



Guide to PARTICIPATORY URBAN INTERVENTION IN INFORMAL SETTLEMENTS IN ROMANIA

January 2023

Example of a practice to facilitate access to land tenure rights for families living in informal settlements, developed and implemented for the community in Călnic neighbourhood, Bistra Street, Municipality of Reșița.

2023

Project implemented by:

This guide has been developed to support initiatives for urban planning interventions in informal settlements in Romania. The guide presents the steps taken and the lessons learned in the process of *in-situ* regulation of the informal settlement located at the end of Bistra Street in Călnic, a locality belonging to the municipality of Reșița, Caraș-Severin county.

This intervention - as well as this guide - was carried out as part of the project "*I have no papers, I don't exist. Innovative model of participatory intervention in informal settlements*", implemented between February 2021 and November 2022 by the Make Better Association (MKBT), in partnership with the Municipality of Reșița and Humanitas Pro Deo Foundation, and with financial support from Active Citizens Fund Romania, a programme funded by Iceland, Liechtenstein and Norway through EEA Grants 2014 - 2021.

The Zonal Urban Plan for the urban planning regulation of informal settlements was developed by the design office Vitamin Architects SRL, Timișoara (www.vitamina.ro).

This guide is available in digital format, in Romanian and English, on www.locuireinformala.ro and on the MKBT website www.mkbt.ro.



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INTRODUCTION

Local context. Issues faced by the community:

„I'd most pray that they'd make us contracts, connect us with electricity. For example, we have these children who go to school and don't have home conditions to do their homework. Of course, we borrow from the neighbours, but the neighbours don't give you their whole life and so if you're on your own electricity connection, you pay for it because it's yours, you do what you want with it [...] you wash children's laundry with the washing machine, one thing or another. For example, if you don't have electricity you can't do laundry, you can't wash them by hand all day long. [...]

They should also make us this sewer... so we can put water... ...so that we can be like everyone else...so that we can build a bathroom where children can have a place to wash...because the children go to school...I don't think anyone would like it if a teacher or a principal or someone called us to tell us that our children smell or something, that it's not nice...so that our children go to school clean, so that they don't go the improper way..."

M, mother of 5 children, Călnic – Reșița



„we would rather have IDs on our own home address than to give to others...if we don't have one...we have to give 200 euros each to others, and we don't have this money to give [...] because if you don't have an ID you can't do anything."

C, mother of 4 children, Călnic – Reșița



„we could use bath and water, to wash, and a playground. But better water! And the bridge over the water is rickety when the water is high."

I, child 12 years old, Călnic - Reșița

In Romania, more than 70,000 people¹ live in houses for which they do not have any legal forms (land ownership documents, building permits, etc.), thus in what are called „informal settlements”. One such informal settlement is located at the end of Bistra Street in Călnic, a locality belonging to the Municipality of Reșița, jud. Caras Severin. All studies² on the subject indicate that the phenomenon of informal housing is on the rise, both in Romania and in other countries.

Globally, around 1 billion people live in informal settlements and this number is expected to double by 2030³.

In the absence of documents - of land ownership, building permits and house ownership etc. - the affected families cannot make their IDs on their real address, cannot access support services. Connecting to electricity, paying for a washing machine in installments, qualifying for social assistance, or even signing a work contract, all depend on having a home address and ID. Moreover, such settlements cannot benefit from public investment to improve their quality of life because, although they exist in reality, they do not appear in land registers, urban planning documents and strategies and cannot be the subject of public investment projects.



- 1 Data according to the latest national data collection exercise conducted in 2021 by the Ministry of Development, Public Works and Administration.
- 2 MKBT (2018) Informal Housing in Romania - Research Report 2018. Available at: https://locuireinformala.ro/wp-content/uploads/2019/11/Raport-cercetare-Locuire-informala_RO.pdf
- 3 UN-Habitat (2020). The Value of Sustainable Urbanization, 2020. ISBN 978-92-1-132872-1 și Collier, P., Glaeser, E., Venables, A., Blake, M., & Manwaring, P. (2019). Policy options for informal settlements, 2019. Version 1. IGC Cities that Work Policy Framing Paper

INTRODUCTION

About Călnic - short presentation of the community

The informal settlement of Călnic is located between the bed of the river Bârzava and the embankment of the CFR line Reșița - Timișoara. Some of the houses are located right on the river bank, in the floodable area. To the west of the perimeter there is an unused plot of land, which decades ago was used as a football pitch, but has since turned into landfill. Access to the area is from Bistra Street (from where road access is possible), but also via a pedestrian bridge that connects this area to the rest of Călnic. The location of the settlement between the river flood bank, the railway line and an open but littered land has limited the expansion of the settlement over time, but has created additional challenges of accessibility and exposed the community to risks, making the overall process of regulating the land situation more difficult.

There are 162 people living in the informal settlement of Călnic, half of whom are minors. There are 46 houses in the area, 32 of which were inherited (but not legally registered as such) from parents and 11 of which were built by their current residents. The area is not connected to the water supply or sewage network, the only source of drinking water being two wells built by local people. Most of the houses are built of improvised materials (unburnt brick/stone, BCA, rubble) and are overcrowded. Only 14 dwellings have a meterbox and a legal contract to connect to the electricity grid, 19 others are informally connected to the neighbours' grid, and 11 of these have no access to electricity at all. 25 of the residents have only temporary IDs, and most of the others have IDs for an address other than the one where they live. 5 children have no birth certificate. Of the 81 minors, 33 are under 6 years old (infants and pre-school children) and 33 are aged 7-14. The demographic profile of the area indicates a growing community, in contrast to the demography of the municipality of Reșița, a city in a pronounced process of demographic decline and ageing.

More information about the community profile of Bistra Street, Călnic district, is presented as a case study in the research report „*Informal Housing in Romania*”, available at www.locuireinformala.ro.

What are informal settlements?

Informal settlements are defined according to Law 151/2019 for the completion of Law 350/2001 on spatial and urban planning (in Annex 2 - Definition of terms used in the law), as a “group of at least 3 housing units developed spontaneously, occupied by persons or families belonging to vulnerable groups defined according to the Social Assistance Law 292/2011, as amended and supplemented, and who have no rights over the land they occupy.

Informal settlements are usually located on the outskirts of urban or rural localities, comprise makeshift dwellings made of salvaged materials and/or dwellings made of conventional building materials, and by their location and socio-demographic characteristics generate exclusion, segregation and marginalisation. By being located in areas of natural risk (landslides, floods), biological risk (landfills, waste areas, contaminated sites and the like) or man-made risk (safety zones or protection zones of Seveso objectives, technical and public infrastructure and the like), some informal settlements endanger the safety and health of their inhabitants”.



INTRODUCTION:

The „I HAVE NO PAPERS, I DON'T EXIST" project – a new practice in informal housing urban planning regulation

The project „*I have no papers, I don't exist. Innovative model of participatory intervention in informal settlements*" is the first documented approach to urban planning regulation of an informal settlement in Romania. The initiative is a follow-up of the actions undertaken by MKBT for the recognition of the informal settlement phenomenon in Romania and the development of working practices to address it (a recap of all MKBT actions on the subject is presented on the last page of this publication).

Informal settlements in Romania could be legally recognised as of 2020, following amendments to the Law on Spatial Planning and Urban Development enacted by Law 151/2019. This amendment of the legal framework was the result of a sustained research and advocacy process carried out by MKBT together with PACT Foundation and local partners from Reșița (CS), Valea Corbului (AG) and Bumbăști-Jiu (GJ). The adjustment of the law was the necessary step to allow and stimulate interventions for urban regulation and access land tenure rights in these settlements.

Through the pilot project in Călnic, described in this guide, we tested the implementation of the new legal provisions and related methodological rules, together with local authorities and community members from Str. Bistra and other civil society organisations. We thus supported the necessary steps, according to the new legal framework, so that the families at the end of Str. Bistra can obtain documents for the land on which they have built their houses, and thus be able to make IDs on their own address and legal utility connections. At the same time, the regulatory process also involved a urban planning intervention in the area, to allow public investment that will contribute to improving the quality of life of people in the neighbourhood. Thus, the Zonal Urban Plan (PUZ) developed as part of the project provides for a new access road to increase safety and ease of access to the area, re-draws the internal roads, proposes public spaces and interventions to secure the river bank, in line with the needs expressed by the community representatives involved in this process.

In-situ intervention

IMPORTANT: In the case of this settlement, the *in-situ intervention* was possible and desirable for the community, taking into account the current layout and dimensioning of the plots and roads, which allowed the settlement to be regulated in accordance with the current urban planning rules and requirements, relatively easy access to public services and facilities (school, dispensary, etc.) and/or which could be improved by the interventions proposed in the PUZ ZUP and the possibility of eliminating the risk to which part of the community was exposed (risk of flooding, resolved by damming the river).

In the case of other informal settlements, it is important to analyse the extent to which the *in-situ* regulation may perpetuate a situation of exposure to risks to public health or safety (if those risks cannot be removed by public intervention), or perpetuate spatial and social segregation (if the settlement is located in a very isolated area, without access to public services and facilities, jobs, etc.), in which case other alternative housing solutions should be considered (e.g. facilitated relocation to a safe and less isolated location, allocation of social housing, etc.).

At the time of writing this report, the **ZUP** is in the final stage of public consultation and is to be approved by Local Council Decision. Over 100 people, adults and children, representing 38 families in the community, have participated in the consultations throughout the project. Of these, 31 families have signed applications for the obtaining land tenure rights for the land they occupy after the ZUP approval entry into force process is completed.

In addition, almost 100 people, representatives from Social Welfare Directorates/Primierships, intermediary bodies of operational programmes, county councils, NGOs and central public authorities (Ministry of European Investment and Projects, Ministry of Development, Public Works and Administration, Ministry of Labour and Social Solidarity) attended the learning and dissemination events organised within the project. At these events, technical solutions, international best practices, specific approaches and funding opportunities for improving living conditions in informal settlements in Romania were presented, thus contributing to raising the visibility of this issue at national level and increasing the capacity of responsible organisations and public authorities to identify and implement integrated solutions in these areas.



CHAPTER 1:

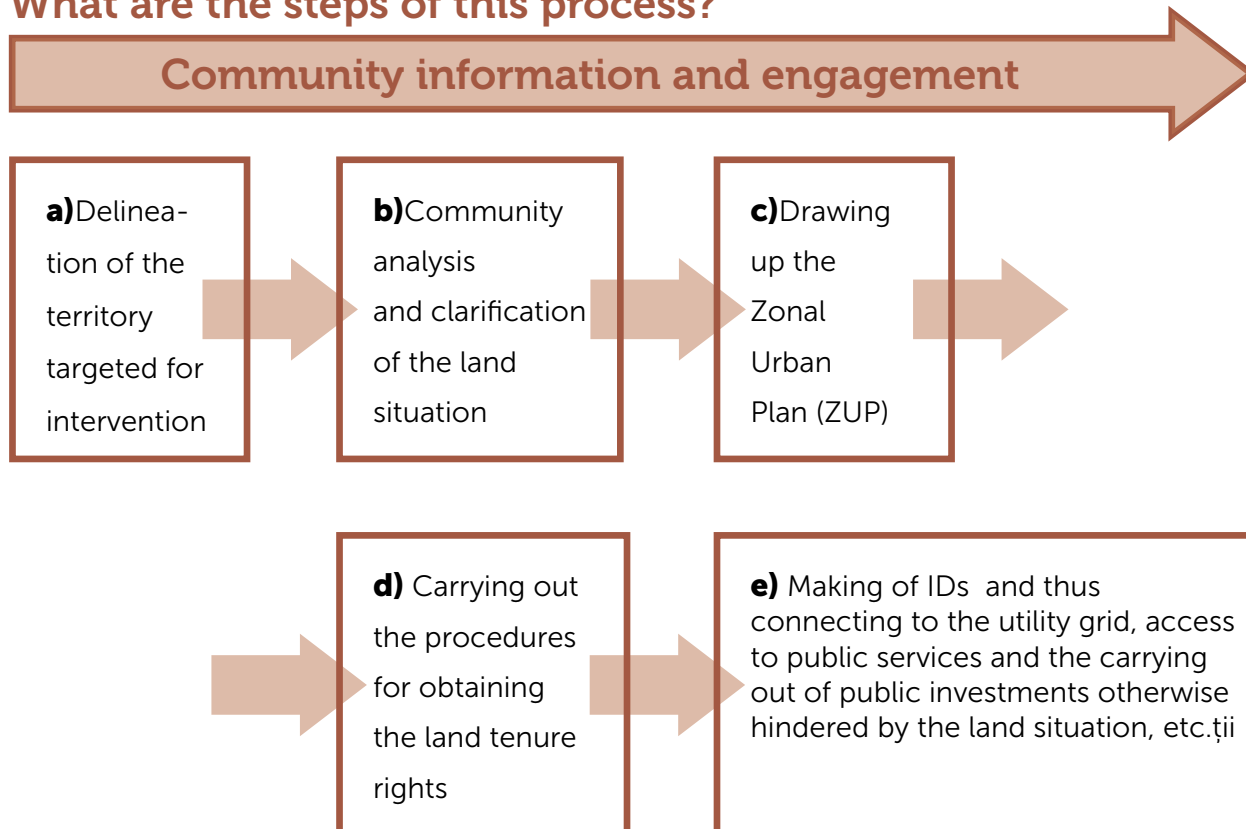
The process

The project „*I have no papers, I don't exist. Innovative model of participatory intervention in informal settlements*” was the first implementation of the provisions of Law 151 /2019 („Informal Settlements Law”)¹ and the related methodological rules, approved by Order no. 3494 of 27 July 2020²

The project therefore tested the complete process described in the methodological rules, from analysing the community and the territory occupied by the informal settlement, to informing and involving the community, to drawing up the zonal urban plan for the urban regulation of the area and, finally, to initiating the administrative and legal procedures for granting a land right to the families living in the informal settlement. The whole process involved close cooperation between several departments within the municipality and other public institutions, non-governmental organisations and private actors³.

- 1 Law no. 151 of 25 July 2019 on the completion of Law no. 350/2001 on spatial and urban planning, respectively Order no. 3494 of 27 July 2020 on the modification and completion of the Methodological Norms for the application of Law no. 350/2001 on spatial and urban planning establishes the operational framework and the role of local public administration authorities in the regulation of informal settlements.
- 2 Order No 3494 of 27 July 2020 amending and supplementing the Methodological Rules for the application of Law No 350/2001 on spatial planning and urban development and for the preparation and updating of urban planning documents, approved by Order No 233/2016 of the Deputy Prime Minister, Minister for Regional Development and Public Administration
- 3 According to the legal provisions referring to the working group recommended to be established at local level for the assessment of informal settlements and the establishment of the necessary measures to improve housing conditions (Art. 383 of Order 3494/2020)

What are the steps of this process?



Step 1: Community information and involvement

Responsible: MKBT, together with social workers from the Social Assistance Department, the City Hall of Resita and a community facilitator from the local partner, Humanitas Pro Deo Foundation.

Duration: Starting from month 2 of the project (after preliminary data collection and time planning of activities), throughout the entire process.

Objectives: A better understanding at the community level of the steps to be taken and the need for them, in relation to the purpose of obtaining data on the land; agreeing delimitations, prioritising necessary public investments, etc.

Outreach, at the early stage of the project and later community involvement in the whole settlement process, involved several interactions with the community, both one-on-one with each individual family and through facilitated discussions at street level and with the community as a whole:

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| <ul style="list-style-type: none">• Initial one-on-one discussions with each family in the community, to explain the process to be started and introduce the team that will be involved in the process, the need for regulation, what the land tenure right is and what the immediate outcomes and long-term benefits of obtaining this right are; |
| <ul style="list-style-type: none">• 3 participatory planning workshops (1) for information gathering, in the community analysis and needs identification stage, (2) to discuss the preliminary results of the urban planners and (3) to finalise and agree the plot plan, plot by plot. Two of these workshops overlapped with the stages of the preparation of the ZUP (i.e. the Preparatory Stage and the Proposal Preparation Stage - see step 4, described below), and were also mandatory public consultation requirements under the law. |
| <ul style="list-style-type: none">• Information boards mounted in the community and on the town hall notice board, accompanied by facilitated discussions with all families of the community, explaining the content of the information boards. |
| <ul style="list-style-type: none">• 1 participatory workshop with children in the community where they were encouraged to express their vision of how they want their neighbourhood to be and their needs for new functions/facilities. The children's main mentions were related to access to water, safety of the river crossing in the form of a new bridge and the need for a playground, proposals which have been included in the provisions of the ZUP developed. |
| <ul style="list-style-type: none">• One-on-one discussions throughout the process facilitated by social workers and the community facilitator to mediate any uncertainties or difficult-to-manage requests from community members (e.g., the desire of some community members to obtain title to more land, including where nothing was currently built, with the justification that they would keep that land for grandchildren/other family members). |



Conclusions from the field

The allocation of land plots can generate discussions, discontent and expectations that can lead to tensions within the community. The constant, frequent presence of the project team on the ground in open participatory interactions aimed at informing correctly and mediating and resolving conflicts is essential to resolve such tensions early on.

Although we initially thought that we would work more extensively with potential leaders identified in the community (by leaders we mean people with high authority or respect in the community), the team concluded that working predominantly with these leaders could disadvantage some of the community members, as cases were detected where they were trading certain benefits (e.g. access to electricity, taking up space on certain addresses, etc.). For this reason, participatory workshops and one-to-one discussions were open to all families in the community.

The most receptive and involved in the process proved to be the mothers of the community (with the intention of providing a better future for their children), or people with a higher level of education who could read.

Step 2: Delimiting the territory targeted for intervention

In a regulatory and urban planning process, **the area concerned** may refer only to the perimeter of the informal settlement, or it may also cover neighbouring territories where alternative housing solutions or the development of functions, parks, alleys, streets, social facilities, etc. can be developed to support the improvement of housing and living conditions of the community.

In the case of **the informal settlement of Călnic**, the area of 2.7 ha targeted by the ZUP was larger than the perimeter occupied by houses in the informal settlement (1.8 ha), so that the ZUP could also include public investments for securing the banks of the Bârzava river, on a segment of the river needed to be larger than the one strictly in front of the houses, as well as investments in improving access roads.

Also, the study area of the ZUP, larger than the regulatory perimeter, must cover the areas in the immediate vicinity with which the regulated area has functional, social, economic, ecological relations, in order to better contextualize the functional relations and urban planning implications/restrictions. In the case of the ZUP for the urban planning and regulation of the informal settlement of Călnic, the area of the study area comprises approximately 40 ha.



Step 3:

Community analysis

Responsible: MKBT (interdisciplinary team with specializations in urban planning and urban law, territorial planning, engineering, housing, geography), with the support of the department within the Reșița City Hall dealing with: social assistance, built heritage, local taxes, the Chief Architect (Urban Planning Department) and community facilitator (Humanitas Pro Deo Foundation).

Duration: 6 months.

Objectives: A more detailed understanding of the profile of the community living in the informal settlement and the territory it occupies.

The community analysis aimed to quantify and assess the existing situation of plots, buildings and families living in the informal settlement of Călnic¹. To this end, several tools and methods of analysis were used, which allowed both the collection of data from administrative sources (from the specialized departments of the municipality) and through surveys and visits in the community:

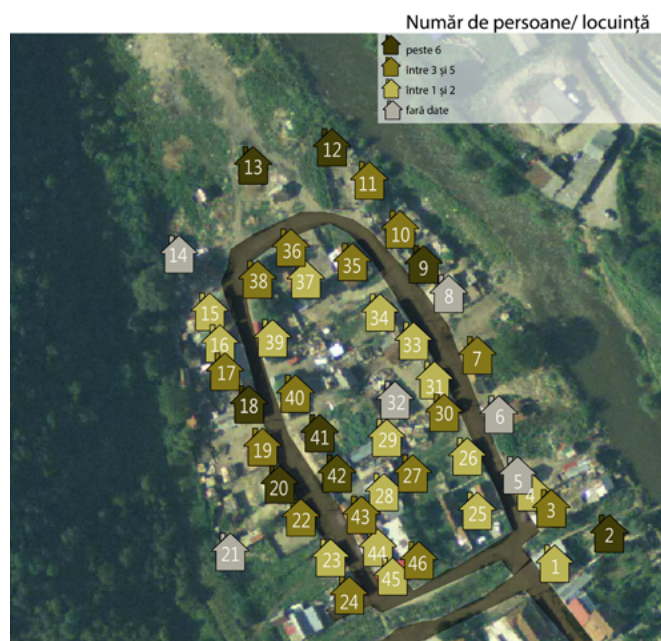
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| <ul style="list-style-type: none">• Simplified information sheet obtained in the field (Annex 4 of the above-mentioned Order²), including a census of housing units and population in the informal settlement; |
| <ul style="list-style-type: none">• Information request from institutional sources: information from the departments/offices of the municipality: built heritage/agricultural land register (legal land register), social assistance (information on social status/social benefits of residents), local taxes and duties (registration in the agricultural register of owners/properties, payment of local taxes and duties); |
| <ul style="list-style-type: none">• Field trips for observation, interviews and one-on-one and facilitated group discussions with local people; |
| <ul style="list-style-type: none">• Identifying and processing documentary resources to facilitate the understanding of the evolution of the settlement over time (e.g. monographs, old maps, specialist bibliographical sources, etc.); |

1 In accordance with the requirements of Ministry of Development, Public Works and Administration Order no. 3494/27.07.2020 and the description sheet of informal settlements in its annex (ANNEX 4), as well as the Methodological Rules for the application of Law no. 350/2001 on spatial and urban planning and for the preparation and updating of urban planning documents.

2 The data sheet is also available in Annex 1 of the „Guide to Intervention in Informal Settlements”, produced in 2020 by the Make Better Association, accessible at: <https://locuireinformala.ro/wp-content/uploads/2020/12/Ghid-Interventie-2020.pdf>

From this information, correlated with documentation in the field, resulted:

- **Building a map of the informal settlement** and mapping all existing buildings (dwellings, annexes, plots), using satellite images or Google Maps, followed by field checks of the current situation. The numbering of plots and dwellings identified in satellite maps and in the field, respectively, was necessary for an easy association between the number given in the map to the plot/ dwelling and the questionnaire applied in the field.
- **Diagnostic summary of the informal settlement** – natural, historical, demographic characteristics, legal situation of the buildings and a summary of the needs faced by the local community.



The information gathered at this stage formed the basis both for discussions with families in the community and for the subsequent stages of participatory planning.

This stage resulted in:

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| <ul style="list-style-type: none"> • clarification of the legal status of the land within the regulatory perimeter and urban/land use limitations (e.g. flood zones); |
| <ul style="list-style-type: none"> • documentation of the current land use |
| <ul style="list-style-type: none"> • census of buildings, households and persons; |
| <ul style="list-style-type: none"> • analysis of existing infrastructure (utilities, health and educational infrastructure, etc.) and needs for its expansion/improvement; |

Whose land is it?

Clarifying **land tenure** is often a major challenge in the efforts to regulate informal settlements. The most important sources of information in this respect are the following:

1. **The National Cadastre and Publicity Agency (NACREP)**, if it is registered. **ANCPI - National Agency for Cadastre and Real Estate Publicity** by obtaining the land register extracts for the whole target area.
2. **The department of the town hall** in charge of **the land assets/built heritage/land registry**, where it can be verified whether the land belongs to the public or private domain of the administrative-territorial unit, with the reconfirmation of this information also by means of land register extracts;
3. **The department of the town hall** that manages **local taxes and duties**, if the properties do not appear to be registered but have a registered owner who pays taxes and duties.
4. In the case of land that may be in public or private ownership of the Romanian State, information may be requested from the **Ministry of Finance**.

If the owner is not known, or the property is a vacant estate (in the sense that the owner is deceased and has no heirs), by decision of the local council the property may pass to the local public authority, according to the provisions of articles 1138-1139 of the Civil Code, 2009.

In the case of the informal settlement of Călnic, the following ownership situations and urban planning restrictions were identified:

Legal regime: From the land register extracts, it resulted that the land concerned by the intervention is entirely in the property of the Romanian State and in the administration of the Local Council of the Municipality of Resita, in the category of pasture use and description of the communal land. At the time when the project started, there was only one property with a land register, but it could not be determined whether the owner had a land use contract for this property, the owner being the Romanian State and the administrator being the Local Council of the Municipality of Resita. The fact that the land on which the informal settlement was built was owned by a single owner greatly simplified the possibilities of parceling and furnishing the area.

Urban planning restrictions resulting from the location of the informal settlement:

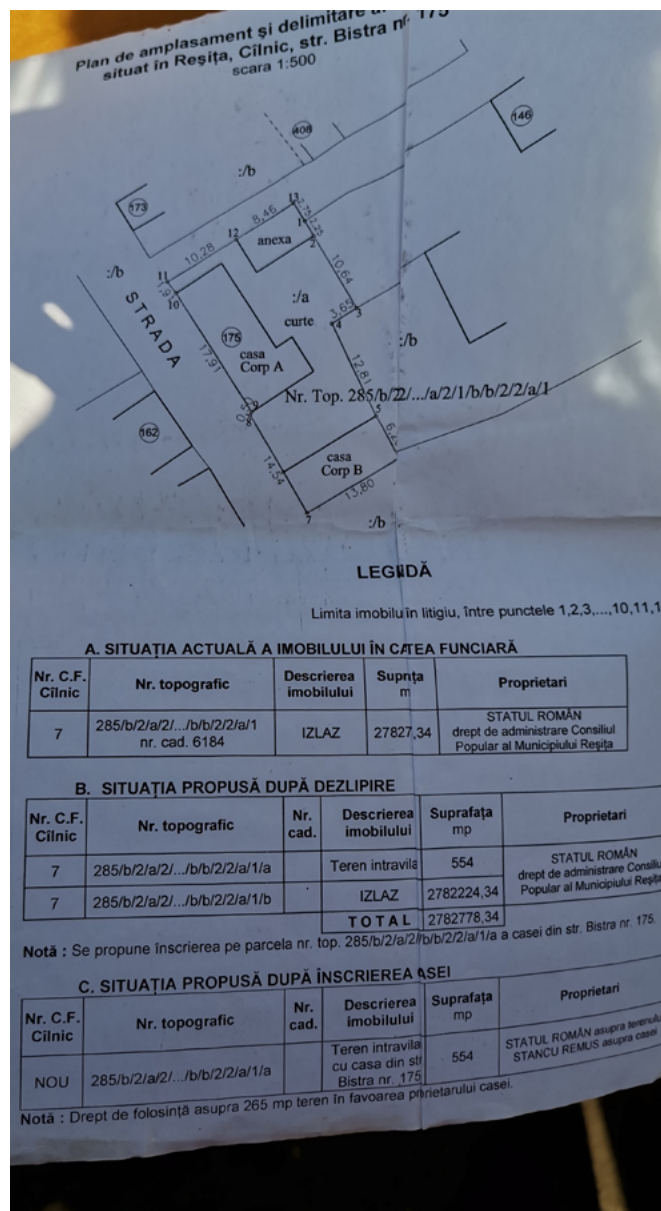
According to the General Urban Plan in force at the time of the study, the informal settlement was located in the urban area, in a regulated area with a housing function, in the proximity of

a communal management area (the municipality's sewage treatment plant, located over the Bârzava river), respectively in an area of agricultural land in the urban area (pastures). Some dwellings and fences were located in the safety zone of the railway.

The particular location of the informal settlement in the vicinity of the river and the municipality's sewage treatment plant have led to the need for additional studies to obtain the necessary permits for the ZUP:

- (i) **Flood study**
- (ii) **Assessment study on the impact on the health and comfort of the population in relation to the objective proposed by this ZUP.**

These studies have resulted in an extension of the anticipated duration of the preparation and approval of the ZUP.



Step 4: Preparation, endorsement and approval of the Zonal Urban Plan (PUZ)

Responsible: the specialist architecture and planning company Vitamin Architects SRL, with support from the Social Assistance (mediators in the participatory planning process), Heritage and Urban Planning Departments of the Municipality of Reșița and MKBT (coordinator of the overall process).

Duration: 1 year and 8 months.

Objectives: the ZUP and the related Local Urban Planning Regulation (UPR) approved by Local Council Resolution (LCR) that allow the formalization and assumption, in the urban planning documents of the city, of the plot plan of the lots agreed with the residents, as well as the public investments necessary to increase the quality of life of the community in the neighborhood.

In parallel with the community analysis, the Municipality of Reșița, through the Chief Architect Institution, worked on the specifications for the acquisition of the service of elaboration, endorsement and approval of the Zonal Urban Plan. The information obtained in the community analysis phase has informed the specific requirements mentioned in the specifications and in the list of opinions and agreements contained in the urban planning certificate.

The elaboration of a Zoning Urban Plan is an obligatory step¹ for the formalization and assumption, in the urban planning documents of the city, of the plot plan of the lots agreed with the residents, as well as of the public investments necessary to increase the quality of life of the community in the neighbourhood. In the case of the informal settlement of Călnic, the ZUP has mapped out new access routes - a new bridge, a new road route - to increase the accessibility of the area and its connectivity with the rest of the town, has marked out a perimeter to be developed as a green area and playground, has mapped out areas requiring regularisation and securing of the river bank and has regulated waste collection areas.

Before starting a ZUP for the *in-situ* urban planning and regulation (on the existing location) of an informal settlement, we recommend an initial analysis of the risks and feasibility of the intervention by the municipality and the partners involved. The data collected at this preliminary stage will however be subsequently included in the specifications in the description of the investment objective. They need to be analysed in this respect:

- (i) The location of the settlement or part of it in areas of natural risk (landslides, floods), biological risk (landfills, landfills, contaminated sites and the like) or man-made risk (safety zones or protection zones of Seveso objectives, technical and civil infrastructure and the like) and the possibility/feasibility of eliminating that risk;
- (ii) The extent to which the positioning of the settlement and its connection to the rest of the city/town contributes significantly to community segregation, and to what extent its formalisation in that place („in-situ settlement”) may actually exacerbate the social exclusion challenges of that community, etc.

1 The implementation of a ZUP is mainly necessary for re-parcelling operations and the reorganisation of the street layout, if and only if the regulation of the informal settlement is feasible and desirable to achieve in situ. A more extensive discussion of the relevance and necessity of a ZUP is available in the guide „Guide to Intervention in Informal Settlements” (2nd edition, updated, December 2020), available at www.locuireinformala.ro

In the case of the informal settlement of Călnic, we had the opportunity to carry out this analysis, accompanied by consultations with the local community, as part of a previous project¹, and the conclusions we reached, in agreement with the community and the town hall, were that an in-situ intervention is feasible, as well as desirable.

The steps for the preparation, endorsement and approval of the ZUP are given below:

1. The City Council draws up the specifications and initiates the preparation of the Zonal Urban Plan for the urban planning and regulation of informal settlements (contracting a specialised firm or drawing up the ZUP under its own regime). Below are some important elements to be included in the specifications for such a ZUP, as distinctive and more important elements compared to the process of drawing up a ZUP for new real estate developments:

- (a) Participatory process

The urban design of an informal settlement requires a more participatory process than the standard format used in the preparation of conventional ZUPs (which is essentially just putting up a billboard and publishing it on the city hall's website). The specifications must provide, in terms of requirements for the urban planning experts, for an information and consultation process that includes field presence in several iterations to work with local families, to provide accurate information, to better understand local needs, and to analyse and decide, together with the beneficiaries, on the proposed plotting options and regulatory solution.

- (b) Dedicated roles and resources for community engagement

The effort to involve the community must also be reflected in the roles and resources allocated to this approach mentioned in the specifications and in the tender. The contracting municipality must assume the availability of local authority staff to support this initiative throughout its development, both in the form of social workers with a good knowledge and trust in the community and as technical staff in relevant departments (built heritage, taxes, chief architect, etc.). The contracted entity must assume a presence on the ground and people with the necessary training to facilitate this type of participatory process. It is also necessary to allocate material resources that can support better community understanding of the designers' proposals (e.g. models, working drawings), spaces that can host working meetings with the community.

- (c) Constant updating of the topographical plan

As these are settlements inhabited by very dynamic communities, their form may change even during the preparation of the ZUP. For this reason, it may be necessary to constantly update the topographical plan, which should be resourced and taken into account for possible delays in the usual timetable in the specifications.

2. Issuance by the city of the urban planning certificate which mentions all the necessary permits for the approval of the ZUP;

3. Elaboration of the studies of the basis of the ZUP:

Topographical survey (measurement in the field of the parameters of the land and housing units: land and building coordinates; extracts from the land register, showing the actual registration of the buildings in a given area) and other preliminary studies for the preparation of the ZUP according to the characteristics of the

1 Project „No man's land: informal housing in Roma communities - recognition, responsibility and shared solutions“, implemented in August 2017-January 2019.

of the land on which the informal settlement is located (in this case a Flooding Study, a viewpoint from the CFR regarding the railway protection zone, a Study to assess the impact on the health of the population, etc. were required)

4. Development and approval of the ZUP (opportunity opinion, technical opinions) in compliance with the legal provisions, supplemented with the recommended requirements for community involvement in a participatory planning process.



Proposed location plan

The community consultation and involvement process (see Step 1, above) has ensured community involvement in the decision-making process and subsequent ownership of the designed parcel plan. In this participatory planning process, we were able to identify viable plots for all families in the community, even those currently living in makeshift structures on the river floodplain.

Also, through direct contact with the community at all stages, we were able to get families who were planning to expand into flood or railroad protection areas to relocate to viable parcels. This process involved ongoing negotiations with those in the community and explaining the design rules, the limitations they create and their benefits.

5. Official assumption and approval of the ZUP through a Local Council Decision.

The last step in the preparation and approval of the ZUP is the official approval of the ZUP and the related Local Urban Regulation by LCD, followed by their publication on the City Hall website. Also at this stage it is necessary to continue the dialogue with the community and to mediate the understanding of the resulting regulations by the families in the community.

At the time of publication of this guide, the ZUP was in the final stage of consultation, as required by law (publication on the City Hall website for a period of 30 calendar days), after which it will be submitted to the City Council for approval.



Step 5: Administrative procedures for establishing the land tenure rights

Responsible: Taxes and Duties Department, Local Police, Property Department, plus a team of budding lawyers, master's students in urban law at the Faculty of Law in Bucharest (to identify and document alternative legal solutions), Social Welfare Department, Public and Private Domain Administration Department.

Duration: 3 months (estimate - stage not yet determined at time of writing).

Objectives: Files constituted with individual documents, at household level, in order to obtain the land tenure rights;

After the approval of the ZUP, according to the new plots thus regulated, the land register will be rectified, which will result - by dividing the only parcel currently registered – in 41 plots occupied by houses, plus those occupied by infrastructure and public spaces.

The establishment of land tenure right for each housing plot depends, as a legal solution, on the legal status of the land. The land tenure right leads to obtaining rights and obligations such as the possibility to apply for building permits, postal address, identity documents, etc. For the type of ownership cases (described in section Step 3. Community analysis) identified in the informal settlement of Călnic, the feasible legal solution agreed by the municipality was the "land use right" (in Romanian „drept de superficie”) of.

In the case of this land use right, after the approval of the ZUP and the plot plan thus regulated, the town hall will initiate the procedure for establishing the land registers for the properties regulated by the ZUP, by dismembering the current plot. Subsequently, the town hall will assist the households to draw up and submit files with individual documents in order to obtain the land use right: cadastral sketch, standard application, copy of identity document and tax record**. By the end of the project described in this guide, representatives of 31 households in the community had expressed their intention to submit individual files for obtaining the land use right by signing the standard applications.

Fines

In the **tax record** required to be included in the file for obtaining the building right, any debts to the local budget/unpaid fines are mentioned. In the case of the community of Călnic, at least one person in each household was found to have outstanding debts (fines) to the local budget. Discussions with the staff of the Taxes Department within the City hall illustrated that the law is open to interpretation, respectively whether land rights can be granted to persons with unpaid debts, which has led to a reluctance on the part of local authorities to grant these rights before fines are paid. In the case of the Municipality of Resita, there is a willingness for persons with debts to the local budget to settle these debts through community service in the amount of the debts accumulated by each individual person, as a condition imposed in the LCD granting the land use right. Discussions with families in the community revealed that there is a much greater willingness on the part of female persons to work for the community to pay off the debts accrued to the local tax office.

There have also been some unresolvable situations in terms of alignment with current urban planning regulations:

- (i) Dwellings built on enclosed plots with a road opening of up to 8 m¹.

In these cases, the solution discussed and agreed upon was to offer the land use right to several families on a single cadastral registered plot which in fact includes 2-3 such dwelling courtyards located in the vicinity of each other, which together exceed this minimum legal threshold of 8 m opening to the road.

- (ii) Two dwellings built in the **floodable part of the river** and in the **area planned for** In these cases, viable plots have been identified in the community on which the families in question will be able to obtain a land use right. There is also the possibility of accessing social housing in other areas of the city, if the families in question agree to do so and if they are considered eligible following social surveys. Although no demolition work has been or will be carried out on the existing housing units, the families in this situation will not be able to receive a land use right on the current site and should consider the alternatives proposed above..

1 According to Decision No 525/1996 approving the General Town Planning Regulations, Section IV Rules on the shape and dimensions of land and buildings, Article 30 Parceling



Land regulation versus legal entry of buildings

The process described in this guide refers to the **urban planning and land regulation** on which the housing units in the informal settlement are built.

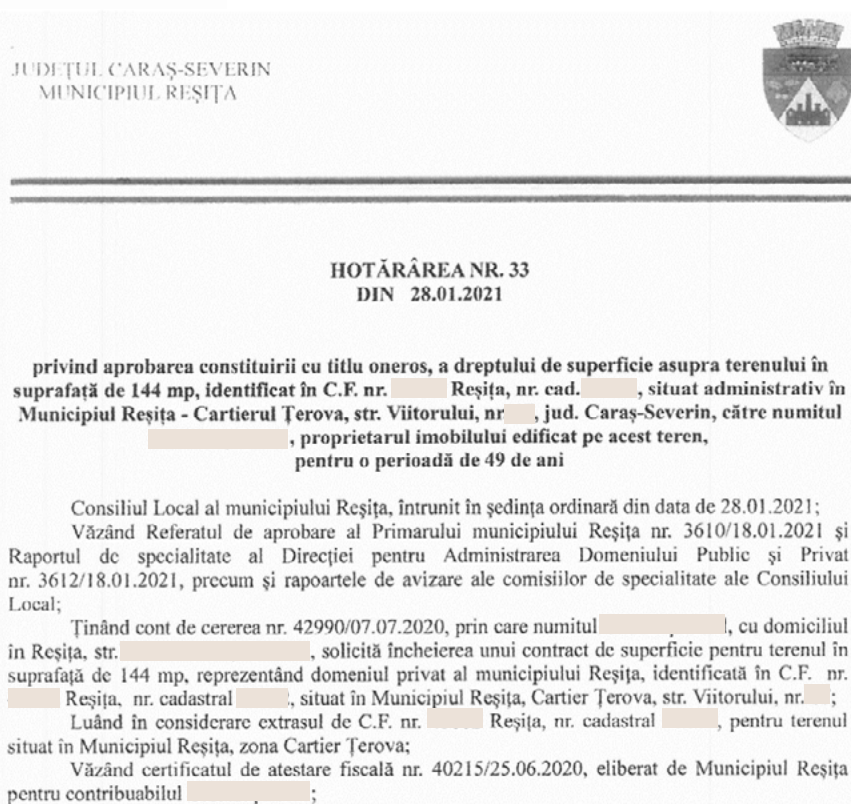
The **regulation of the buildings** (as obtained through building permit) is a separate process, which requires that the housing units comply with the urban planning regulations in the area, as well as environmental legislation and building safety and quality standards.

The **legal status of the construction** also requires a technical expert's report to confirm that these standards are met

The last step for the establishment of the right of use for families in Călnic is to make and approve a **Local Council Decision** for each plot/household whereby the right of use is granted.

These decisions will be entitled „Decision on the approval of the establishment, for consideration, of the use right for the land ..., identified in the Land Registry no. ..., cadastral no. ..., administratively located in the Municipality of ..., to the name/name ..., who is granted the right of use for this land for a period of 49 years).

Below we illustrate an example of such a decision issued by the City Hall of Resita for the few families and housing units in an informal settlements in the area of Țerovei Valley (Valea Țerovei) - Viitorului Street.



More information on the **legal solutions for establishing a land tenure right** is detailed in the guide for local authorities available in the resources section of www.locuireinformala.ro as well as in the legal commentary article available at:

<https://locuireinformala.ro/2021/solutii-pentru-iesirea-din-informalitate/>

CHAPTER 2: Conclusions, challenges and points for reflection

➡ Clarifying objectives and setting expectations correctly

The objectives, the targeted results and the limitations of the process need to be clarified and assumed by all those involved in the project, institutions, designers, consultants, field teams, etc. and repeatedly communicated to the community and the general public. A common confusion was regarding the distinction between settlement regulation, consisting of the **legal status of the land situation**, and legalisation of non-compliant **constructions** - the differences are explained in the sections above.

It is useful to establish - and communicate consistently and transparently - a set of working principles that generate transparent expectations from the community. One of the main fears of the local community was that the project could lead to demolition and/or forced relocation. It took the involvement of the whole team, and of social workers long known in the community, and of representatives with political power - in this case the deputy mayor of the municipality was constantly involved in the project working group and on the ground - to allay this fear.

It was also clarified that the current situation of the courtyards of the houses where each family used to live will be the one considered for the regularization of the settlements, despite the fact that some locals would have liked to take over other lots in the area to be used in the future for their children and grandchildren.

It has also been established and agreed with the community that no new construction should start until the end of the regulatory process, to ensure that all plots covered by the ZUP can meet the minimum requirements for urban compliance and to clarify, before further building, the areas of construction prohibition, where no right of use can be granted (in the flood zone, in the railway protection area, on the land where infrastructure or public facilities are planned, etc.).

At the same time, it is necessary to inform and educate families in the area about the rights arising from acquiring legal rights for the land, as well as their obligations and responsibilities: recurrent electricity bills, a fixed address to which fines and charges will be sent, garbage collection fees, the need to comply with the building permit steps for future construction, etc.



➡ Local public authority ownership of this approach

Without the active involvement of the local authority, this regulatory process is not possible. First and foremost, leadership involvement is required - in the case of this project, both the Mayor and Deputy Mayor have consistently spoken publicly about the purpose and need for this project, their presence and discourse contributing decisively to the credibility of the project for the local community, the ownership of the necessary steps to be taken by the specialist departments within the City Hall, and the negotiation and setting of fair expectations between those involved. The project was made possible with the participation of a technical team from several departments and services of the municipality (chief architect, built heritage, social assistance, programmes and investments, local taxes, local police, people's registry), all of whom were willing and interested in finding ways to resolve the situation.

➡ Community involvement

Involving the community in the decision-making process related to settlement planning is a key condition for long-term sustainability. Without direct contact with the community and analysis of households on a case-by-case, family-by-family basis, it is not possible to find viable solutions that meet both individual needs and the needs of overall development, safety and access to basic amenities and services for the whole community.



➡ Openness and interest from planners for urban planning projects with a social purpose

A project to regulate an informal settlement is fundamentally different from an urban planning project for a tabula rasa land ready for new housing development. Planners, in this case, have the role of finding solutions for a situation already existing on the ground, constantly negotiating urban design principles and constraints on the one hand, and the individual and community-level desires of those already living, in fact, in the area. The result is a process that is more sensitive and challenging in terms of interaction with beneficiaries, more exciting and with positive social impact as a result, and more consistent in terms of field effort and consultation.

In the dialogue with the assessors and the members of the technical committees, there were situations that required the mediation of discriminatory speeches or that would have favoured the development of other areas to their detriment. For all these situations, planners must be prepared, as a discourse, non-discriminatory and solution-oriented, as an attitude.



Interdisciplinary work

Such an informal settlement regulation project covered a very broad spectrum of competences, some of a technical nature - urban design, urban law and administrative litigation - others of a social nature - community facilitation, social assistance, communication and mediation in sensitive cases that may be controversial at the local community level. Such projects are feasible to implement, with their own resources, by local authorities whose own administrative apparatus has a complexity of specialisations large enough to cover the necessary knowledge and skills. However, in the case of small municipalities with a small administrative apparatus, the capacity to manage complex situations may be lacking, in which case it is necessary to involve external teams in addition to the existing administrative apparatus to contribute with all the other skills needed for such an approach.

Benefits and limitations of legal solutions

We believe that we are - as a network of professionals in the country - only at the beginning of developing a consistent practice in the field of informal settlement regulation. And that many such approaches will need to be completed and monitored in the country in order to develop and draw relevant conclusions on the desirability of some solutions over others. For example, the offer of land for sale by the municipality involves open tender processes, which can be compromised in the event of conflicts in the community. Moreover, such a process does not lend itself, as a matter of principle, to a situation where the beneficiary to whom you want to direct the land is already known. On the other hand, ownership is the only right that provides access to the full rights and benefits of owning land, including the ability to bequeath it to heirs and to benefit from the gain resulting from the increase in its real estate value as a result of the regulatory process, personal investment in its development and/or public investment in the area. However, so many of these families would not be able to afford to buy, even though they might prefer to do so, but there is a lack of legal provisions or programmes that could financially support such families to buy the land on which they have their homes. The debate also remains open as to the benefits of home ownership in an area with a high concentration of urban poverty, balanced against providing support for young families to gradually relocate to other areas of the locality, better connected, closer to opportunities, with a greater social mix.

What are the best options in terms of legal instruments to obtain the land tenure rights? Who decides, and according to what criteria or legal provisions and public policy objectives, which option is the most appropriate? What costs are involved, and who pays them (according to which legal provisions)? These are just some of our open questions and reflections in this project for which we have not found firm answers and solutions.

➡ Community problems and needs don't end there

It is also important to understand that the problems and needs of the community are not solved by this regulatory process. Legal land tenure gives access to a range of benefits - but families still need support to take the necessary steps to access them.

At the same time, such communities need long-term accompaniment and case management to overcome the cycle of poverty and social exclusion in which they find themselves: through better integration of children into education, through access to training and employment opportunities for employable adults, through counselling, support and help for the most vulnerable: single mothers, people with chronic illnesses and disabilities, the elderly, etc., and through programmes to help families increase their housing security and comfort (eg. building and equipping bathrooms and kitchens, improving energy efficiency and home heating systems, etc.).



➡ Beware of replication

We are convinced that it is necessary to replicate such approaches in other localities in the country, given the extent of informal housing. We have developed this guide in the hope that it might help such initiatives in the country. At the same time, we have tried to express as clearly as possible the specifics of the informal settlement in Călnic, in the hope that teams in other localities will be able to discern what is and what is not relevant in the situations they face.

First and foremost, we are careful to point out again that *in-situ* regulation is not beneficial to all communities in an informal situation.

Secondly, there are situations where a significant proportion of families live on non-viable plots, in which case an *in-situ* settlement process could create a lot of tension and division within the community. In such situations, it is very important that solutions for families who will not be able to obtain legal rights (e.g. other land, funds ready for relocation, etc.) are identified from the outset.

CHAPTER 3: About MKBT and our work on housing

2007 – 2017 First public debates and workshops on informal housing in Romania

MKBT team members initiate the first public discussions on informal settlements in Romania and organize, over time, various workshops and debates to raise public awareness on this topic.

2017 – Start of the project „No Man`s Land”

August 2017 – PACT Foundation and MKBT start the project „No man`s land: informal housing in Roma communities - recognition, responsibility and shared solutions” through which, together with local partners such as GAL Reșița, DEP Bumbesti-Jiu Association, Valea Corbului Initiative Group, they aim to build a favourable legislative and financial framework to solve informal housing situations. The informal settlement of Călnic is analysed as a case study in this project.

2019 – Law on informal settlements

In August 2019, Law 151/2019 on informal settlements in Romania was enacted, following 2 years of research and advocacy by MKBT and partner organisations.

Also in 2019, MKBT and partner organisations are launching two action guides on informal settlements in Romania, one for local government authorities and another for communities living in informal settlements.

2020 – Drafting of implementing rules for Law 151/2019

MKBT and PACT Foundation are involved in the drafting of the rules for the implementation of Law 151/2019 in the working group organized for this purpose by the Ministry of Regional Development and Public Administration. MKBT launches the podcast „Conversations about Housing „, which tells the story of our homes and the on-the-ground realities we've encountered across the country in recent years. The first episode was dedicated to informal settlements.

Together with Geospatial, MKBT collected data on informal settlements across the country and created the Map of Informal Settlements in Romania, a crowdsourcing platform that can be accessed at www.locuireinformala.ro.

2021 – 2022 - I have no papers, I don't exist. Innovative model of participatory intervention in informal settlements

MKBT implements the first implementation of the new legal provisions, testing a pilot project of participatory urban intervention in the informal settlement of Călnic, together with the Municipality of Reșița and Humanitas ProDeo Foundation.

During the project, conferences and learning events are organized with the participation of international experts, through which international best practices and lessons learned from the experience in Reșița are disseminated to local and central public authorities, professional and non-governmental organizations interested in addressing this issue.

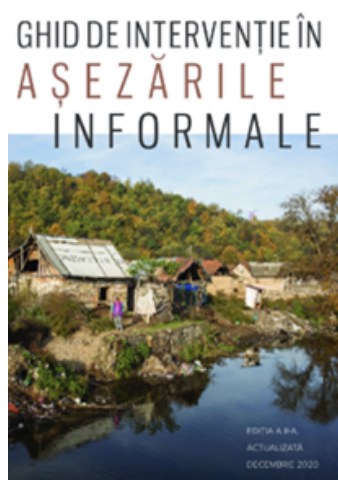
2022 – 2023 – Technical Assistance to the Romanian Government

Part of the MKBT team is working in 2022-2023 in the World Bank team on a technical assistance project on informal settlements in Romania for the Ministry of Development, Public Works and Administration and the Ministry of Investment and European Projects. The aim of this project is to develop an Action Plan dedicated to improving the housing conditions of the population living in informal settlements and to support the development of funding guidelines for programmes specific to these communities. The regulatory and funding proposals will subsequently be incorporated into the revised version of the National Housing Strategy Action Plan, which is currently in the inter-ministerial approval process.

Interested in the topic of informal housing?

Follow www.locuireinformala.ro for **resources** and news on our work and that of our partners in the field. You will also find on this page:

(1) Our other publications on this subject:



(2) Our *Housing Conversations* podcast, ep 1 dedicated to informal housing

(3) Our [video](#) explaining the phenomenon of **informal settlements** in a way that the general public can understand