

WHEN BUILDING – DO IT RIGHT FROM THE START

BY ADV. A. AMOS FRIED

All you wanted to do was close up your drafty veranda with a few simple windows and some aluminum framing. Before you know it, you're being indicted for the severe offense of having committed a building violation, a crime that carries with it a maximum sentence of two years in prison and a fine of up to several hundreds of thousands of dollars.

What went wrong?

First of all, prior to even contemplating any building additions or modifications affecting the foundations or the outward appearance of your property, you must inquire whether the town building plan [*Taba*] allows such alterations. If not, the process of requesting a change in the *Taba* can be prohibitively expensive and time consuming.

But even if the *Taba* does sanction your plans to expand your property, you will still need a fully authorized building permit issued from the municipality. This in turn, requires filing a detailed construction program designed by licensed professionals, obtaining the signed consent of your neighbors, receiving certification from a series of official authorities and of course, paying the municipal licensing fee.

A simple misstep in this process can lead to a criminal proceeding before the Municipal Court which has the authority to fine or even imprison you, beyond ordering the demolition of the addition or prohibit its use.

The lawyer's job in such a case is to mitigate the severity of these sanctions vis-a-vis the court, while concomitantly negotiating with municipal authorities in order to reach a viable settlement. Undoubtedly, retaining an attorney already at the initial stages will serve to avert the need for one at the end.

The above article is intended for general informative purposes only. For specific technical or legal advice on the information provided and related topics, please contact the author.

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