

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

Country Profiles on Housing and Land Management

Republic of Moldova

Policy recommendations



UNITED NATIONS

EXECUTIVE SUMMARY

This summary provides an overview of the housing, urban development and land management situation in the Republic of Moldova, covering general characteristics, challenges and policy recommendations.

Overview

The Republic of Moldova has been exhibiting strong economic performance, and posted a GDP growth of 8.9% in 2013, the highest since independence in 1991. Remittances play an important role in the country's economic growth, consistently accounting for over 20% of GDP every year. The agricultural sector is also a big contributor, comprising 12.2% of GDP; however, this sector is highly vulnerable to external shocks.

The Government of the Republic of Moldova affirms that heavy reliance on remittances and agriculture for economic progress is not sustainable in the long run. This was reflected in the country's National Development Strategy "Moldova 2020", where a change in the country's growth model to one based on investments and goods and services industries was recommended.

The Republic of Moldova is one of the top performers in reducing poverty, having lowered its poverty ratio from 26.4% of the population in 2008 to 12.7% in 2013. Despite this, the country remains one of the poorest in Europe. In addition to economic growth, poverty reduction continues to be a priority of the Government and it is one of the objectives of "Moldova 2020".

The population of the Republic of Moldova has been decreasing, and it is consistently in the top five countries with a declining population. Emigration contributes to this decrease. However, the downtrend is highly attributable to the decreasing birth rate and the increasing death rate. Due to an ageing population, this trend is expected to continue, and it is estimated that, by 2050, the population will fall by 30%.

Legal framework for housing, urban development, and land administration and management

The Republic of Moldova has a comprehensive legislative base for transitioning to a market economy. Several laws and regulations were adopted in recent years including the Law on Housing (2014), the Law on Energy Performance of Buildings (2014), the Law on Insolvency (2012), the Law on Condominiums (2000), the Law on Real Estate Cadastre (1998), etc.

It is clear from the extensive legal reform that has been carried out that the country is committed to filling in any gaps in the legislation. What is important now is effective implementation. Cooperation with international organizations like the UNECE is recommended to ensure plans of action are in place to implement the priority recommendations of this Country Profile.

In support of the legislation on local public administration, a national decentralization strategy was elaborated to establish the immediate tasks needed to assure local autonomy for LPAs in accordance with the principles of the European Charter of Local Self-Government. In providing authentic local autonomy to LPAs, it is important that these authorities are ready to handle the tasks. Training programmes, if needed, should be developed.

Several government institutions shape governmental policies related to the housing sector, such as the: Ministry of Economy; Ministry of Finance; Ministry of Labour, Social Protection and Family; Department of Justice; Department for Privatization; Agency of Land Relations and Cadastre; and the National Bank of Moldova. The responsible authority for housing and urban development at the central level is the Ministry of Regional Development and Construction (MRDC).

Existing housing stock

The Republic of Moldova has a relatively new housing stock but its condition in general is very poor. The existing housing stock lacks maintenance and capital repairs.

Most of the housing stock (67%) is individual housing, but this ratio differs in Chisinau and Balti, where multi-family housing amounts to 63% and 62% of the total, respectively. With new housing developments, the trend is towards smaller apartments with one and two rooms in multi-apartment buildings.

Housing in the Republic of Moldova is characterized by low access to water and sanitation. In 2012, about 1.5 million people were served by the public water supply system. This represented 42.1% of the population (68.9% urban and 22.7% rural).

The population having access to sanitation is low, at 21.4%. The situation is much worse in rural areas, with only 1% of the population having access to sanitation and water, although the situation is improving. For the Roma communities, more than 80% of households do not benefit from basic housing amenities such as potable water, water closets, bathrooms and canalization.

Some 11% of Moldovan families live in overcrowded housing. This figure is below the EU average of 16.5%. However, the vacancy rate in Moldova is high and affects the calculation of this indicator. Availability of sufficient space in dwellings is one of the key factors in assessing the quality of housing conditions. According to the 2004 census data, 56.6% of the population lived in houses with a surface area of between 50m² and 90m², with an average of 22m² per person.

Management and refurbishment of the housing stock

The management of multi-family houses faces a number of social, technical, financial, legal and operational challenges. Despite improvements introduced by a new law on condominiums for housing stock, the management and maintenance situations have not improved.

The Republic of Moldova has some 6,888 buildings of multi-family houses. 70% of these are administered by local governments; 7-8% (approx. 264 buildings) by condominium associations; and 17-19% by cooperatives and homeowners associations. Some 50-66% of the common properties of privatized housing stock still remain in the ownership of local authorities.

In improving the management of housing stock, several things should be considered: an awareness-raising and capacity-building strategy for homeowners, on the management of common properties; training for condominium managers; a school curriculum at different educational levels that incorporates discussion on the concept of common property and homeowners' responsibilities; promoting good practices of effective homeowners associations by LPAs; and the privatization of municipal enterprises.

Public utilities

The utility infrastructure for water supply has not been upgraded for many decades; its operational efficiency is low. It is estimated that modernizing pumping equipment in water supply and sanitation networks could reduce electricity consumption by 25-30%.

The number of people served by the public water supply system in 2012 was about 1.5 million, representing 42.1% of the population (68.9% urban and 22.7% rural). 761,000 persons had access to sanitation - 50.1% in urban areas and only 1.0% in rural areas.

Heating, for majority of cities and towns, is centralized (district heating system). Heating supply companies face increasing technical and structural challenges, such as an outdated and ageing infrastructure, and a poor system for collecting fees.

Termocom estimates the loss of energy in its networks (prior to entering buildings) at 21%, of which 2% is due to leakages and 98% due to bad insulation. Modernization of the main networks and of heat distribution has been one of the major challenges for Termocom.

Municipal solid waste (MSW) appears to be a major problem for almost all settlements in the Republic of Moldova, including the capital Chisinau. The legal provisions for MSW management are rather weak; there are no mandatory provisions for MSW management at the LPA level.

Developing specific programmes that will ensure the provision of basic services such as safe water and sanitation should be looked into by the Government. Relocation of small communities into denser-populated areas equipped with the necessary infrastructure could also be taken into consideration.

Energy efficiency of the housing stock

The Republic of Moldova is highly dependent on foreign energy resources, importing 95% of its energy needs. The residential sector is the highest consumer at approximately 30% of the total energy usage. The average household spends between 15% and 50% of its total budget on heating.

Therefore, enhancing energy efficiency is crucial. Doing so will contribute to energy security, economic competitiveness, and will have a positive impact on the environment. Enhanced energy efficiency will improve housing conditions and reduce energy costs in the future, thus reducing energy bills for the households.

The goal of the Government is to reduce energy consumption in buildings by 10% before 2020. Several measures will contribute to achieving this goal, including: the reduction of energy intensity in the residential, industrial, transport and agricultural sectors; the modernization of the energy system; the implementation of efficient energy technologies; etc. The Moldovan Residential Energy Efficiency Financing Facility (MoREEFF) was established by the EBRD and has dedicated EUR35 million to support energy efficiency investments in the Moldovan residential sector.

The Government may consider participating proactively in a UNECE Task Force on the development of standards for energy efficiency in buildings.

Policy and financial framework for housing

The housing policy of the Republic of Moldova addresses a wide range of target groups and it may not be able to adequately address all. There is no clear information on the total number of applications for housing from these target groups, nor on the number of beneficiaries of housing programmes.

The Republic of Moldova has no comprehensive housing strategy covering the whole housing cluster. Government policies are driven by problem areas, mainly generated by the transition process from a command-driven economy to a market-orientated one.

House prices in the free market dropped after the 2008 crisis. In 2010, house prices were 25% lower compared to 2008. Despite this, a family with an average income still cannot afford a house in the free market. Moldovan banks are well capitalized and have enough equity available to expand their lending business, but their terms for housing loans are unaffordable.

It is expected that the improved stability of the economic sector will lead to an amelioration in banks' lending conditions.

Spatial planning and urban development

The development of updated Master Plans for the country is a major challenge for the Republic of Moldova. In most cases, Master Plans do not even exist and, where they do, most are outdated. These date back to Soviet times and, with the move to a market economy, they no longer reflect current development needs and realities. 33% of urban settlements and 1% of rural settlements have updated Master Plans.

A mid-term programme for the development of Master Plans for human settlements for 2013-2016 was approved. In proceeding with these, the Government must consider funding, strategic planning and the capacity to implement the programme.

There should be clear guidance on how their development will be funded. There is also a need for strategic planning to make sure that country-specific concerns, like environmental risk due to geological processes; allowance of space for infrastructure development; and concerns of vulnerable groups; are not overlooked during their development. The programme for the development of Master Plans stipulates that local authorities are responsible for their implementation. Therefore, LPAs should have the necessary experience and knowledge to deal with the developers of Master Plans.

Land administration and land registration

The Republic of Moldova has a well-established institutional and legal framework for real estate registration. The State Enterprise Cadastru (or Cadastru), within the Agency for Land Relations and Cadastre (ALRC), is the only agency that has the mandate to register land.

The country has been successful in the registration of properties, having registered 85% of real estate objects. All citizens, notaries and public authorities have access to the land register. The real estate registration system is expected to provide: security of ownership rights, for property owners; bank-secured loans against real estate; necessary information on ownership, location of the property, and property values, to the real estate market; and basic information, to government institutions for urban planning and land management. With all that the register could offer, its completion is recommended.

The Republic of Moldova is a non-European Union (EU) member state but, to ensure that its spatial data infrastructures are harmonized with those of EU member states, it has to comply with the requirements of the EU INSPIRE Directive.

Real estate markets and land policy

In the Republic of Moldova, land and property are taxed separately. A reform aimed at modernizing taxation, which will levy a single tax for property, was introduced in 2007. The reform involved a mass appraisal system for all property types. Completion was targeted for

2012, but a delay meant it has been moved to 2020. In order to move to a unified taxation system, the mass appraisal of properties should be completed. Once this is done, taxation of properties will be based on assessed market values.

This again emphasizes the importance of completing the real estate registration. The new tax system applies mass appraisal procedures to all properties registered in the real estate register. For those properties not yet registered in the cadastre, the old system of taxation still applies. Until the register is completed, real property assessment for taxation purposes cannot be concluded.

The ALRC is responsible for the implementation of state land policy. However, its mandate overlaps with that of the Ministry of Agriculture and Food Industry (MAFI) where policies for rural lands are concerned. This overlap could create conflict in the implementation of policies.

RECOMMENDATIONS

Legal and institutional framework

1. Promote the effective implementation of the legislation on housing

Since 1991, the Republic of Moldova has considerably improved its housing legislation. However, in any legislation, effective implementation is the key to achieving its objectives. It is important that all obstacles to effective implementation are identified and resolved. An obstacle could be anything from a gap in the law to unclear, costly and complex procedures.

The Government may consider establishing cooperation with the UNECE in developing a national action plan on sustainable housing and urban development based on the recommendations of this study, which would support the implementation of the laws.

2. Consider abolishing the law on the privatization of housing stock

The privatization of housing stock is a process that occurred in the early 1990s. The law included provisions both for privatization and management of housing stock.

The law on the privatization of public housing (Law No. 1324-XII of 1993) should be abolished. Non-privatized housing stock should be registered as social housing and managed as such for low-income families.

3. Enhance the capacity of local authorities for the implementation of the National Decentralization Strategy

The European Charter of Local Self-Government (hereinafter, the Charter), which came into force in the Republic of Moldova in 1998, assures local self-government in the country and, therefore, local autonomy for the local public authorities (LPAs). This right is stipulated in the Constitution and in the Law on Local Public Administration but, in practice, LPAs have limited autonomy. In light of this, the Government has approved the National Decentralization Strategy (hereinafter, the Strategy) which provides mechanisms for decentralization and assures authentic autonomy for LPAs through better implementation of the principles of the Charter.

To achieve the aims of the Strategy - to improve the management and quality of services offered to the public - it is mandatory for LPAs to take full responsibility for implementing their actions. Capacity-building programmes for LPAs should be established. These could be in the form of training programmes and exchange of experiences with other countries.

Housing sector

4. Support the improvement of housing conditions, with particular attention to privatized housing stock

The housing stock in multi-apartment buildings is in urgent need of repair because of its deteriorated condition. However, homeowners are reluctant to spend on repairs and maintenance because of the non-functioning housing management system resulting from gaps or unclear procedures in laws relevant to housing.

The Law on Condominiums (2000), which governs housing stock, does not provide clear procedures on establishment, registration and operation of homeowners' associations and does not clearly stipulate the responsibilities of owners for the repair and maintenance of their

property, including of common areas. Further, the Law on Condominiums does not have a provision covering ownership of common properties for buildings without a homeowners' association.

It is recommended that a new law be adopted, or amendments to the existing condominium law be made, providing for, among others, registration of smaller condominiums; clear regulations for the maintenance of common property in a building; mandatory membership of all homeowners in the General Assembly; and penalties for homeowners who do not pay the maintenance fee. At the same time, the new law should protect low-income families from eviction, as well as provide incentives to condominium associations.

In improving the management of housing stock, the following should also be considered:

- The development of a national strategy for awareness-raising, capacity-building and training of homeowners on the management of common properties.
- The development of vocational training for condominium managers to be organized by the responsible ministries for housing issues and for labour.
- Through the responsible ministry for education, in cooperation with the ministry responsible for housing, the development of curricula for different levels of education, starting with elementary school children, explaining the concept of common property and the behaviour of homeowners in a condominium.
- The planning, by the national government, of a process of privatization of municipal enterprises, providing clear rules and procedures and ample time for transition.

5. Promote energy efficiency through effective housing financing and development of standards on energy efficiency in buildings

The deterioration of the physical condition of housing stock has a marked impact on energy losses. Therefore, this aspect should also be considered in the maintenance of the deteriorated housing stock.

The improvement of the housing stock is a long process that will require time and financial resources. Central and local governments should develop projects that will encourage homeowners to organize themselves into condominium associations, register their common property and apply for a loan. Land and common property can be used as collateral for a loan from commercial banks. In addition, or as an alternative, a state guaranty fund can be established to cover part of the risk for the banks. The Moldovan Residential Energy Efficiency Financing Facility (MoREEFF) project, developed by the European Bank for Reconstruction and Development (EBRD), is a good example of an energy efficiency financing project that should continue, even though no condominium association has yet applied for financing.

Energy efficiency improvements can be implemented gradually, starting with small interventions, such as the replacement of windows in individual apartments and in halls, and the insulation of terraces, continuing later with the insulation of walls, the replacement and insulation of hot water pipes, the insulation of the ground floor, and the like.

Developing standards on energy efficiency in buildings by engaging in related work at the UNECE, such as the UNECE Expert Group on Energy Efficiency Standards in Buildings, should also be considered.

6. Develop policies and regulations to improve the living conditions of the population, with particular attention to vulnerable groups

General Comment No. 4 of the United Nations (UN) Committee on Economic, Social and Cultural Rights (CESCR) specifies seven criteria that must be taken into account in assessing the quality of living conditions or adequacy of housing. The Republic of Moldova could take these into consideration when developing policies, regulations and programmes to improve living conditions, particularly those of vulnerable groups. The study has taken into account the seven CESCR criteria and developed recommendations in line with improving living conditions based on criteria relevant to the Republic of Moldova.

- 6.1 *Security of tenure*: Legislation should ensure security of tenure, particularly for people who are at risk of forced eviction. Households who face the risk of eviction are: households living in areas prone to natural disaster; those living in rental housing; those unable to pay the mortgage; etc. In developing regulations, the Government should refer to the UN general rules as specified in General Comment No. 7 of UN CESCR.
- 6.2 *Access to water and sanitation*: Specific programmes for Roma communities should be developed to provide safe water and sanitation. Investments for bringing water and sanitation to small communities may not be economically viable but can have a high social impact. Such investments should be based on a cost benefit analysis. The Government, in collaboration with local authorities and with participation of the affected communities, may also take into consideration the relocation of these communities to denser-populated areas, equipped with the necessary infrastructure. The feasibility of each solution should be analysed.
- 6.3 *Overcrowding*: Analysis of data available suggests a degree of overcrowding that needs further research and study. Overcrowding is caused by unaffordability and low housing provision. Solving the issue of overcrowding is a complex task that involves integrating policies that support both the demand and supply sides of housing. From the demand side, the Government may take into consideration housing costs and what households can afford to buy, and introduce support programmes, such as small grants programmes, to enable households to enter the housing market. From the supply side, the Government may stimulate private sector involvement, e.g., by providing developed land at a reduced price; easing urban regulations, for example increasing the density; etc.
- 6.4 *Improving access to housing for the disabled*: New norms should provide standards for accessibility and for eliminating barriers to it, starting with small interventions such as introducing ramps, handrails, etc. The Universal Design Principles offer guidance to designers for the better integration of features that meet the needs of the disabled.

7. Examine homeowners' debt to municipal companies and provide solutions on how to repay these debts

It appears unfeasible for homeowners to repay their accumulated debt to municipal companies. Therefore, this debt will continue to grow and homeowners may face the risk of eviction. Utility providers should thoroughly analyse the reasons why each household is not paying its dues and fees, and give specific solutions for each case. A new law may provide for local governments to take over the ownership of those apartments (de-privatize) and to sign a social rental contract with the current tenants.

Alternatively, the Government may acknowledge this debt as a subsidy and clear the debt from the municipal companies' ledgers. This can also be used as an incentive for registering the association and its property.

Awareness campaigns are crucial to get the attention of homeowners. Training is needed for housing management companies. Specific requirements should be provided for the professional profile of the manager.

8. Improve utility infrastructure efficiency by modernizing equipment, introducing modern infrastructure technology and improving infrastructure management

8.1 A long-term commitment to reforms by the Government in improving the efficiency of the existing utility infrastructure is needed, as well as encouraging significant investment in this sector. The Government and the LPAs are on the right track with regards to addressing the problem. However, without major investment and structural reforms, progress could be limited.

Technical standards (e.g., energy efficiency standards) for multi-family house maintenance should be set and apartment owners must adhere to them. Free market mechanisms can be used to select utility service providers, but the amount of services should be fixed according to technical requirements.

The utility infrastructure should be inspected if an upgrade or a replacement is needed. Old infrastructure has low operational efficiency and this could result in wastage or high utility costs (e.g., water leakage, high energy usage). Modernizing equipment could reduce the amount of electricity required to operate it.

Improving the efficiency of utility networks should be prioritized, since this will bring down operational costs for utility companies and enable them to increase service coverage to peri-urban areas where there is a great need for water and sanitation. The proximity of peri-urban areas to the main urban utility network makes this feasible without incurring an increase in operating expenditure.

8.2 A comprehensive GIS-based database of infrastructure assets should be set up, as this will increase the efficiency of the process of permitting new developments, as well as routine urban planning by LPAs.

9. Raise the profile of housing within the Government

To raise the profile of housing within the Government, consider:

9.1 Strengthening the housing division within the responsible ministry to take on the following additional tasks:

- a) Analyse the actual housing management system, defining bottle necks; initiating legal reforms; and developing academic modules and curricula for courses for housing managers and representatives of homeowners' associations
- b) Define and adjust quantitative and qualitative indicators for the housing sector and, based on these, develop a comprehensive housing sector strategy
- c) Promote the establishment of professional institutions in housing-related activities such as valuation, surveying, housing management, etc.

- 9.2 Establishing a governmental advisory board, under the chair of the housing division of the responsible ministry, consisting of representatives from major housing stakeholders, to make recommendations on housing issues to the Government and the Parliament
- 9.3 Developing proposals for helping local authorities improve their strategic housing roles
- 9.4 Developing proposals for establishing mechanisms for incorporating the views of residents into national and local housing strategies.

10. Establish a sound housing data platform to use as a basis for developing housing policies and determining realistic measures of certain housing issues

In developing effective housing policies, their provisions should be based on realistic data and information on the housing situation and issues.

A sound housing data platform (hereinafter, the data platform) is needed to be able to define a realistic standard for “adequate” housing, which will cover space, amenities, construction and repair, management, energy efficiency and affordability. Currently, available data is not sufficient to measure certain housing issues, such as estimating the gap between the rate of new construction and the need to satisfy demand and replace damaged houses.

Sample surveys could be undertaken, the results of which could be included in the data platform. The surveys should contain questions on indicators that would measure the need for repair and improvement of the housing stock, and the need for a housing safety net to prevent homelessness for people at risk of losing their homes.

The data platform will serve as a centralized database of up-to-date housing information that could be used as a basis for developing policies and programmes to better address housing problems and serve the housing needs of people.

The Ministry of Regional Development and Construction (MRDC) could be tasked with establishing this data platform, with the assistance of the National Bureau of Statistics.

11. Increase the availability of current housing stock and the provision of new housing

Available data suggest potential problems with housing availability and new housing provision. This is due to a combination of factors from the supply and demand sides. The number of new housing constructions is not enough to replace the dilapidated housing stock. Moreover, the economic crisis has decreased the ability of households to afford housing costs and of banks to provide affordable mortgages.

- 11.1 To stimulate affordable housing provision, a combination of policy instruments that support both supply and demand is needed. The State still owns lands in Chisinau and some of these lands are owned, for example, by hospitals. One hospital gave part of its land (10,000 m²) to a private company to build a residential complex with 1,800 apartments. Hospitals are not specialized in developing housing programmes and cannot provide sustainable housing solutions.
- 11.2 A process of inventory of state and public properties should start, which should identify the state-owned properties to be transferred to, and registered under the name of, municipalities. The municipalities should then develop housing programmes based on local urban plans and enter into partnership with private developers.

11.3 These properties can also be used to stimulate the market for not-for-profit housing providers. The MRDC should prepare the legislation to support such activities.

12. Set up a regulated not-for-profit housing sector

After World War II, most of the development of social housing in Western Europe was carried out by non-profit organizations (NPO). They fulfilled the role of investors in developing rental apartments as well as apartments for private ownership. The owners of these organizations are cities and municipalities, the state, counties, churches and business entities. Prevailing legal forms are cooperatives, limited liability companies and joint-stock companies.

Being NPOs, they are not subject to the provisions of the Tax Act, that is, they pay no tax on corporate income and the balance sheet is drawn up under the commercial code.

These NPOs must organize their business activities and overall management under a special act, namely the Act on Not-for-Profit Housing Developers.

Spatial planning and urban development

13. Implement the Master Plans development initiative of the Government

The Government recognizes the need to have modern Master Plans in place (Decree No. 493 “On approval of a mid-term programme on the development of Master Plans for human settlements”). However, it is still not clear how these Plans are going to be set up and who will finance their development. Therefore, there is a need to establish clear guidelines on their development and how they will be financed. The challenges to the establishment of Master Plans could be categorized into the following:

13.1 Financing. Decree No. 493 identifies a broad range of financing sources (state budget, local administration budget, loans and grants), which might blur the responsibility for financing. There is a need to look further and develop a policy document that would also address issues of stakeholders’ involvement in the elaboration of Master Plans, and that would assure the quality of the process for approving them based on market economy principles.

13.2 Strategic planning. It is very important that country-specific concerns are addressed in the Master Plans. These concerns are: (1) the environmental risk due to geological processes (including gully formation, landslides and floods); (2) spatial planning to allow space for infrastructure development (water supply and sanitation, and waste management); and (3) the concerns of vulnerable population groups.

13.3 Capacity of LPAs. Local authorities are responsible for the provision of Master Plans. However, without the necessary experience, expertise and skill for doing so, the planning process could be hijacked by “sponsors” (i.e., developers and other parties concerned) and could result in Plans that do not fully address the needs related to the socio-economic development in a specific locality.

Further steps may include the development of laws guiding the public participation process in planning, and addressing specific issues like natural disaster risks mapping, utilities infrastructure and environmental management in the planning documents.

14. Establish a mechanism to monitor how LPAs implement the approved Master Plans

The legal system clearly defines the division of responsibilities in the different tiers of the Government regarding urban and rural planning and development. The Government should

establish a mechanism that would monitor and assess the performance of LPAs when it comes to adhering to and enforcing approved land use plans.

15. Monitor urban indicators at national level and set up policies and targets to address the most pressing problems

The national and local governments should adopt policy documents that would address specific problems at the local level. There should be local strategies to tackle problems according to priority, and indicators should be monitored based on progress made towards achieving specific targets and milestones. Such programmes could be directed at, for example, transport and waste management challenges. These programmes could and should be linked together, and should also be closely related to spatial data.

There is a need to set up policies that would address the most pressing problems (e.g., waste management) and develop strategy documents at the local level. The key locality-specific problems should be identified, and relevant urban sustainability indicators should be set and monitored. This would enable informed decision-making by the LPAs within an agreed policy framework, rather than ad-hoc decisions for tackling prolonged and persistent problems.

16. Treat dachas in peri-urban areas as individual housing units, gradually making provisions to integrate them into the urban system by providing utilities and standard state services

Living in a predominantly rural country with favourable climate and soil and limited industrial development, Moldovans rely on land for their livelihood. During the Soviet era, people migrated to cities; now they migrate out of them. The migration process does not target remote villages, but rather peri-urban areas where formal and semi-formal (dachas – summer houses or cottages typically used as holiday homes) housing is being developed and currently flourishes. The Republic of Moldova still has ample land available that is either unused or not intensively used. In this situation, aggressively combatting urban sprawl would not be the right policy, but rather regulating it in a way that would still enable people to build their own houses and have domestic agriculture and farming.

It is recommended to have a policy appraisal exercise to determine whether peri-urban individual housing development would revitalize the economy. If it would, steps should be taken to determine the optimal size for a land lot and what functional use it should have (housing, gardening, small-size agriculture or animal farming). This policy appraisal exercise should include the assessment of infrastructure needs, including a study on transport systems. It should be determined to what extent encouragement of individual housing could be a promising policy and strategy for economic growth, and under what conditions it should be encouraged or discouraged, and how.

Since significant urban sprawl occurs de facto, there is a need for a policy that would make it as sustainable as possible.

17. Provide staff training and capacity-building across LPAs and service providers, especially in the housing management and utility infrastructure sectors

In some instances it has been reported that professionals responsible for certain types of work lack the required qualifications for their job, or their knowledge and qualifications are not up to date. This has been observed in mapping and topographic works, as well as in the management of the utilities infrastructure. Many professionals attained significant experience in crisis management and tailored solutions ad-hoc while combatting problems unique to

localities. However, this does not provide them with the knowledge and motivation to move to state-of-the-art facilities and facilitate the implementation of new policy and/or technical solutions.

It is recommended to establish a programme that would train LPAs in their line of work. International cooperation and exchange would also be beneficial.

Land management and real estate markets

18. Complete the real estate register

Challenges and problems are always encountered in any system of registration. Some are unique to individual countries, whilst others are commonly encountered across all jurisdictions. Now that the first phase of land registration is largely complete, both types of problems were observed in the Republic of Moldova.

The remaining 15% of unregistered properties must be registered. If the Government considers it necessary to accelerate that process, additional triggers for registration should be adopted, for example, first registration should become a statutory requirement upon the death of an owner or when an owner takes a new mortgage on a property.

Completion of the register will not only benefit property owners but also the real estate market in general. Property owners benefit from a legally valid registration title that they could use, for example, to sell or rent out a property at a fair price or pass it on as inheritance. A legal ownership title, in turn, gives banks secured credit against real estate, which could encourage them to provide more residential mortgage lending on more affordable terms. The availability of register information, such as ownership and property location, will stimulate the development of the real estate market.

As the real estate register becomes more complete, and new data sets are added, its value to society becomes greater. There may be opportunities in the future to use land registry data to improve land management, forecasting and predicting trends which will help improve the efficiency and transparency of the land market. This should perhaps be viewed as a long-term vision but, if borne in mind now, decisions for the next steps will have a focus and a rationale.

19. Undertake a quality-improvement programme by Cadastru to align registered properties with the physical occupation of the property in order to build confidence in the land register

There are discrepancies between the legal title issued and the physical occupation. This has partly been caused by plots inadequately marked on the ground. Hence there are residual difficulties in identifying the extent of land included in individual ownership. Moreover, this has been exacerbated by subsequent re-surveys, which have used different surveying methods to the original. These two problems result in insecurity of tenure and lack of confidence in the land register.

20. Consider setting up an alternative and independent complaints office to act as a single source of contact for all registration complaints, and a new land tribunal, operating independently of Cadastru and the courts, to improve the impartiality and speed of the judicial process and to increase access to justice for land owners

The involvement of state and private entities in the purchase and registration processes has resulted in complex and lengthy procedures for those who are unhappy with the service they have received. For example, Cadastru will refer complainants to private surveying firms if the problem is not directly attributable to it, even though, in principle, the State carries the liability for the registration process.

Owners have little faith in current procedures to hear land disputes. This is partly because of the length of time taken to receive a judgement, and also because of a perception that the process is not transparent and is susceptible to undue influence.

Cadastru would keep responsibility for paying compensation for mistakes but, where the fault lies with a contracted supplier, it should pursue a claim against the third party.

21. Investigate into the problems in respect of shared responsibility for the maintenance of purpose-built apartments or condominium blocks and, when solutions are found, set up a process to ensure that the financial details of purchaser liability are set out in the particulars of the sale as well as in the contract

The Moldovan registration system separates ownership of land and buildings, most typically where purpose-built blocks of apartments¹ (condominiums) are built on land formerly owned by state authorities or local municipalities.

Moreover, the transfer documentation of individual apartments is largely silent on the apportionment of ownership of common parts to individual owners. This has led to problems, misunderstandings and disputes over liability to pay for the maintenance and upgrade of these common areas. Furthermore, owners build or extend their apartments without permits or any form of building control.

The recommended investigations should look at the role and statutory obligation of management committees, examples of public-private financing of new housing stock, and the role of Cadastru in administering any eventual solution (e.g., by setting out the liability of apartment owners on the register).

22. Further enhance the implementation of the new Insolvency Law

A new Insolvency Law, which took effect in 2013, was designed to speed up the process of administering insolvency.

The linkage of the new legislation to the land register was unclear but its positive effects could be further enhanced by adopting a procedure for entering the details of a bankrupt owner on the register and also by keeping a central register in Cadastru if this is not already in place.

23. Compliance of Cadastru and Ingeocad with the EU INSPIRE Directive

As a non-EU member state, the Republic of Moldova does not currently conform to the INSPIRE Directive.

¹ Blocks of apartments built specifically as such. If a hospital building was converted into a block of apartments, these apartments could not be called purpose-built.

To ensure that the spatial data infrastructures of the Republic of Moldova are harmonized with those of EU member states, it is recommended that the Government ensures compliance with the requirements of the EU INSPIRE Directive.

24. Review the Cadastru IT technical infrastructure

On the assumption that some, if not all, recommendations are adopted in the fullness of time, it should be ensured that the Cadastru IT technical infrastructure has the capacity and capability to operate going forward. This is particularly important since, as heard during interviews, the current IT system has been in place since the introduction of the current land registration system. Such a review should also encompass its web services.

25. Use clear, transparent and systematic methodologies in the taxation of properties and use the market value of the object as the basis for taxation

To have an effective taxation system, the criteria used should be explicit, transparent and systematically applied to all real estate. It should be made public, and citizens should be informed on the methodologies used. In a market-oriented economy, market values and changes due to inflation should be used rather than the normative basis. **The same applies to the revaluation methodologies used every three years.**

26. Apply Computer Assisted Mass Appraisal (CAMA) for the whole territory

CAMA can assist in obtaining data for the whole territory in a systematic and transparent manner in a limited timeframe, and it can be easily repeated. For pragmatism and transparency, available data should be used rather than ad hoc appraisals where data are missing and which may comprise a methodology that is not always clear.

27. Base the taxation of real estate and land on market values

The use of market values will contribute to the development of the land market, as it allows the comparative analysis of sales. Currently, sales across the country cannot be compared.

28. Consider merging land and real estate taxes to make tax collection more efficient

To make the tax collection system more efficient, the merging of land and real estate taxes is needed. From a psychological point of view, it would be important to collect one tax instead of two. Furthermore, if tax collection takes place only once, savings can be made, and this would lead to lower costs.

At the same time, consider reviewing the collection of taxes, as the costs of collection barely exceed revenues. Collection of taxes is only useful if it brings in revenue. It is easier to explain that taxes need to be paid and what the Government is doing with the revenue for the society as a whole, rather than having to explain that, even though taxes were collected, nothing could be invested for the benefit of society because no revenue was earned from the tax collection.

Land Policy

29. Address the issue of an emerging land lease market in the land policy

The intent of creating a formal land property system was the establishment of a credible and secure system for long-term perspectives and investments. However, in rural areas a land lease market has emerged, rather than a land market. Land leases have become the dominant land transaction. The land policy should address this issue because it has created an

environment where short-term focus prevails over long-term interest in the sound use of these land resources.

30. Modernize the agricultural educational system and agricultural research to improve land use

To improve land use as one of the pillars of good land policy, the agricultural educational system and agricultural research should be modernized with regards to the capabilities, methodologies and tools used for production in a competitive market. This modernized agricultural education should be linked to agricultural research, so that information and knowledge are united.

31. Transfer labour from agricultural to non-agricultural activities to increase the quality of livelihoods in rural areas

The creation of modern and competitive agriculture implies a substantial transfer of labour from agricultural to non-agricultural activities. Rural development programmes should support this transfer in order to create diverse and attractive areas of living, facilitating a decent livelihood for the population.

32. Focus the strategy for land consolidation in rural development by taking into account the age groups of farmers, the funding and the envisaged farm types

In the “National Strategy for Land Consolidation 2012-2017”, the following can be observed:

- The Strategy should not only address the farm holdings. It should also focus on the age groups of farmers, so that elder farmers can retire and young farmers be given the opportunity to start as private entrepreneurs. This means that this Strategy should be integrated into rural development programmes.
- The Strategy should be long-term and with the necessary funding secured. Possible sources of funding are mentioned, but there are no explicit statements concerning long-term funding.
- The Strategy should take into account the type of farming envisaged long-term. This aspect is currently neglected. With such a vision, and in combination with spatial planning, the rural countryside can be shaped for the future.

33. Integrate the use of land consolidation in the land policy and the agricultural strategy to make optimal use of developed capacities

The steps taken in concluded land consolidation projects have been crucial in developing local capacities. These capacities should be further enhanced and broadened countrywide, while integrating the process of land consolidation in the land policy and the strategy for agriculture and rural development.

Land consolidation is an instrument that can contribute to solving land registration problems. In Western European countries this has been applied and, from this experience, the Republic of Moldova could apply the lessons learned.

34. Enhance the protection and management of all co-ownership arrangements, communal rights and common use rights

The protection and management of land with co-ownership arrangements, communal rights or common use rights should be improved. Delineation of areas is a prerequisite and this should be completed.

35. Monitor the purchase and sale of agricultural land for investment purposes

The Government should monitor the purchase and sale of agricultural lands for investment purposes, and make sure that the local population benefits from such investments. Land-based investments should create a win-win situation for the investor and for the host.