

Government Decree

on construction

By decision of the Government, the following is enacted pursuant to the Construction Act (751/2023):

Section 1

Information and consultation on an application for a building permit

A municipality may notify and arrange a consultation session regarding an application for a building permit in accordance with section 63 of the Construction Act (751/2023) using the same notification. The notification may be submitted as an ordinary notification.

By way of derogation from the provisions of subsection 1, the notification may be submitted by means of one under section 108 of the Local Government Act (410/2015) if:

- 1) the contact details of the neighbour cannot be ascertained;
- 2) the neighbour is not known to the authorities;
- 3) the neighbour is difficult to reach;
- 4) there are more than 10 neighbours to be consulted; or
- 5) some other similar situation arises.

The notification must provide details of the matter and of the authority deciding on it. It must also state where and until when the application documents are to be kept for available, how opinions are to be submitted, and from whom additional information can be obtained.

Neighbours must be given at least seven days to express their opinion.

However, in the case of a project that is subject to an environmental impact assessment procedure under the Act on Environmental Impact Assessment Procedure (252/2017), the building supervision authority must allow at least 14 days for the member of the municipality and the parties involved to submit comments.

Section 2

Consultation resulting from an application for a building permit relating to an exemption permit, a landscape work permit, or an area requiring planning

Following an application for an exemption permit, a landscape work permit, or a building permit for an area requiring planning, the municipality must allow at least seven days for the neighbours of the construction site to express their opinion on the application. The notification may be submitted as an ordinary notification.

By way of derogation from the provisions of subsection 1, the notification may be submitted by means of one under section 108 of the Local Government Act if:

- 1) the contact details of the neighbour cannot be ascertained;
- 2) the neighbour is not known to the authorities;
- 3) the neighbour is difficult to reach;
- 4) there are more than 10 neighbours to be consulted; or
- 5) any other situation similar to those referred to in points 1–4 arises.

If a more extensive consultation on the application is necessary, interested parties other than neighbours must be given the opportunity to express their opinion by means of a notification under section 108 of the Local Government Act.

The notification must provide details of the matter and of the authority deciding on it. It must also state where and until when the application documents are to be kept available, how to submit comments, and from whom additional information can be obtained.

Neighbours and those whose homes, work, or other conditions are affected by the project must be given at least seven days to express their opinion.

The report referred to in section 64, subsection 3 of the Construction Act must contain details of what information and documents the neighbours have been consulted on. In addition, the report must include a written, dated document stating the neighbour's view of the project.

Section 3

Information and consultation on an application for a demolition permit

A municipality may submit notice of a consultation session regarding an application for a demolition permit in accordance with section 65 of the Construction Act as an ordinary notification.

By way of derogation from the provisions of subsection 1, the notification may be submitted by means of one under section 108 of the Local Government Act if:

- 1) the contact details of the neighbour cannot be ascertained;
- 2) the neighbour is not known to the authorities;
- 3) the neighbour is difficult to reach;
- 4) there are more than 10 neighbours to be consulted; or
- 5) any other situation similar to those referred to in points 1–4 arises.

The notification must provide details of the matter and of the authority deciding on it. It must also state where and until when the application documents are to be kept for available, how opinions are to be submitted, and from whom additional information can be obtained.

Neighbours must be given at least seven days to express their opinion.

The report referred to in section 65, subsection 2 of the Construction Act must contain details of what information and documents the neighbours have been consulted on. In addition, the report must include a written, dated document stating the neighbour's view of the project.

Section 4

Information on a project requiring an environmental impact assessment

Information on the application referred to in section 75 of the Construction Act must be provided in accordance with section 108 of the Local Government Act. The notification must provide details of the matter and of the authority deciding on it. It must also state where and until when the application documents are to be kept available, how to submit comments, and from whom additional information can be obtained.

Section 5

Submission of a decision on an exemption permit for information purposes

When submitting a decision on an exemption permit to the Centre for Economic Development, Transport and the Environment for information purposes, the municipality must append to the decision a site plan and a map of the immediate area or other map indicating the site to which the decision relates, showing the construction project in the area in a sufficiently clear manner.

Section 6

Responsibilities of the principal designer

In addition to the provisions of section 92 of the Construction Act, the principal designer is, with the party involved in the construction project, responsible, in a manner befitting the nature and scope of the project, for the following:

- 1) the timetable for the project and the adequacy of the planning period;
- 2) the completeness and timeliness of the source data for the design and ensuring that the other designers are provided with the data;
- 3) the adequacy of the plans;
- 4) the preparation of permit documents, special plans, and reports and their submission to the building supervision authority;
- 5) coordinating the planning of changes to plans made after the permit decision and applying for the approval or permit that the changes require;
- 6) the division of responsibilities and cooperation among designers and the procedures for coordinating the design.

In addition to the provisions of subsection 1, the principal designer must, in collaboration with the party involved in the construction project, and in a manner befitting the nature and scope of repair and alteration work, determine, prior to the design work, the building history, its characteristics and condition, previous repairs and alterations, and, during the construction work, the effects on the design of any matters arising when the structures are opened, loosened or dismantled.

Section 7

Responsibilities of the site manager and specialist foreman

The site manager referred to in section 96 of the Construction Act is responsible, in a manner befitting the nature and scope of the project, for ensuring that:

- 1) inspections by the authorities are requested sufficiently in advance, and that checks and procedures are carried out at the appropriate work stages;
- 2) the approved master drawings, any necessary special plans, the construction inspection document, and other documents are available at the construction site;
- 3) the necessary studies of the risk-prone phases and adverse effects of the construction project have been carried out;
- 4) the necessary steps are taken before and during the construction work to avoid the risks posed by, and the harm that may be caused by, the construction work;
- 5) the necessary steps are taken during the construction work due to any deficiencies or errors detected.

In addition to the provisions of subsection 1, the site manager must, in a manner befitting the nature and scope of repair and alteration work during the construction work, ensure that anything that came to light when the structures were being opened, loosened or dismantled, is taken into account in the construction work.

The provisions of subsections 1 and 2 on the site manager also apply to a specialist foreman as referred to in section 97 of the Construction Act.

Section 8

Organisation of waste management facilities

The organisation of facilities and structures used for the waste management of a property must take into account the type of activity carried out in the building and the possible location of waste collection equipment. These areas and structures must not cause fire hazards or environmental damage.

Section 9

Building encumbrances

A permanent or time-limited right may be established as a building encumbrance for a plot of land or property on a construction site, that right being:

1) to use the foundations of a building or supporting wall on the encumbered property to establish a building or supporting wall on the property of the encumbrance holder and extend the foundations of the building or supporting wall to the encumbered property;

2) to use the wall or a structure of a building on the encumbered property to support an intermediate floor or other structure or for other similar purposes, and construct it so that the buildings on the boundary share a common wall;

3) to install wiring and related equipment on the property in a building on the encumbered property and to use the space necessary for these;

4) to use a passageway, a civil defence shelter or a parking space in a building located on an encumbered property;

5) to use a heating plant or heat exchanger device or a waste management or other municipal technical maintenance facility on an encumbered property, and the space reserved for these purposes;

6) to use a space intended for common use on premises in a building located on an encumbered property, or another housing, work, or property management facility, and the space reserved for these purposes;

7) to make a door or other opening in the wall on the boundary of the encumbered property or leave the firewall unbuilt;

8) to extend the roof of the building or part of the external wall resulting from additional insulation to the side of the encumbered property or construct the roof in such a way that water flows to and through the encumbered property;

9) to utilise a building or structure on an encumbered property in a manner comparable to that referred to in paragraphs 1–8, if this is necessary due to the construction or use of a three-dimensional property.

Section 10

Entry in the cadastre

Once the decision has become final, the establishment, alteration or removal of the building encumbrance must be entered in the cadastre in the section reserved for the encumbrance holder and the encumbered property. A building encumbrance recorded in the cadastre remains valid even if the property is transferred to another owner.

If the plot division changes or the boundaries of a property change, the cadastral surveyor or, in the case of a combination of properties, the keeper of the cadastre must, on the strength of a decision taken by them, simultaneously adjust the encumbrance to correspond to the change and remove the encumbrances that have become unnecessary as a result of the change in the division of the properties. If the block number and plot number change, the keeper of the cadastre decides the matter after consulting the interested parties, if necessary.

The provisions of subsections 1 and 2 also apply to the decisions referred to in sections 131–137 of the Construction Act.

Section 11

Entry into force

This Decree enters into force on 1 March 2025.

Notwithstanding the provisions of section 103 of the Construction Act, a building inspector may be a person appointed to that position before the entry into force of this Decree or a person who meets the eligibility criteria laid down in section 108 of the Land Use and Building Decree (895/1999).

Helsinki xx xx 20xx

Minister of ... First name Last name

Title First name Last name