

LATEST UPDATES FROM THE MILAN CITY EXECUTIVE: REMEDIAL MEASURES FOR PROJECTS UNDER INVESTIGATION BY THE PUBLIC PROSECUTOR'S OFFICE

The City Executive has approved Resolution 13 November 2025 No. 1409, an immediately enforceable measure introducing important guidance for the management of urban-planning and building procedures. This marks a new step in the Municipality's attempt to address the complex situation surrounding construction works subject to criminal investigations, with expected consequences for developers, professionals and private purchasers.

Remedial measures

A central part of the resolution concerns the establishment of an administrative pathway for construction works already carried out or in progress. Responding to requests from several operators, the Executive now allows the adoption of remedial measures aimed at realigning such works with the most recent urban-planning guidelines.

This pathway has a preventive function, as it seeks to reduce the risk of judicial measures such as confiscation or demolition, should the alleged offence be upheld. At the same time, it aligns with established case law, which allows the administration to verify urban-planning compliance *ex post*, thus providing a form of protection for bona fide third-party purchasers.

The competent municipal offices will be responsible for verifying the compliance of the works *"with the criteria defined by Resolution of the City Executive No. 552/2025"* (for the guidelines, see the previous *Public Law News: Client Alert* No. 12/2025), using the documentation already collected and *"supplementing the investigation as necessary for the adoption of new measures"*.

Guidance on building renovation

The resolution also addresses the often uncertain distinction between building renovation and new construction, particularly in cases of demolition and reconstruction. Despite *"interpretative approaches (...) not always consistent"*, the Executive has chosen to align with the position of the *"highest body of Administrative Justice"* (Council of State, 4 November 2025, No. 8542; on this decision, see *Public Law News: Client Alert* No. 21/2025).

According to this position, for an intervention to qualify as a building renovation – even if the reconstructed building may differ significantly from the demolished one – *"the intervention must in any case be neutral in terms of its impact on the territory in its physical dimension"*, meaning that *"any works that are not merely functional*

to the reuse of the previous volume and that entail an additional transformation of the territory compared to that already produced by the demolished building must be considered excluded – or rather, must lead to the classification of the intervention as 'new construction'".

This means that, even in the event of structural or technological changes, no territorial transformations should occur that would result in an expansion or a substantially new intervention. To retain the classification of renovation, the following essential elements must be respected: "the uniqueness of the property concerned by the intervention, the simultaneity between demolition and reconstruction, and the mere reuse of the pre-existing volume without further transformations of the territory's morphology". The municipal offices will therefore be required to follow this criterion when reviewing future building applications.

Effectiveness and operational impact

The resolution is immediately enforceable, allowing the timely commencement of the necessary procedures and the rapid application of the newly introduced interpretative guidelines. This will provide greater certainty for operators and enable more consistent management of building applications, both those already under dispute and those that will be submitted in the coming months.

To assess how these developments may affect ongoing or planned projects, the Firm continues to monitor the matter closely and remains available for any further clarification or support needs.

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Laura Sommaruga, Partner
Email: laura.sommaruga@grplex.com

Abdurrahman Gad Elrab, Associate
Email: abdurrahman.gadelrab@grplex.com