

## **ГАРАЖНАЯ АМНИСТИЯ, УПРОЩЕННЫЙ ВИД ОФОРМЛЕНИЯ ГАРАЖЕЙ В СОБСТВЕННОСТЬ**

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**Аннотация.** Наличие большого количества неоформленных гаражей создает социальную напряженность среди граждан ввиду того, что зарегистрировать свои права в настоящее время, в большинстве случаев, можно только по решению суда. В этой связи законодательно установлено комплексное решение данного вопроса, что позволит всем категориям граждан воспользоваться новым механизмом и зарегистрировать права на свои гаражи. В данной статье рассмотрен упрощенный процесс оформления гаражей в собственность, а также приведен порядок документов и условий, необходимых для оформления гаража по амнистии.

**Ключевые слова:** гараж, гаражная амнистия, кооператив, фундамент, земля, земельный участок, закон.

## **GARAGE AMNESTY, A SIMPLIFIED FORM OF REGISTRATION OF GARAGES IN THE PROPERTY**

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**Abstract.** The presence of a large number of unformed garages creates social tension among citizens due to the fact that at present, in most cases; it is possible to register their rights only by a court decision. In this regard, a comprehensive solution to this issue has been legally established, which will allow all categories of citizens to use the new mechanism and register the rights to their garages. This article discusses the simplified process of registration of garages in the property, as well as the order of documents and conditions necessary for registration of a garage under amnesty.

**Key words:** garage, garage amnesty, cooperative, foundation, land, land plot, law.

The garage amnesty came into force on September 1, 2021, an event that many have been waiting for. In this article, we will analyze the law and answer the questions "What is a garage amnesty?", "Which garages fall under this law?" and "How to properly register a garage as a property?" The amnesty began its operation on the basis of Federal Law No. 79 dated 05.04.2021 "On Amendments to Certain Legislative Acts of the Russian Federation" [1].

This law has been put into force until 2026, during this period it should regulate the activities of cooperatives, the market of private garages, but in addition, it will allow citizens to purchase not only a garage in a simplified form, but also a plot under it.

Prior to this draft law, there was no separate legal regime in the Russian Federation that controlled the work of garage cooperatives. During the garage amnesty, the law should define a garage as a non-residential object that must be registered on the cadastral register. Garage amnesty is a simplified scheme by which you can get ownership not only of the building itself, but also of the land on which it is located.

The turnover of immovable property is impossible without a high-quality information base, the role of which is played by the Unified State Register of Immovable Property (USRIP) formed at the moment, the maintenance and provision of data and which is carried out by the Federal Service for State Registration, Cadastre and Cartography through the provision of public services [2, 3, 4]. According to Rosreestr, about 4 million garages in the Russian Federation are not registered. It happens for various reasons, sometimes the documents are simply lost, and sometimes these are the land plots that were allocated back in Soviet times. Since a huge number of garages are not registered as property, people cannot fully dispose of the property, that is, sell and pass on by inheritance.

If the law provides for the state registration of transactions, the legal consequences of the transaction occur after its registration, as stated by the Civil Code of the Russian Federation, namely, Article 164.

The garage amnesty applies only to capital structures, that is, objects with foundations built before the entry into force of the Urban Planning Code, namely until 29.12.2004 [5].

The law "On Garage Amnesty" allows citizens to privatize on a gratuitous basis the land plot on which the garage is built, provided that, with preliminary approval, no facts of urban water, heat, gas supply, sanitation, communication lines and other communications will be revealed under the garage. Preliminary approval is carried out based on the results of approval by the city administration of the application of the owner of the garage. When applying to local self-government bodies, the layout of the land plot is attached to the application, which must be approved in cases where there is no land surveying project.

At the same time, the garage must have the following characteristics: one-storey without residential premises; it is part of a garage cooperative or stands

separately as a capital structure; the land on which the object is located belongs to the state. Welded iron structures, shells and other collapsible garages will not be able to get under the amnesty, as they are considered self-building.

Based on the above law, it follows that capital garages can be blocked by common walls with other garages, have a foundation, communications and a single roof with them. They should be free-standing objects of capital construction.

For registration of a garage amnesty, an application for the provision of a land plot is required. If there is no other document, then you must provide something from the following list:

1. The decision of the authority that the land plot under the garage was previously provided
2. The layout of the plot on the cadastral plan
3. The technical plan [6].

Buyers and heirs may not have a document on their hands or in principle that they own this land. Then it is necessary to provide other proof of the operation of the facility, for example, utility bills, acts on technical inventory until 2013, a contract with the power grid. After that the collected package of documents must be submitted to the MFC (Multi-functional center) or to local authorities. The authorities themselves will transfer the papers to the Rosreestr for registration of rights. The cadastral registration of the plot and registration of the right to land, and the garage will occur simultaneously. Approximately the entire operation will take 20 working days.

A huge disadvantage for interested parties may be some of the wording of the adopted law, as they are quite voluminous and, most likely, will cause difficulties for citizens who do not have appropriate legal training and do not have sufficient finances to hire a highly qualified specialist in the legal business [7].

Another equally important component of the state register of garage buildings is the possibility of concluding transactions with real estate on the basis of which the right of ownership is acquired with the possibility of selling this object, exchanging it or donating it to another person.

For example, without using all possible hyperlinks in the modern professional legal system or without understanding all of the above regulatory laws, a citizen is unlikely to have the opportunity to understand what the law is about.

Thus, in order to register a garage as a property, it is necessary to follow 3 steps that will help speed up the procedure for registering a garage as a property.

1. It is necessary to make sure that the garage is suitable for the new law.

It is important to emphasize that the federal law on garage amnesty did not affect a number of garages that have a certain location, but, that is, those garages that are located on the land plots of garden non-profit partnerships and the territory of the suburban private sector. Garages and garage cooperatives of the territories of garden non-profit partnerships fall under the so-called "dacha amnesty", the rules of which were introduced by the Federal Law of June 30, 2006. No. 93-FL "On Amendments to Certain Legislative Acts of the Russian Federation on the Issue of Registration in a Simplified Manner of Citizens' Rights to Certain Objects of Immovable Property".

2. Collecting the necessary documents.

Before proceeding to the registration of the rights to the garage, you should carefully check all the documents that exist and that may have at least some relation to the garage. All references, solutions, technical descriptions can become the basis for registration of ownership rights to the garage.

### 3. Clarification of information about the status of the land under the garage

In order to find out whether information about a land plot and rights to it has been entered into the Unified State Register of Real Estate (USRIP), one can contact the following departments:

- Federal Cadastral Chamber of the Federal Service for State Registration, Cadastre and Cartography;

- department of the Federal Service for State Registration of Cadastre and Cartography;

- a state or local government body;

- organizational and legal forms of activity, where the employee is a cadastral engineer;

- multifunctional center [8].

Having passed the three above points, you can apply for registration of a garage in the property according to a simplified scheme.

All of the above allows us to conclude that the amendments and the main provisions of the law in the field of registration of rights to garages and land plots under them serve as a solid basis for the transformation of the system of state registration of rights, namely, the Federal Law on "Garage Amnesty" dated 05.04.2021 N 79-FL "On Amendments to Certain Legislative Acts of the Russian Federation" has a positive character, both for the owners and for the state. That is, citizens can legitimize their real estate and dispose of it: give, sell, leave as an inheritance and not be afraid of demolition. And if the land under the garage is required by the state for certain needs, the owners will receive compensation. A tax will be charged on unregistered garages that are registered.

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