CONVEYANCING AND THE REAL PROPERTY REGISTER

SUSTAINABLE AND SMART SOCIETIES
“Everyone should have the opportunity to take part in the digitalization and its opportunities. The digitalization should contribute to sustainable growth, an inclusive society etc. “

Sustainable – Smart – Inclusive

- The Sustainable Development Goals
A smarter process for society building

1. Co-operation – the first choice
2. Work actively with legislation
3. Open up
4. Create transparency to internal processes
5. Reuse and learn from others
6. Ensure that information and data can be transferred
7. Focus on the user
8. Make digital services available and inclusive
9. Make them secure
10. Find the right balance as to personnel integrity
11. Use language understood by the users
12. Keep the administration simple
13. Keep an overall view of information management
ROADMAP FOR A DIGITAL PLANNING AND BUILDING PROCESS

-OBJECTIVE: INCREASE HOUSING PRODUCTION, MAKE THE PROCESS FASTER, LESS EXPENSIVE AND WITH HIGH SUSTAINABILITY

1. The information is uniform, nationally available and reusable in digital form

2. The process is digital and supported by existing national solutions such as My Messages

3. The dialogue is digital and is based on all stakeholders accessing information from the same sources.

4. Automation is made possible and implemented for simpler cases.

(46. Implement comprehensive regulatory simplifications in order to simplify and shorten the planning process; thus making construction faster and less expensive.)

-Vision 2025 – A digitally unbroken process, supporting increased housing production

In accordance with the Regulation (2018:357) on Common Public Infrastructure for Secure Digital Post; the Swedish Tax Agency provides a service called My Messages on behalf of the Agency for Digital Government (DIGG).
HOUSING IN SWEDEN – SOME FIGURES

Population; 10.3 million inhabitants

Just over 4.7 million households – same number of homes
2 million housing apartments in smaller houses
2.4 million housing apartments in multi-dwelling houses
230,000 housing apartments in specific houses; e.g. for students, service houses etc
80,000 others

44% of households live in a smaller house; villa, townhouse, terraced house etc
48% of households live in an apartment in a multi-dwelling house
53% of the population live in a smaller house

Picture: Statistics Sweden
REAL PROPERTIES

We secure ownership, various rights, give publicity of the information and inform on restrictions

Securing of the ownership of a real property is made by registration in the land register part of the Real Property Register. Any transfer of property should be registered through an application for registration of ownership. This should be made within three months of the transfer being completed.

3 300 000 immovable properties, 13 200 000 mortgages in the property register, A total value of 5 425 295 559 854 SEK, Loans connected to housing adds up to 2 951 000 000 000 SEK (december 2017), 800 000 paper mortgage certificates, 12 400 000 digital mortgage certificates, Out of these e 1 396 273 (11%) has no registered holder - Meaning that they are unencumbered - Available to the owner of the property
SITE LEASEHOLDS

Besides owning a real property; there is also the possibility of having access to land via a site-leasehold right. A site leasehold in many aspects equals to having a property right; for example the same rules of registration.
Right of use (usufruct) provides a right of use in relation to someone else’s property. The right might apply to a whole property or a part of a property and is limited in time. A right of use is created through agreements. A written agreement can be entered in the Real Property Register thus securing the right in case of a new owner of the property.

Tenancy or lease is a special form of use right. Tenancy agreements might be entered in the land register part of the Real Property Register if nothing else is stated in the agreement. There are different types of leases; e.g. for agricultural or construction purposes. The application of registration is made in the same ways as for right of use.
THE REAL PROPERTY REGISTER

We have responsibility for the Real Property Register

General part (Cadastre)
Land Register part
Taxation part
Address part
Buildings part

Cadastral Index Map

Real Properties: about 3 300 000
Joint property unit/ community: about 120 000
Joint facilities/ communal facility: about 100 000

Figures from 2018
THE APARTMENT REGISTER

The apartment register is a national register of all residential apartments in Sweden. Information about who lives in the apartment is not in the apartment register.

Lantmäteriet can supply information from the apartment register for the following purposes:
• Census information on population
• Production of statistics
• Research
• Planning, monitoring and evaluation of housing stock and construction.

The information can be supplied to:
• Swedish Tax Agency
• Statistics Sweden
• Municipality where the apartment is situated
• Owner
As to traditional use of land; an important law is the law on reindeer husbandry, providing rights to Sami people to use land and water. The law specifies areas for reindeer herding into all-year-round areas and the winter pasture areas.
# Condominiums

## A pre-study on a possible register for condominiums

**Bostadsrättsregister**

1. **Innehåll**
   1. Inledning och sammanfattning
   2. Förutsättningar för att genomföra inrättandet av ett bostadsrättsregister
      1. Vad är ändamålet med registret?
      2. Ett självständigt centratligt statligt register?
      3. Vem ansvarar för att informationen förs in i registret?
      4. Insamling för att skapa registret
      5. Vilken information ska finnas i registret?
      6. Förslag till lösningar
      7. Källor
      8. Hur upprätthålla en god kvalitet/aktualitet i register
      9. Hur ska pantsättning ske?
     10. Informationen säkerhet och sekretess
     11. Mer om pantträff och behovet av lagstiftning
     12. Övergångsbestämmelser
   2. Kostnader för uppbryggnad och ajournhållning av ett register
   3. Bilaga - Omvård

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USER NEEDS

Improved overview

More secure mortgage management (information about mortgages and pledges)

Enhanced protection for consumers

A simplified and more transparent system

Increased digitization of mortgages connected to housing

Today:
Information about mortgages connected to co-operative building society apartments is not reliable
In some cases information about mortgages and pledges connected to apartments are inaccurate
Leads to insecurity for real estate agents, intending buyers and creditors
Registration can be insufficient when the apartment is owned by more than one person
Lack of transparency

Responsibility lies with the individual co-operative building societies
Time consuming administration
POSSIBLE SOLUTIONS

REGISTER
- A separate register for co-operative associations apartments
- Real property register (a specific part about condominiums?)
- Apartment register (new purpose)

Other alternatives?
- Data hosting
- Distributed systems
- Sharing of information
MORTGAGING OF CONDOMINIUMS

Possible solution:
Mortgage is registered by the creditor
Mortgage connected to registration in a register and not by possessing a mortgage certificate

Today:
Lack of legislation about mortgaging of condominiums. It is not regulated in the act regarding co-operative building societies. Current regulation has arisen from case law. A valid pledge of the mortgage is created by the denuntiation (notification) of a correct mortgage, to the co-operative building society. The society is obliged by law to record the pledge in the apartment listing after having received such a notification.
THANK YOU FOR YOUR ATTENTION!