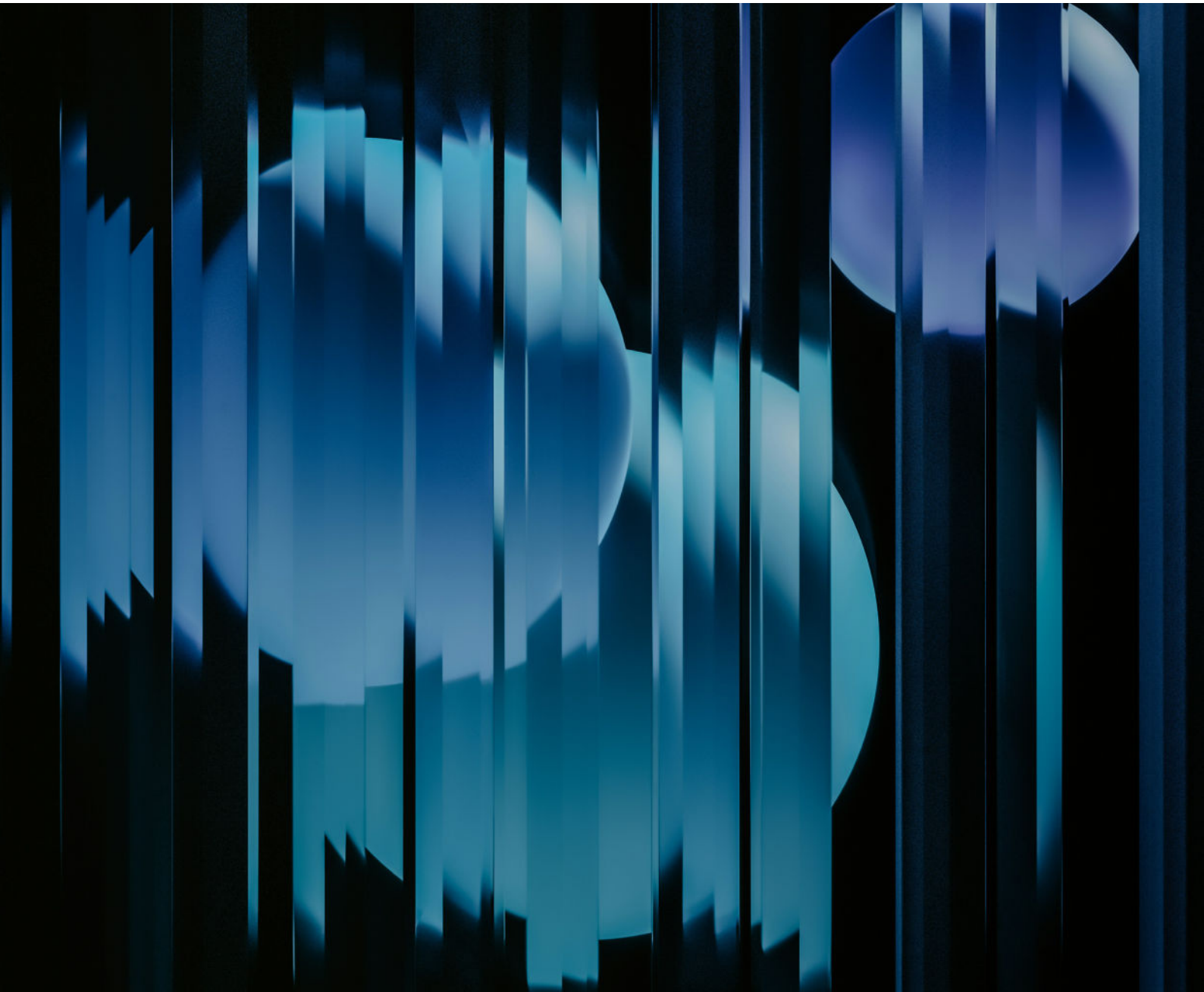


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Omnibus Bill Proposal: Key Proposed Amendments in the Real Estate Sector

January 2026



The Bill on the Amendment of the Land Registry Law, Certain Other Laws and Decree Law No. 375 (the “**Bill**”), submitted to the Grand National Assembly of Türkiye on 9 January 2026, introduces a range of proposed changes, primarily in relation to land registry transactions, the management of residential complexes and apartment buildings, as well as building and fire safety requirements.

1. Amendment to the Land Registry Law No. 2644: Electronic Transmission of Valuation Report Data to the General Directorate of Land Registry and Cadastre

- » The Bill proposes to add an **Additional Article 4** to the Land Registry Law; valuation reports prepared by valuation companies authorised by the Capital Markets Board (“**CMB**”) and the Banking Regulation and Supervision Agency (“**BRS**”) pursuant to the housing finance and capital markets legislation must be electronically transmitted, free of charge and on the date of issuance, to the General Directorate of Land Registry and Cadastre (“**Directorate**”) by the public institutions and organisations, banks and other financial institutions that commission such reports.
- » The procedures and principles regarding electronic submission are to be determined by the General Directorate of Land Registry and Cadastre, taking into account the views of the relevant institutions and organisations.
- » This regulation aims to prevent legal disputes (particularly pre-emption/right of first refusal lawsuits) arising from the fact that

the sale prices declared in the land registry often do not reflect the real market value of the property, as well as tax losses in public revenues and sham (simulated) transactions aimed at concealing the real intentions of the parties. In parallel, the aim is to ensure transparency, traceability, and value-based accuracy in real estate transactions, thereby aligning land registry records with economic reality. Within this framework, the systematic collection, verification, and effective use of accurate value data for property transfers by public authorities are expected to contribute to reducing private law disputes and preventing tax revenue losses.

2. Amendment to the Condominium Law No. 634: Operating Budgets and Maintenance Fee Disputes

Statutory Duties of the Building Manager (Article 35)

- » The Bill proposes amendments to the articles that prescribe the obligations of building managers under the Condominium Law. Accordingly, building managers would be required to collect advance payments from unit owners to cover the management of the main property as well as expenses relating to maintenance, repairs, cleaning, elevators, heating and cooling systems and insurance, within the timeframes specified in the management plan or, if no such timeframe is specified, **within the first month of each calendar year, until**

the operating plan (işletme projesi) is approved by the unit owners' assembly.

- » The proposed framework would require the building manager to obtain the unit owners' assembly's approval for maintenance fees and advance payment amounts, thus preventing arbitrary fee setting. It would establish the unit owners' assembly's approval of the operating budget as a fundamental principle.
- » In cases where an operating plan approved by the unit owners' assembly is unavailable, the building manager must prepare an interim operating plan without delay, and a decision must be taken by the unit owners' general assembly within a maximum of 3 months to approve the operating plan as is or as amended.
- » The provision in the Condominium Law entitled 'Contribution to the general expenses of the main property' is planned to be amended to read **"the advance payment amount that each unit owner must pay in accordance with the principles set out in the relevant article"**.
- » In essence, the proposed amendment shifts the approach to the collection of advances by the manager away from "collecting new advances once the existing advance is spent" and instead links advance collection to the period **until the operating plan is approved**.

Approval of the Operating Plan and the "Interim Operating Plan" (Article 37)

- » Where an operating plan is already in place, the amount to be set under the interim operating plan will be determined

by reference to the amount specified in the existing operating plan, effective as of the beginning of the calendar year, provided that it does not exceed the revaluation rate (yeniden değerlendirme oranı) announced for the preceding year pursuant to **the Repeating Article 298 of the Tax Procedure Law No. 213**. The interim operating plan so determined will be submitted for approval by the unit owners' assembly.

- » Under the relevant regulation, maintenance fees and advance payments will no longer be increased freely and without oversight, as has often been the case in previous years, **but instead within the framework of the operating plan and subject to a cap based on the revaluation rate**.
- » Once the Bill enters into force, increases in site and apartment maintenance fees exceeding the revaluation rate will no longer be permitted. Given the mandatory wording of the cap, it is expected that the cap cannot be overridden even by resolutions adopted by a qualified majority of unit owners. In this context, for high-end developments operating under luxury-oriented operating plans and incurring high costs, there is a risk that the revaluation rate may lag actual cost increases, potentially preventing operating plans from being updated to an adequate level and leading to disruptions in maintenance, security, and other standard services. To mitigate such risks, it would be appropriate to introduce an exception mechanism allowing increases above the revaluation rate, provided that a qualified majority of unit owners approves the increase. For 2026, the revaluation rate has been set at 25.49%.

Amendment to the Management Plan under the Condominium Law – Decision Quorum (Article 70)

- » The management plan is a binding document that serves as the constitutional agreement for a main property (such as an apartment building, residential complex, or residence), setting out how the property will be managed, how expenses will be shared, and the rules governing communal living. The Bill also introduces changes to the quorum required to amend management plans in collective developments.
- » Under the Bill, under the provision of the Condominium Law titled “management plan and its amendment,” an amendment to the management plan will require the affirmative votes of two-thirds (2/3) of the total number of independent units represented by the members of the board of representatives of the collective structure.
- » Under the current regime, **the required majority is four-fifths (4/5); if the amendment is adopted, this threshold will be reduced to two-thirds (2/3)**. In addition, it is expressly stipulated that provisions of management plans that conflict with this rule shall not apply.

3. Amendment to the Cooperatives Law No. 1163: Restrictions on the Transfer of Title Deeds

- » The Bill adds a new provision to Article 6 of the Cooperatives Law. **Construction cooperatives that have completed**

construction and then recommenced construction in phases will not be able to transfer title (land registry registration) for allocated independent units until all ongoing, completed and planned construction works are finalised, even where residential or commercial units have already been assigned.

4. Building and Fire Safety: Periodic Inspections and Electronic Tracking

- » Under the Bill, **periodic fire safety inspections may be carried out, upon the application of the building owner, in buildings holding a building use permit (occupancy permit)**. Such inspections will be conducted and documented through a fire safety report either by municipal fire brigades or, where necessary, by fire safety experts authorised by the Ministry.
- » Accordingly, any deficiencies identified must be remedied within the period granted by the relevant authority, which may not exceed six months, and a valid fire safety report must be obtained. Where the deficiencies require substantial alterations, the relevant works will be carried out subject to obtaining the required licences/permits. In addition, the buildings and periods in which inspectors employed by building inspection companies perform their duties will be monitored through an electronic system to be established by the Ministry, and the names and signatures of such inspectors will no longer be included in building licences (construction permits).

GenTemizer is a Turkish law firm based in Istanbul, Türkiye. We advise various businesses in relation to their investments, M&A, competition law/antitrust, project financing and construction projects as well as on operational and dispute resolution matters in the context of the Turkish regulatory framework. We have also advised investors in relation to government sponsored privatisation projects.

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