

MODEL PROVISION FOR AMENDMENT TO THE RESPECTIVE MUNICIPAL ACT(S)/ TOWN PLANNING ACT/URBAN DEVELOPMENT ACT/ PREPARATION OF NEW LEGISLATION, ETC. AS APPLICABLE, FOR RESERVATION OF LAND FOR HOUSING TO ECONOMICALLY WEAKER SECTIONS (EWS) AND LOW INCOME GROUPS (LIG) :

Provision 1: Reservation of land for urban poor in Town Planning Scheme or Development Scheme

- a. In all Town Planning Scheme or Development scheme, there shall be reservation of not less than ten percent of the gross land area under each scheme for the purpose of providing housing accommodation to the members of Economically Weaker Sections (EWS) and Low Income Groups (LIG).
- b. The size of the plot reserved for EWS and LIG shall not be less than 30 sqm and 40 sqm respectively and not exceed 48 sqm.

PROVISION 2 & 3 WOULD APPLY, WHEREVER PROVISION 1 IS NOT INCORPORATED

Provision 2: Earmarking of land for urban poor in Plotted Development Scheme.

- a. In all plotted development schemes of area above one hectare (10,000 sqm) not less than 10% of the gross land (which should not be less than 20% of developed land) area shall be earmarked for economically weaker sections and low income groups.

Provided that where the total area of land is between 4000 to 10,000 sqm, either land may be reserved for EWS & LIG or shelter fee as prescribed by the appropriate government, shall be collected as the case may be.

- b. All plotted development schemes of area below 4000 sqm may be exempted from reservation of land as well as payment of shelter fee.
- c. The size of the plot reserved for EWS and LIG shall not be less than 30 sqm and 40 sqm respectively and not exceed 48 sqm.

Provision 3: Earmarking of FAR for urban poor in Group Housing Schemes.

- a. In all group housing schemes of total plot area of 3000 sqm and above reservation to the extent of 15% of permissible FAR or 35% of the total dwelling units, whichever is higher shall be provided.

- b. All group housing schemes with plot area below 3000 sqm may be exempted from reservation of floor area as well as payment of shelter fee.
- c. The carpet area of the dwelling unit reserved for EWS shall not be less than 25 sqm and for LIG it should not be more than 48 sqm (as per Affordable Housing Guidelines) or as prescribed by the appropriate Government.

**(PROVISION 4-7 IS COMMON CLAUSES THAT WOULD BE
INCORPORATED IN EITHER CASE)**

Provision 4: Identification of Eligible Persons & Determination of Cost of Land/Houses

- a. A government department/agency of the appropriate Government shall maintain an inventory of all the plots or houses as the case may be reserved for the Economically Weaker Sections (EWS) and the Low Income Groups (LIG) and ensure its protection from encroachment.
- b. For the allotment of plots or houses to the Economically Weaker Sections (EWS) and the Low Income Group (LIG), the procedure for the selection of eligible persons and the determination of the cost of such plots or houses shall be such as may be prescribed by the appropriate Government.

Provision 5: Incentives to Developers

Every developer who makes provision for earmarking of land or floor area as the case may be for EWS and LIG housing shall be incentivized as may be prescribed by the appropriate Government and may include relaxation of density norms, land use concessions through conversion of part of residential use for commercial use, higher Floor Area Ratio, Transferable Development Right, etc. and/or cross-subsidization.

Provision 6: Non-residential Development

The appropriate government shall consider levy of suitable fee e.g. impact fee on all non-residential land development/buildings above 1000 sqm to generate resources for the shelter fund which may be used for provision of land, housing, basic service etc. to the urban poor.

Provision 7: Limitation of Shelter Fee

The Shelter Fee so collected shall be maintained in a separate account and be utilized as per guidelines for the acquisition of land, development of land and construction of houses and in such other ways so as to provide housing for Economically Weaker Sections (EWS) and Low Income Groups (LIG).

Terminology

- a. “Economically Weaker Sections” means such class of persons as may be notified by the appropriate Government from time to time, for the purpose of providing housing.
- b. “Low Income Group” means such class of persons as may be notified by the appropriate Government from time to time for the purpose of providing housing.
- c. “Group Housing”* means Housing for more than one dwelling unit, where land is owned jointly (as in the case of co-operative societies or the public agencies, such as local authorities or housing boards, etc) and the construction is undertaken by one Agency.
- d. “Shelter Fee” means fee levied and collected in lieu of the reservation of land or floor area as the case may be, determined on the basis of the rates notified by the State Government.
- e. “Floor Area Ratio” (FAR)* means the quotient obtained by dividing the total covered area (plinth area) on all the floors by the area of the plot:

$$\text{FAR} = \frac{\text{Total covered area on all the floors}}{\text{Plot area}} \times 100$$

* The definitions of Group Housing and Floor area Ratio has been taken from the National Building Code.