

Land Policy and Town Development in Czecho-Slovakia.

By Dr. Otakar Fierlinger, C. E. Ministry of Public Works.

Land owners in Czecho-Slovakia have the unquestioned rights of ownership unless expropriation is demanded in the public interest. Such expropriation was regulated by various acts under the former Austro-Hungarian Government. Under the Czecho-Slovakian Government some have remained in force, some of them have been amended, while others have been replaced by similar acts.

Mention should be made of the following pre-war acts actually in force for regulating town development:—For Prague and Suburbs (Act of April 10th, 1886), for the Bohemian Province (January 8th, 1889), for Moravian Towns (October 3rd, 1894), for Moravian Rural Districts (June 16th, 1894), for Silesia (March 28th, 1867) and for Slovakia (Town and Provincial Building By-laws, issued by the respective local authorities).

The Building Regulations prescribe that local authorities have control over development in areas that are likely to be built upon in the near future. The local authorities are required to include in their site plans and regulations only those areas that are already being developed or are likely to be developed in the near future. They are not compelled to prepare plans that control the whole scheme of future town development.

The approval of lay-out schemes is regulated by an official procedure. If the plan is not carried out within five years the validity of the scheme expires. For instance, where open spaces are reserved by the local authorities for public open spaces, parks, squares etc., they have the power of expropriation only within this five year limit. The right to decide which areas may be expropriated for public benefit is entrusted to the Building Board of the local authority.

In the case of the reconstruction or extension of buildings, local authorities are entitled to expropriate the land within the street regulation line and can also require the removal of erections or other objects that are obstacles to the laying out of roads and thoroughfares needed in the interests of traffic, safety against fire, sanitation, etc. In the case of a dispute as to the amount of compensation for land or building the court decides, guided by the estimates of experts.

When applying for approval of estate plans owners must give local authorities, free of charge, land for roads up to 20 metres wide (in rural districts up to 12 metres). In the event of the local authorities deciding that in the interest of the general public such roads be wider or that they be widened in the future, the extra width may be expropriated for an adequate compensation. The cost of the extra land is levied (without charging the loss on interest) on those who build along the frontage of these wider roads, each frontager being levied in proportion to the frontage that will be occupied by his building.

Local authorities are further entitled in those cases where larger schemes are laid out to reserve spaces to be used for general benefit or for public safety. In such cases the expropriation is executed in a similar manner as in the above mentioned procedure of land expropriation for roads.

The right of expropriation of land for small dwelling houses did not exist until after the Great War, when the introduction of such a law became necessary to facilitate building activity. This circumstance explains why these laws are of a provisional character. The Act of March 11th, 1921 gives the right of expropriation of unused areas required for the housing of any class of population, or for other uses in the public interest, such as hospitals, farms and gardens and for roads thereto. It also gives powers for the expropriation of unhealthy areas and buildings condemned as uninhabitable, where these come within the scope of the general building plan. In taking land for such housing schemes and public buildings local authorities may only acquire land within the area of a general building scheme. The limits of land that may be expropriated for housing are 300-400 sq. m. per one-family houses and 500 sq. m. per two-family house. Land belonging to public authorities should be taken in preference to lands of private owners. Public open spaces and land necessary for industrial enterprises and farming are exempted from expropriation. Due attention must be paid to the preservation of objects of historical value.

The expropriation of land for state and other public buildings is regulated by the Act of February 3rd, 1920, in a similar way.

The Acts of May 9th, 1874, and February 18th, 1878, permit the expropriation of land for purposes of railroad construction. Objections must be made before the survey and planning of the railroad track. The expropriation of land and buildings for constructing and maintaining waterways and for widening waterways and highroads is regulated by the special Waterway and Highway Acts of September 27th, 1793, and May 11th, 1894.

The Act of July 8th, 1925, introduced the right of expropriation of land for aviation purposes, such as the construction, enlargement and operation of aerodromes, air ports, landing and starting points, and signal stations belonging to the State, local authorities, bodies controlling aviation routes and licensed companies for air-transport. The expropriation of immovable properties and delivery from servitudes are included in the powers under this law. The procedure is carried out by public officials and estimates are issued in accordance with the Railway Service Acts and Regulations.

The Acts of February 6th, 1869, and June 7th, 1883, deal with the assembling and redistributing of land in rural areas. There is no law by which these areas could be declared as perpetually agricultural lands.

The land reform laws starting with the Act of April 6th, 1919, are of great importance for the acquisition of land for town planning purposes, town extension schemes and colonisation. This law was introduced because of the necessity for controlling land ownership by the great land owners and was especially intended to meet the requirements of the smaller land owners in securing plots within the area of their local government districts. This law declared all landed properties as expropriated in so far as they exceeded 150 hectares of cultivatable land or a total of 250 hectares of all kind of land. Land definitely used in connection with industries was exempted as was also State and municipal land. Natural

beauty spots and objects of historical or artistic value were returned to their former owners. By the enactment of this law some 4,000,000 hectares of land were expropriated, of which 1,200,000 hectares consisted of rural land. The land was then redistributed under the Land Redistribution Act. This regulated the return of certain lands that may be returned to the former owners and controlled the redistribution of land. Of the expropriated areas 300,000 hectares have already been distributed. The Distribution Act pays special attention to building needs. A detailed regulation was issued for this purpose at the end of 1920. It was put to good effect by many cities. Prague, for instance, gained 4,000 hectares of land at an average price of 1½ Czechoslovak Crowns per sq. m. and thus secured sufficient space for its future development. Colonisation is aided by this land reform, in as much as the population is settled on the distributed land. Thus the population is directed to those parts of the country where the density of population is smaller and the necessary homes are obtained by the expropriation of large farm buildings. In districts of smaller density, as for instance in Slovakia, new agricultural settlements are springing up which represent nuclei for the establishment of new villages.

In addition to the abovementioned acts the former Hungarian Expropriation Act, May 21st, 1881, is still valid in Slovakia. This law is of general character as it enables not only the expropriation of land for the establishment of streets, squares, cemeteries, etc. but also for the construction of district roads, schools, hospitals, spas, military barracks and water and gas works in towns with more than 10,000 population, and for the erection of buildings for sanitary, commercial and transport purposes. The right of expropriation can also be used for the construction of bridges, railways, narrow gauge railways, waterways, towing paths, harbours, telegraph lines, etc. The right of expropriation is granted by the Ministry of Public Works and the Ministry of Communications unless otherwise provided for by special legal stipulations. Estimates must be issued of the losses the owner is likely to sustain by the detachment of his property. Every effort has to be made to effect a smooth settlement by mutual agreement as to payment. This expropriation act deals also with temporary acquisition, from which buildings, commercial enterprises and the properties necessary for their development are exempted.

Leasing of land for building purposes, as it exists for instance, in England, is almost unknown in Czecho-Slovakia. The Act of June 11th, 1912, was an attempt to introduce this form of land tenure but except in a very few cases practically no use of it has been made. This law provided that state and private foundations, house building companies and certain institutes are entitled to lease land for building. The lease must be for at least 30 years and is limited to a period of 80 years. It was intended mainly to assist the construction of cheap homes by enabling the home-builder to construct his house without the burden of paying the capital sum for purchasing the land. It was also intended to protect the lessee against sudden increases in the price of land, as well as the towns against a loss on the expenses involved in road construction, main drainage and lighting.

Although the legal powers regarding town planning, as given above, are quite extensive the results considered from the point of view of town development are not at all satisfying. The principal difficulty is the insufficient building regulations, which date from the time when public opinion had not taken a decided form. These regulations lack instructions

as to the exploitation of land with full regard to the ultimate development of the whole town and are insufficiently elaborated to deal with public necessities respecting lines of communication, sanitation and the aspect of buildings. By reason of the fact that the Railway, Waterway and Highway Acts were introduced separately they each deal with specific questions without reference to other questions. Thus the interests of the various public authorities are protected without co-relation in the interests of a community as a whole. The lack of suitable town plans was especially apparent when the land reform was being carried out, for the main obstacle to the full use of the facilities offered to towns was the fact that the town building programmes were not duly prepared and therefore the question of which areas were most needed for town development was not solved.

The necessity of a reform of existing building regulations was felt before the war but attempts made in this direction were checked by private interests of speculative builders and land owners. The change in social conditions and a simultaneous change of public opinion regarding the necessity of legal reforms which followed the Great War enabled the Government to intervene successfully. The principal towns of the Republic: —Prague, Brno, Bratislava and Moravska Ostrava organised to prepare town plans on a modern standard by means of special expert commissions. The powers of the Commission of State for Greater Prague are set out in a special act issued on February 5th, 1920. The sphere of interest of Greater Prague includes besides the eight central districts 108 communities in its vicinity.

A general legal regulation of town planning is expected from the Building Code, the elaboration of which was started in 1923. Without giving a detailed description of this reform, which is being prepared and therefore still under discussion, it may be said that the new Building Code will induce the towns to prepare new general town planning schemes that will envisage and control development likely to take place during the next 50 years, besides detailed plans to regulate existing conditions. The general schemes must deal with the plan in outline —the main uses to which certain areas are to be devoted, areas for open spaces, main roads, main drainage, etc., protection of public property, safety of objects of historic or artistic value, etc. Supplementary to these there will be regulations dealing with building activities along communications (main roads, railways, etc.), in the vicinity of hot springs, and in mining areas, industrial districts, etc. The elaboration of general schemes must be based on detailed surveys. It must also be preceded by negotiations with public and private bodies and other interested parties, so that the draft schemes be prepared as far as possible by securing mutual agreement in the interests of the whole community. For detailed schemes dealing with existing conditions the principles of assembling the plots of various owners and replanning the whole in the general interest will be put into effect.

Summary.

Expropriation of land in Czecho-Slovakia is allowed in only those cases where necessary in the public interest. It was regulated by various acts under the Austro-Hungarian government. Some of these have been kept in force by the Czechoslovak government, others have been amended, while some have been replaced by similar laws. A number of pre-war acts still regulate town planning. These existing acts do not deal with develop-

ments likely to take place at some distant date; they merely regulate development in the near future. There have, therefore, been no laws for the preparation of general plans for the development of a town. Prior to the Great War there were no acts for the expropriation of land for housing. This explains why recent acts are of a provisional nature. A number of acts deal with the acquisition of land for different items in town planning, such as housing, hospitals, waterways, railways, aerodromes, etc.

The Land Expropriation Act of April 6th, 1919, and the Land Redistribution Act that followed it are of great importance for settling people in the less densely populated areas. Under this scheme all cultivable land of more than 150 hectares, or land of all types of more than 250 hectares, in the proprietorship of a single owner has been expropriated (for payment). By this means towns have also obtained large areas for extension and other areas have been redistributed for agricultural purposes to smaller owners. Prague has obtained 4,000 hectares at an average price of 1½ Czechoslovak crowns per square metre.

The leasehold system for building purposes is almost unknown in Czecho-Slovakia.

Although the legal powers for town planning are quite extensive they are not co-related and consequently each of the different public authorities tends to defend its own interests without any co-ordination in the general interest.

A new Building Code is now being prepared. This will encourage towns to envisage and control development during the next fifty years, to prepare general plans and to fill in the details from time to time as needs arise. A special provision will regulate the formation of regional authorities and the establishment of new local authorities where it is necessary to organise new towns and villages.

Sommaire.

L'expropriation du sol n'est permise, en Tchéco-Slovaquie, que dans les cas où elle est nécessaire pour l'intérêt public. Elle a été réglementée par différentes lois, sous le gouvernement austro-hongrois. Quelques-unes ont été maintenues en vigueur par le gouvernement tchéco-slovaque, d'autres ont été modifiées, tandis que quelques-unes ont été remplacées par des lois analogues.

De nombreuses lois d'avant-guerre réglementent encore l'aménagement des villes. Ces lois existantes ne s'occupent pas de développements devant vraisemblablement se produire à une époque assez éloignée; elles réglementent simplement le développement dans un avenir proche. Il n'y a par suite pas eu de loi pour la préparation de plans généraux d'extension d'une ville. Avant la grande guerre, il n'y eut aucune loi relative à l'expropriation de terrain, pour la construction d'habitations. Ceci explique pourquoi les lois récentes sont d'un caractère provisoire.

Un certain nombre de lois s'occupent de l'achat du terrain destiné à la réalisation de différents points du programme d'aménagement urbain tel que l'habitation, les hôpitaux, les voies navigables, les voies ferrées, les aérodromes, etc.

La loi d'expropriation du sol du 6 avril 1919 et la loi de remembrement du sol qui suivit, sont de grande importance pour l'établissement de la population dans les zones les moins peuplées. D'après ce projet, tout terrain cultivable de plus de 150 hectares, ou tout terrain de toute nature

de plus de 250 hectares, appartenant à un seul propriétaire, a été exproprié (contre paiement). Par ce moyen, les villes ont aussi obtenu de grandes étendues pour leur extension et d'autres étendues ont été redistribuées pour l'agriculture à de plus petits propriétaires. Prague a obtenu 4,000 hectares au prix moyen de 1'5 couronne tchéco-slovaque par mètre carré.

Le système de baux à longs termes pour le terrain à bâtir est presque inconnu en Tchéco-Slovaquie.

Bien que les pouvoirs légaux, en matière d'aménagement des villes soient assez étendus, ils ne sont pas coordonnés et par suite, chaque autorité publique différente tend à défendre son propre intérêt, sans qu'il y ait d'entente dans l'intérêt général.

Un nouveau code de la construction est en préparation. Ceci encouragera les villes à considérer et à contrôler leur développement durant les 50 années prochaines, à préparer des plans généraux et à pousser leur étude jusqu'aux détails de temps en temps quand en naît le besoin. Une disposition spéciale réglera la formation d'autorités régionales et l'établissement de nouvelles autorités locales là où il est nécessaire d'organiser de nouvelles villes et de nouveaux villages.

Auszug.

Die Landenteignung ist in der Tschechoslowakei nur in jenen Fällen gestattet, wo das öffentliche Interesse es erfordert. Sie war unter der österreichisch-ungarischen Regierung durch verschiedene Gesetze festgelegt. Einige davon sind unter der tschechoslowakischen Regierung in Kraft geblieben, andere wurden verbessert, während wieder andere durch ähnliche Gesetze ersetzt wurden. Eine Anzahl von Vorkriegsgesetzen bestimmen noch immer den Städtebau. Diese bestehenden Gesetze befassen sich nicht mit der Entwicklung, die möglicherweise einmal in späteren Zeiten stattfinden wird, sondern sie bestimmen einzig und allein die Entwicklung der nächsten Zeit. Es gab daher keine Gesetze zur Vorbereitung von Stadterweiterungsplänen. Vor dem Weltkrieg gab es keine Gesetze zur Enteignung von Grundstücken für Wohnbauzwecke. Dies erklärt, weshalb die neuen Gesetze nur provisorischer Art sind. Eine Anzahl von Gesetzen behandelt den Landerwerb für verschiedene Zwecke des Städtebaues, wie Wohnbau, Spitäler, Wasserleitungen, Eisenbahnen, Flugplätze usw.

Das Bodenenteignungsgesetz vom 6. April 1919 und das später beschlossene Bodenverteilungsgesetz sind von großer Bedeutung für die Ansiedlung von Menschen in den weniger dicht bevölkerten Gebieten. Diesem Gesetz zufolge wurde sämtliches Kulturland von mehr als 150 Hektar, oder Land jeder Art von mehr als 250 Hektar, das Eigentum eines einzelnen Grundbesitzers war, enteignet (gegen Bezahlung). Auf diese Weise erhielten die Städte auch große Gebiete für die Erweiterung, während andere Landstrecken unter kleinere Grundbesitzer für Kulturzwecke frisch aufgeteilt wurden. Prag bekam 4000 Hektar zu einem Durchschnittspreis von anderthalb tschechoslowakischen Kronen für den Quadratmeter.

Das Baurecht (Erbbaurecht) ist in der Tschechoslowakei fast unbekannt.

Obwohl die gesetzlichen Vollmachten für den Städtebau ganz umfassender Art sind, so stehen sie doch in keinem inneren Zusammenhang,

und daher neigt jede der verschiedenen öffentlichen Körperschaften dazu, ihre eigenen Interessen ohne Rücksicht auf das Gemeinwohl zu vertreten.

Ein neues Baugesetzbuch wird jetzt vorbereitet. Es wird die Städte anregen, bei der Bearbeitung der Generalbebauungspläne die Entwicklung während der nächsten 50 Jahre zu berücksichtigen und zu beeinflussen, und in diese Generalbebauungspläne von Zeit zu Zeit die nötigen Einzelheiten hineinzuarbeiten. Eine besondere Verordnung wird die Bildung von Landesplanungsstellen und die Einsetzung neuer örtlicher Körperschaften regulieren, wo es nötig ist, neue Städte und Dörfer ins Leben zu rufen.