

**Maharashtra Regional and Town
Planning Act, 1966.**

**Modification to Development Control
Regulations for Greater Mumbai 1991
under section 37(1) read with section
154 of the said Act.**

**GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400032.
Dated the 6th August 2008.**

**Read : Letter from Metropolitan Commissioner, MMRDA to Principal Secretary,
D.O. No.MMRDA/Rental Hsg/2008 dated 21st June 2008 and 29th July, 2008.**

ORDER

No. TPB –4308/972/CR-170/2008/UD-11.

Whereas the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as “the said Regulations”) have been sanctioned by Government in Urban Development Department, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”) vide Notification No. DCR 1090/UD-11(RDP) dated 20th February, 1991 to come into force with effect from 25th March, 1991.

And whereas Govt. of Maharashtra has formulated the Housing Policy for the State of Maharashtra and the main objective of this policy is to provide the affordable houses for poor on rental basis.

And whereas Mumbai Metropolitan Region Development Authority (MMRDA) has formulated a proposal to built Rental houses under different models within Mumbai Metropolitan Region.

And whereas MMRDA vide its above letter has requested to carry out required modifications in Development Control Regulations and to appoint MMRDA as Project Implementing Agency for all rental housing projects undertaken in Mumbai Metropolitan Region by constructing or procuring constructed self contained dwelling units of 160 sq.ft. carpet area each. MMRDA has also requested to grant FSI 3.00 for such projects located in Mumbai Suburban area for development on par with the provisions of Clause 3.11 read with Clause 3.5 and 3.19 (ii) of Appendix IV to DCR 33(10) of the said Regulations. The Rental Housing Project is a project for vital public purpose and is a Slum Prevention Programme undertaken by MMRDA.

And whereas, MMRDA vide above letter has also requested to grant FSI 4.00 for undertaking projects of rental housing on lands vested in MMRDA and wherein MMRDA desires to undertake such a project within Mumbai Metropolitan Region.

And whereas; in order to increase the housing stock by constructing or procuring maximum rental housing units in Mumbai Metropolitan Region, and to make available housing units of 160 sq ft carpet area at a reasonable rent it is felt necessary to appoint MMRDA as a Project Implementing Agency to implement such a project.

Now therefore, in exercise of powers contained in section 37 (1) of the said Act, read with the provisions contained in section 154 of the said Act, Government is pleased to issue the following directions to the Municipal Corporation of Gr. Mumbai (hereinafter referred to as “the said Corporation”).

DIRECTIONS

A)	The said Corporation shall initiate modifications to add a new Regulation No.33 (23 A) & 33 (23 B) in the said regulation as specified below.
	<p>i) <u>DCR No.33 (23 A): Construction of Rental Houses on unencumbered land:-</u> For construction of Rental Houses on unencumbered land by land owner or any other agency approved by MMRDA within the limits of Suburbs & extended suburbs of Greater Mumbai the FSI shall be 3.00 subject to the regulations in <u>Appendix XX-A</u> hereto.</p> <p>ii) <u>DCR No.33 (23 B): Construction of Rental Houses on unencumbered lands vested with MMRDA :-</u> For construction of Rental Houses on unencumbered lands by MMRDA on land vested with them within the limits of Suburbs & extended suburbs of Greater Mumbai the FSI shall be 4.00. and out of 4.0 FSI, 25% of 4.0 FSI shall be allowed for commercial use which can be sold in open market to subsidize the component of Rental housing. This 4.0 FSI will be subject to the regulations in <u>Appendix XXI-B</u> hereto.</p> <p>iii) MMRDA shall be the implementing Agency for Projects of Rental housing. Metropolitan Commissioner, MMRDA shall be Chief Executive officer of such project. <u>The Rental Housing Project for which MMRDA is the PIA (Project Implementing Agency) shall be a project for vital public purpose.</u></p>
B)	The said Corporation shall publish the requisite notice inviting suggestion/objections over the said modifications within a period of 90 days from the date of issue of this order.

C)	After completing the legal procedure, as laid down under section 37 (1) of the said Act, the said modification proposal shall be submitted to the Government for final sanction.
D)	Pending sanction to these modifications by the Government under section 37 (2) of the said Act, the above mentioned <u>modifications shall come into effect forthwith.</u>

By order and in the name of the Governor of Maharashtra,

(Sudhakar Nangnure)
Deputy Secretary to Government

To,

The Metropolitan Commissioner,
Mumbai Metropolitan Region Development Authority,
6th floor, Bandra Kurla Complex,
Kalanagar, Bandra (East), Mumbai -400 051

Copy to –

- 1) The Municipal Commissioner, Municipal Corporation of Greater Mumbai, Mahapalika Marg, Mumbai-400 001
- 2) The Director of Town Planning, Maharashtra State, Pune.
- 3) The Deputy Director of Town Planning, Greater Mumbai, Mumbai
- 4) The Chief Engineer (DP), Municipal Corporation of Greater Mumbai
- 5) Section file (UD-11)
- 6) Section 37 file

APPENDIX XX-A
[Regulation 33(23A)]

Regulations for Rental Housing Project on unencumbered land:-

(I) Eligibility for allotting Rental Houses:

- i) The allottee under the project shall have employment /self employment/ business within Mumbai Metropolitan Region and minimum family income of the allottee shall be Rs. 5000/- per month.
- ii) The allottee and his family member shall not own any house in Mumbai Metropolitan Region (MMR).
- iii) The domiciled resident of Maharashtra State shall be given preference in the allotment.
- iv) The allotment shall be made in the joint name of spouse if married.

(II) Definition of Rental Housing Unit: A 14.86 sq.mt. (160 sq.ft) carpet area self contained residential unit to be given on leave and license for a period to be decided by MMRDA. at a monthly charge to be decided by Metropolitan Commissioner, MMRDA considering the location of the project and residential unit, cost of construction, market condition and any other expenses.

(III) Land, Construction and Incentive Component :

(a)	If Rental Housing project is taken up on an unencumbered plot, Transferable Development Rights (TDR) equivalent to the plot area shall be sanctioned to the land owner who spares the plot for this purpose as <u>Land TDR</u> .
(b)	Permissible FSI on site for construction of Rental Housing Project shall be 3.00 and shall be used only for rental housing.
(c)	The total built up area of Rental Houses shall mean all Built up area of residential units as well as non-residential units meant for Rental Houses but excluding what is set down in DCR 35(2). This total built up area of Rental Houses with FSI 3.00 shall be given free of cost to the Project Implementing agency i.e. MMRDA.
(d)	If desired by MMRDA, Non-residential units/convenient shopping shall be constructed to the extent of 15% of the total built up area of Rental Houses, along the layout roads and shall be given free of cost to the Project Implementing Agency i.e. MMRDA.
(e)	There shall be Welfare Hall and Balwadi in each project as a part of the construction of Rental Houses component. It shall be at the rate of 14.86 sq. Mts. for every multiple or part of 200 residential

	units but located so as to serve all the floors and buildings equitably and shall not be counted towards the FSI even while computing 3.00 FSI on site. This shall be given free of cost to the PIA i.e. MMRDA.
(f)	There shall be manager's office space of size 14.86 sq.mt. carpet area for every multiple or part of 500 rental units located as desired by MC, MMRDA in the project as a part of construction of Rental Houses component and shall not be counted towards the FSI even while computing 3.00 FSI on site. This shall be given free of cost to the PIA i.e. MMRDA.
(g)	Total Construction Component shall mean the construction built up area of Rental Houses of self-contained 14.86 sq.m. carpet area (160 sq.ft.), including areas under passages with minimum 2.0 mt. width, balwadis, welfare centers, manager's office, Non-residential units/convenient shopping, which are to be given free of cost to the PIA i.e. MMRDA.
(h)	<p>Project FSI for the Rental Housing project includes FSI of the total construction component of Rental Houses given in (g) above and Construction TDR. The ratio between the total Construction component and construction TDR shall be as laid herein below:-</p> <p>(i) If total construction component of Rental Houses at (g) above is 10 sq.mts. then TDR of 13.33 sq.mts. will be permitted to the developer as <u>Construction TDR</u> which can be sold in the open market to subsidize the total construction component of Rental Houses.</p> <p>(ii) Project FSI to be sanctioned for Rental Housing project site may exceed 3.00 because of in-situ construction component of Rental Houses at (g) above and construction TDR at (i) above. However the maximum FSI that can be utilized on any Rental Housing Project site shall not exceed 3.00 and the difference between project FSI above and 3.00 will be made available in the form of Construction Transferable Development Right (TDR) to be used as per DCR provisions applicable to DCR 33(10).The Land TDR at (a) above and Construction TDR at (h) above generated in Rental Housing project shall be treated as slum TDR, in accordance with the provisions of Appendix VII-B of the said Regulation.</p>

(IV) **Building details and other requirements:**

1		Size of Rental unit – A Rental unit shall be of 14.86 sq.mt. carpet area including cooking space, bath & water closet.
2		Density
	(a)	Density shall be minimum 1500 Rental units of 14.86 Sq.mts. carpet area per net hectare.
3		Minimum plot size
	(a)	Plot of minimum 500 sq.mt. is required for the project. However, it may be relaxed with the special permission of Metropolitan Commissioner, MMRDA.
4		Components of Rental Unit
	(a)	Multi purpose Room: A multi purpose room shall be allowed with size up to 12.5 sq.mts with a minimum width of 2.4m.
	(b)	Cooking space (alcove) – Provision of separate kitchen shall not be necessary. However, cooking space (alcove) shall be allowed with a minimum size of 2.4 sq.mts. with minimum width of 1.2 mts
	(c)	Bath & WC: A Combined bath & WC shall be of minimum area of 1.85 sq.m. with minimum width of one meter. There shall be no stipulation of one wall abutting open space etc. as long as artificial light & ventilation through any means are provided. Water closet seat shall be of minimum length of 0.46 mt. A septic tank filter bed shall be permitted with a capacity of 150 lit per capita, where the municipal services are likely to be available within 4-5 years.
5		Height : The height of Multi purpose room shall be minimum 2.75 mt.
6		Plinth: Minimum plinth height shall be 30 cm. and in areas subject to flooding the plinth shall be higher than the high flood level.
7		External Walls: Minimum 150 mm thick external brick wall without plaster shall be permitted. However, for use of modern construction technology and material etc, this thickness may be reduced with prior approval of Metropolitan Commissioner, MMRDA.
8		Staircase: The staircase shall be of dogleg type. If a single flight staircase is accepted, the flight shall not be less than 1.5 mt.
9	(a)	Front & marginal Open spaces: For buildings of Rental Housing Project having height up to 24 mt. the front & marginal open space shall be 3.6 mt. for these buildings. Provided, however that in case of these buildings having height more than 24 mts the minimum marginal open space shall be 6 mts. or as may be prescribed by CFO.
	(b)	Notwithstanding the provisions in DCR 29, table 10 where the location of the plot abuts DP Road, having width of 18.30 m and above, the front marginal open space in layout shall not be insisted upon beyond 3.6 mt. provided it is not an express highway or road wider than 52 mt.

	(c)	Where the location of plot abuts a nalla, the marginal open space along the nalla in the lay out shall not be insisted upon beyond 3 mt. from the edge of the trained nalla.										
	(d)	The distance between any two buildings shall not be less than 4.5 mt.										
10	(a)	Means of access: The ratio between the length of pathway and width thereof shall be as follows: <table style="margin-left: 40px; border: none;"> <thead> <tr> <th style="text-align: left;">Length</th> <th style="text-align: left;">Width</th> </tr> </thead> <tbody> <tr> <td>Upto 20 mt</td> <td>1.5 mt</td> </tr> <tr> <td>Up to 30 mt</td> <td>2.0 mt</td> </tr> <tr> <td>Up to 40 mt</td> <td>2.5 mt</td> </tr> <tr> <td>Up to 50 mt</td> <td>3.0 mt.</td> </tr> </tbody> </table>	Length	Width	Upto 20 mt	1.5 mt	Up to 30 mt	2.0 mt	Up to 40 mt	2.5 mt	Up to 50 mt	3.0 mt.
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	(b)	Between the dimensions prescribed for the pathway & marginal distances the larger of the two shall prevail. The pathway shall act as access wherever necessary. The building shall be permitted to touch pathway.										
	(c)	The means of access shall be normally governed by the provisions of DCR No. 22 however in the project wherever the design of the buildings in the same layout require relaxation it may be given. Access through existing pathways including the roads maintained under section 63k of MMC Act 1888, but not less than 3.6 mt. in width, shall be considered adequate for any Rental Housing Project, containing buildings having height less than 24 mt. including stilts.										
11	(a)	Even if the amenities space is reduced to make the project viable, a minimum of at least 8% of amenity open space shall be maintained and while FSI computation for plot more than 1000 sq.mt. the 15% area for recreational/amenity open space vide item (ii) in clause (a) of sub-regulation 23 shall not be excluded.										
	(b)	Wherever more than the minimum front & marginal spaces have been provided such additional area provided may be considered as part of the amenity open space in the project without charging any premium in relaxation of the stipulation in DCR No. 23 wherever it is necessary.										
12		Premium shall not be charged for exclusion of staircase & lift-well etc. as covered under the provision of DCR 35(2)(C).										
13		In order to make the Rental Housing project viable, relaxation if necessary shall be granted .										

V) Payments to be made to MMRDA:

An amount of Rs 1000/- per sqmt for suburban area shall be paid by the land owner/developer for the built up area over and above the normal permissible FSI. This amount shall be paid to Metropolitan Commissioner, MMRDA, in accordance with the time schedule for such payment as may be laid down by the Metropolitan Commissioner, MMRDA. However, by the time of completion of

construction for occupation of the rental housing units, the total amount shall be deposited in full. This amount shall be used for schemes to be prepared for improvement of infrastructure in rental housing scheme provided that out of Rs.1000/- per sq.mt. infrastructural charges, 90% amount will go to MCGM and 10% amount will remain with the MMRDA.

APPENDIX XXI-B
[Regulation 33(23B)]

Regulations for Rental Housing Project on unencumbered lands vested with Mumbai Metropolitan Region Development Authority (MMRDA) :-

(I) **Eligibility for allotting Rental Houses:**

- i) The allottee under the project shall have employment /self employment/ business within MMR and minimum family income of the allottee shall be Rs. 5000/- per month.
- ii) The allottee shall not own any house in Mumbai Metropolitan Region (MMR).
- iii) The domiciled resident of Maharashtra State shall be given preference in the allotment.
- iv) The allotment shall be made in the joint name of spouse if married.

- (II) **Definition of Rental Housing Unit:** A 14.86 sq.mt. (160 sq.ft) carpet area self contained residential unit to be given on leave and license for a period to be decided by MMRDA at a monthly charge to be decided by Metropolitan Commissioner, MMRDA considering the location of the project and residential unit, cost of construction, market condition and any other expenses.

(III) **Land , Construction and Incentive Component :**

(a)	Permissible FSI on site for construction of Rental Housing Project shall be 4.00 and out of 4.0 FSI, 75 % of 4.00 FSI shall be used for construction of Rental Houses and 25% of 4.0 FSI shall be allowed for commercial use and can be sold in open market to subsidize the component of Rental housing.
(b)	The total construction built up area of Rental Houses shall mean all Built up area of residential units as well as non-residential units of commercial use meant for Rental Houses but excluding what is set down in DCR 35(2).
(c)	There shall be Welfare Hall and Balwadi in each project as a part of the construction of Rental Houses component. It shall be at the rate of 14.86 sq. Mts. for every multiple or part of 200 residential units but located so as to serve all the floors and buildings equitably and shall not be counted towards the FSI even while computing 4.00 FSI on site.
(d)	There shall be manager's office space of size 14.86 sq.mt. carpet area in the project for every multiple or part of 500 rental units, located as desired by MC, MMRDA as a part of construction of Rental Houses component and shall not be counted towards the FSI even while computing 4.00 FSI on site.

(e)	Total Construction Component shall mean the construction built up area of Rental Houses of self-contained 14.86 sq.m. carpet area (160 sq.ft.), including areas under passages with minimum 2.0 mt width, balwadis, welfare centers, manager's office ,Non-residential units/convenient shopping of commercial use.
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(IV) **Building details and other requirements:**

1		Size of Rental unit – A Rental unit shall be of 14.86 sq.mt. carpet area including cooking space, bath & water closet, but excluding common areas.
2		Density
	(a)	Density shall be minimum 1500 Rental units of 14.86 Sq.mts. carpet area per net hectare.
3		Minimum plot size
	(a)	Plot of minimum 500 sq.mt. is required for the project. However, for small plot size approval may be obtained from Metropolitan Commissioner, MMRDA.
4		Components of Rental Unit
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		in case of these buildings having height more than 24 mts the minimum marginal open space shall be 6 mts. or as may be prescribed by CFO.										
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	(c)	Where the location of plot abuts a nalla, the marginal open space along the nalla in the lay out shall not be insisted upon beyond 3 mt. from the edge of the trained nalla.										
	(d)	The distance between any two buildings shall not be less than 4.5 mt.										
10		<i>Any composite building (Rental Housing Project Building + commercial Building) shall contain at least 50% of the built up area for Rental Housing Project.</i>										
11	(a)	Means of access: The ratio between the length of pathway and width thereof shall be as follows: <table style="margin-left: 40px; border: none;"> <thead> <tr> <th style="text-align: left;">Length</th> <th style="text-align: left;">Width</th> </tr> </thead> <tbody> <tr> <td>Upto 20 mt</td> <td>1.5 mt</td> </tr> <tr> <td>Up to 30 mt</td> <td>2.0 mt</td> </tr> <tr> <td>Up to 40 mt</td> <td>2.5 mt</td> </tr> <tr> <td>Up to 50 mt</td> <td>3.0 mt.</td> </tr> </tbody> </table>	Length	Width	Upto 20 mt	1.5 mt	Up to 30 mt	2.0 mt	Up to 40 mt	2.5 mt	Up to 50 mt	3.0 mt.
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	(C)	The means of access shall be normally governed by the provisions of DCR No. 22 however in the project wherever the design of the buildings in the same layout require relaxation it may be given. Access through existing pathways including the roads maintained under section 63k of MMC Act 1888, but not less than 3.6 mt. in width, shall be considered adequate for any Rental Housing Project, containing buildings having height less than 24 mt. including stilts.										
12	(a)	Even if the amenities space is reduced to make the project viable, a minimum of at least 8% of amenity open space shall be maintained and while FSI computation for plot more than 1000 sq.mt. the 15% area for recreational/amenity open space vide item (ii) in clause (a) of sub-regulation 23 shall not be excluded.										
	(b)	Wherever more than the minimum front & marginal spaces have been provided such additional area provided may be considered as part of the amenity open space in the project without charging any premium in relaxation of the stipulation in DCR No. 23 wherever it is necessary.										
13		Premium shall not be charged for exclusion of staircase & lift-well etc. as covered under the provision of DCR 35(2)(C).										

14		All relaxation for the Commercial Building – Relaxation contained in sub regulation No. 9 (a), (b), (c), (d), 11 (b), (c), 12, 13 above, as well as other necessary relaxation shall be given to the Commercial building.
15		In order to make the Rental Housing project viable, the relaxation if necessary shall be granted.

(V) **Payments:**

MMRDA shall pay to MCGM Rs. 900/- per sq.mt. (90% of Rs.1000/-) for the built up area over and above the normal permissible FSI as infrastructural charges before occupation of rental housing.
