

**GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF URBAN DEVELOPMENT: ITANAGAR**

NOTIFICATION

Dated itanagar the 14th April 2011

No. DTP/MUN-30/2009-10,- In exercise of the powers conferred by section 71 read with section 18 of the Arunachal Pradesh Urban & Country Planning Act, 2007 (Act No. 4 of 2008), the Governor of Arunachal Pradesh is hereby pleased to make the following rules to regulate the reservations upto 20%-25% of developed land for housing purposes for economically weaker section and low income group of the urban areas while preparing the development plans in the state of Arunachal Pradesh as follows:-

1. (1) These Rules may be called the Arunachal Pradesh Reservation of Urban Land for Housing of Urban Poor Rules, 2011. **Short Title and Commencement**

(2) They shall come into force from the date of publication in the official gazette in the State of Arunachal Pradesh and shall supersede anything to the contrary contained in any development plan notified by the State Government under the Arunachal Pradesh Urban and Country Planning Act, 2007 or any other statute of the State.

2. Residential schemes formed by self help cooperative societies, registered under the Societies Registration Act, 1860, or any Act of the State governing such Societies with the bonafide purpose of provisioning housing only for the members of such a society/ entity and their families will be exempted from the operation of these Rules, except in cases where service population, i.e. persons providing day to day services such as washing clothes, cleaning, security, janitorial works require being accommodated on the site. **Exemptions**

3. (a) 'Household' means a group of related or unrelated persons, sharing the same hearth and signifying a common interest in any dwelling unit. 'Household size' would mean the average number of persons in a single household, taken across the entire set of households **Definitions**
- (b) 'Underserved household' would imply, a household with a monthly income of less than Rs. 3,500/- (Rupees Three Thousand and Five Hundred) Only in a year.

provided that the State Government may review and change, if required, every year the above figure for identifying prospective beneficiaries in need of housing, and in which case, the revised norms would prevail.

provided further that the State Government may authorize any urban local body established under the Arunachal Pradesh Municipal Act 2007 to establish such standards of minimum income and/or access to services and review the same periodically under the Arunachal Pradesh Urban Poverty Profiling and Strategic Plan Rules of 2011. Also, in such as case, the revised norms at the State Government would prevail over any local body level norm.

- (c) 'Gross Residential density' would imply the number of dwelling units per unit area, including the area under open spaces, parks, playgrounds and all other non residential components of the residential schemes.
- (d) 'Net Residential density' would imply the number of dwelling units per unit area, excluding the area under open spaces, parks, playgrounds and all other non residential components of the residential schemes.
- (e) 'Population density' would imply the number of persons per unit area, including

the area under open spaces, parks, playgrounds and all other non residential components of the residential schemes.

- (f) 'Residential scheme' shall mean a contiguous parcel of land, predominantly offering land and/or buildings for residence of households, and including spaces for markets, basic services, social and physical infrastructure, open spaces, public gathering places, religious places
- (g) "Flatted scheme" shall mean a residential scheme where tenements are also constructed, and in excess of 20 dwelling units.
- (h) 'Dwelling Unit' shall mean a structure or part thereof within a Residential Scheme, which includes areas for living, sleeping, a hearth and storage of material assets for a unique household.
- (i) 'Standards' shall mean norms specified as per IS:8888-2005 (Part 1) as specified by the Bureau of Indian Standards
- (j) 'Basic Services' shall mean a bouquet of services which can be accessed by a household via a dwelling unit, including but not limited to:
 - (i) clean water for drinking, bathing and washing purposes,
 - (ii) access to sanitary services such as serviceable pour-flush latrines, clearance and disposal of household waste,
 - (iii) energy to provide illumination and run powered assets,
 - (iv) safe and secure access to the dwelling unit by means of road,
 - (v) Access to primary and secondary referral healthcare
 - (vi) Access to primary education
 - (vii) Access to social security schemes
- (k) 'Saleable area' implies an area inside a residential scheme which can be provided to a person or party against consideration of money, to use for a certain period of time or own in perpetuity.
- (l) 'Floor Area Ratio' or 'Floor Space Index' shall mean the quotient of the maximum possible built space on a given parcel of land divided by the area of the parcel.
- (m) 'Developer' shall mean any individual or entity registered under any Central Act/ State Act or nominated by the State Government of Arunachal Pradesh who is desirous of developing a residential scheme or flatted scheme in any portion of the State of Arunachal Pradesh. This may include any Department of the State Government, any organization, agency or Corporation engaged in the business of construction and/or development of any residential scheme, including flatted schemes.

Reservations

- 4. Notwithstanding any clause contained in the Arunachal Pradesh Urban & Country Planning Act, 2007, a developer of any residential scheme, including a flatted scheme, shall:
 - (a) Earmark at least 20% of the area exclusively for the construction of dwelling units inside a residential scheme for construction of dwelling units for underserved households.
 - (b) In case of a flatted scheme, a minimum of 25% of the total amount of built space for dwelling units is to be earmarked for underserved households.

Rights to access

- 5. The rights to access other areas of a residential scheme shall be such that:
 - (a) In a residential scheme, members of a household from such a dwelling unit shall have equal right as the other residents of the scheme, to access all other areas of the residential scheme
 - (b) In a flatted scheme, members of a household from such a dwelling unit shall have equal right as the other residents of the scheme, to access all other areas of the flatted scheme, including common areas of the structure, viz. staircase, parking

areas, pump rooms, terraces, water tanks, munties, as well as other areas of the land on which such a flatted scheme has been constructed. **Basic Services**

6. Basic services shall be provisioned for such households in the same proportion as with the other dwelling units within the residential scheme/ flatted scheme. **Assessment of layout Plans**

7. The Local Planning Authority appointed under Arunachal Pradesh Urban & Country Planning Act, 2007 till competent authority appointed by the Municipality to approve building plans and layouts shall prepare, in line with these rules, a comprehensive checklist for assessing the compliance of the proposed layout/ flatted scheme to the stipulations as above. **Power to obtain Pre-emptive undertakings**

8. The Municipal body shall have the power to obtain pre-emptive undertakings from the Developer:-

(a) The developer shall have to provide an undertaking to the concerned Municipal body/ Local Planning Authority at the time of obtaining approval for the scheme that the dwelling units/ plots earmarked for the households with income of less than Rs. 3,500/- per month/ identified by the urban local body as being underserved shall be handed over to such households.

Provided that the lease/ freehold tenure of such dwelling units shall be in the name of the woman of the house or jointly in the name of the husband and the wife. This rule shall supersede any local custom/ tradition to the contrary which may have been upheld by any court of law or any extra constitutional legal body within the State.

(b) The developer shall also provide an undertaking that basic services have been provided to such households who have been allotted the dwelling units at the same qualitative norms as the rest of the dwelling units/ plots within the residential scheme and/or flatted scheme.

(c) The developer shall further undertake, at the time of obtaining approval for the layout flatted scheme that the necessary standards have been adhered to with respect to the land/ built tenements reserved for the households with an income of less than Rs. 3,500/- or any norm specified by the State Government/ any norm established by the municipal body (in which case, the revised norms at the State Government would prevail over any local body level norm).

9. Depending on the degree of subsidy paid by the beneficiary of such a household, the developer would arrange for the lease/ sale of a dwelling unit/ plot to be provided in such a way that the beneficiary may not sell, sub-lease or transfer the tenement/ plot before a stipulated period of time to any party except the developer (in case such re-sale/ surrender of lease occurs within a period of five years from the sale of giving possession of the plot of land/ dwelling unit), or the municipality. **Lock-in Period for benefiting household**

Amount of subsidy on sale price	Lock-in period (minimum number of years before the beneficiary can sub-lease, sell or transfer the dwelling unit (vacant plot cannot be transferred from within this category, as it cannot be left vacant for such a long time)
Up to 50%	15 years from the date of taking possession
Above 50% but less than 80%	20 years from the date of taking possession
80% or above	30 years from the date of taking possession

Power to cross subsidise/use subsidise plots and dwelling for unreserved households

10. A developer may subsidise the development of plots and dwelling units in any residential scheme by:
- (a) Loading the subsidy on the pricing of the other tenements of the residential scheme providing that the percentage of increase in the overall pricing of the plot/ dwelling unit, do not exceed 15% of the price that would have been charged had not such a subsidy been provided.
 - (b) Loading the subsidy on pricing of non-residential components of the saleable area of a residential scheme, such as commercial area, which may be priced up to 2.5 times higher than that of a residential parcel/ built up space of the same area.

Advance change in possession status of the tenement

11. In case the beneficiary household, for whatever reasons, wishes to have the plot of land/ dwelling unit released from the lock-in period, the beneficiary may pay a certain amount to the developer, who may authorize the municipal body to release the plot of land/ dwelling unit from the lock-in period. The amount for conversion may be calculated as follows:

Price at the time of taking possession	One year after taking possession	At the end of every successive year after that up to the end of lock-in period
(A)	(B)	(C)
Cost of land plus cost of development of services + 15% overheads of the developer	(A) – 5% + 15% premium	(B) – 5% + 10% premium

Provided that the beneficiary would have to substantiate his source of funds for conversion costs in case such conversion is applied for during the lock-in period. Bank loans and gifts shall not be acceptable as sources of funds. Acceptable sources can include inheritances, awards and lotteries, accruals from business or professions, or any source that does not warrant the possibility of a proxy buyer.

Insurance liabilities of housing stock created for unreserved households.

12. The developer would factor insurance of the built assets for such households for a period of five years into costs of development. Thereafter, the urban local body may charge, on an annual basis, insurance cover for all such housing stock. [Exemptions to the above can be provided if the beneficiary household can substantiate that the dwelling unit is adequately protected by any third party insurance already obtained by the same.]

Power to allot/re-allot

13. The Municipal body shall have the power to cancel allocations of misallocated dwelling units/ plots, re-allot the same and recover damages from the developer/ defaulting party.
- (a) In case of the developer having defaulted on its commitment to provide housing for the underserved households by way of earmarking of required percentage of plots/ dwelling units, the municipality may
 - (i) cancel allotment of the plots/ dwelling units which were made for underserved households, but which eventually got allotted to other affluent sections of the society.
 - (ii) recover the cost required to evict the occupants of such units, and repopulate the same with underserved households, either from the developer or from the illegal occupants

- (b) In case of a household having illegally transferred a dwelling unit to a third party during the lock-in period without paying the conversion charges, the municipality may initiate legal action against such household under criminal proceedings

14. Stipulation of technical standards for dwelling units/ plots for underserved households within land/ built space earmarked for them in residential schemes and flatted schemes.

Stipulation of technical standards for dwelling units/plots

- (a) A Local Planning Authority constituted under Arunachal Pradesh Urban & Country Planning Act, 2007 till a municipal body constituted under the Arunachal Pradesh Municipalities Act of 2007, may, in accordance with the approved development plan of the area, adopt the standards mentioned below or stipulate spatial standards adopted from/ adjusted from IS:8888-2005 (Part 1) as specified by the Bureau of Indian Standard.
- (i) Gross residential density: 350 dwelling units per hectare of the earmarked area from which 20-25% dwelling unit shall be reserved for urban poor.
- (ii) Minimum size of plot for underserved household: 25 square meters
- (iii) Minimum carpet area (built-up area less area under walls) in the case of dwelling units: (25 square meters)
- (iv) FSI/ FAR on plots: 2.25
- (v) Ground coverage: 80% (20% for rain water harvesting unit/ septic tank)
- (b) Standards of physical and social infrastructure may be adopted from/ adjusted from IS:8888-2005 (Part 1) as specified by the Bureau of Indian Standard or the Urban Development Plan formulation and Implementation Guidelines, 1995 of the Government of India, and as modified from time to time.
- (c) Per capita standards of water supply, sewerage shall be applied at par with the rest of the plots/ dwelling in any residential scheme approved within the State.

Sd/-

Secretary

Urban Development & Town Planning
Govt. of Arunachal Pradesh

Memo No. DTP/MUN-30/2009-10

Dated, Itanagar the April 2011

Copy to:-

Director, printing, Department of IPR, Govt. of Arunachal Pradesh, Naharlagun for publication as Extraordinary Gazette please.

(Ms. Sumedha)

Deputy Secretary

Department of Urban Development & Town Planning
Govt. of Arunachal Pradesh

