

future, if it fits into above pattern of development and does not disturb the overall pattern of development already approved.

3.8 PROVISION FOR INCLUSIVE HOUSING

3.8.1 This regulation shall be applicable only to Municipal Corporations having population 10 lacs or more as per the latest Census, as mentioned in Regulation No.3.8.2.

3.8.2 Inclusive Housing –

Provision for inclusive housing shall be applicable in following cases :-

(a) For the sub-division or layout of the land :-

For the sub-division or layout of the land admeasuring 4000 sq.m. or more (after deducting area under D.P. / R.P. Roads, D.P. Reservations including deemed reservations under these regulations, if any) for residential purpose, minimum 20% of the plot area shall have to be provided either :-

- i) in the form of developed plots of 30 to 50 sq.m. size for Economically Weaker Sections/Low Income Groups (EWS/LIG), (hereinafter referred to as “affordable plots”) for allotment to the allottees as per the list provided by MHADA **OR**
- ii) in the form of plot / plots equivalent to 20% plot area for constructing EWS/ LIG tenements to be handed over to MHADA. Within this 20% area, proportionate road and recreational open space area of this 20% space, shall be included, **OR**
- iii) Land owner/ Developer can exercise an option to construct EWS/ LIG tenements on the said 20% plot area as per provisions specified in subsequent regulation No (b).

Provided that the affordable Housing Plots / tenements as mentioned in (i, ii and iii) above can also be provided at some other location(s) within 1 km. from original location or within same ward, **OR**

- iv) The Landowner/Developer may handover the affordable plots to MHADA at one place in lieu of FSI / DR as per TDR regulations to be utilised on the remaining plots.

Provided that in case the Landowner / Developer desires not to utilize such additional FSI / DR in the same land, fully or partly, then he shall be awarded TDR in lieu of such unutilized additional FSI. The utilization of this TDR shall be subject to the provisions of TDR regulations.

(b) For Group Housing Scheme:

For a plot of land, admeasuring 4000 sq.m. or more (after deducting area under D.P. / R.P. Roads, D.P. Reservations including deemed reservations under these regulations, if any) to be developed for a Housing Scheme consisting of one or more buildings (hereinafter referred to as 'the said Scheme'), EWS/ LIG Housing in the form of tenements of size ranging between 30 and 50 sq.m. ⁽¹⁾ *carpet* area (hereinafter referred to as 'affordable housing tenements') shall be constructed at least to the extent of 20% of the basic FSI subject to the following conditions:-

- i) The built up area of the EWS/ LIG tenements constructed under the Scheme shall not be counted towards FSI and such built-up area of EWS/LIG tenements (20%) shall be over and above the permissible FSI/ TDR as per UDCPR.

⁽¹⁾ Substituted vide Corrigendum / Addendum No. CR 121/21, dt. 02nd December, 2021.

- ii) The Landowner/ Developer shall construct the stock of the affordable housing tenements in the same plot and the Authority shall ensure that the Occupation Certificate for the rest of the development under the said scheme is not issued till the occupation certificate is issued for the Affordable Housing tenements under the scheme.

Provided further that the Affordable Housing tenements can also be provided at some other location(s) within 1 km. from the original location or within same ward to the extent of 40% of basic permissible FSI over and above permissible built up area of the receiving\ alternative plot and such area shall be free of FSI on such alternative plot. However, Affordable Housing tenements to be constructed on such alternative plot shall be increased in proportion to the land rate of the respective lands for that year.

- iii) The Owner / Developer, after getting commencement certificate of Affordable Housing component as mentioned above shall immediately intimate to MHADA regarding the numbers of tenement to be disposed by them to the allottees. Upon such intimation, MHADA within a period of six months, from the date of receipt of such intimation, after following procedure, shall send the list of allottees and forward it to the Owner / Developer. The Owner / Developer shall allot such tenements to the allottees at the construction cost mentioned in ASR applicable of the year of disposal (date of occupancy certificate) plus 25% additional cost. Out of this 25% additional cost, 1% shall be paid to MHADA towards administration charges by the Owner / Developer.

If the allottees fails to deposit the amount in the phased manner as specified in the agreement within specified time limit, then the allotment shall stand cancelled and in such case the owner / developer shall dispose of such tenements in the market at the construction cost in ASR applicable to the land of the year of disposal plus 25% additional cost ⁽¹⁾ *to the persons belonging to the EWS/LIG category as determined by Government in Housing Department.* This shall also be applicable for plots mentioned in (a) above.

If MHADA fails to send the list within the period of six months as specified above, , ⁽¹⁾ *concerned Planning Authority, after following procedure as that of MHADA* shall send the list of allottees within six months. If such Authority also fails to send the list as specified above, the Owner / Developer shall be at liberty to dispose of the tenements in the manner mentioned in the para above.

Provided that these regulations shall not be applicable :-

- a) in case of individual bungalow irrespective of plot area, redevelopment of existing buildings of Co-operative societies / development of buildings of Government / Semi-Government / Government controlled bodies including BOT / PPP projects or projects under taken through agency development under Regulation No.7.3, development of MHADA colony under Regulation No.7.4, Development of housing for EWS / LIG under Regulation No.7.7, Development of PMAY under Regulation No.14.4,any development in agriculture (or equivalent) zone.
- b) in case of development of reservation for Public Housing, Housing the Dis-housed, Public Housing / High Density Housing and the EWS/ LIG tenements

⁽¹⁾ Inserted vide Corrigendum / Addendum No. CR 121/21, dt. 02nd December, 2021.

constructed under the provisions of any other Act, land exempted and developed for weaker section housing scheme under section 20 of ULC Act and allowing Residential / Commercial user in Industrial zone.

- c) if company/ factory establishment proposes to construct staff quarters for their staff on their own land and such construction which is meant to be used for only staff quarters and not for sale of tenements/ flats.
 - d) lands reserved in Development Plan which are being developed under Accommodation Reservation policy.
 - e) For any Housing Scheme or residential development project wherein, owing to the relevant provisions of the Development Control Regulations / Laws, 20% or more of the basic FSI is required to be utilized towards construction of residential tenements for the EWS/ LIG.
 - iv) The Landowner / Developer may also be permitted to utilise 1/4th of the total 20% FSI earmarked for Affordable Housing towards construction of Affordable Housing Tenements in the form of service quarters in the same or separate building which shall have to be sold as service quarters only to the purchasers of free sale flats under the said scheme.
 - v) Affordable Housing tenements to be constructed to the extent of 20% of basic FSI only and shall not be required on additional FSI/ TDR wherever permissible as per UDCPR.
 - vi) Amalgamation of affordable plots/ affordable tenements shall not be allowed.
 - vii) The Government may nominate any other Authority instead of MAHADA mentioned in the above Regulation, if required in future.
- (c) **Prospective Applicability:** These Provisions shall be applicable prospectively and shall not be applicable to revised permission of any Layout, Housing Scheme or residential development project wherein Commencement Certificate has been issued prior to the date of coming into force of these provisions and is valid on such date. However, this provision shall be applicable to revised permission where revised permission is sought including additional area more than 4000. In such case, this provision shall be applicable to additionally included area.

Provided that, earlier permission wherein provision for affordable housing is made in accordance with the then prevailing regulations, shall also be entitled for revision under this regulation.

- 3.8.3** If owner/developer desires to construct inclusive housing, even though it is not mandatory, inclusive housing may be provided with prior NOC from MHADA with respect to requirement of EWS / LIG housing, then in addition to basic entitlement he shall be entitled for, additional 25% FSI of the land covered under Inclusive Housing on his remaining land.
- 3.8.4** Provision of Inclusive Housing shall not be applicable, if the plots are auctioned by public authorities without the condition of providing Inclusive Housing before coming into force of these regulations. However, it shall be mandatory on public authorities to stipulate the condition of providing Inclusive Housing as per provision of this regulation, while auctioning the plots hereinafter, wherever applicable.