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**FORWARD**

This dissertation on "Government Policies and Legislation on Housing" was submitted as one part of the M.Sc (Town and Country Planning) degree examination in December 1976. It was written over a period of 2 - 3 months and during part of this time the student was engaged in other course work.

During the course the students prepared group projects in the fields of Housing, National Urbanisation Planning, Regional Planning and Urban Development Planning. Written papers were submitted on the subjects of Development Planning and Planning Methods and Policies, and examinations held in Applied Planning Theory (two papers) and Planning Practice.

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August 1978

GOVERNMENT POLICIES AND  
LEGISLATION ON HOUSING

The Impact of Government Policies and Legislation  
on the Supply of Urban Housing  
with Special Reference to the City of Colombo:  
Proposals for Improvement

A Dissertation  
Presented to

The Department of Town and Country Planning

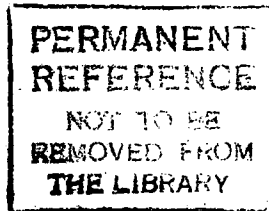
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In Partial Fulfilment  
of the Requirements for the Degree  
Master of Science in Town and Country Planning

NEIL G. KARUNARATNE

DECEMBER 1976



## SYNOPSIS

The aim of this dissertation is to examine the Government Housing policies and legislation mainly since the 1940s and after an evaluation of them to put forward proposals and recommendations that might lead to a solution of the housing problem especially in the urban sector.

This dissertation is in four parts : the magnitude of the problem; review of existing policies, legislation and the institutional framework; critical evaluation of the policies and the legislation; and proposals and recommendations. The body of the dissertation is divided into six chapters.

Chapter 1 identifies the problem of housing in Sri Lanka with special references to the urban sector. It briefly traces how the problem started with the Second World War and it analyses quantitatively the housing needs in 1971. It goes on further to deal with the age and condition of the urban housing stock, its structural composition, the urban tenure pattern, housing amenities, and the relation between rents and household income. It also has a section dealing with the housing situation in Colombo with special focus on the tenements, slums and shanties.

Chapter 2 deals with the Government's policies on housing. It points out the necessity of the State to intervene to solve the housing problem especially that of the lower income group. The Chapter starts with the Government's concern over the health of the people as well as over the predicament of tenants. It goes on to deal how with the establishment of the National Housing Fund and the Institution of the National Housing Department, the Government became directly involved in the provision of housing through the granting of housing loans and by the direct construction of houses. This Chapter shows that in 1970, as a manifestation of its socialist policies, the coalition Government enacted various pieces of legislation with the intention of equitable distribution in the housing sector. A summary of Government policies concludes this Chapter.

Selected pieces of legislation are summarised in Chapter 3.

It covers the evolution of rent control in Sri Lanka, from 1942 and a comprehensive survey is made of the 1972 Rent Act. The other legislation summarised in this Chapter are the Ceiling on House Property Law, the Apartment Ownership Law, the Common Amenities Board Law, the Housing Developers (Special Provisions) Law, the Protection of Tenants (Special Provisions) Act, the Local Authorities Housing Act, the National Housing Act, and the Colombo District (Low-Lying Areas) Reclamation and Development Board Act. In all these laws only the main provisions are summarised.

Chapter 4 deals with the institutional and administrative framework.

It is pointed out that the main institutions that administer most of the provisions of housing legislation are the local authorities and the National Housing Department. The Common Amenities Board, the Building Materials Corporation, and the Town and Country Planning Department are some of the other institutions involved in this field.



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A critical evaluation of Government policies and legislation in the field of housing is attempted in Chapter 5. Sections of certain legislation are analysed and sometimes dissected arriving at a result which proves the naivety of some of the provisions in the legislation. A major part of this Chapter is devoted to an evaluation of the rent laws. In-depth analyses and evaluations are also made of the Ceiling on House Property Law, the Housing Developers Law, and, the Government's policy of housing the lower income earners in high-rise flats.

After an examination of how much of the Government's goals and objectives are achieved (or rather not achieved), the Final Chapter spells out the various proposals and recommendations regarding a positive approach for the alleviation of the housing problem in Sri Lanka. This Chapter concludes with a list of the proposals and recommendations.

## ACKNOWLEDGEMENTS

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Neil G. Karunaratne

December, 21st 1976.

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## INTRODUCTION

"Housing like good health is an essential factor for the well-being of a nation".\*It is also one of the most pressing problems especially in a developing country. It becomes a fascinating and interesting study when housing of low income earners are examined. It does not mean to say that we, in Sri Lanka have a large population of street sleepers as in Calcutta or in Lagos. But also we cannot say that we do not have a housing problem. There is a vast difference between a roof over one's head and adequate housing. Insanitary surroundings, over-crowding, poor ventilation, non-availability of even the most basic needs are some of the characteristics in poor housing areas.

Legislation is framed by the upper or middle class bureaucracy in any government and these reflect the values, not of those for whom the legislation is intended but of those who are responsible for drafting the legislation. Consequently there appears a wide gap between what is desired by the poor and the need, and what is expected by the law-makers. Legislation of Electronic Theses & Dissertations must be in accordance with the socio-economic conditions of the country or the locality. Housing will have to be considered in the perspective of the economic aspect of the inhabitants and not in isolation as a mere sheltering unit.

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\* Prof. Otto H. Koenigsberger, speaking on "The UN Habitat Conference at Vancouver - Its Significance to Sri Lanka", at the 32nd Annual Sessions of the Sri Lanka Association for the Advancement of Science on Wednesday December 8, 1976.



Upto very recently, in Colombo for instance, squatters in shanties were regarded as undesirables in a city and as a menace to the 'law-abiding citizens'. The view of the authorities all along was to eradicate this 'menace' of shanty dwellers. They never considered them as part of the society itself and the section that had to be catered for, much more than those who are better-off. It took a long time for the Government as well as the Colombo Municipal authorities to realise that removal of the shanties away from the Colombo City is not the solution, but is the rehabilitation of this sector of the population who contribute to the economy of the City as its informally employed sector.

Due to misconceived policies, unrealistic legislation and far too stringent building standards the housing problem became worse as time went on. Finances voted by Parliament for the rehousing of shanty and slum dwellers were utilised for the construction of flats for the middle and lower middle classes. Certain legislation instead of ameliorating a situation tended to perpetuate a stock of old and near dilapidated buildings especially in Colombo, to the detriment of the urban population. The result of stringent building standards promoted the construction of thousands of unauthorised shanties within the City. In the Colombo Municipality, for instance, although the total number of housing units from 1963 to 1971 increased by 8.5%, the number of authorised housing units increased by a mere 0.6%. This itself shows that during the eight inter-censal years the unauthorised shanties increased by 7.9%.

With all the legislation, especially the package of housing laws in the 1970's it would be interesting to examine as to why the goals of the Government have not been achieved fully. Although the Minister of Housing and Construction states that the earlier housing policy had been shaped to help the more affluent sections of society and that he reversed this policy and concentrated on trying first to help the economically weakest section of society, \* it appears that the housing situation of the lower income earners in urban areas, especially in the City of Colombo has grown from bad to worse in the past few years. This was evident during the survey carried out in Colombo by the participants of the Post-Graduate Course in Town and Country Planning of the Katubedda Campus, in 1975.

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\* Mr Pieter Keuneman, Minister of Housing and Construction, speaking at the Committee Stage of the Budget in the National State Assembly on Friday, December 10, 1976. (Ceylon Daily News of 76.12.11).

This study is undertaken with a view of analysing the impact of the various legislation on the supply of the urban housing stock, as well as making various proposals and recommendations to solve this vexed problem.

The methodology of approach of this dissertation is an assessment of the magnitude of the problem, a review of the policies and legislation pertaining to housing, an evaluation of such policies and legislation followed by a set of proposals and recommendations.



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