

Draft amendments in the Haryana Building Code, 2017 for Ease of Doing Business.

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1. Amendment in Chapter-2

I. Code 2.2(1) shall be amended as under:

Any person intending to erect or re-erect building shall apply on **Form BRS-I** along with documents stated in **Code 2.1** to the Competent Authority for approval of building plans of buildings falling in low and moderate risk categories defined in **Code 5.2(i)** and **5.2(ii)**, under self-certification by giving fifteen day notice to the Competent Authority for approval of building plans intimating the date of start of construction. The construction can be started after fifteen days, in case any objection is not conveyed to the applicant.

II. Code 2.6 shall be inserted after code 2.5 as under:

Single Joint Inspection.

- (1) The Competent Authority shall conduct single joint inspection by constituting a team of officials/ officers including officers/ officials of other Government Departments (for their respective services) of the site/ buildings, wherever required, in following stages:
 - (i) **Pre-Construction.**
 - (ii) **During Construction.**
 - (iii) **Post Construction.**
- (2) The Competent Authority shall ensure that the same inspector shall not inspect the same site/ building in consecutive stages.
- (3) The inspection team shall conduct inspection of site/ building on a day specified by the Competent Authority in the order issued as per Code 2.6(1) and submit/ upload (online) single inspection report within 48 hours to Competent Authority.

2. Amendments in Chapter-4.

I. Code 4.5 shall be amended as under:

The Competent Authority shall pass an order within a period of twenty days of submission of building plans, accompanied by all necessary documents as mentioned in **Code 2.1**, either sanctioning or rejecting it. The building plan shall be deemed to be sanctioned, if it is in conformity with building Code and in accordance with the permitted land use of the area and all leviable fee/ charges have been deposited by the applicant but no orders have been passed by the Competent Authority within the specified time.

II. Code 4.9 shall be amended as under:

The owner (or the Architect, in case of self certification) shall submit a certification from an Architect (or by himself, in case of self certification)

that the construction of building upto DPC level is as per sanctioned plan. The Competent Authority shall verify the certification and shall issue consent/ comments within seven days of receiving the certification. The DPC certificate shall be deemed to be accepted, if it is in conformity with Code, but no consent/ comments have been passed by Competent Authority within specified time.

III. **Code 4.10(4) shall be amended as under:**

After receipt of application, the Competent Authority shall communicate in writing within eighteen days, his decision for grant/ refusal of such permission for occupation of the building in Form **BR-VII**. The E-register shall be maintained as specified in **Code-4.8** for maintaining record in respect of Occupation Certificate.

IV. **Code 4.11 shall be amended as under:**

Occupation Certificate through Self Certification.

(1) The owner who had applied under **Code 2.2** and having building under Low Risk Category defined in **Code 5.2(i)**, shall submit an application to Competent Authority for grant of occupation certificate on **Form BRS-III** and along with completion drawings, Completion Certificate on **Form BRS-IV** and along with the following documents:-

(i) Detail of compoundable violations from the approved building plans, if any in the building, jointly signed by the owner, Architect and Structural Engineer, along with demand draft of the due payment for composition charges of such violations at the rates determined by the Competent Authority shall be submitted along with **Form BRS-III**.

(ii) Both the Owner and Architect shall give a self-certification as **Form BRS-IV** that no provision of the Haryana Building Code, 2017 has been violated excluding compoundable violations.

(iii) Photographs of front, side, rear setbacks, front and rear elevation of the building shall be submitted along with photographs of essential areas like cut outs and shafts from the roof top. An uneditable compact disc/ DVD containing all photographs shall also be submitted.

(2) The competent authority shall issue an occupation certificate in **Form BRS-V** within eight working days of receipt of the **Form BRS-III** duly complete in all respect and accompanied with the required completion drawings forms and affidavits. The occupation certificate shall be

issued provided that the documents submitted along with **Form BRS-IV** are in order:

Provided, if any violation found within time prescribed above during inspection, which is not listed in compoundable violations stated at **Code 4.11(1)(i)**, then the violation be compounded (or demolished if it is non-compoundable), as per composition charges prescribed by the Competent Authority.

- (3) If no communication is received from the Competent Authority within eight working days of submitting the application for "Occupation Certificate", the owner is permitted to occupy building, considering deemed issuance of "Occupation certificate" and the application **Form BRS-III** shall act as "Occupation Certificate":

Provided violations, if found at any subsequent stage, shall result in cancellation of the occupation certificate issued and the same shall be restored only after removal of violations. Further, action against the Architect shall also be taken for furnishing a wrong certificate/affidavit.

- (4) No person shall occupy or allow any other person to occupy any other person to occupy any new building or a part thereof for any purpose whatsoever until such building or a part thereof has been certified by the Competent Authority as having been completed and an occupation certificate has been issued in his favour in **Form BRS-V** within the above mentioned period. However, minimum percentage of permissible covered area (for industrial plotted colony only) as mentioned below shall have to be constructed to obtain occupation certificate or as decided by the competent authority, by recording reasons in writing:

Sr. no.	Area of site	Percentage of permissible covered area
1	Upto 2 acre	25%
2	Above 2 acre upto 5 acres	20%
3	Above 5 acres & upto 10 acres	15%
4	Above 10 acres	10%

- (5) No occupation certificate shall be issued unless debris and rubbish consequent upon the construction has been cleared from the site and its surroundings.

V. **Code 4.11a shall be inserted as under:**

Occupation Certificate through 3rd Party Certification.

(1) The owner who had applied under **Code 2.2** and having building under Moderate Risk Category defined in **Code 5.2(ii)**, shall submit an application to Competent Authority for grant of occupation certificate on **Form BRS-III** and along with completion drawings, Completion Certificate on **Form BRS-IVA** and along with the following documents:-

(i) Detail of compoundable violations from the approved building plans, if any in the building, jointly signed by the owner, Architect and Structural Engineer, along with demand draft of the due payment for composition charges of such violations at the rates determined by the Competent Authority shall be submitted along with **Form BRS-III**.

(ii) A certification from third party (i.e. an Architect or an Engineer other than the Architect/ Engineer involved in designing, construction and supervision of the building) in **Form BRS-IVA** that the building has been inspected in all respect and no provision of the Haryana Building Code, 2017 has been violated excluding compoundable violations.

(iii) Photographs of front, side, rear setbacks, front and rear elevation of the building shall be submitted along with photographs of essential areas like cut outs and shafts from the roof top. An uneditable compact disc/ DVD containing all photographs shall also be submitted.

(2) The competent authority shall issue an occupation certificate in **Form BRS-V** within eight working days of receipt of the **Form BRS-III** duly complete in all respect and accompanied with the required completion drawings forms and affidavits. The occupation certificate shall be issued provided that the documents submitted along with **Form BRS-IVA** are in order:

Provided, if any violation found within time prescribed above during inspection, which is not listed in compoundable violations stated at **Code 4.12(1)(i)**, then the violation be compounded (or demolished if it is non-compoundable), as per composition charges prescribed by the Competent Authority.

(3) If no communication is received from the Competent Authority within eight working days of submitting the application for "Occupation

Certificate”, the owner is permitted to occupy building, considering deemed issuance of “Occupation certificate” and the application **Form BRS-III** shall act as “Occupation Certificate”:

Provided violations, if found at any subsequent stage, shall result in cancellation of the occupation certificate issued and the same shall be restored only after removal of violations. Further, action against the Architect shall also be taken for furnishing a wrong certificate/ affidavit.

- (4) No person shall occupy or allow any other person to occupy any other person to occupy any new building or a part thereof for any purpose whatsoever until such building or a part thereof has been certified by the Competent Authority as having been completed and an occupation certificate has been issued in his favour in **Form BRS-V** within the above mentioned period.
- (5) No occupation certificate shall be issued unless debris and rubbish consequent upon the construction has been cleared from the site and its surroundings.

3. **Amendment in Chapter-5.**

I. **Code 5.1 shall be amended as under:**

- (1) For fast track building plan approval, the competent authority shall approve building plans considering the risk based classification of buildings depending upon height.
- (2) The buildings are categorized in three risk categories:
 - (i) **Low Risk:** Low Risk category includes plotted residential and commercial sites having maximum permissible height upto 15 metres and area upto 1000 square metres; plots (all sizes) of industrial plotted colonies.
 - (ii) **Moderate Risk:** Moderate Risk category includes commercial sites having maximum permissible height upto 15 metres and area from 1001 square metres to 2000 square metres.
 - (iii) **High Risk:** High Risk category consists of buildings other than building stated above at (i) and (ii).
- (3) The application of building plan approval for the buildings stated in **Code 5.1(2)(i)** shall be allowed as per **Code 2.2** and its grant of Occupation Certificate shall be allowed as per **Code 4.11**
- (4) The application of building plan approval for the buildings stated in **Code 5.1(2)(ii)** shall be allowed as per **Code 2.2** and its grant of Occupation Certificate shall be allowed as per **Code 4.11a**.

- (5) The building under High Risk category shall be approved under **Code 2.1 and** its grant of Occupation Certificate shall be allowed as per **Code 4.10.**

4. **FORM BRS-IV has been amended as under:**
Certificate of conformity to rules and structural safety.
5. **Form BRS-IV has been inserted as under:**

FORM BRS-IVA

(See Code 4.12(1) and (2))

3rd party certification for conformity to rules and structural safety.

Certificate to be submitted along with the building application in **Form BRS-III** duly signed by the 3rd party Architect and 3rd party Structural Engineer.

Details of the building for which the certificate is issued

Plot No. _____, Sector _____, Colony _____
City/Town _____.
Name of the owner _____.
Complete address of the owner _____.

A. Building Plan :

- i. Name of Architect:
- ii. Council of Architecture Registration No. _____, valid up to _____.
- iii. Complete Address
- iv. E-Mail
- v. Mobile no.

B. Structural Design:

- i. Name of Engineer:
- ii. Qualifications:
- iii. Complete Address
- iv. E-Mail
- v. Mobile no.

Certificate

It is hereby certified that the site has been inspected and construction has been found in order as per plans submitted in **Form BRS-I**, in accordance with the Haryana Building Code-2017 and the approved zoning plan of the plot, for the building detailed above. The structure has been designed in accordance with the provisions of the National

Building Code and the relevant Bureau of Indian Standard Codes (with latest amendments) including Bureau of Indian Standard Codes for structures resistant to earthquakes and other natural hazards. The local soil conditions, its load bearing capacity and the underground water table etc. have been kept in view while designing the same.

Dated _____

Signature of

- i) Architect (3rd party):
 - a. Complete Address
 - b. E-Mail
 - c. Mobile no.
- ii) Engineer/ Structural Engineer (3rd party):
 - a. Complete Address
 - b. E-Mail
 - c. Mobile no.

In case of the building is above 15 metres height, the certificate shall be signed by the proof consultant (3rd party), as followed:

The structural design has been checked and has been found to be in order. The design is in accordance with the provisions of the National Building Code and the relevant Bureau of Indian Standard Codes (with latest amendments) including Bureau of Indian Standard Codes for structures resistant to earthquakes and other natural hazards. The local soil conditions, its load bearing capacity and the underground water table etc. have been kept in view while designing the same.

Dated _____

Signature of Proof
Consultant (3rd party)
along with Mob. No. &
E-mail