

# ***BENGALURU APARTMENT RESIDENTS CHARTER***

**Presented By**

**Bangalore Apartments' Federation**

**As Part Of**

**Every Vote Matters Campaign - Karnataka Assembly Elections 2023**

## Preface

**Bangalore Apartments' Federation (BAF)** is a federation representing the interests of residents of apartments and villa communities across Bengaluru. More than 1,180 apartment and villa resident welfare associations (RWAs) are members of BAF representing nearly 250,000 households with close to one and a half million citizens either residing or working within these communities.

Bengaluru city is growing at a rapid pace – nearly 1.35Crores of people from various parts of the country and the world have made this city their home. The rapid increase in population has been supported by a massive growth of vertical-living as the housing format. Apartments and similar formats of group-housing have the potential to ensure that the population of Bengaluru have the means and mechanisms to enjoy and experience a peaceful and good quality of life. But if the planning of city's development does not recognize the role played by apartments as being efficient and effective modes of group-housing, the development will be haphazard and unwieldy. A strategic and well-thought plan out to support the development of this sector, along with provision of all the civic, public and private services would ensure that Bengaluru lives up to its tag of truly a global city.

Residents of apartments are contributing massively towards the leadership position that Bengaluru today enjoys in various sectors of commerce, education, culture, sport, technology, healthcare and many other fields. As citizens who contribute to the development and ethos of the city, they have a significant stake in providing inputs to and demanding solutions from their elected representatives.

As part of BAF's "Every Vote Matters" Campaign, which is creating a platform for engagement and debate between apartment residents and political parties, this "**Apartment Resident's Charter**" represents the key and priority expectations and demands that the apartment-residents place before the political stakeholders of the state. We do hope that this will help them with inputs towards drafting their own manifestos and developmental plans and subsequently use this towards measurable developmental outcomes of positive impact to the apartment residents.

**12th March 2023**

## Section 1 – Property Ownership & Management

### Key Suggestions:

- Complete implementation of the Karnataka Apartment Ownership Act (KAOA) 1972 by sufficiently amending the Karnataka Registration Rules 1965, the Karnataka Apartment Rules 1974 and municipal/local body/revenue rules – ensure that the whole property, i.e. the apartment units, all assets and land on which these are built, are conveyed rightfully to the group of owners
- Notify the rules for identifying and appointing Competent Authority for the Act
- Assign a Department of the Government for the Act and form a secretariat to take up administrative responsibility for the provisions of the Act
- Issue a clarification for apartment associations, who have historically been registered under Karnataka Societies Registration Act, 1969(KSRA), to help migrate to KAOA1972
- Enable and strengthen provisions of KAOA1972 to facilitate a clear and smooth model of management of apartment associations.
- Ensure that there is enforcement of obligations of RERA to mandate conveyance of properties only after the issue of Occupancy Certificate as per KAOA1972 to ensure that builder obligations to deliver fully completed and compliant projects are followed.
- Ensure that grievance redressal systems of K-RERA work effectively to support handling and solving of grievances in a timely manner.

## Section 2 – Compliances

### Regulators & Agencies who manage compliances at Apartments:

- Karnataka State Pollution Control Board – Consent for Operation (CFO)
- Karnataka State Fire and Emergency Services – Fire Clearance Certification (CC)
- Chief Electrical Inspector General – Lifts and other heavy electrical equipment audit and approvals
- Principal Chief Commissioner of Central Tax - GST

### Key Suggestions:

- Enable online applications for all apartment-related compliances, with clear status-tracking systems.
- Bring all compliances automatically under the ambit of Sakala for timely approval and disposal.
- Compliance costs should be nominal and reasonable and not be revenue generating exercise by the government or regulators. Over the past five years, there has been manifold increase in costs of compliances of KSPCB-CFO (in spite of mandate by Water Act 1974 to collect consent fee only to extent of coverage of expenses) and KSFES-CC which is discouraging apartment residents.
- The rule of charging of GST for maintenance charges of residential complexes should be removed – since the maintenance of a residential complex happens on the principle of mutuality without any value enhancement or exchange and it is merely a group of residents pooling together resources and commonly paying for services, for which they pay GST as applicable. Until that time that the proposal for this abolition is under review, the current exemption of Rs.7500 per month of maintenance charge should be revised to Rs.15,000 to provide interim relief to apartment residents.

### Section 3 – Public Services

#### Key Suggestions:

- BWSSB
  - Remove “Bulk Domestic Consumer” categorization and different charges applied to apartments – ensure parity of water charges with all regular residential domestic consumer categories.
  - Ensure timely completion of Cauvery Water Supply Scheme V to ensure guaranteed water and sewerage services to all areas of Greater Bengaluru.
  - Applicants for new connections, awaiting connection for years, should be given the option for refund of charges paid with interest and re-apply when infrastructure and services are made available.
  - Uniform application of water tariff under domestic category for all use cases – not to apply commercial rates for captive resident-use facilities like club-house and swimming pools.
  - Ensure that apartments with STP’s, who do not used the under-ground-drain network, are not charged “Sanitary Charges” – all historic charges should be refunded promptly.
  
- BESCOM
  - The electricity tariff revisions have been steep over recent years – this needs to be regulated better to ensure that it does not hurt citizens repeatedly. DISCOM inefficiencies and T&D losses needs to be controlled to ensure those burdens are not passed on to consumers.
  - Captive transformers for apartments, whose ownership is transferred to BESCOM at commissioning, should be under regular maintenance of BESCOM
  - Charging of supply as per LT2(a) category for all use within apartments including captive mixed-use facilities like club-house, utility-installations etc.

- Remove monthly fixed charges for emergency equipment like fire-management-systems which are part of connected but unutilized load.
  - Encouragement for adoption of rooftop solar systems through single window application process and incentive with better buyback pricing
  - Encouragement for adoption of EVs through promotion of community EV Charging Stations at apartments and attractive LT6 category tariff. Clarification and guidelines on safety and load-bearing norms while installing additional EV charging capacity.
- **BBMP**
    - Remove “Bulk Producer” categorization for solid-waste services for apartments
    - Ensure parity of charges for waste-management services for apartments along with other residential categories
    - Incentivize in-situ composting of wet-waste by removal of solid-waste-management cess

## Section 4 – Environmental Safeguards

### Key Suggestions:

- Withdraw GoK notification issued in January 2016 (and subsequent notifications) making STPs in apartments mandatory and enforcing zero liquid discharge which is applicable only to highly polluting industries. This notification was based on flawed CPCB notification of May 2015 which was not necessary when direction issued by CPCB in April 2015 was already in force. This policy is not helping bring positive environmental impact resulting in 1000s of smaller STPs, with different technologies and different treatment effectiveness being managed at huge costs (by apartments) who don't have the technical competency to do so.
- As per CPCB directions issued in April 2015, make BWSSB, KUWSSB and panchayats responsible for sewage transport, treatment and safe disposal. Most suitable infrastructure for such a model can be implemented by Government more effectively – appropriate treatment technologies can be implemented at terminal STPs connected to the drainage network, which can ensure that the treatment output is to regulated standards and avoid pollution of water bodies.
- For apartments who have already installed and will install STPs and treat used water to regulated standards, incentivize their adoption.
- Do not enforce the policy of “zero liquid discharge”, since it is impractical – build backward linkages for treated-water buyback which can help bring value and incentive to treated used water.
- Create backward-linkages for compost buyback to encourage in-situ composting of solid-wet-waste, else in-situ composting is unviable.
- Provide enough options, either through BBMP or regulated private parties, for management of dry, sanitary, medical, bulky and construction/demolition waste. This

would ensure that non-wet waste generated at the apartments can be consistently directed to appropriate channels of management.

- Ensure pro-active and collaborative consultations with RWAs, on co-creating measures and interventions to tackle environmental and climate risks.



## Section 5 – Urban Planning & Public Infrastructure

### Key Suggestions:

- Conduct a detailed assessment of gaps/failures of implementation of historical master plans from ODP1965 to RMP2015. Ensure that the master plans, which have inputs and approvals from all departments, become the basis for town planning and baseline for compliance.
- Create more last mile public transport infrastructure, like mini-buses by BMTC, towards other public transport main routes like metro, buses and suburban rail. This is particularly useful in high-growth residential areas of outer Bengaluru, where many apartments have come up.
- Ensure obstructions and bottlenecks for implementation of piped natural gas supply system by GAIL are cleared – there are many apartments across the city who have paid for the connections and are waiting since many years to receive it.

## Section 6 – Local Governance & Engagement

### Key Suggestions:

- Ensure timely conduct of municipal elections and ownership for council to run the affairs of the city and its services
- Ensure strict implementation of provisions of the 74<sup>th</sup> Amendment to the Constitution, 1992 which entails constitution of Ward Committees in every ward
- Ensure that the process of constitution of ward committees is done transparently and objectively, including honoring the requirement to have RWAs as nominees in the committee
- Enable formal integration of RWAs, as key stakeholders of the ward, towards various aspects of governance, oversight and management of the ward development activities.

## Section 7 – Social Welfare & Support

### Key Suggestions:

- Introduce measures and programs to help ensure social-security to the large category of informal workers working at apartments. Enlist support and collaboration of RWAs to help drive these measures to all workers.
- Popularize engagement programs and services by PHCs and other government health institutions towards better preparedness and management of future pandemics. Enlist the support and collaboration of RWAs for regular engagement.
- There are increasing cases of man-animal conflict as well as conflicts within residential complexes pertaining to pet-animals. Create a consultative exercise with RWAs to come up with guidelines and measures which can ensure clarity of policies as well as a culture of peaceful and mutual co-existence.