



OVERVIEW OF THE LEGISLATIVE AND REGULATORY FRAMEWORK ON THE OWNERSHIP OF HOUSING, LAND AND OTHER ASSETS IN UKRAINE

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ENSURING GENDER EQUALITY

- The Constitution of Ukraine
- Laws of Ukraine
 - “On ensuring equal rights and opportunities for women and men”
 - “On prevention and opposition to domestic violence“
- State social program to ensure equal rights and opportunities for women and men for the period till 2021
- UN Convention “On elimination of all forms of discrimination against women” ratified by Ukraine



MAIN LEGISLATION ACTS ON REGISTRATION OF OWNERSHIP FOR HOUSING AND LAND

- The Constitution of Ukraine
- Civil code
- Land code
- Ukraine's law "On the state registration of rights to real estate and their encumbrance"
- Ukraine's law "On the state control over the use and protection of lands"
- Resolution of the Cabinet of Ministers of Ukraine "Some issues concerning the improvements to the management in the sphere of use and protection of agricultural lands"
- other acts of legislation



PURPOSES

- ensure the implementation of housing and other property rights of citizens
- increase the paying capacity of the population requiring the state support
- stimulate the development of construction and related industries
- define the effective management mechanism in the sphere of use and protection of agricultural lands in the state property
- prevent abuses in this sphere
- eliminate social tensions



Registration and implementation of ownership rights

Land

The land potential of Ukraine amounts to 5.7% of Europe's territory. Out of 60.3 million ha almost 70% is agricultural lands.

Agricultural lands in possession of households is 38% of the total area. Households produce 44% of agricultural products.

Property right to land is implemented on the basis of decisions on providing the land plot by executive bodies or local self-governing bodies.

Registration of land plot

is made within the State land cadaster which is maintained by the State Service of Ukraine on Geodesy, Mapping and Cadaster (Derzhgeocadastr). Owner receives an extract from the State land cadaster about the land plot with cadaster number in it.

Property rights registration

is made by the Registration Service of the Ministry of Justice of Ukraine.

The registrar draws up a certificate of ownership of real estate.

The owner receives the Extract from the State register of rights to real estate.



Documents indicating the property right to land plot :

prior to 01.01.2013

❖ State act on private property right to land plot;

after 01.01.2013

❖ Certificate on property right or Extract from the State register of rights to real estate.

In line with the transition provisions of Ukraine's Land Code, the moratorium on purchase-sell of agricultural lands is in effect till January 1, 2019.

Real estate

The registration of property rights

is made by the Registration Service of the Ministry of Justice of Ukraine.

The registrar draws up a certificate of ownership of real estate.

The owner receives the Extract from the State register of rights to real estate.



State programs to support the opportunities to purchase real estate by selected categories of the population

- ✓ The State program on providing the youth with housing for 2013-2020
- ✓ Regulation on the procedure for providing the long-term credits at preferential rate to young families and single young citizens for construction (re-construction) and purchasing housing
- ✓ The procedure for easing the cost of property credits to ensure the affordable housing to citizens who require the improvement of housing conditions
- ✓ The procedure for providing the affordable housing to citizens
- ✓ The complex program to provide housing to the military men, rank and file and command staff, officials from customs service, the Ministry of Internal Affairs and their family members



State programs to support agricultural producers that provide:

- grants for the cultivation of cattle (per head)
- partial compensation of interest for using the loan for agricultural needs
- partial compensations of the cost for construction of livestock-breeding complexes, purchase of homeland agricultural machinery and equipment, seed and plant material of domestic selection



Specifics of housing subsidies provision

While providing the housing subsidies to households, the availability of certain assets is taken into account.

The right to receive subsidies is lost by persons who:

- made one-time purchase or paid for services with the total value of more than UAH 50 thous. (around USD 2 thous.)
- are owners of motor cars that have 5 year since the day of their production (excluding the mopeds or cars provided by social bodies)
- persons who during the 12 months before applying to subsidy have received a heritage or acquired the right to land plot, apartment (house), transport vehicle by other legal way
- owners of residential dwellings with area more than 120 sq m; house' area exceeds 200 sq m). The restrictions do not cover family type children's homes, foster homes and large families



Forms of ownership for property accumulated during marriage

Personal private property of wife, husband

- property acquired before marriage
- property acquired in marriage but on the basis of agreement on granting or by way of inheritance or through the funds possessed by given person privately or housing privatized on the basis of law "On privatization of the state housing stock" or land plot privatized within the norms of free privatization envisaged by the Land Code
- personal items, bonuses, awards for personal achievements)

Common joint property of married couple

- property acquired during the marriage regardless of the fact that one of the spouse did not have independently earned income due to good excuse (training, household management, caring for the children, illness, etc.)
- property that is an object of common joint property rights of couple and is divided by them in kind. If husband and wife did not agree on the procedure for division of property, the dispute is settled in the court taking into account the interests of wife, children and other circumstances of importance



Legal standards regulating the forms of inheritance in Ukraine

The issues concerning inheritance are regulated by the Civil Code of Ukraine.

Testate succession is on the first place as a dominant priority of the will of the person.

The right to **intestate succession** arises when there is no testament or complete or partial recognition of testament as invalid, non-acceptance (refusal) from testament by beneficiary under will, removal from the right to inheritance of beneficiary under will, non-coverage by will of all inheritance.

Exclusions are persons who have the right to legitimate portion: minors and those of lawful age disabled children of estate-leaver, disabled widows/widower of estate-leaver, disabled parents of estate-leaver. The law guarantees them a compulsory portion - 50% of those that they would have when inherited by law.

There are **five categories of rightful heirs**:

- 1) children, spouse, and parents of the deceased
- 2) whole blood brothers and sisters, grand father and grand mother of the deceased.
- 3) whole blood uncle and aunt of the deceased.
- 4) persons who reside together with the deceased in one family at least five years before opening the inheritance. Living in one family is confirmed by registration at the same address of the deceased. If a heritor lived with the deceased in one family but he/she was not registered - the fact of living in one family is to be adjudged by the court.
- 5) all the rest of relations up to the sixth degree of kinship



Data sources on assets

Official statistics

➤ **Price statistics**

information on prices for housing (new and in the secondary market) is not disaggregated by property right and gender), respondents are developers and real estate agencies.

➤ **Statistics of housing stock, capital investment, fixed assets**

indicators about housing stock (not disaggregated by property right and gender), respondents are legal persons

➤ **Monetary statistics, balance of payments statistics, government finance statistics**

data on ownership and movement of financial assets that are initial data to compile capital account, financial account, balances of non-financial and financial assets in line with classifications of financial and non-financial assets, international standard UN System of National Accounts 2008

➤ **Sample survey of household living conditions**

information about the type of ownership for housing, availability of land plots, livestock and poultry, availability of durables, availability of income from securities, deposits with banks, estate rental.

➤ **Sample survey of agricultural activity of the population in rural area**

information about availability of land plots, livestock and poultry, household outbuildings and farm machinery



Data sources on asset (continued)

➤ **Multi-indicator cluster survey (2012)**

data on ownership by any household member of land or land tenancy, that is cultivated/used for agricultural purposes

➤ **Medical and demographical survey of Ukraine (2007)**

data on the right to own land by any household member which can be used for agricultural purposes

Administrative data

➤ **State Land Cadaster**

is maintained by the State Service of Ukraine on Geodesy, Mapping and Cadaster

information on land property and rights to use land including the detailed information on every owner (user) of land plot and relevant legal documents. Within the framework of land relations monitoring that is approved by decree of the Cabinet of Ministers of Ukraine, there are indicators on the number and land plots areas registered in name of women (by intended purpose of plots)

➤ **State register of tangible right to real estate is maintained by the Ministry of Justice of Ukraine**

information about identification data of real estate owners (natural or legal person), real estate item, its address, registration number, cadaster number of land plot, relevant legal documents.



THANK YOU FOR ATTENTION!

