

Last amended on March 21, 2008

Law of Georgia

**On Recognition of Title to the Lands Plots Possessed (Used) by Individuals and
Legal Entities under Public Law**

Chapter I. General Provisions

Article 1. Purpose of the Law

The purpose of this Law is to develop the state-owned land fund and promote the land market development by recognizing the title of individuals and legal entities under public law or other organizational formations provided by law to the state-owned land being in the legitimate possession or use or arbitrary occupation (hereinafter – recognition of title).

Article 2. Definition of Terms

The terms used throughout this Law shall have the following meaning:

- a) **Land in legitimate possession** – a state-owned agricultural or non-agricultural land plot along with or without the (constructed, under construction or demolished) buildings and structures thereon, to which an individual's right of legitimate possession arose before enacting of this law; (28.12.2007, # 5673)
- b) **Land in use** – a state-owned agricultural or non-agricultural land plot along with or without the (constructed, under construction or demolished) buildings and structures thereon, to which an individual, a legal entity under public law or any other organizational formation provided by law obtained the right of use before November 12, 1998 or owned the building or structure located on such land plot before enacting of this law, as well as the non-agricultural land plot assigned in manner provided by the laws of Georgia for use to the state-founded legal entities under public law; (28.12.2007, # 5673)
- c) **Land in arbitrary occupation** – the state-owned agricultural or non-agricultural land plot along with or without (constructed, under construction or demolished) buildings and structures thereon arbitrarily occupied by an individual, a legal entity under public law or any other organizational formation

provided by law before enacting of this law that by the moment of requesting the recognition of title has not been disposed of by the state; (28.12.200, # 56737)

- d) **Recognition of title** – onerous or gratuitous transfer, in accordance with the terms and procedure provided by this Law and by the Procedure for Recognition of Title to the Land Plots Possessed (Used) by Individuals and Legal Entities under Public Law approved by decree of the President of Georgia, of the state-owned agricultural or non-agricultural land plot along with or without (constructed, under construction or demolished) buildings and structures thereon to an individual, a legal entity under public law or any other organizational formation provided by law;
- e) **Interested person** – an individual, a legal entity under public law or any other organizational formation provided by law, as well as their presumptive heirs or successors, who legitimately possess, use or have arbitrarily occupied the state-owned agricultural or non-agricultural land plot along with or without buildings (constructed, under construction or demolished) and structures thereon and who wish to obtain title to it in manner provided by this Law as well as the person or its presumptive heir or successor who in manner provided by this Law has acquired/obtained title from the user of the state-owned non-agricultural land to the building or structure located on such land plot. (28.12.2007)

Article 3. Sphere of Regulation of the Law

- 1. This Law lays down the main conditions for recognition of title to the land in legitimate possession or use as well as to the land in arbitrary occupation and the powers of the body representation the state in the process of title recognition.
- 2. The following state-owned agricultural or non-agricultural land shall not be subject to recognition of title:
 - a) Route to drive cattle;
 - b) Water fund;
 - c) Protected territory;
 - d) Recreational park, forest-park, square, etc., excluding the territories defined by Presidential Decree “on Awarding the Status of Recreational Areas to Resorts of Georgia, Places Allotted for Resorts,

Alpine Skiing Resorts, and Black Sea Coastal Territories and on Identifying the Borders of these Recreational Areas” (21.03.2008);

- e) Historical, cultural, natural and religious monuments;
- f) Public land plot (square, street, exit road, sidewalk, bank) and ?place (park, forest-park, square, alley, protected territory);
- g) If accommodating a water reservoir, waterworks, and sanitary-protection zones of such facilities;
- h) If accommodating public engineering (transport and underground communications, water-supply, sewage, communication and electric wiring) facilities;
- i) Special-purpose (defense and mobilization) land plots;
- j) Land-plots occupied with state-owned facilities, including the land plot accommodating state property, in accordance with the Law of Georgia on Privatization of State Property, shall not be subject to privatization;
- k) Cemetery and pantheon;
- l) Sanitary and protection zones;
- m) If intended for the construction and operation of oil and gas trunk pipelines and related underground and above-ground facilities.

Article 4. Body Authorized to Recognize Title

1. The relevant local self-government representative body shall be authorized to recognize title to the land in legitimate possession or use as well as to the land in arbitrary occupation and shall discharge its powers through a commission. The commission shall carry out its activities in accordance with the rule as defined by Chapter VIII of General Administrative Code of Georgia for official administrative procedures, as well as in accordance with the rule defined by this law. (28.12.2007, # 5673)
2. The legal grounds for setting up and conducting the activity of the Commission shall be provided by the Procedure for Recognition of Title to the Land Plots Possessed (Used) by Individuals and Legal Entities under Public Law approved by decree of the President of Georgia.
3. Activities of the member, chairperson and deputy chairperson of the Commission shall be paid. Expenses necessary for remuneration shall be

covered by local budget, in accordance with the rule and in an amount as defined by respective unit of local self-government (21.03.2008).

Chapter II. Procedure for Recognition of Title to the Land in Legitimate Possession or Use as well as to the Land in Arbitrary Occupation

Article 5. Procedure for Recognition of Title to the Land in Legitimate Possession or Use as well as to the Land in Arbitrary Occupation

1. The basis for consideration of the request for recognition of title to the land in legitimate possession or use as well as to the land in arbitrary occupation shall be the written application submitted by the interested person to the Commission.
2. The request for recognition of title to the land in arbitrary occupation shall be considered by taking into account the compliance of the request with the spatial-territorial planning requirements and the strategic land disposal plan.
3. To substantiate the request for recognition of title to the land in legitimate possession or use as well as to the land in arbitrary occupation, the interested person shall present:
 - a) The document evidencing the legitimate possession or use as well as arbitrary occupation of the land or/and the testimony; (28.12.2007, # 5673)
 - b) Land plot cadastral survey drawing;
 - c) Information for determining the amount of fee for recognition of title.
4. The Commission shall consider the application within one month after receipt thereof. If the establishment of the facts of essential importance toward recognition of title requires more than one month, the Commission may within the application consideration term make a decision on prolongation of the application consideration term by an additional one month. In such case, the total term for consideration of the application shall not exceed 3 months.
5. If the interested person's request of recognition of title to the land in legitimate possession complies, in full or in part, with the conditions contemplated by this Law, the Commission shall within the application consideration term make a decision on full or partial recognition of the interested person's title to the land in legitimate possession and issue a title deed and a certified cadastral survey drawing that, along with other cadastral data, shall reflect the borders and area

of the land plot and buildings and structures, the title to which has been recognized.

6. If the interested person's request of recognition of title to the land in use or arbitrary possession complies, in full or in part, with the conditions contemplated by this Law, the Commission shall within the application consideration term send a written notice to the interested person concerning the amount of fee for recognition of title and the obligation to pay such fee within one month. If the interested person pays the fee for recognition of title within the term and in the amount fixed in the written notice, the Commission shall within 3 business days from presentation of the payment document make a decision on full or partial recognition of the interested person's title to the land in legitimate possession and issue a title deed and a certified cadastral survey drawing that, along with other cadastral data, shall reflect the borders and area of the land plot and buildings and structures, the title to which has been recognized.
- 6¹. After issuance of ownership certificate to presumptive heir, the rule on how to issue the document confirming the legitimacy of the heir shall be defined by legislation of Georgia, (28.12.2007, # 5673)
7. If the interested person's request for recognition of title does not comply with the conditions contemplated by this Law or the documents attached with the application do not evidence the fact of legitimate possession, use of arbitrary occupation, or in the cases provided by this Law – the fee for recognition of title has not been paid within the appropriate term and in the appropriate amount, the Commission shall make a written decision on denial of recognition of title.
8. The failure of the Commission to make a decision on recognition of title or on denial of recognition of title within the application consideration term shall be construed as the denial of recognition of title to the land in legitimate possession, use of arbitrary occupation and shall be appealed against in manner provided by the laws of Georgia. In such case, the Commission shall within 5 business days after expiry of the application consideration term make a written decision on denial of recognition of title.

Article 6. Amount and Mode of Payment of Fee for Recognition of Title

1. The land in legitimate possession shall be transferred to the interested person by gratis.

2. The fee for recognition of title for each square meter of the land in use accounts for a 5-fold of the annual non-agricultural land tax fixed by the Tax Code of Georgia at the time the recognition of title is requested. (28.12.2007, # 5673)
3. The fee for recognition of title to the land in arbitrary possession
 - a) for each square meter of agricultural land accounts for a 10-fold of the annual land tax fixed by the Tax Code of Georgia at the time the recognition of title is requested; (28.12.2007, # 5673)
 - b) for each square meter of non-agricultural land accounts for a 20-fold of the annual land tax fixed by the Tax Code of Georgia at the time the recognition of title is requested but if the 20-fold of the annual land tax exceeds the normative price of per m² land, the fee for recognition of title to the land in arbitrary possession shall account for the normative price of the appropriate land at the time the recognition of title is requested. (28.12.2007, # 5673)
- 3¹. Land arbitrarily occupied before 1994 shall be transferred to the interested person free-of-charge. In this case the rule provided by this law for recognition of title to arbitrarily occupied land, except the obligation to pay fees for title recognition, shall be applied. (28.12.2007, # 5673)
4. The fee for recognition of title shall be paid on a lump-sum basis.

Chapter VIII. Transitive and Conclusive Provisions

Article 7. Transitive Provisions

By September 15, 2007 the President of Georgia is to elaborate and approve:

- a) Procedure for Recognition of Title to the Land Plots Possessed (Used) by Individuals and Legal Entities under Public Law;
- b) Title Deed Form.

Article 7¹. Rule for Transfer the Land Arbitrarily Occupied by Households (Families) Residing in the Villages within Kobuleti and Khelvachauri Municipalities into Private Ownership (28.12.2007, # 5673)

Along with the land plots in legitimate possession, up to 0.30 ha of arbitrarily occupied agricultural land shall be transferred into private ownership free-of-charge to households (families) residing in the villages of Kobuleti and Khelvachauri municipalities in the Autonomous Republic of Adjara, to which the land parcels have not been transferred into private ownership in accordance with the laws of Georgia

Article 7². Rule for Transfer the Land Arbitrarily Occupied by Households (Families) Residing in the Villages within Tsalka Municipality into Private Ownership (21.03.2008, #5993)

Up to 0.30 -1 ha of agricultural land arbitrarily occupied before enactment of this law shall be transferred into private ownership free-of-charge to households (families) permanently residing in the villages of Tsalka municipality and to which the land parcels have not been transferred into private ownership in accordance with the laws of Georgia or which arbitrarily occupied land parcels.

Article 8. Invalidated Normative Act

Upon enactment of the Decree of the President of Georgia on Approval of the Procedure for Recognition of Title to the Land Plots Possessed (Used) by Individuals and Legal Entities under Public Law, the Law of Georgia on Declaring the Non-agricultural Land Used by Individuals and Legal Entities under Public Law as Private Property (Sakartvelos Sakanonmdeblo Matzne N4, 1998, Art. 33) shall be invalidated.

Article 9. Conclusive Provisions

1. This Law other than Articles 1-6 and 8 be enacted upon promulgation.
2. Articles 1-6 and 8 of this Law be enacted upon enactment of Decree of the President of Georgia on Approval of the Procedure for Recognition of Title to the Land Plots Possessed (Used) by Individuals and Legal Entities under Public Law.

President of Georgia

Mikheil Saakashvili

Tbilisi

July 11, 2007

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