for the maintenance and maintenance of common property in an apartment building.

The law establishes a new deadline for the entry into force — until January 1, 2022 of certain provisions of Federal Law No. 442-FZ of November 28, 2018 "On Amendments to Articles 159 and 160 of the Housing Code of the Russian Federation", which provide for cases in which subsidies are not provided to citizens, as well as compensation for the costs of paying for residential premises and utilities.

Federal law of June 11, 2021 No. 214-FZ "On amendments to article 157 of the Housing code of the Russian Federation and the Federal law "On the state information system of housing and utility services" [5]

The law is aimed at protecting the rights and legitimate interests of owners of houses in the calculation of fees for utilities, and improving relations on the operation, modernization and operation of the state information system of housing and utility services, the protection of state information resources.

The law came into force on June 22, 2021. The Law introduces amendments to Article 157 of the Housing Code of the Russian Federation aimed at establishing the liability of a utility service provider for violating the procedure for calculating utility fees not only to the owners of residential and non-residential premises in an apartment building, but also to the owner of a residential building.

The Law also amended Federal Law No. 209-FZ of July 21, 2014 "On the State Information System of Housing and Utility Services". Establishing that the system operator is obliged to ensure that the system complies with the requirements of the legislation of the Russian Federation, the smooth functioning of the system, the possibility of integration and interaction of other information systems with the system, and bears administrative responsibility in accordance with the legislation of the Russian Federation on administrative offenses for non-compliance of the system with these requirements.

The law clarifies the rights and obligations of participants in information interaction, including the conclusion by the system operator with the federal executive authority responsible for the development and implementation of state policy and regulatory regulation in the field of housing and utility services, an agreement on the specifics of interaction during the operation and modernization of the system and defines its essential conditions. The norms regulating the legal regime of information placed in the system and programs for electronic computers of the system are supplemented, including it is determined that the exclusive and other intellectual rights to programs for electronic computers created by the system operator at their own expense and other results of intellectual activity, as well as equated means of individualization associated with the creation and modernization of the system, belong to the system operator, who has the right to dispose of the intellectual rights belonging to him, taking into account the established restrictions.

The rules of interaction between the system and other information systems are supplemented: it can be implemented, including using the infrastructure that provides information and technological interaction of information systems used to provide state and municipal services and perform state and municipal functions in electronic form. The Government of the Russian Federation establishes cases and procedures for interaction of the system with citizens when providing state and municipal services and performing state and municipal functions, as well as when providing other services through the unified portal of state and municipal services.

Federal Law No. 225-FZ of June 28, 2021 "On Amendments to Part One of the Civil Code of the Russian Federation" [6]

The Law supplements the provisions of Part one of the Civil Code of the Russian Federation regulating the procedure for making decisions of the assembly in order to create a legal mechanism for remote participation of members of civil law communities in meetings.

The law comes into force on July 1, 2021. The Law defines the difference between a meeting held by participating in a meeting, including remotely using electronic or other technical means, and a meeting without holding a meeting, the decision of which is taken by absentee voting. Remote participation is possible if any methods are used to reliably identify the person taking part in the meeting and allow him to participate in the discussion of issues on the agenda and vote. Absentee voting is carried out by sending at least fifty percent of the total number of participants of the civil law community documents containing information about their voting, including by electronic or other technical means.

It is allowed to combine voting at a meeting and absentee voting, if this is provided for by Law, by a unanimous decision of the participants of the civil law community or by the charter of a legal entity. The meeting of the participants of the civil law community and the results of voting at the meeting, as well as the results of absentee voting, are confirmed by the protocol, while another method of confirmation may be provided by law, by a unanimous decision of the participants of

the civil law community or by the charter of a legal entity, provided that the relevant information is stored and provided unchanged.

The minutes must indicate: the date and time of the meeting, the venue of the meeting and (or) the method of remote participation of members of the civil law community in the meeting, and in cases of absentee voting — the date before which documents containing information about the voting of members of the civil law community were accepted and the method of sending these documents; information about the persons who took part in the meeting and (or) about the persons who sent documents containing information about the voting; the results of voting on each item on the agenda; information about the persons who conducted the counting of votes, if the counting of votes was entrusted to certain persons; information about the persons who voted against the decision of the meeting and demanded to make an entry about it in the minutes; information about the course of the meeting or about the voting process, if a member of the civil law community requires them to be included in the minutes; information about the persons who signed the minutes.

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3. *Housing Code of the Russian Federation.*
4. *The Land Code of the Russian Federation.*
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7. *On Amendments to Certain Legislative Acts of the Russian Federation : Federal Law No. 229-FZ of July 28, 2021.*
8. *On heat supply : Federal Law No. 190-FZ of July 27, 2010.*
9. *On Water Supply and Sanitation : Federal Law No. 416-FZ of December 7, 2011.*
10. *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 July 1, 2021.*
11. *On Protection of Competition : Federal Law No. 135-F3 of July 26, 2006.*
12. *On State Registration of Real Estate : Federal Law No. 218-FZ of July 13, 2015.*
13. *On Syndicated Credit (Loan) and Amendments to Certain Legislative Acts of the Russian Federation : Federal Law No. 486-FZ of December 31, 2007.*
14. *On the Fund for Assistance to the Reform of Housing and Communal Services : Federal Law No. 185-FZ of July 21, 2007.*
15. *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 July 1, 2021.*
16. *On State Forensic Expert Activity in the Russian Federation : Federal Law No. 73-FZ of May 31, 2001.*
17. *On the Privatization of State and Municipal Property : Federal Law No. 178-FZ of December 21, 2001.*
18. *On Promoting the development and Improving the Efficiency of Management in the Housing Sector and on Amendments to Certain Legislative Acts of the Russian Federation : Federal Law No. 225-FZ of July 13, 2015.*
19. *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 of July 1, 2021.*
20. *On the State Information System of Housing and Communal Services : Federal Law No. 209-FZ of July 21, 2014.*
21. *On Amendments to Article 157 of the Housing Code of the Russian Federation and the Federal Law "On the State Information System of Housing and Communal Services" : Federal Law No. 214-FZ of June 11, 2021.*
22. *On Amendments to Part One of the Civil Code of the Russian Federation : Federal Law No. 225-FZ of June 28, 2021.*

Обзор изменений российского законодательства в сфере строительства и управления недвижимостью в первом полугодии 2021 года (второй выпуск)

В обзоре представлены изменения российского законодательства в сфере строительства, управления недвижимостью, управления жилищно-коммунальным комплексом.

В обзоре отражено нормативное правовое регулирование общественных отношений по вопросам совершенствования законодательства о долевом строительстве, а также повышения гарантий прав и законных интересов граждан — участников долевого строительства; проектной документации повторного использования, типовой проектной документации, порядка предоставления технических условий, необходимых для осуществления архитектурно-строительного проектирования, присоединения к инженерным сетям; порядка расчета размера расходов граждан и организаций в составе платы за содержание жилого помещения в многоквартирном доме — городе федерального значения Москве; обеспечения защиты прав и законных интересов собственников жилых домов при расчете платы за коммунальную услугу, а также совершенствования отношений по функционированию, модернизации и эксплуатации государственной информационной системы жилищно-коммунального хозяйства, защите государственных информационных ресурсов; порядка принятия решения собрания в целях создания правового механизма дистанционного участия членов гражданско-правовых сообществ в заседаниях и т.п.

Ключевые слова: *изменения, дополнения, законодательство, нормативно-правовые акты, строительство, градостроительство, многоквартирный дом, ЖКХ*

Примечание: при формировании обзора использовалась информация открытых источников: сайт ГД СФ РФ; Интернет-портал правовой информации; Интернет-портал «Российская газета»; Справочная правовая система «КонсультантПлюс»; Информационно-правовой портал «Гарант.ру», Информационный портал «РБК Недвижимость».

ЛИТЕРАТУРА

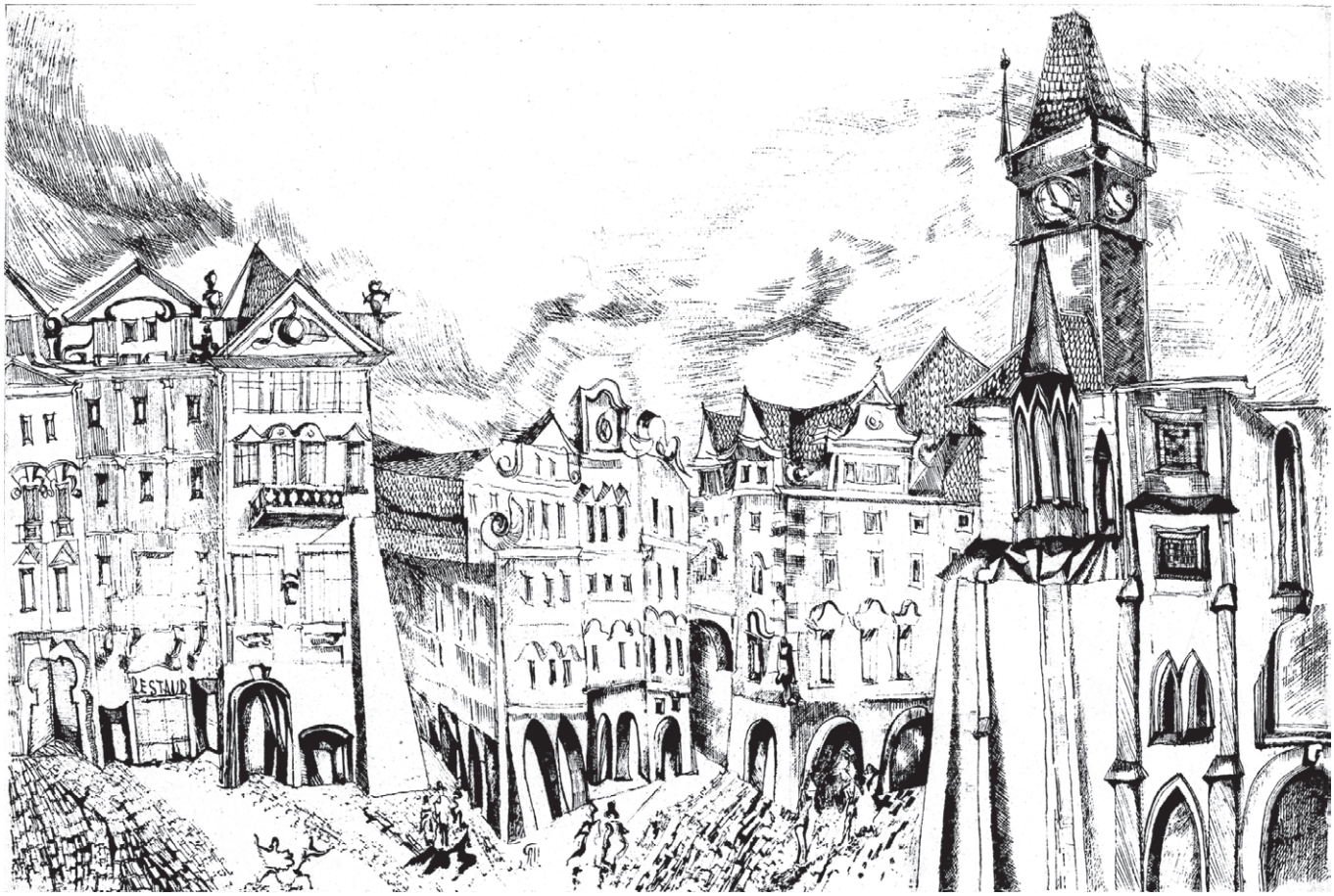
1. *Гражданский кодекс Российской Федерации.*
2. *Градостроительный кодекс Российской Федерации.*
3. *Жилищный кодекс Российской Федерации.*
4. *Земельный кодекс Российской Федерации.*
5. *О внесении изменений в статьи 159 и 160 Жилищного кодекса Российской Федерации : Федеральный закон от 28 ноября 2018 г. № 442-ФЗ.*
6. *О статусе столицы Российской Федерации : Закон Российской Федерации от 15 апреля 1993 г. № 4802-1.*
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8. *О теплоснабжении : Федеральный закон от 27 июля 2010 г. № 190-ФЗ.*
9. *О водоснабжении и водоотведении : Федеральный закон от 7 декабря 2011 г. № 416-ФЗ.*
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