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The law of 3 March 2017 known as “Omnibus”: How it affects construction permits?

After 32 months of parliamentary debates, the law of 3 March 2017 known as the “Omnibus Law” has finally been passed. The declared objectives of the Omnibus Law were the modernization of Public Service and of the Government as well as administration simplification, and it amends 10 applicable laws including the law of 19 July 2004 on local authority planning and urban development as modified (the “2004 Law”). Some modifications of the 2004 Law have an impact on the construction permit system. Here are the key modifications that have been applicable since the 1st of April 2017.

EXTENSION OF THE EXPIRY PERIOD

Before the Omnibus Law took effect (i.e. until 31 March 2017), a construction permit duly issued by the mayor (*Bourgmestre*) expired as of right if the works authorized by the permit had not meaningfully started within one year of its date of issue.

The expiry date of the construction permit could, however, be extended once for a maximum period of one year following a motivated request from the beneficiary of the permit.

The Omnibus Law extends the expiry period of the construction permit so that a permit still expires as of right if the works authorized by the permit had not meaningfully started within one year, but the mayor can now grant two extensions of one year maximum each

(see Art. 31 of the Omnibus Law amending Art. 37 al. 5 of the 2004 Law).

The extensions must still be requested on the basis of a written and motivated demand.

DISPLAY MODALITIES

Until 31 March 2017, the certificate issued by the mayor attesting the duly authorization of the planned construction had to be displayed by the project owner (*maître de l'ouvrage*) near to the construction site.

The Omnibus Law does not amend this general principle but specifies that the certificate must be displayed in a visible and clearly legible manner from the public highway to the people who are concerned (see Art. 32 of the Omnibus Law amending Art. 37 al. 6 of the 2004 Law).