

REGULATORY GUIDELINES FOR URBAN UPGRADING

Case Study of Colombo, Sri Lanka

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REGULATORY GUIDELINES FOR URBAN UPGRADING CASE STUDY OF COLOMBO, SRI LANKA

1.1 Background

Colombo is a fast growing city and the major commercial hub of Sri Lanka with a population of just under 1 Million. The city's administrative area is 37.31 sq. km. that is grouped into six Administrative Districts and 47 Municipal Wards. At present, about half of the city population lives in about 1506 low-income settlements (under-served settlements). These settlements vary in their population size from less than 10 households to about 1200 households. However, a majority of them are within the range of 60 to 120 household sizes.

Until 1978, no major government programmes were implemented to improve the condition of low-income settlements of Colombo. The UNICEF's Urban Basic Services Programme implemented during the period 1978 to 1986 was the first ever-major government programme carried out to improve the living condition of the urban poor settlements in Colombo. Provision of basic common amenities such as stand posts, common toilets, access roads, community centres, and health care programmes and pre-schools were some of the important improvements carried out under the Urban Basic Services Programme.

Subsequently, the Slums and Shanty Improvement Programme implemented by Urban Development Authority has drawn up a comprehensive citywide programme for upgrading of urban low income settlements. Introducing a new policy package to relax the normal building standards for improving urban low income settlements allowed the Urban Development Authority to declare low income areas as special project areas for upgrading of housing and infrastructure. The follow-up major housing programmes implemented by the government during the period 1984 – 1994 enabled upgrading of about 60% - 70% of urban low income settlements in Colombo. Even after the 1994, though not at a large-scale improvement of urban low-income settlements continued. Currently, a re-housing programme has been launched by the government of Sri Lanka, which is known as the Sustainable Township Programme or the REEL Programme.

Under the REEL Programme, some identified low income areas will be re-developed creating modern townships whereby providing better infrastructure and housing in apartment buildings, while the total area is developed with basic amenities and shopping / employment activities. However, it is premature to make comments on this programme since people have not yet moved into new housing areas.

However, as indicated above, those low income settlements that have been improved / upgraded during the period 1998 to 1994, have had major impacts on the quality of life of the communities as well as on the general city environment. The improved services, no doubts would have positive impacts over all aspects of the life of the poor. However, no comprehensive study seems to have carried out to investigate and document the impacts on the life of the urban poor and the aspects of improvement in their livelihoods. Therefore, the present study attempts to review the regulatory environment that has had impacts on the urban poor settlements and their livelihood patterns in order to identify appropriate regulatory interventions for the benefits of the urban poor.

Following are the major legislations and regulatory tools identified most relevant for review under the present study.

1. Housing and Town Improvement Ordinance – 1915
2. Town and Country Planning Ordinance – 1945
3. Ceiling on Housing Property Law – 1973
4. Urban Development Authority Act - 1978
5. UDA – Planning and Building Regulations
6. Urban Development Authority (Special Provision) Act
7. Draft Regulations for Low Income Settlements
8. Community Building Guidelines by National Housing Development Authority (NHDA)

1.2 Purpose of the Study

To help local authorities and their partners to revise and design the regulatory frameworks governing the regularization and improvement of informal low-income settlements.

Specific objectives of the study

- i. Review the existing regulatory framework and legislation for regulation and upgrading of low-income settlements.
- ii. Study how are existing legislations affect the poor people's livelihood and their assets.
- iii. Assist local authorities and communities to improve their capacity in order to evolve a pro-poor regulatory framework that would help guiding and improvement of informal low-income settlements.

1.3 Methodology of the Study

The study will follow participatory research methodology in consultation with urban stakeholders in the following manner.

1. Review – Legislations, rules, regulations and by-laws relevant to for urban planning and building construction are reviewed with special reference to the low income housing and the livelihood assets of the poor.
2. Consultations – Different consultation techniques will be applied in appropriate manner in order to collect necessary data. It is expected to use the following as the key consultation techniques:
 - Person to Person Meetings - The Principal Researcher will contact those who are involved in developing and enforcing the building regulations as well as men and women who have gained experiences in constructing their houses by using building regulations approved by local authorities or project implementing agencies. Professionals and officials from the key implementing agencies like Urban Development Authority (UDA), Municipal Councils

(MCs) and National Housing Development Authority (NHDA) will be included into these meetings.

- Focus Group Discussions – Building regulations have different degree of impacts to different people - for example men and women - in different ways. Research will identify group of people based on the research elements and conduct focus group discussions.
 - Workshops – Workshop method is applied mostly to create a platform for meeting different stakeholder groups for them to share their experiences. It is expected to hold four workshops during the research period.
3. Piloting – Since this research project will be carrying out over a period of two years, draft building guidelines and by-laws will be tested with households in selected low income settlements in Colombo.

2.0 History of Urban Upgrading Programmes in Colombo

When looking at the past efforts to improve the urban low income housing in Colombo, several significant initiatives have been taken since the beginning of 1970s. Those significant initiatives are presented in brief below:

2.1 Major Urban Housing Programmes from 1970 to 1990

i. Enactment of the Ceiling on Housing Property Law No. 1 of 1973 (CHP Law)

The Purpose of the Law

- Serious housing shortage in the city as well as the deteriorating conditions of existing residential quarters in the inner-city areas compelled the government to introduce the CHP Law.
- The purpose of the Law was to regulate the ownership, size and cost of construction of houses in the country.
- Permitted number of housing units any individual and a co-operate body can own have been specified.
- Excess houses were appropriated with the Commissioner of National Housing (CNH), which were subsequently transferred to the tenants to broaden their ownership rights.

Achievements of the CHP Law

- After the five years of introducing the CHP Law, about 12,347 tenements units (slums) out of a total of 17,253 units were vested with the Commissioner of National Housing (CNH)
- About 5,365 units or 43.5% of the vested housing units were subsequently transferred back to the occupants under the freehold title.
- Others were managed by the CNH as government owned residential quarters.
- Although individual housing units were transferred to the tenants, there was no comprehensive settlement improvement programme to improve the basic amenities of low-income settlements.
- In the mean time, about 12,000 families who were living in shanty settlements have had no any impact of the CHP Law, since they were considered illegal settlers.
- However, the CHP Law can be seen as the first ever government effort to recognize and take action on the housing problem of the low-income people of Colombo.

ii. Urban Basic Services Improvement Programme (UBSIP) of the UNICEF 1978 to 1986

- Although the legal ownership of the houses were granted to a majority of slum dwellers under the CHP Law, there was no comprehensive development programme to improve the living conditions of the poor. As a result the urban poor suffered serious health problems as well as lacked basic amenities. This was a grave concern of the government. During the latter part of 1970s the UBSIP came into operation at this crucial movement.
- The UBSIP was implemented under the Ministry of Local Government Housing and Construction involving the Colombo Municipal Council and the Common Amenities Board (a government institution established solely for construction and maintenance of basic services in urban low income settlements).
- Provision of common toilets, conversion of bucket latrines to water sealed common toilets, street taps, common bathing places, storm water drains, community centres as well as carrying out health improvement programmes were implemented under the UBSIP by the above institutions.
- A considerable improvement of the living standards of urban poor was achieved under the UBSIP.
- In implementation of the above physical amenities improvement, the communities of settlements were organized under Community Development Councils (CDCs). The CDCs were involved in decision-making and implementation of UBSIP programme activities.
- The Community Development Councils introduced under the UBSIP have been an important community organization of subsequent programmes and projects implemented by the Colombo Municipal Council, the National Housing Development Authority and Common Amenities Board in the city. Nearly 600 Community Development Councils are functioning in the city even up to the present day.

iii. Implementation of the Slums and Shanty Improvement Programme - SSIP (1978 to 1984)

- Under the favourable legal and institutional conditions created by the CHP Law and the UBSIP, the need arose for introducing low-income settlement improvement strategies. In this context, newly established Urban Development Authority (UDA) in 1978 has initiated SSIP as a pilot programme for improving the urban poor settlements in Colombo.
- A policy paper on slums and shanty improvement was prepared and the approval of the government was obtained for its implementation.

- Under the SSIP a comprehensive slums and shanty improvement programme was implemented which included onsite upgrading of low income settlements, site and service projects, amenity improvement projects depending on the problems of a particular settlement.
- One of the remarkable achievements of the SSIP was that it was able to convince the policy makers to agree on relaxing the normal planning and building regulations thereby allowing to declare low-income settlements as "special project areas" in the city.
- Under the relaxed building regulations, low-income communities were able to construct a legal accepted permanent house on a small plot of land i.e. 37.5 sq.m. to 50 sq.m. where set back requirements etc. were reduced.
- This provision still remains enforced in Sri Lanka.
- The SSIP promoted the concept of self-help and beneficiary participation in planning and construction of houses and common amenities in low-income settlements.
- The tools such as Community Action Planning (CAP) were tested under SSIP.
- Through the SSIP, a strong linkage between communities and the officials of formal sector institutions became a reality. This has developed confidence in the minds of the poor to work with officials.
- Government had taken a policy decision to grant leasehold rights to shanty dwellers as part of the SSIP package.

iv. Major Housing Development Programmes Implemented by the National Housing Development Authority (NHDA) since 1978

1978 – 1984	-	Hundred Thousand Houses Programme (HTHP)
1985 – 1989	-	Million Houses Programme (MHP)
1990 – 1994	-	1.5 Million Houses Programme
1994 – 1999	-	Jana Udana Housing Programme

- All these housing programmes were national level programmes implemented with fullest political support and commitments.
- The HTHP adopted a provider-based approach where direct constructions of houses as well as self-help methods were tested.
- After realizing the limitations of provider-based approach for achieving a large-scale housing development, the government has evolved the Million Houses Programme.

- The Million Houses Programme followed an enabling approach where government played a role of a facilitator while the homebuilder was given a greater freedom to decide on housing options and methods of constructions.
- The 1.5 Million Houses Programme followed the same approach and planned to encompass housing needs of all the economic sectors of the country (i.e. urban housing, rural housing, fisheries housing, plantation sector and the private sector housing).
- Under the MHP a wide range of housing options were made available to the people which included i.e.
 - Site and services projects
 - Land regularization and on-site upgrading projects
 - Common amenities improvement project
 - Individual housing improvement
 - Housing loans for purchase of plots and construction of housing units

2.2 Impacts of the Government Housing Programmes on Urban Poor

- The Urban Housing Sub Programme included in the HTHP and MHP has fully recognized the need for improvement of urban low-income settlements.
- The urban poor had been benefited immensely by a large number of low income housing improvement programmes and projects implemented in Colombo and other urban areas of the country.
- Giving leasehold tenure rights to the urban poor had established a sense of permanency of their occupation and motivated in investment in housing.
- During the period 1978 – 1994 about 60% to 70% of the urban low-income communities had benefited under the above programmes.

2.3 Institutional Arrangement for Urban Housing Programmes – 1978/94

Urban Housing Programmes since 1978 to 1994 and the Jana Udana Housing Programme after 1994 have been implemented by a decentralized institutional arrangement under the Ministry of Local Government, Housing and Construction. Main institutions and local level organizations involved in this institutional arrangement are described below in brief.

a. Ministry of Local Government, Housing and Construction

The main responsibility of the Ministry was the development of national policies and programmes and in-charge of national level coordination and monitoring.

b. National Housing Development Authority (NHDA)

NHDA was responsible for coordination and implementation of national programmes and to provide technical assistance, training and information to the district and local authority level institutions to implement the MHP.

c. Other Central Government Organizations

There were several central government organizations involved in urban housing development programmes. These agencies were mainly in-charge the provision of sector specific services as described below.

- Urban Development Authority
Planning regulations and development control, setting standards for physical development in urban local authorities
- National Housing Development Authority
Planning and Implementation of housing and infrastructure programmes for urban and rural areas of the country.
- National Water Supply & Drainage Board
- *Provision of water supply*
- Ceylon Electricity Board
Provision of electricity
- Sri Lanka Land Reclamation & Development Corporation
In-charge of O&M of Canal Network in Colombo and assist in relocation of affected urban poor families
- Common Amenities Board
Maintenance of amenities to low-income settlements

d. Housing and Community Development Committee (HCDC) of Urban Local Authorities

HCDC has been a main committee responsible for decentralized implementation of UHSP at municipal level. This committee is still active in Colombo Municipal Council and some local authorities in Colombo Metropolitan Region. The HCDC is a forum of all elected members, government officials, community representatives and other civil society organizations including NGOs. All decisions with regard to the implementation of programmes for the community development are taken at this meeting. The Mayor, Deputy Mayor of the Municipality or the Commissioner chair the committee meetings. Chief Medical Officer of Health of the Council acts as the secretary. HCDC meets every month and discuss issues related to housing and infrastructure at the settlement level.

e. *Urban Local Authorities (ULAs)*

ULAs have the authority as well as responsibility to assemble or acquire land, obtain planning clearance and provide services and infrastructure to residential areas. They are also responsible for planning and implementation of upgrading and relocation projects involving low-income settlements according to the decisions taken by the HCDC. Solid waste collection and disposal within the local authority area is one of a main function of the ULAs that affect low income communities.

f. *Community Development Councils (CDCs)*

The key aspect of the UHSP was the devolution of decision-making process to the community and the individual low-income families. This was facilitated through the establishment of CDCs in each settlement that was identified for any community development activity by the local authorities or NHDA. The CDCs serve as the channel of communication from community to ULAs and to other implementation agencies. CDCs were mainly responsible to work closely with the municipal health staff to bring community health facilities to low income families and also to take decisions in planning and upgrading of low income settlements where plot sizes, layout plans, public spaces and the provision of basic infrastructure services were of crucial importance. In addition to the CDCs, there were savings and credit groups, women organizations and community welfare societies involved in housing improvement programmes implemented for low-income communities.

g. *Non-Governmental Organizations and the Government Poverty Alleviation Programmes*

ULAs and NHDA did not have sufficient skills and capacities to implement social development programmes in urban low-income communities. Mostly Non-Governmental Organizations assisted ULAs in implementing health, income generation, skill training and other social development programmes to low income settlements. The government had implemented several programmes for poverty alleviation over the last 20 years. The government staff working as social mobilizers on poverty alleviation was also working with community organizations in these settlements.

h. *Households*

In the shelter improvement programmes implemented by the NHDA under support based housing policy, individual households in low-income settlements played an important role. As these programmes have seen the poverty as the major causes for the low-income housing problem, improvement of household economic base and the promotion of self-help approach in housing have been given the priority. Apart from that, mechanisms and institutional structures have been made to ensure household participation at every stage of the settlement development.

3.0 Review of Major Legislations on Urban Development and Housing

A large number of legislations have been enacted for the provision of powers necessary for central government and local government agencies to carry out development activities in a planned manner in urban areas. Some of these legislations are designed to encourage people for development of urban lands. Others are designed for the control of development activities initiated by private sector parties in order to avoid environmental and health risks. There are more than 100 ordinances and acts passed by the parliament of Sri Lanka that directly or indirectly influences the urban environment and the livelihoods of the people.

This section of the paper describes briefly major legislations enacted in the past to enable local government authorities to undertake:

- town development plans and improvement schemes and
- the establishment of new government institutions and authorities for urban development.

Among many legislations, four legislations have been identified as the key instruments for creating institutions, structures and procedures for urban development in Sri Lanka. Following section will present purposes of and institutions created for implementation of legislations. Rules and regulations implemented as a result of enactment of legislation are also discussed.

1. Local Government Legislations
 - a. Municipal Council Ordinance
 - b. Urban Council Ordinance
 - c. Town Council Ordinance
 - d. Pradeshiya Sabha Act.
2. Housing and Town Improvement Ordinance
3. Town and Country Planning Ordinance
4. Urban Development Authority Law

3.1 The Local Government Legislations

Three types of local government authorities currently govern the urban and rural areas of the country. They are:

- a. Municipal Councils
- b. Urban Councils
- c. Pradeshiya Sabhas

The municipal councils administer most urbanized parts of the country and the major towns. Medium and small sized towns mostly comes under urban councils. Semi-urban and rural areas are administered by the Pradeshiya Sabhas. Each local authority is constituted by legislations passed by the parliament. Constitution, election system and function of local authorities are very similar to each other. But the powers and the resource base of municipal councils are greater than other two authorities.

Colombo was the first municipal council established in 1865 with the enactment of "an Ordinance for Establishing Municipal Councils in the Island". Shortly afterward, Kandy and Galle Municipal Councils were established.

The Municipal Councils Ordinance No. 29 of 1947 was enacted to amend and consolidate the laws relating to municipal councils. This ordinance provides general powers of a municipal council and the specific details of the powers and duties relating to streets and public health. The general powers of the municipal council are given for the establishment and maintenance of the following services.

1. Water supply
2. Lighting of streets, public places and public buildings
3. The supply of electric light and power
4. Markets
5. Public baths, bathing places, laundries and places for washing animals.

By now most of the above services such as water and power supply have been taken over by the central government organizations. Specific powers have been given under specific legislations to regulate, control and administer all matters relating to public health, drainage, latrines, insanitary buildings, construction of buildings, conservancy and dangerous trades and collection of rates and taxes. Municipal councils have powers to formulate and adapt by-laws according to the needs of people and the requirement of the council within the legal provisions given in the municipal ordinance and other powers and duties conferred and imposed upon a municipal council by other statutes. These include hundreds of legislations from registration of dogs within the council limits under the Registration of Dogs Ordinance to declaration and implementation of development projects under H&TI Ordinance of 1915, T&C Planning Ordinance of 1946 and the UDA Act of 1978.

In general, municipal councils have powers to administer all matters related to all types of human settlement arrangements within the geographical limits of the councils. These powers have been granted mainly under the provision of H&TI Ordinance, T&C Planning Ordinance and the UDA Act.

Families who have been occupying lands within the municipal limits without any legal documents for their occupancy, are considered as illegal settlers. Even though such families have voting rights within the provision of main ordinance and other statutes, municipal council has no power to spend its own resources for the improvement of environmental health and housing conditions of such committees. These committees are described in the municipal ordinance, H&TI ordinance and Town & Country Planning Ordinance as insanitary settlements or slums and shanties. Insanitary dwellings and some re-housing schemes proposed under H&TI Ordinance were meant primarily for slums and shanty communities. It is important to note that in the municipal ordinance as well as H&TI Ordinance that urban upgrading has not been considered as a part of municipal service provision or a part of the town development.

3.2 Housing and Town Improvement (H&TI) Ordinance of 1915

This ordinance has been enacted in 1915 when Sri Lanka was a colony under the British rule. The H&TI Ordinance has been the oldest as well as basis for all subsequent laws of urban planning and development. As stated in the ordinance, the purpose of it was to provide for

better housing of the people and improvement of towns. It was expected to deal with existing problems of insanitary conditions and urban overcrowding as well as to prevent such conditions in the future. As the economic situation of most industrial countries during this period is based on the free enterprises, the state control on urban development was minimum. Most legal provisions were enabling legislations for the local authorities to manage insanitary and overcrowding situation with private sector and other civil society organizations.

The ordinance had been enacted to empower the urban local authorities that included municipal, urban and town councils. (Town Councils were absorbed in Pradeshiya Sabhas under the Pradeshiya Sabhas Act, No. 15 of 1987) It had given powers to these local authorities for the implementation of H&TI Ordinance in addition to any powers of such local authority under any other enactment.

Key features of the H&TI ordinance:

- It is an enabling legislation to empower local government bodies
- Local authorities can take two major measures under the law in order to control the urban development:
 - Preventive measures
 - Remedial measures
- The law has given a detailed Schedule of Rules as standards to be enforced by local authorities for the prevention of occurrences of environmentally insanitary situations and the construction of structurally unsafe buildings for public and human habitation in urban areas.
- The Mayor or the Chairperson of the local authority was empowered under *preventive measures* to control and guide the construction of all kinds of buildings and streets within his/her jurisdiction area.
- Instruments given by the law for local authorities to implement **preventive measures for buildings** are as follows:
 - Approval for erection and re-erection of any building
 - Approval for alteration of any building
 - Inspection of building operations
 - Offences and legal actions to be taken by the local authority against for those who fail to comply with the requirement of this law.
 - Issuing of Certificate of Conformity (COC)
 - Appeal process for those who are not satisfied with the actions taken by the local authority
- Instruments given to implement **preventive measures for Streets:**
 - Developing properties setting apart streets and back lanes
 - Demarcation of street lines
 - Demarcation of public street according to standards presented in schedule of the ordinance
 - Construction of private streets
 - Offences and legal actions to be taken by the local authority against for those who fail to comply with the requirements of law
 - Appeal process
 - By laws for regulating and preventing character of special areas.

- Urban local authorities were given powers to create an institutional structure for planning and implementation of ten types of Improvement Schemes as **Remedial Measures** to solve the problem of insanitary conditions in towns and cities.
 - a. General Improvement Scheme
 - b. Redistribution Scheme
 - c. Rebuilding Scheme
 - d. Re-housing Scheme
 - e. Housing Accommodation Scheme
 - f. Street Scheme
 - g. Street Intersection Scheme
 - h. Street Widening Scheme
 - i. Back Lane Scheme
 - j. Building Scheme
- Law has specified the definition of each scheme and the implementation and completion procedures
- Under this law, the local authority has the power to stop the construction or to remove part of or the complete building (Obstructive Building and Insanitary Dwellings) if it is considered unfit for human habitation or dangerous or injurious to health.
- Local authorities are given powers to acquire any land or building or part of land or building is considered necessary for the purpose of the ordinance. Acquisition of property and payment of compensation to the affected parties will be carried out with the approval of the respective minister under the Land Acquisition Ordinance.
- Standards for Buildings, Rooms and Streets in the law as rules are given in the annex.

3.3 Town and Country Planning Ordinance No. 16 of 1946

Town and Country Planning Ordinance came into effect in 1946. The purpose of the ordinance as cited in the ordinance itself is:

“ To authorize the making of schemes with respect to the planning and development of land in Ceylon, to provide for the protection of buildings and objects of interest or beauty to facilitate the acquisition of land for the purpose of giving effects to such schemes and to provide for matters incidental to or connected with the matters aforesaid.”

In order to achieve the above objectives, a national level consultative body known as ‘Central Planning Commission’ was established to provide advise to the minister who is in charge of planning and development of land in the country. Most important outcome of the ordinance was the creation of the Department of Town and Country Planning and the appointment of the Government Town Planner as the head of the department. The function of the department was to prepare planning schemes and to act as technical agency to provide technical assistance to prepare town-planning schemes for every municipality and every town within the meaning of the Urban Council Ordinance. As per the ordinance, the Department was responsible for the preparation of three types of planning schemes:

- a. Regional Planning Schemes

- b. Detailed Planning Schemes
- c. Outline Planning Schemes

Due to the limitations of financial resources and manpower, many local authorities had been unable to prepare Town Planning Schemes for their respective towns. Some towns in the country were important due to their history and location architecturally prominent and important religious structures. Under this law, the Minister in-charge of the subject of town and country planning can declare such towns or areas to be developed as special projects or planned towns. The Department in collaboration with the respective local authority carries out Planning and implementation of new towns development. Important feature of the ordinance was that the urban local authorities remained as the planning and executive authority of planning schemes. Attempts have been made through this Ordinance to improve the technical capacity of urban local authorities for the preparation of planning schemes as well as implementation of preventive and remedial measures entrusted to local bodies under the Housing and Town Improvement Ordinance of 1915.

3.4 The Urban Development Authority Law of 1978, No 41

With rapid urbanization that was taken place in the country after the independence in 1948, powers and functions given to urban local authorities and to the Town and Country Planning Department under the existing legislations were not sufficient to address the complex issues emerged in urban areas. In the late 1970s, the government of Sri Lanka with the technical assistance of the UNDP, a Master Plan for Colombo Metropolitan Area was prepared. In view of the limited capacity of Colombo Municipal Council and other local authorities in the metropolitan area, this plan made several recommendations to set-up a new institution with necessary powers for implementation of the Colombo Master Plan and some innovative solutions for solving the housing, water and sanitation problems of the urban poor.

As recommended in the Colombo Master Plan Project, the Urban Development Authority was set up in 1978 under the Urban Development Authority Law, No. 41. Under the law, a new institution called Urban Development Authority (UDA) was established. As cited in the law, the purpose in establishing of UDA was ‘ to promote integrated planning and implementation of economic, social and physical development areas as may be declared by the minister to be Urban Development Areas and for matters concerned therewith or incidental there.’

The amendment to the Urban Development Authority Law introduced in 1982 made it mandatory for the UDA to prepare Development Plans for all areas declared under section 3 of the UDA Law and also authorized it to carry out physical development Control in such areas. By the end of 2000, UDA has declaredMunicipal Councils, Urban Councils, Pradeshiya Sabhas andGrama Niladari Division as Urban Development Areas.

In order to achieve the objectives of the UDA, it is vested with following powers:

- a. Preparation and implementation of integrated plans for physical development,
- b. Preparation of development plans including capital investment programmes,
- c. Preparation of schemes for environmental improvement,

- d. Carrying out building, engineering and infrastructure development projects,
- e. Acquisition and disposal of movable and immovable property, clearance of slums and shanties,
- f. Rendering of technical advise to other Government Agencies on problems of land use and location,
- g. Co-ordination and control of development projects carried out by other Government Agencies,
- h. Formulation of land use policy in declared areas,
- i. Preparation and implementation of development plans for declared areas covering such aspects like land use and density zoning, street line set backs, height of buildings, open spaces, control of environmental pollution, parking, landscaping ect, and
- j. Exercising of development control to ensure conformity to development plans and planning regulations.

The UDA has its office in Colombo. A Board of Management constituted by the senior officers of relevant ministries carries out the management of its affairs.

The UDA has delegated some of its functions and powers to Heads of local authorities to carry out development control activities. In order to facilitate preparation and implementation of development plans, the UDA has established Planning offices in some of the local authorities. New set of Planning and Building Regulation gazetted by the UDA in 1986 is being enforced in declared areas replacing the provisions of the Housing and Town Improvement Ordinance which are considered inadequate to deal with development control problems of highly urbanized areas in and around Colombo and other regional town centres.

4.0 Review of Regulations on Development Control

According to the review of major legislations on urban development and key programmes carried out for improvement of housing and service facilities for the poor during the last two decades, it could find several regulatory frameworks that have been implemented by different agencies in urban local authority areas. The purpose of this section of the paper is to review those regulatory frameworks with special reference to the urban low-income communities in Colombo Municipal area.

4.1 *Rules for Buildings, Rooms and Streets under Housing and Town Improvement Ordinance of 1915*

For the first time in Sri Lanka, the Housing and Town Improvement Ordinance of 1915 empowered urban local authorities and imposed a set of planning and building rules to administer urban development in general and to encourage individuals to carry out their construction to a set of standards. These rules are given as planning standard in the schedule of the Ordinance. Those urban areas, which are not declared under the UDA Law, the provisions of H&TI are still applicable. They have been designed mainly to ensure the health and structural safety aspects of the building.

These rules have been introduced, as preventive measures for local authorities to monitor that the people are not living in insanitary environments in towns. They are used mainly to control, administer or regulate the following aspects of the buildings:

1. Height in proportion to the width of existing streets
 2. Reservation of proportion of site as open space
 3. Size and ventilation of inhabited rooms
 4. Open air spaces at side or interior of buildings
 5. Open space in rear of buildings
 6. Access from single room tenements to street
1. Height of all buildings except places of religious worship will be decided based on the width of existing street.
 2. Reservation of proportion of site of domestic building, factory or workshop as built-up area.
 - In general on any site, this area should not exceed two-thirds of the total area of the site.
 - Area not covered should be retained as part and parcel thereof.
 - No structure shall be erected upon the reserved other than latrines, bathing and cooking places as may be allowed by local by-laws and approved by the chief executive of the local authority.
 - No roof or projection of build is allowed to build over any part of area so reserved.
 - This rule can be exempted under special circumstances subject to the approval of the minister.
 3. Size and ventilation of inhabited rooms of domestic building:
 - An average height of at least 9 feet and no place less than 7 feet.

- If a domestic building has only one habituated room which should not be less than 120 sq. feet in size and all other additional rooms not less than 90 sq. feet.
 - At least one side of room must be an external wall abutting on the open air.
 - Each side of such room must be not less than 8 feet in length.
 - The height of every door in such rooms must be less than 6 feet.
 - It must have opening into an external space that
 - Must be not less than one-seventh of floor area of the room.
 - Aggregate opening of both doors and windows should not be less than one-fifth of the floor area.
 - In every case opening of each window must be not less than 8 sq. feet
 - Every window mentioned above must open to a "Standard Light Plane". Such plane must be open to sky and free from any obstruction other than eaves or sunshades projecting to an extent of not more than one and half feet from the place of building.
4. Open air spaces at side or interior of buildings:
- The external open space referred above must in no case be than 7 ½ feet in width from the side of a building.
5. Open space in rear of buildings
- Minimum width of the rear of every domestic building, factory or warehouse must be 10 feet.
6. Access from single room tenements to streets
- Rows or blocks of buildings inhabited in tenements by the poor people:
 - Front face of such buildings less than 100 feet in length must be provided adequate direct access to a public street from each tenement.
 - When such tenement buildings are enclosed wholly or upon three sides, the following conditions shall be enforced:
 - ☐ The interior of such courtyard shall be not less than 15 feet in all directions.
 - ☐ Such a courtyard is enclosed wholly the "Standard Light Plane" should be 45°.
 - ☐ When tenements are arranged back-to-back, with approval of chairman / mayor of local authority, the health officer should inspect and certify that said tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms.
 - Any such range of block shall not exceed three stories in height.
7. Width of street
- In order to improve the environmental sanitation in new land subdivision schemes and all other improvement schemes, this law has imposed standards (scales) upon local authorities to maintain a minimum width of street in proportion to the number of plots served by the respective street or road.

- Every new street intended for carriage traffic should be not less than 40 feet in width.
- Width of street is decided when it is intended to serve limited number of premises according to the following table

The Street is intended for services of	Approved Minimum Width
a. Not more than two premises	10 feet
b. More than 2 but less than 6 premises	20 feet
c. More than 6 but less than 14 premises arranged as to front on to an open space	20 feet

- Local authority can approve:
 - A Street intended for foot traffic only of not less than 20 feet in width.
 - A back lane or other service passage for sanitary or other special purposes of not less than 10 feet in width.

As the H&TI Ordinance being the basis for regulatory framework of urban development in Sri Lanka, standards introduced as rule at that time were presented in the above section.

The general comments on the impact of those rules on the lives of the urban poor people are as follows.

- These rules have been primarily developed and implemented for the improvement of health aspects of the buildings and public health conditions of the towns in general.
- The affordability of different income groups for housing and basic services has not been taken into consideration in the development and implementation of the rules.
- At the time of this Ordinance was introduced to Sri Lanka, the issue of slums and shanties in towns was marginal. Therefore, rules in the Ordinance have been designed to improve the health conditions of existing slums rather than upgrading of low-income settlements.
- Rules of the Ordinance had been designed based on the similar legislations introduced in the Europe at that time for improvement of public health situation of towns after industrial revolution.

4.2 The Urban Development Authority Planning and Building Regulations – 1986

The Urban Development Authority was set-up in 1978 under the Urban Development Authority Law, No. 41. As cited in the law itself, the purposes of the establishment of the UDA was to "promote integrated planning and implementation of economic, social and physical development areas as may be declared by the minister to be Urban Development Areas and for matters concerned therewith or incidental thereto".

Under the section 3 of the Law, any area that is suitable for development in the opinion of the minister will be declared in the Government Gazette on "Urban Development Area". In all declared areas, thereafter, the rules and regulations created by the UDA will be the valid law for any kind of development, management and control of physical development activities.

Part II of the legislation has given powers for UDA to carry out its functions. Under these powers, UDA is not only a planning agency but also it can implement projects and carry out businesses to generate resources for urban development in the country. As far as this study is concerned powers given under Section 8 (j), (n), and (r) of the law are important. Those powers as stipulated in the act are as follows.

- 8 (j) - *To develop environmental standards and prepare schemes for environmental improvements in such areas (declared areas).*
- 8 (n) - *To cause the clearance of slums and shanty areas and to undertake the development of such areas.*
- 8 (r) - *To regulate any planning projects or schemes prepared by any government agency or other persons in such areas.*

A set of comprehensive urban planning and building regulations was developed and tested in selected urban local authorities by the UDA during the first five-year of its operation. In March 1986, the UDA gazetted those regulations may be cited as the "Urban Development Authority Planning and Building Regulations – 1986. Under the provisions of the law, these regulations are applicable to every area declared by the minister as "Urban Development Area".

When these regulations are compared with the previous rules, they are very comprehensive, detailed and more emphasis has been given to the aspects of construction control in development. In a summary, elements incorporated into this law can be given as below.

1. Submission of Plan - Type of plans, drawings of their scales and specifications needed for UDA in submission with a development proposal or application.
2. Building Categories - Buildings are categorized into 3 types.
 - "A" – Building consisting of five or more floors
 - "B" – Building not being high-rise and does not fall under "A" and "C"
 - "C" – Any residential building not exceed three hundred square meters.
3. Preparation and Submission of Structural and Service Plans.
4. Preliminary Planning Clearance and Approval of Plan
5. Appeal against Refusal
6. Suitability of Site
7. Use of Site
8. Floor Area Ratio – Permissible FAR in any development plan

9. Access to Residential Units

No. of Dwelling Units	Minimum Width (Meters)	Maximum Length (Meters)
Under 4 Dwelling Units	3.0	50
More than 4 but not 8 Units	4.5	100
More than 8 but not more than 20 Dwelling Units	6.0	-
More than 20 Dwelling Units	9.0	-

10. Specification as to Lots

Charter of Building	Minimum Lot Size	Minimum Width of Lot
All buildings except those included below	150. Sq.m.	6 m
Public Assembly Building	300 sq.m.	12 m

11. Height of Buildings

12. Street Line and Building Lines

13. Sub-division of Land

14. Layout for Flats and Housing Units

15. Open Spaces around Buildings

16. Additional Requirement for High-rise Buildings

17. Parking

18. Architectural Control

19. Conservation of Places of Historical, Architectural Interest or Landscape Value

20. Landscape and Advertisement Control

21. Clearance from other Agencies like Electricity Supply Authority

Building Regulations

- Room size
- Wall height
- Staircase
- Lighting and ventilation
- Mechanical ventilation and air conditions
- Foundations
- Lifts

- Water supply and sewerage
- Drainage
- Water disposal
- Electrical and plumbing work
- Fire safety
- Certificate of conformity
- Unsafe building

Physical development activities in towns declared under UDA Law are currently being guided by the above regulatory framework. Even though urban local government bodies were the planning and execution authorities under H&TI Ordinance and T&C Planning Ordinance, under UDA Law this responsibility is still vested with the UDA. Some of its these powers have been delegated to the mayors and chairpersons of local authority. But whenever the Minister needs to them into the control of central government, it is done under this Law.

On contrary to the centralization of urban development functions to a single authority, UDA Law has provisions to create special regulations for areas declared as special projects in towns under the same law. While it was developing more conventional planning and building regulation for general urban development, UDA has allowed special programmes to innovate and practice different set of regulations which are appropriate to the special physical and socio-cultural situations of the towns.

Public health, daily commuters needs and the structural safety of the buildings have been the major factors considered in developing general regulations. These regulations have not considered or it is not designed in a way that enables informal sector or the urban poor to continue their livelihoods or to protect their livelihood assets within a new urban development plan.

5.0 Evolving a Participatory Approach for Development of Regulatory Guidelines

a. Slum and Shanty Improvement Programme of UDA

Under the mandate of the development of public amenities in urban area, UDA embarked on implementation of slum and shanty upgrading pilot projects in the year 1978. In the same year, the UDA has formed Slum and Shanty Division (SSD) within the organization.

The upgrading approach developed by SSD was to provide residents upgradable slum and shanty areas with basic improvement such as regularization plot and land tenure, provision of communal water and toilet facilities and upgrading of roads and footpaths. In collaboration with other governmental and non-governmental organizations was sought to provide for income generating and social development activities. In later years, relocation of household living in unupgradable shanty areas to new sites and services area was incorporated into the programme.

The strength of the programme was that it established upgrading as a feasible alternative to the clearance of slums and shanties and trained a group of professionals who have been involved in development of participatory mechanisms and institutional setup for urban upgrading.

This programme was unique in a way that it had developed a set of planning modules and layouts and implementation strategies for urban upgrading. This programme laid the foundation for development of low cost shelter policies and strategies that subsequently evolved as an alternative low income housing programmes under the Million Houses Programme in 1984.

The programme has piloted a number of upgrading projects in Colombo from 1978 to 1984. During the period of six years, several innovative steps were developed to improve the living environment of the urban poor in Colombo. Those innovations could be summarized as follows.

- a. Identification of on-site upgradable and non-upgradable low-income settlements within the city of Colombo based on a comprehensive planning criteria.
- b. Development of three upgrading approaches based on the settlement locational situation for the improvement of all low income settlements in Colombo.
 - Permanent upgrading
 - Temporary upgrading
 - Sites and services for relocation
- c. Development of a set of minimum standards for layout planning and infrastructure improvement in low income housing schemes.
- d. Preparation of a policy paper for slum and shanty upgrading and obtained the approval for it by the government.

- e. Development of procedures for the declaration of all settlements identified for upgrading and relocation as special projects under UDA law.
- f. Normal building regulations (Rules of H&TI Ordinance and UDA Regulations) were relaxed in the declared special project areas (standard used under relaxed regulations in annex) in order to make the housing affordable for the poor and to allow low-income households to stay at the same locations and continue their livelihoods.
- g. Programmes for social development were implemented in partnership with local authority, NGOs and CDCs and CBOs.
- h. Innovative participatory methods were introduced in land regulation, provision of infrastructure, house building and other social development programmes.
- i. This programme obtained the government approval to grant 40-year leasehold rights for those households whose land occupancy was regularized.
- j. Under the urban upgrading process initiated by SSD/UDA, more than one half of the low-income families in Colombo city were able to improve their living environment on self-help basis by 1984.

The initiatives taken by the SSD /UDA programme was so important for subsequent development of Support Based Urban Housing Programme under the Million Houses Programme for all the urban local authorities in the country.

b. The Urban Housing Sub-Programme (UHSP)

The National Housing Development Authority (NHDA) started the Urban Housing Sub-Programme in 1985 under the Million Houses Programme (MHP). In order to execute it, the operations of SSD of UDA were incorporated into the Urban Housing Division (UHD) of NHDA.

In early 1980s, even though the country was facing the problems as a result of national and international economic deterioration, the government had considered the housing as a long-term development concern of their programme. Lessons learnt by the government from its aided self-help in rural housing and SSD projects in urban areas that it was clear if the government can intervene in solving land, legal and procedural constraints, people are willing to mobilize their own resources for their housing. In this background, the government launched the UHSP for achieving the following broad objectives.

- a. To reach a large number of households and to make resources available to many households instead of providing few with high standard housing solutions.
- b. To establish a decentralized institutional structure for planning and implementation of housing programmes in partnership with central government, local authorities and individual householders.
- c. To place the house-building family at the centre of the planning process. In the informal housing sector, people have shown their capability, initiative and preferences in the way that they construct their own houses. It was the objective of UHSP also to support people-oriented housing process. House ownership and self-help were the basis of UHSP.

- d. To make the programme economically sustainable in the long run. Mechanisms were created to get local authorities and communities participated not only in planning and implementation process but also in recovery of infrastructure cost and the housing loans.

The UHSP was implemented in 51 urban local authorities in the country through the District Offices of NHDA. At District level, NHDA played a supportive role in providing technical and financial assistance for enabling the local authorities and community based organizations to plan and implement their local level housing projects. In order to stimulate the community and individual initiatives, the programme had to develop new structures, procedures, technical tools and guidelines.

By the end of 1989, UHSP was able to achieve most of its objectives due to several reasons. High level of political commitment for the implementation of a participatory housing programme was one of key factors for its success. Another factor was the decentralized institutional structures built at local authority and community level. In order to decentralized the decision making process to the local authority level, UHSP programme created an institute called 'Housing and Community Development Committee' (HCDC) at each local authority. This committee consists of representatives of all institutions working at local authority level. They include the Planning Officer- UDA, District Manager – NHDA, Commissioner of Local Government, Department Heads of the ULA, District Engineers from Water Board, Electricity Board, Community Leaders, elected representatives of local authority and NGOs. This committee met monthly and the mayor or chairperson of the local authority chaired it. These meetings were very useful and influential in deciding the programme activities in consultation with community groups and officials.

The key to programme success was the devolution of decision-making process up to community and household level. Prior to the implementation of UHSP in many low-income settlements, community had already organized into Community Development Council (CDC). Organization of urban low income communities into CDCs were first introduced under the UNICEF assisted Urban Basic Services Programme in Colombo in 1970s. CDC is an elected body from the households living in a particular geographical area that is generally called a neighbourhood or settlement. CDCs worked as the channel of communication between individual households and other agencies involved in the UHSP. CDC, as an organized group of community members, is involved at local level decision making on land regularization, to determine size of plots and land allocation, development of guidelines for housing and infrastructure building, housing loan distribution. After completion of the project, CDCs were generally entrusted the activities such as housing loan recovery, operation and maintenance of infrastructure.

In addition to new structures created to ensure the community participation for UHSP, participatory methodologies and mechanisms also were introduced into the programme. The most common participatory mechanism used in the whole UHSP is called "Community Action Planning (CAP) Approach. Series of structured workshops held at community level to have an interaction between community members and key stakeholders involved in urban development is called "Community Action Planning". Community members discuss with the officials and other participants the problems within their settlement, identify solutions and formulate plan of action. Community members take the responsibility of implementation of these actions for short term and long-term basis in collaboration with the NHDA and local authority staff.

NHDA has been using CAP approach to formulate action plans for various issues faced by the community in shelter improvement process. Key issues for which CAP workshop method has been used are:

- Development of Upgrading Plans for low-income settlements.
- Land Regularization and Pilot Allocation
- Infrastructure Planning and Implementation
- CDC Formation
- Development of Regulatory Guidelines for House Building

c. Development of Community Based Regulatory Guidelines for Upgrading

Declaring low-income settlements as special projects under the UDA law can develop appropriate standards for urban upgrading. Normal planning and building regulations can be relaxed or revised for constructions to be done in special project areas under this provision. As the UDA has not developed appropriate planning and building rules or standards for urban upgrading, UHSP took the initiatives to develop regulatory guidelines for upgrading by using CAP methodology. The development of community agreed regulatory framework for urban upgrading under the CAP approach of UHSP is called "Community Building Guidelines and Rules".

This section of the paper is presents the process used for the development of Community Building Guidelines and Rules mainly by the NHDA in the implementation of UHSP. As it has been developed as a community based approach, major elements of the process are described under the following headings:

- Purpose and Use
- The Framework
- How the Guidelines and Rules are Communicated to the Community
- Sanctions and Enforcement

• Purpose and Use

As it was explained with regard to the Housing & Town Improvement Ordinance and UDA Planning and Building Regulations, public health and planning professionals decide and impose their planing and building codes on the people to develop the housing and infrastructure in urban areas. The purpose of CAP workshop on Community Building Guidelines and Rules is to address the issue of building standard and to enable households to build their houses based on the basic requirements. Since it is a participatory process, community representatives and builders actively involve in making decision on house designing, building materials and relationship of their building activities to services and neighbours.

• Framework

The CAP method used in the UHSP allows community members, professional and technical staff of the local authority and NHDA to develop appropriate building standards in a partnership workshop. This workshop is structured in such a way that different interest groups meet at a place and discuss, confront, think, listen, share and decide what building

guidelines are most appropriate for a particular low-income settlement. Standard workshop procedures and workshop steps have been framed to guide the participants and to get users of the house to participate in designing of building standards. This workshop needs a half-day and it is carried out using the following checklist.

- Issues in the Process of Buildings Structures in Upgrading Settlements
- What is Guidelines?
- What is Rules?
- Who must check that rules are being observed?
- What is the role of CDC and others in Enforcement?
- Sanctions

• **How the Guidelines and Rules are made at a Half-day Workshop**

The Building Guidelines and Rules are made at a short half-day (for hour) workshop. This workshop is held as a forum where community members, men and women, officials and professionals meet each other to discuss the ways how they should tackle the issues faced low income people in the construction of houses and infrastructure.

Project officer or the manager in-charge of the settlement upgrading in NHDA in collaboration with CDC organizes the workshop. It needs about 15 to 20 community members who are ready to improve their existing houses or to build new houses in an upgrading project. Workshop organizer should make sure that related community members represent a good cross-section of the settlement – different age groups, male as well as female (preferably a half of the community members should be female) different ethnic groups, CDC leaders and if possible municipal council members. These workshops are generally held on a weekend suitable for the community members. The workshop is run and managed by a trained facilitator.

At the beginning, facilitator explains the followings as objectives of the workshop.

- To identify the health and building standards which are needed for the houses,
- To identify the relationships to neighbours, services and public open space and decide what the issues are,
- To prepare a set of Guidelines and Rules on the issues, and
- To identify and decide who has to observe the Guidelines and Rules and who is responsible for enforcing the sanctions.

The participants are then divided into three teams and each team is given a topic to discuss and report issues related to the followings.

- | | | | |
|----|------------------------------|---|---|
| 1. | Women's Team | - | Relationship to neighbours |
| 2. | Officials' Team | - | Relationship to services and public and semi-public space |
| 3. | Community and Builders' Team | - | Health and building standards |

Each team will be given a resource person for facilitating and to keep the time according to agenda.

This discussion takes about one-hour. After the first group discussion, each team presents the list of issues identified at their discussion to the total group. Followings are the typical issues identified by teams in these sessions.

- > Women's Team - Issues to be considered in relation to –boundary stones, Space at the side of the house, rainwater drains, Household waste/rubbish disposal, wastewater discharge, arrangement of kitchen chimneys and toilets.
- > Officials' Team - Services – boundary stones, roads, footpaths, open space, waterlines, drains, sewer lines, electricity lines and toilets.
- > Community/Builders' Team - Health and Building Standards Roof overhangs, sunshades, roof heights, walls, foundations, two storied buildings, ventilation, daylight and building materials.

At the end of presentations, all participants agree to a common list of issues. These issues are then grouped into three. Participants are then asked to form same groups, as in the first discussion, and discuss again to make proposals as rules that should be followed by each household in house and infrastructure construction. A resource person facilitates each team. It gives about one hour for this discussion also. Each team focuses their discussion to make proposals (standards and rules) for solving issues given to the group within the following elements of given the framework.

- Guidelines
- Rules
- Roles
- Sanctions
- Enforcement

Again at the end of the workshop, each group presents their agreed proposal to all the participants. Finally, all participants agree to a set of rules and guidelines that is called ‘Community Building Guidelines and Rules’ to be followed in the construction of houses and infrastructure in the respective settlement. Community Building Guidelines and Rules developed through the above described process for one of case study settlements selected for this study is given in the annex.

Most houses in upgraded settlements in Colombo have been built since 1986 using the community building guidelines and rules. The local authority has accepted the process introduced by the UHSP for the formulation of Community Based Regulatory Guidelines. Households who have built their houses based on the Community Building Guidelines have received housing loans from NHDA, property tax nos. from local authority and other services such as private water supply, electricity, telephone from the respective service delivery agencies.

The Community Building Guidelines and Rules is considered as an innovative mechanism introduced by the UHSP under the Million Houses Programme for the improvement of living

condition of urban poor. Some important features of this process as far as relationship between sustainable livelihood and urban upgrading is concerned are as follows:

- a. UDA Law has given permission to local authorities to formulate minimum planning and building standards for low-income housing. Declaration of low-income settlements as special projects in order to relax traditional planning laws in favour of poor has been an innovation in this sector.
- b. This policy has recognized the limited house building options available for the poor and the needs to be considered that poor have to build their houses in a small plot of land with minimum disturbance to the neighbours.
- c. This process, on the other hand, fulfills requirement of ULAs too because housing and neighbourhood improvements in low -income areas are carried out in accordance to the minimum health and safety standards. Poor have the opportunity to question as well as learn the rational of the regulatory guidelines in urban upgrading.
- d. The key stakeholders generally accept community building guidelines and rules because they have been developed and accepted collectively by those who are affected by the urban upgrading.
- e. Community Building Guidelines and Rules are effective than statutes because it is acceptable to the poor families as well as all professionals and the technical staff of the ULA.
- f. Other important aspect of these rules and guidelines is that poor community understands why building standards are needed and what should be done about it. Because of the active participation of the community, rules and guidelines are readily accepted and followed by the people. As a result, poor have become not only the user of the guidelines but also the enforcer of the rules on behalf of community as well as the ULA or the UDA.

The next section of the report presents the current situation of two settlements in Colombo upgraded under UHSP using Community Building Guidelines and Rules.

6.0 Case Studies

6.1 Case Study One - Kalinga Mawatha Urban Upgrading Project, Colombo

Community Profile

<p>Project Location</p> <p>Kalingamawatha is located within the Municipal District 4 – Kirula of CMC</p>	<p>Settlement</p> <p>It is relatively small relocated community due to baseline road expansion project in 1977. No of families in the settlement are 39.</p>
<p>Project Intervention</p> <ul style="list-style-type: none"> - Common water taps and common toilets by UBS in early 80s - HH enumeration survey by SSD/UDA - NHDA/CMC investigation for upgrading - CAP workshop by NHDA in 87 - Land regularization by NHDA with CMC - Housing Loan and provision drains and foot paths by NHDA - Community center by CMC and MP of the area. 	<p>Housing</p> <ul style="list-style-type: none"> - The occupants were allocated 75 Sq.m. lot per each HH according to the blocking out plan prepared by NHDA with CDC - All HHs have constructed permanent houses. - NHDA provided maximum Rs. 20,000 loan for housing construction. - 50% of families had obtained the NHDA loan while others have used their own savings - 25% of houses are up two storied houses.
<p>Water Supply</p> <ul style="list-style-type: none"> - Each and every family has obtained individual pipe born water - Pay monthly water bill to the NWS&DB 	<p>Sanitation</p> <ul style="list-style-type: none"> - Individual water sealed pit toilets. - Every HH has their own toilet with a bathroom.
<p>Storm and Waste Water Drains</p> <ul style="list-style-type: none"> - Open, masonry drains in front and back-side of the houses - Waste water drains – some connected to open drains, some to toilet pits 	<p>Access Roads</p> <ul style="list-style-type: none"> - 20 ft. wide tarred road is the main access - All inner roads are 10 ft. tarred roads.
<p>Solid Waste Management</p> <ul style="list-style-type: none"> - Municipal service is available - Communal bin system is practiced. - Waste collection frequency is twice a week. 	<p>Common Facility</p> <ul style="list-style-type: none"> - Well maintained community center - Space for religious activities.

REGULATORY GUIDELINES

Any Special Guidelines were used for Building Construction

Yes

How these Guidelines have been Developed?
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- | |
|--|
| <ul style="list-style-type: none">- NHDA provided the technical advise to develop guidelines for building construction- Basic guidelines were developed consulting the people at CAP workshops- Houses have been constructed according the plan approved by NHDA |
|--|

Some Specific Standards Adopted
--

- | |
|---|
| <ul style="list-style-type: none">- Average plot size is 75 Sq.m.- Housing plots allocated according to the blocking out plan- 2 feet space was kept open in front as well as back side of houses for ventilation- Maximum no . floors allowed was 3- Houses should be built according to the approved plan |
|---|

LAYOUT PLAN

Any Special Guidelines were Used for Blocking-out Plans

Yes

How these Guidelines have been developed?

- Blocking out plan was developed through consultation process using the CAP workshop
- NHDA provided technical advise
- Formal standards were negotiated and adopted to the local conditions

Some Specific Standards Adopted

Plot Size	:	75 Sq.m. plot for each family
Access Roads	:	20 ft main access road 10 ft inner access roads
Drains	:	4 ft space was allocated in back sides of the houses for construction of waste water drains
Sanitation	:	Main municipal sewer system is not available No space allocated for construction of common septic tank People constructed an individual pit within their premises
Water Supply	:	Water supply network is available Individual connections are obtained
Open Spaces	:	No space allocated
Community Centre	:	In its first blocking out plan, no space was allocated for a community center After negotiation, 75 Sq.m. plot was allocated

TYPE OF ASSESTS

PHYSICAL

- Each family has 75 Sq.m. plot
- All families have constructed permanent houses and 30% of them are two storied
- Each family obtained individual pipe born water connection
- Each family have electricity supply
- Telephone service is available at the settlement and 10 families have already obtained individual connections
- 20 ft wide vehicular access road that links community with service centers like market, police, banks, govt. and private sector offices

SOCIAL

- The following Community Based Organizations are functioning well in the settlement.
 - Community Development Council
 - Women's Savings Groups
 - Funeral Assistance Society
 - Buddhist Society
 - Youth Federation
- CDC and Women's Groups have a strong links with CDCs and the Women's Savings Groups in the area.
- Community has a wider access to other institutions like GO, CMC, NGOs through CDC and Women's Groups
- Mixed community with different ethnic and religious links

HUMAN

The following skills persons are living in the settlement:

- Masons - 02
- Carpenters - 01
- Drivers - 10
- Tailoring - 02
- Small businesses
- Community management
- Banking
- Computer skills
- Craftsmanship
- Accountants

FINANCIAL

- Community has a strong savings and credit network and it provides easy access to the credit
- The location of the settlement itself provides livelihood options and financial resources.
- Kirulapona municipal market provides business opportunities. For Vegetable sellers, fishermen, fruit sellers and so on
- Sales and delivery services in the area
- Hire three-wheel vehicles and close to three-wheel stand
- Small catering services to the nearest government offices

No. of Houses Use for more than Living

Most houses are used for more than living. Some of them are:

- **Houses used for business purposes**

- Grocery - 01 (front space of the house)
- Dress-making - 02 (front space for show room and another room use for tailoring)
- Food parceling - 03 (kitchen used for cooking and living room for parceling)

- **Part of Houses used for renting:**

- Boarding house - 03 (mostly a room of the house)
- Renting for another family - 04 (upstairs with out side entrance)

- **Houses used for common purposes**

- Women's Savings Groups leaders' houses are used for their meeting
- CDC leaders' houses used for CDC committee meetings

6.2 Case Study Two - Bo-Sevana Urban Upgrading Settlement , Colombo

Community Profile

<p>Project Location Close to eastern boundary of CMC between Colombo Golf Ground and Manning Town Housing Scheme in Narahenpita ward.</p>	<p>Brief about the Settlement This was a small shanty settlement of 35 families occupied on the UDA land.</p>
<p>Project Intervention</p> <ul style="list-style-type: none"> - Water and Sanitation by UBS in early 80s - Household enumeration by SSD/UDA - Land regularization and housing loans by NHDA in 1987 - Main sewer line and individual toilets by Sevanatha and NHDA - Water supply and electricity in 1997 - Improvement of footpaths by CMC in 1999 - Underground waste water drainage system by SEVANATHA 2001 	<p>Housing</p> <ul style="list-style-type: none"> - 2 perch (50 Sq.m.) plots were allocated to each HH according to a planned blocking out - NHDA provided Rs.20,000 loan per allottee for house construction - Half of the allottees has obtained NHDA loans - All have built permanent houses - 25% of them are two-storied
<p>Water Supply</p> <ul style="list-style-type: none"> - Pipe born water for private use - Monthly water charges paid to NWS&DB 	<p>Sanitation</p> <ul style="list-style-type: none"> - No municipal sewer system is available - Houses are connected to a Common septic tank - Every house has its own private toilet - Every house has pipe born for drinking and bathing
<p>Storm and Waste Water Drains</p> <ul style="list-style-type: none"> - Underground waste water drains system is available in back side of the houses for waste water discharge 	<p>Access Roads</p> <ul style="list-style-type: none"> - 10 ft wide tarred main access road is available - Inner roads are 10 ft wide
<p>Solid Waste Collection</p> <ul style="list-style-type: none"> - Municipal service is available - Communal collection system is practiced - Waste collection frequency is twice a week 	<p>Common Facilities</p> <ul style="list-style-type: none"> - 50 Sq.m. land is allocated for construction of community center

REGULATORY GUIDELINES

Any Specific Guidelines Used for Building Designs?

- Yes

How the Guidelines were developed?

- Basic guidelines were developed at a CAP workshop consulting the people by NHDA

What is the Specific Standards Adopted?
--

- Average plot size is 50 Sq.m.
- Lands are allocated according to the blocking out plan
- 2 ft. wide open spaces were kept on both front and back sides of house
- Maximum no. of stories can be build were 3 – ground, first and second floors
- Houses should be built according to the approved house plan by NHDA with permanent building materials
- Space should be kept for toilet and bath within the house

LAYOUT PLAN

Any Special Guidelines Used for Blocking out Plans

- Yes

How Guidelines were developed?

- Prior to the blocking out enumeration survey and land survey were carried out by the NHDA with the community
- Blocking out plan was prepared base on the following principles;
 - a. Minimum relocation
 - b. Minimum destruction to existing housing units
 - c. Allocate a lot on the same location
 - d. One lot to one housing unit
 - e. 10 ft. minimum road width
 - f. 4 ft. wide space kept behind each house for the provision of services
- Blocking out plan was developed through a consultation process using CAP workshop method
- Formal standards were negotiated and adopted to the local conditions

Specific Standards Adopted

Plot Size	:	Average plot size is 50 Sq.m. plot for each family
Access Roads	:	10 ft main road 8 ft inner access roads
Drains	:	4 ft space available in rear side of the houses for drains
Sanitation	:	Main municipal sewer system is not available A space was allocated for construction of common septic tank. Common shallow sewer network has been constructed. People have constructed individual toilet with bathroom and connected to the common sewer network
Water Supply	:	Water is provided from city supply Individual connections have been obtained
Open Space play and other uses.	:	No space available for common use such as children
Community Centre	:	50 Sq.m. plot allocated for community centre

TYPES OF ASSESTS

PHYSICAL

- 50 Sq.m. land for each household
- Permanent houses
- Each HH has obtained individual pipe born water supply
- Each has electricity supply
- Telephone service is available, 8 houses have this facility
- 10 ft vehicular access road which links with the area road network
- Location is close to services in the area: hospitals, markets, schools, railway and bus stations, banks, private and government offices etc.

SOCIAL

Community Based Organizations active in the settlement:

- Community Development Council (CDC)
- Women's Savings Group (Women's Bank)

Office of the Primary Bank of WB is located in Bo Sevana.
Community have strong links with CMC, NGOs, Govt. Org and CBOs
Mixed community with different religious and races
Calm and friendly community

HUMAN

- Skilled persons in the settlement:
 - Masons - 03
 - Drivers - 07
- Community leaders
- Small business enterprise skills
- Community project management skills
- Public service operational and management skills

FINANCIAL

- Community has strong savings and credit network that provides easy access for credit
- The location of the settlement provides livelihood options for people.
 - Small business in nearest markets of Borella
 - Employment in houses in high income areas – Caretaker, gardener
 - Work in private companies around the settlement (Abans / Clair Clean)
 - Hire three-wheel vehicles at nearest three-wheel stands
 - Small catering services to government officials
 - Informal business in and around the area

No. of Houses Use for more than Living

Houses used for more than living:

- Business purposes
 - Grocery - 01 (front space of the house)
 - Road-side business - 03 (kitchen)
- Renting
 - Boarding Houses - 03 (mostly one room of the house)
 - Renting for family - 03 (upstairs with outside entrance)
- Common purposes
 - Women's Savings Group leaders' house is used for their bank office
 - CDC leaders' house is used for regular CDC meetings

7.0 Impact of Regulatory Guidelines in Upgrading on Sustainable Urban Livelihood.

8.0 Conclusions

Annex – 1 : Community Building Guidelines and Rules – an Example

ISSUE	GUIDELINE	RULE	IMPLEMENTATION
1. Land	<ul style="list-style-type: none"> • NHDA shows the boundary to the householder and documents the plot sizes in the allottee's householder file 		<ul style="list-style-type: none"> ➤ Manager
2. Boundary Marker	<ul style="list-style-type: none"> • Fixing and shifting by the NHDA • Land ownership is to the centre of the boundary stone only 	<ul style="list-style-type: none"> - No person except an NHDA or ULA official can fix or shift the boundary stone 	<ul style="list-style-type: none"> ➤ Manager ➤ The responsibility for protecting the boundary stone lies with the householder
3. House Plan	<ul style="list-style-type: none"> • The householder can design his own House Plan • The householder can request the NHDA Housing Officer to Assist with the House Plan • The householder can have a builder or a draughtsman design the house 	<ul style="list-style-type: none"> - All House plans must be approved by the NHDA Housing Officer before building work starts 	<ul style="list-style-type: none"> ➤ Householder ➤ Housing Officer
4. Front Space	<ul style="list-style-type: none"> • Sunshades and roof overhangs should not project over the plot boundaries 	<ul style="list-style-type: none"> - Minimum 2 ft space from front wall of the house to the boundary must be kept bare 	<ul style="list-style-type: none"> ➤ Housing Officer ➤ Community Leader ➤ Householder

ISSUE	GUIDELINE	RULE	IMPLEMENTATION
5. Rear Space	<ul style="list-style-type: none"> • Sustainable and roof overhangs should not project over the plot boundaries 	<ul style="list-style-type: none"> - Minimum 3 ft space from back wall of the house to the boundary to be kept bare 	<ul style="list-style-type: none"> ➤ Housing Officer ➤ Community Leader
6. Waste Water	<ul style="list-style-type: none"> • Householders should dispose of the waste water from the kitchen and bathroom without inconveniencing the neighbours • Connect to sewerage lines 	<ul style="list-style-type: none"> - Waste water must be run off to the front and rear drains 	<ul style="list-style-type: none"> ➤ NHDA advises the householders ➤ Community Leaders help to manage and supervise maintenance activities
7. Rain Water	<ul style="list-style-type: none"> • Roofs should be constructed so as to prevent the overflow of rainwater on to the neighbour's plot 	<ul style="list-style-type: none"> - Slope of the roof must be to the front and rear of the house if the house is built-up to the side boundaries. Rainwater must not flow on to the neighbour's plot 	<ul style="list-style-type: none"> ➤ Householder ➤ Community Leader ➤ Housing Officer
8. Ventilation and Light	<ul style="list-style-type: none"> • Each room should have adequate light and ventilation. Vent openings to front and rear walls. • If this is not possible then put glass sheets in the roof. • Raise part of roof for ventilation 	<ul style="list-style-type: none"> - Minimum height from the floor to the wall plate must be 7 feet 	<ul style="list-style-type: none"> ➤ Householder ➤ Community Leader ➤ Housing Officer

ISSUE	GUIDELINE	RULE	IMPLEMENTATION
9. Smoke	<ul style="list-style-type: none"> • Kitchen and hearths should be constructed in such a way so as to prevent smoke coming into the house • Common walls should be raised up to the roof to prevent the leakage of smoke 	<ul style="list-style-type: none"> - Smokehouse and chimneys must be provided if there is an internal hearth - Smoke must not go into the neighbouring house 	<ul style="list-style-type: none"> ➤ Householder ➤ Community Leaders ➤ Housing Officer
10. Side Boundaries	<ul style="list-style-type: none"> • Common walls can be constructed on the side boundaries 	<ul style="list-style-type: none"> - Windows should not open out into the neighbouring house - Side walls must not construct the neighbour 	<ul style="list-style-type: none"> ➤ Householder ➤ Community Leaders ➤ Housing Officer
11. Roof	<ul style="list-style-type: none"> • There should be an adequate slope to the roof, in keeping with the roofing material • Suggested roof slopes are: For tiles – 30 degrees For asbestos – 12 – 15 degrees For GI sheets – 12 – 15 degrees 	<ul style="list-style-type: none"> - No part of the roof should extend beyond the plot boundary 	<ul style="list-style-type: none"> ➤ Householder ➤ Community Leaders ➤ Housing Officer