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EXTRAORDINARY

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HARYANA GOVERNMENT

TOWN AND COUNTRY PLANNING DEPARTMENT

Notification

The 6th December, 2018

No. T&CP/Misc-973/2018/7/20/2018-2TCP.— The Governor of Haryana is pleased to notify a comprehensive 'Affordable Housing Policy (PMAY) 2018' under the provisions of Section 9A of the Haryana Development and Regulation of Urban Areas Act, 1975 and any other corresponding statute governing development of group housing colonies on the subject.

The policy, of which the details are given in Annexure-A below, has been concurred by the Finance Department vide their UO No.01/81/2009-5FD-III/31119 dated 14.11.2018 and approved by the Council of Ministers in its meeting held on 15.11.2018.

This policy shall come into effect from the date of its notification. The Director Town and Country Planning, Haryana, is hereby directed to effectively implement this policy to facilitate creation of additional affordable housing stock in the urban areas of the State.

Annexure-A

“AFFORDABLE HOUSING POLICY (PMAY) FOR AREA FALLING WITHIN MUNICIPAL LIMITS (OUTSIDE CORE AREAS) 2018.”

1. FOREWORD:

- (i) This policy shall be known as 'Affordable Housing Policy (PMAY) 2018'. All references to 'policy' in this document shall imply 'Affordable Housing Policy (PMAY) 2018 (AHP-PMAY 2018)'.
- (ii) This policy is intended to encourage the planning and completion of 'Group Housing Projects' wherein apartments of 'pre-defined size' are made available at 'pre-defined rates' within a 'Targeted time-frame' as prescribed under the present policy to ensure increased supply of 'Affordable Housing' in the residential sectors falling in municipal limits predominantly to the Pradhan Mantri Awas Yojna (PMAY) beneficiaries as identified by Department of Urban Local Bodies, Haryana (DULB). This policy shall accordingly be co-terminus with the PMAY scheme of Govt of India and shall end with the end of PMAY scheme.
- (iii) Depending upon the category of project and the category of beneficiaries in the project, various financial benefits are available under the PMAY scheme. The colonizer shall go through the scheme documents before formulating the project proposal and shall also coordinate with the Mission Director, State Urban Development Authority, Haryana to ensure optimum benefits under the PMAY scheme to the project as well as to the allottees. The colonizer shall also hand-hold and guide its allottees to enable them to avail relevant benefits under the PMAY scheme.

- (iv) All such projects shall be required to be necessarily completed within 2 years from the approval of building plans or grant of environmental clearance, as applicable and whichever is later, irrespective of validity period of the licence. This date shall be referred to as the 'date of commencement of project' for the purpose of this policy. The validity of licences shall be restricted to the said 2 years period from the date of commencement of project.

2. SITING PARAMETERS:

- (i) The licences under this policy shall be granted only in the residential sectors falling within municipal limits of all development plans.

Note: For the purpose of this policy, a residential sector of which, at least 75% area falls within municipal limits, shall be considered to be a residential sector falling within municipal limits, for grant of licence under this policy and the decision of Director in this regard shall be final.

- (i) Targeted towards identified PMAY beneficiaries, this policy shall be applicable only in such towns, on any given date, where at least 150 identified PMAY beneficiaries exist as per the list/database maintained by DULB. Provided that the left over (less than 150 in no.) identified beneficiaries may be adjusted in the EWS housing stock to be created by Housing Board, Haryana, in various towns of Haryana. However, in case EWS housing stock is not available, then applications under this policy shall be invited.

Note: a. A dynamic list of such identified PMAY beneficiaries shall be maintained by DULB, which shall also be regularly updated by DULB, by including new identified beneficiaries or by excluding such beneficiaries to whom allotments are made under any prevailing PMAY scheme in the State from time-to-time, by various State agencies.

b. Any town, where the beneficiaries list gets exhausted on account of allotment to such identified beneficiaries of the town on a given date, shall get automatically struck off the list of town where the present policy is applicable.

c. The availability of identified PMAY beneficiaries in such dynamic list/ database, on any given date, shall be considered as final for the purpose of considering the eligibility of any town under the present policy.

- (ii) The maximum area for which such projects can be allowed in such residential sector within municipal limits shall be granted subject to availability of sufficient area

a. within the overall 15 acre limit for AHP 2013 in a sector; and,

b. for such residential sectors other than that of FDP GMUC 2031; within the all-inclusive 40% limit prescribed for a residential sector for Group Housing, AHP 2013 projects and DDJAY projects; and,

c. for such residential sectors of FDP GMUC 2031; within the all-inclusive limit prescribed for a residential sector for Group Housing and AHP 2013 projects as well as,

d. such area, that is left-over after consideration of the pending licence applications of Group Housing, AHP 2013 projects and DDJAY projects.

- (iii) The mechanism as being followed for grant of licence as per the policy parameters prescribed vide memo no PF-27/2017/8/26/2017-2 TCP dated 10.10.2017, shall be followed for grant of licence under the present policy, after ascertaining the availability of area in a given sector against the criteria prescribed under para 2(ii) above.

- (iv) The licensee shall allot at-least 60% of the dwelling units under such projects to the identified PMAY beneficiaries only and shall submit an undertaking to this effect at the time of submission of licence application under this policy.

- (v) The applications for licence received under this policy should be made in the format as prescribed in Rule 3 of the Haryana Development and Regulations of Urban Areas Rules, 1976 and the said Rules shall be applicable mutatis-mutandis for processing of the application under this policy.

3. MINIMUM AND MAXIMUM AREA FOR SUCH PROJECT: The minimum and maximum area for such projects shall be 1 acre and 5 acres respectively.

4. PLANNING AND AREA PARAMETERS:

- (i) Planning Parameters: The planning parameters for the projects allowed under this policy are as follows:
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| (a) | Min. and Max. density permitted: | 750 ppa (min) & 900 ppa (max) |
| (b) | Maximum FAR allowed: | 225 |
| (c) | Maximum Ground Coverage allowed: | 50% |
| (d) | Maximum area under Commercial Use: | 4% of the Net Planned Area at 175 FAR. |
| (e) | Minimum Area under organized Open Space: | 15% of the Net Planned Area |
| (f) | Occupancy Norm (for density calculations): | 5 persons per flat |
| (g) | An additional component of population density, FAR and commercial area is provided beyond what is allowed in group housing colonies to ensure the viability of such projects | |
- (ii) Type of Apartment and Area under such Apartments:
- The apartments of pre-defined size-ranges shall be allotted at a pre-defined rate to ensure provision of affordable housing under this policy.
 - The carpet area of the apartments shall range from 28sqm to 60sqm in size.
 - The term "carpet area" shall mean the net usable covered floor area bound within the walls of the apartment but excluding the area covered by the walls and any balcony which is approved free-of-FAR, but including the area forming part of kitchen, toilet, bathroom, store and built-in cupboard/ almirah/ shelf, which being usable covered area shall form part of the carpet area.
 - Though there is no binding to provide separate EWS category flats, the colonizers are encouraged to formulate their projects with appropriate number of EWS flats for allotment as per the PMAY-EWS guidelines, to derive maximum benefits under the PMAY scheme.
- (iii) Parking Norms:
- The parking space shall be provided at the rate of half Equivalent Car Space (ECS) for each dwelling unit.
 - Only one two-wheeler parking site shall be earmarked for each flat, which shall be allotted only to the flat-owners. The parking bay of two-wheelers shall be 0.8m x 2.5m unless otherwise specified in the zoning plan.
 - No car parking shall be allotted to any apartment owner in such projects.
 - The balance available parking space, if any, beyond the allocated two-wheeler parking sites, can be earmarked as free-visitor-car-parking space.
 - Additional parking norms and parameters, if any, can be specified in the zoning plan.
- (iv) Public Health Services:
- Under this policy, high density projects shall get created over relatively much smaller land pockets, wherein, provisioning/ integration of public health infrastructure may remain a major challenge. Depending upon their size, many of such projects shall remain beyond the ambit of 'environmental clearance laws'. Accordingly, the developer shall be required to submit a project report along with the licence application, in which a plan for arranging connection for water supply, sewerage, storm water drainage and electricity from the concerned Public/State agencies shall be submitted along with a comfort-letter/ letter-of-intent from the concerned Public/State agency. The Developer shall be required to enter into an agreement with the concerned Public/State agency, for deriving the public health services, failing which the licence application shall not be considered favourably.
 - The provision for Sewerage Treatment Plant and dual piping system for recycling of treated water for flushing purposes shall be mandatory in such projects.
 - The completion of the colony shall be allowed only after the colony stands connected to the basic minimum public health services, viz., water supply, sewerage, storm water drainage and electricity.

- (v) Community Sites: The coloniser shall be required to provide the following community sites in any such project, which shall form part of the common areas and facilities as defined under the Haryana Apartment Ownership Act:
- One built-up Community Hall of not less than 1000sqft.
 - One built-up Anganwadi-cum Creche of not less than 1000 sqft area.
 - No other community sites shall be required to be provided in such project.
- (vi) Maintenance of colony after completion of project: A commercial component of 4% is being allowed in the project to enable the coloniser to maintain the colony free-of-cost for a period of five years from the date of grant of occupation certificate, after which the colony shall stand transferred to the “association of apartment owners” constituted under the Haryana Apartment Ownership Act 1983, for maintenance. The coloniser shall not be allowed to retain the maintenance of the colony either directly or indirectly (through any of its agencies) after the end of the said five years period. Engaging any agency for such maintenance works shall be at the sole discretion and terms and conditions finalised by the “association of apartment owners” constituted under the Apartment Ownership Act 1983.

5. ALLOTMENT RATES; ALLOTMENT & ELIGIBILITY CRITERIA:

- (i) **Allotment Rate:** The allotment rate for the apartment units approved under such projects shall be as follows:

Sr. No.	Residential Sectors falling in Municipal limits of following towns	Maximum allotment rate on per sqft carpet area basis	Additional recovery against balcony of min 5ft clear projection#
a.	Gurugram and Faridabad	Rs.3,500/- per sq. ft.	Rs. 500 per sqft against all balcony area in a flat adding upto and limited to 100 sqft, as permitted in the approved building plans.
b.	Panchkula, Pinjore-Kalka, Sonipat, Panipat & Sohna	Rs.3,000/- per sq. Ft.	
c.	Karnal, Ambala, Hisar, Yamunanagar, Rohtak, Kurukshetra, Bhadurgarh, Bawal, Rewari, Palwal, Hodel, Dharuhera & Gannaur	Rs.2,500/- per sq. ft.	
c.	Rest of the Development Plans	Rs.2,100/- per sq. ft.	

NOTE: #:Such balconies shall not be part of carpet area and shall continue to be allowed free-of-FAR.

(ii) **Eligibility Criteria:**

- Any person can apply, however, the PMAY beneficiaries, which include their spouse or depended children, identified by the Urban Local Bodies Department, Haryana under “Pradhan Mantri Aawas Yojna (PMAY)” programme shall be granted preference in allotment. First priority shall be given to the identified beneficiaries of the said town followed by other PMAY beneficiaries of the said district and lastly to other PMAY beneficiaries of the State of Haryana.
- Thereafter, for the remaining flats, persons which include their spouse or dependent children who do not own any flat/plot in any HUDA developed colony/sector or any licenced colony in any of the Urban areas in Haryana, UT of Chandigarh and NCT Delhi shall be given next preference in allotment of flats. An applicant in a specific colony shall make only one application. Any successful applicant under this policy shall not be eligible for allotment of any other flat under this policy in any other colony. In case he/she is successful in more than one colony, he/she will have choice to retain only one flat. All such applicants shall submit an affidavit to this effect.

(iii) **Allotment criteria**

- Whereas, an endeavour shall be made to maximise the number of allotments to identified PMAY beneficiaries, under no circumstances the allotment to such identified PMAY beneficiaries be less that 60% of the total number of flats in a given project. The colonisers shall obtain the contact details of such identified PMAY beneficiaries from DULB and shall pursue directly with such beneficiaries to maximise the number of allotments to such identified beneficiaries.

Note: 1. The colonizer shall through direct contact as well as through regular advertisements, for a period of at least six months follow-up for adequate applications from identified PMAY

beneficiaries, after which if the minimum number of PMAY applications are not received, the Government shall take a decision on the further continuance of such project on case-to-case basis on individual merits.

2. All advertisements shall clearly specify the order of preference to be granted to identified PMAY beneficiaries.

- b.** Upto 10% of the total number of flats as approved in the building plans may be allotted by a licensee to its employees/ associates/ friends/ relatives etc. subject to the disclosure of their name/address and other identification details to the allotment committee and the allotment procedure for such flats shall also be completed along with the draw of flats for general category flats. The rates and eligibility criteria prescribed under this policy shall continue to be applicable on such preferential allotments also and the allotment procedure shall be completed along with general category flats. In case, less allotments are made for such preferential category flats, the extra availability shall be merged with general category allotments.
 - c.** In case the number of applications from identified PMAY beneficiaries does not exceed the number of available flats for allotment, the allotment to such PMAY applicants shall be made on preferential basis. Else, the allotment shall be through the prescribed process of draw-of-lots, if the applications from PMAY applicants exceeds the number of available flats for allotment.
- (iv) Procedure for draw of lots:** The draw for lots for allotment of apartments shall be held to decide upon:
- (a) The flat number to be allotted to a successful allottee;
 - (b) To finalise the list of successful allottees in case the number of PMAY applicants is more than the number of available flats,
 - (c) To finalise the list of successful general allottees (after leaving aside the flats for PMAY applicants) if the number of general applicants is more than the number of flats available.

The draw of lots shall be held under the supervision of a committee constituted for the purpose by following a transparent procedure as below.

- a.** Advertisements for booking of apartments shall be issued by the colonizer at regular intervals in 'One of the leading English National daily' and 'Two Hindi Newspapers' having circulation of more than ten thousand copies in the State to ensure adequate publicity of the project and should include details like allotment rate, schedule of payment, number and carpet area of apartment etc. The proforma of advertisement shall be separately approved by the DGTCP and hosted on the Department website for clarity.
- b.** The flats in a specific project shall be allotted in one go within four months of the sanction of building plans. In case, the number of applications received is less than the number of sanctioned flats, the allotment can be made in two or more phases. However, the licensee will start the construction only after receipt of environmental clearance, wherever applicable, from the competent authority. The licensee will start receiving the further installments only after such environmental clearance is received. Further, if the licensee, fail to get environmental clearance even after one year of holding of draw, the licensee is liable to refund the amount deposited by the applicant alongwith an interest of 12%, if the allottee so desires.
- c.** Any person interested to apply for allotment of flat in response to such advertisement by a coloniser may apply on the prescribed application form alongwith 5% amount of the total cost of the flat. All such applicants shall be eligible for an interest at the rate of 10% per annum on the booking amount received by the developer for a period beyond 90 days from the close of booking till the date of allotment of flat or refund of booking amount as the case may be. The applicant will be required to deposit additional 20% amount of the total cost of the flat at the time of allotment of flat. The balance 75% amount will be recovered in six equated quarterly instalments spread over 1½ years period, with no interest falling due before the due date for payment. Any default in payment will bear penal interest as provided in Rule 15 of the Haryana Real Estate Regulatory Authority, Rules, 2017. The project-wise list of allottees shall also be hosted on the website of the Department.
- d.** The scrutiny of all applications received as per the parameters prescribed in the policy shall be completed by the coloniser under the overall monitoring of concerned District Town Planner (DTP). The scrutiny of applications by the joint team of coloniser and the concerned DTP shall

be completed within three months from the last date of receipt of applications as indicated in the advertisement.

- e. On completion of scrutiny as above, the concerned Senior Town Planner shall fix the date of draw of lots. Simultaneously the ineligible applications shall be returned within one month of completion of scrutiny by the coloniser indicating the grounds on which the applications have been held to be ineligible alongwith the 5% booking amount received from such applicants. No interest in such case shall be paid.
- f. After fixation of date for draw of lots, an advertisement shall be issued by the coloniser informing the applicants about the details regarding date/time and venue of the draw of lots in the same newspaper in which the original advertisement was issued.
- g. The allotment of apartments shall be done through draw of lots in the presence of a committee consisting of Deputy Commissioner or his representative (at least of the cadre of Haryana Civil Services), Senior Town Planner (Circle office), DTP of the concerned district and the representative of coloniser concerned.
- h. Only such applications shall be considered for draw of lots which are complete and which fulfil the criteria laid down in this Policy. However, it is possible that some of the application forms have certain minor deficiencies, viz., missing entry on the application form, incorrect/missing line in affidavit, illegible copies of certain documents. Such applications may also be included in the draw of lots. However, in case any of such applications are declared successful in the draw of lots, applicants may be granted an opportunity of removing the shortcomings in their application in all respects within a period of 15 days, failing which their claim shall stand forfeited. The said 15 days period shall start from the date of publication of the list of successful allottees in the newspaper marking those successful applications with minor deficiencies for information and notice of such applicants for removing such deficiencies and submit the same to the concerned DTP. The list of such successful allottees shall also be maintained on the website of the Department.
- i. A waiting list for a maximum of 25% of the total available number of flats available for allotment, may also be prepared during the draw of lots who can be offered the allotment in case some of the successful allottees are not able to remove the deficiencies in their application within the prescribed period of 15 days. In case of surrender of flat by any successful applicant, an amount of Rs. 25,000/- may be deducted by the coloniser. Such flats may be considered for offer to those applicants falling in the waiting list. However, non-removal of deficiencies by any successful applicant shall not be considered as surrender of flat, and no such deduction of Rs. 25,000/- shall be applicable on such cases. If any wait listed candidate does not want to continue in the waiting list, he may seek withdrawal and the licensee shall refund the booking amount within 30 days, without imposing any penalty. The waiting list shall be maintained for a period of 1½ years, after which the booking amount shall be refunded back to the waitlisted applicants, without any interest. All non-successful applicants, shall be refunded back the booking amount within 15 days of holding the draw of lots.
- j. If any successful applicant fails to deposit the installments within the time period as prescribed in the allotment letter issued by the colonizer, a reminder may be issued to him for depositing the due installments within a period of 15 days from the date of issue of such notice. If the allottee still defaults in making the payment, the list of such defaulters may be published in one regional Hindi news-paper having circulation of more than ten thousand in the State for payment of due amount within 15 days from the date of publication of such notice, failing which allotment may be cancelled. In such cases also an amount of Rs. 25,000/- may be deducted by the coloniser and the balance amount shall be refunded to the applicant. Such flats may be considered by the committee for offer to those applicants falling in the waiting list.

6. APPLICABLE FEES & CHARGES:

- (i) The applicability of fees and charges, including EDC, shall continue to be as earlier prescribed under the AHP 2013 policy, as revised from time-to-time.
- (ii) In order to encourage early completion of projects, in case the colonizer completes the project in 1½ years from the date of commencement of project and applies for grant of occupation certificate in such period, the payment of last instalment of EDC shall be considered for waiver after grant of occupation certificate.

7. SPECIAL DISPENSATIONS:

- (i) As a matter of security against any possible delinquencies in completion of the project, the coloniser shall be required to furnish bank guarantee against the total realisation from the project at the rate of 15% for areas falling in the Development Plans of Gurgaon, Faridabad, Sohna, Panchkula, Panchkula Extn and Pinjore-Kalka and at the rate of 10% for rest of the towns to be furnished within 90 days of the date of commencement of the project. The bank guarantee shall be proportionately released against block-wise occupation certificate obtained by the licensee. However 10% of the total bank guarantee submitted shall be retained to be released at the end of 5 years maintenance period.
- (ii) No allotment of flat shall be permitted until the date of commencement of the project. However, the formalities pertaining to the allotment of flats can be initiated at an appropriate date after obtaining the licence to enable the actual allotment of flat immediately after the date of commencement of project.
- (iii) Once an apartment is allotted through the procedure as specified above, the same cannot be transferred by the coloniser to any other person by documentation in its records. Such apartments shall also be prohibited for transfer/sale up to one year after getting the possession of the flat to avoid speculation and to provide housing to the genuine persons. Breach of this condition will attract penalty equivalent to 200% of the selling price of the flat. The Penalty will be deposited in the 'Fund' administered by the Town and Country Planning Department so that the infrastructure of the State can be improved. Failure to deposit such penalty shall result in resumption of the flat and its re-allotment in consultation with the Department.
- (iv) The transfer of property through execution of irrevocable General Power of Attorney (GPA) where the consideration amount has been passed to the executor or any one on his behalf, will be considered as sale of the property and same will be counted as breach of terms and conditions of the policy. Penal proceedings as per the prescribed provisions above shall be initiated.
- (v) The allotment letter and sale-purchase agreement entered into with the allottees shall also include the parameters prescribed under this policy to maintain complete transparency in the matter.
- (vi) The developer shall disclose in the 'Application Form' as well as in the advertisement, the complete set of specifications to be adopted for finishing/fittings to be provided by the coloniser in the flat, viz., Flooring (Rooms, Kitchen, Toilet & Bathroom, Balcony, Common Areas, staircase etc.); Door & Window frame and panel; Kitchen Worktop & Wall finishing; Toilet & Bathroom fittings and wall finishings; Internal Electrical Wiring, fittings, electrical points etc.; Internal public health Services—pipes and fittings, sewerage and sanitary fittings; Wall finishing; Staircase and Balcony railings, etc.”

Chandigarh:
The

A. K. SINGH,
Principal Secretary to Government Haryana,
Town and Country Planning Department.