PO2001-209

20th Regular Session

ORDINANCE NO. SP 1111 S-2002

AN ORDINANCE CREATING THE QUEZON CITY LOCAL HOUSING BOARD, DEFINING ITS POWERS AND FUNCTIONS, AND FOR OTHER SIMILAR PURPOSE.

Introduced by Councilors VOLTAIRE GODOFREDO L. LIBAN III, BERNADETTE R. CRUZ-HERRERA, RAMON P. MEDALLA, ERIC Z. MEDINA, RESTITUTO B. MALAÑGEN and ROMMEL R. ABESAMIS.

Co-Introduced by Councilors Wilma Amoranto-Sarino, Vincent P. Crisologo, Elizabeth A. Delarmente, Aiko M. Yllana, Mary Ann L. Susano, Jorge L. Banal, Julian M.L. Coseteng, Wencerom Benedict C. Lagumbay, Diorella Maria Sotto-De Leon, Dante M. De Guzman, Jesus "Bong" C. Suntay, Ricardo R. Del Rosario and Antonio E. Inton, Jr.

WHEREAS, Section 9, Article II of the 1987 Constitution declares that the State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty, through policies that provide adequate social services, promote full employment, arising standard of living and an improved quality of life for all;

WHEREAS, Section 9 Article XIII of the 1987 Constitution declares that the State shall, by law, and for the common good, undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas;

WHEREAS, Section 10, Article XIII of the 1987 Constitution declares that urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner;

WHEREAS, Republic Act No. 7279 or the Urban Development and Housing Act (UDHA) ordains local government units to carry out socialized housing programs and enforce just and humane eviction and demolition policies within their respective localities;

WHEREAS, the Urban Development Housing Act likewise proclaims that it is a policy of the State to promote and institutionalize the participation of the private sector, non-government organizations (NGOs) and People's Organizations (POs) in the urban development process;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED:

Article I. Title of the Ordinance. This Act shall be known as the "Quezon City Local Housing Board Ordinance of 2001."

Article II. Definition of Terms.

A. **"Balanced Housing Requirement"** refers to the mandate pursuant to Sec. 18 of the Urban Development Housing Act (UDHA) whereby developers of the proposed subdivision projects shall be required to develop an area for socialized housing equivalent to at least twenty percent (20%) of the total subdivision or total project cost, at the option of the developer, within the same city or municipality;

B. **"Board"** refers to the Quezon City Local Housing Board;

C. **Comprehensive Land Use Plan** refers to a primary and dominant bases for land use, applying a rational approach of allocating available land resources as equitably as possible among competing user groups and for different functions consistent with the development plan of the area and the provisions of the Urban Development and Housing Act of 1992 (UDHA);

D. **Economic Housing** refers to a housing project provided to moderately low income families with lower interest rates and longer amortization periods;

E. **Local Government Pabahay Program** refers to a synchronized program tasked to oversee and coordinate efforts of all government housing agencies involved in assisting local government units in their respective socialized housing projects, in the context of Executive Order No. 143, series of 1993;

F. **Local Shelter Plan** - refers to general framework, which provides a step-by-step procedure by which local government units could formulate solutions to its housing problems. It shall include measures to enable local government units to plan and implement its specific mandates based on the UDHA and to facilitate a linkage with comprehensive land use plans as defined under this Act.

G. **Local Shelter Plan Guidelines** - refer to model for the preparation of Local Shelter Plans, as embodied in the National Urban Development and Housing Framework (NUDHF), or that which was developed under the PHI/89/FO2 Project, implemented by the Housing and Urban Development Coordinating Council (HUDCC) and executed by the United Nations Center for Human Settlement (UNCHS);

H. **National Urban Development and Housing Framework (NUDHF)** refers to the authoritative document aimed at achieving the objectives of the UDHA issued by the HUDCC;

I. **Non-Government Organizations (NGO)** refer to duly registered non-stock, non-profit organizations focusing in the upliftment of the basic or disadvantaged sectors of society by providing advocacy, training, community organizing, research, access to resources, and other similar activities;

J. **Peoples' Organization (POs)** - refer to bona fide associations of underprivileged and homeless citizens with demonstrated capacity to promote the public interest and with identifiable dealership, membership, and structure;

K. **Socialized housing** refers to housing programs and projects covering houses undertaken by national or local government or private sector for the underprivileged and homeless citizens which shall include sites and services development, long term financing, liberalized terms on interest payments, and such other benefits in accordance with existing laws, rules and regulations;

L. **Socialized Housing One Step Processing Centers** - refer on the entities mandated by Sec. 20 of the UDHA or created by Executive Order No. 184, series of 1994, to expedite the processing, approval, and issuance of clearances, permits and licenses for private socialized housing developers within ninety (90) days from the date of submission of all requirements by such participating developers;

M. UDHA - refers to the Urban Development and Housing Act of 1992 or Republic Act No. 7279.

N. "Underprivileged and homeless citizens" refer to individuals or families residing in urban areas whose income or combined household income falls within the poverty threshold as defined by the National Economic Development Authority (NEDA) and who do not own housing facilities, and shall include those who live in makeshift dwelling units and do not enjoy security of land tenure.

Article III. Mandate. There is hereby created a Quezon City Local Housing Board which shall formulate, develop, and ensure the implementation of policies on the provision for housing and resettlement areas, and on the observance of the right of the underprivileged and homeless to a just and humane eviction and demolition.

Article IV. Composition. The Board shall be headed by the Mayor or his duly authorized representative and shall be composed of the following members:

1. Five (5) representatives of duly accredited Quezon City PO's
2. Two (2) representatives of duly accredited Q.C. NGO's;
3. Five (5) members appointed by the Mayor;
4. Two (2) members representing the Quezon City Council to be elected by among themselves;
5. Head of the Quezon City Urban Poor Affairs Office.
6. Representative from the Housing and Urban Development Council to be designated by the HUDCC Chair.

The Vice Mayor shall automatically be the Vice Chairman of the Board and the Head of the Urban Poor Affairs Office shall be the Board Secretary.

Article V. Powers and Functions. The Quezon City Local Housing Board shall have the following powers and functions:

1. Recommend local shelter plans provided that such plans should include provisions on the source of funds for socialized housing projects;

2. Assist in the formulation of amendments to the Quezon City Land Use Plan;

3. Monitor the nature and progress of land development of projects approved by the Sanggunian;

4. Ensure compliance with the balanced housing requirement: Provided, that the appropriate committee in the Sangguniang shall furnish the Board with all applications for socialized housing;

5. Identify lands for socialized housing, using site selection criteria, documentation requirements, and technical assistance under guidelines enacted for the purpose;

6. Advise the sanggunian on matters of local taxation and allocation which may affect the local government socialized housing program, which includes, but is not limited to the formulation of a socialized housing tax, the allocation of proceeds from idle tax collections for socialized housing purposes;

7. Recommend for the acquisition and disposition of lands within Quezon City for socialized housing purposes, subject to guidelines, rules and regulations enacted for the purpose: Provided, that the Board may request the City Assessor or Revenue District Officer of the Bureau of Internal Revenue (BIR) to report on how a particular land valuation for socialized housing purpose was determined, and for this purpose the Board may request the mayor to convene an Ad Hoc Committee on Arbitration on Land Valuation, tasked to resolve issues and conflicts that may arise between landowner/s and urban poor beneficiaries on the valuation of a particular parcel of land;

8. Recommend for approval of the Local Chief Executives (LCEs) partnership arrangements with the NHA, including but not limited to the following programs: Housing Production Assistance, Resettlement Assistance, Local Housing, and Cost Recoverable Joint-Venture;

9. Coordinate with national government housing agencies involved in assisting Quezon City in its socialized housing projects, including but not limited to the Home Development Mutual Fund (HDMF), National Home Mortgage Finance Corporation (NHMFC), and the Home Insurance Guaranty Corporation (HIGC), and for this purpose, the local housing board shall coordinate with the Advisory Committee created to implement the Local Government Pabahay Program;

10. Ensure the registration of underprivileged and homeless families as socialized housing beneficiaries: Provided, that the Board shall assume the role of a city registration committee as constituted under pertinent guidelines, rules and regulations;

11. Coordinate with national government entities performing functions which may affect housing and urban development;

12. Submit to the President and the Congress of the Philippines an annual report with respect to the implementation of the UDHA, as required by Sec. 41 of the same.

Article VI. Demolition Clearinghouse. The Board is hereby tasked to oversee the implementation of Sec. 28 of the UDHA and it's implementing rules and regulations, and in this regard shall perform the following functions:

1. Monitor and coordinate government activities relative to consultation, relocation, and resettlement of underprivileged and homeless citizens in cases where evictions and demolitions affecting them are necessary and allowed by existing laws;

2. Recommend policy measures and/or undertake appropriate action to ensure full compliance with the constitutional mandate and statutory requirements prior to the evictions and/or demolitions affecting underprivileged and homeless citizens; and

Article VII. Generation and Mobilization of Resources. The Quezon City Local Housing Board is hereby constituted as a recommendatory body tasked to establish schemes on matters of sourcing of funds for socialized housing. For this purpose it may recommend the following schemes for funding socialized housing projects:

1. Build operate transfer and other related schemes;

2. Bond flotation and other credit financing arrangements;

3. Availment of foreign or local grants; Provided, that it is hereby authorized to receive local grants, which shall be remitted to the local treasury, and shall be credited to the socialized housing account or the Local Government Unit concerned;

4. Loan packages from government financing/lending institutions;

5. Joint Venture Projects with private sector groups or developers; and

6. Pooling of resources between and among LGUs and private sector/NGOs/POs;

Article VIII. Compliance Report. Before undertaking evictions and/or demolitions that may affect underprivileged and homeless citizens, the Quezon City or national government agencies shall submit a Compliance Report to the local housing board, with a statement under oath that:

1. Adequate consultation as defined and outlined under pertinent laws, rules and regulations have already been undertaken with the affected residents;

2. The Pre-Relocation, Relocation, and Post-Relocation Phases outlined under pertinent laws, rules and regulations have been observed.

The Compliance Report shall include a certified list of families to be evicted and/or relocated.

Article IX. Daily Operations. The Quezon City Urban Poor Affairs Office (UPAO) shall perform and supervise the day-to-day activities of the Board.

The Board may create as many technical working groups as may be necessary to assist the Board in the fulfillment of its functions. Such technical working groups shall include the participation of non-government professionals and experts in the field of housing and urban development.

Article X. Compensation and Remuneration. The members of the Board and the Technical Working Groups shall perform their duties with a monthly per diem as may be allowed under the provisions of existing laws, rules and regulations.

Article XI. Meeting and Quorum. – The Board shall meet quarterly or as often as may be necessary. The majority of the members of the Board shall constitute a quorum.

The Head of the Quezon City Local Housing Board, with the assistance of the Secretariat, shall prepare its annual and special budgets, which shall be approved by a majority of the members thereof.

Article XII. Implementing Rules and Regulation (IRR). The implementing rules and regulations of this ordinance shall be issued by the City Mayor within ninety (90) days from the approval hereof. Such implementing rules and regulations shall contain, among others, guidelines on accreditation and selection of NGO, PO, and private sector representatives to the Board: Provided, in default of any provisions in the implementing rules and regulations on accreditation and selection of NGO, PO, and private sector representatives, Department of Interior and Local Government (DILG) Circular No. 98-116 shall apply.

Article XIII. Separability Clause. If, for any reason, any provision of this Ordinance is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in force and effect.

Article XIV. Repealing Clause. All ordinances, local executive orders, rules and regulations, and other issuances or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed, modified or amended accordingly.

Article XV. Effectivity Clause. This Ordinance shall take effect upon approval and posting in three (3) conspicuous places and 15 days after publication in a newspaper of general circulation in Quezon City.

ENACTED: January 29, 2002.

HERBERT M. BAUTISTA
Vice Mayor
Presiding Officer

ATTESTED:

EUGENIO V. JURILLA
City Council Secretary

APPROVED: March 22, 2002

FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on January 29, 2002, was finally PASSED by the City Council on February 12, 2002.

EUGENIO V. JURILLA
City Council Secretary

msdj*