CONTENT

A Proclamation to Re-amend the Addis Ababa City Government Executive and Municipality Service Organs Re-establishment Proclamation No. 15/2009

Proclamation No. 28/2012

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Whereas, it is stated in the National Growth and Transformation Plan that the economy would change to industrial led at the end of the plan period;

Whereas, it is believed that one of the possible solutions to transform to better level the development activities of the City and alleviate the gaps and problems observed in the land and land related institutions as well as the construction sector of the City Government is determining the organization as well the power and function thereof;

Whereas, it is found necessary to revise the structure of executive and municipality service organs of the City Government in a manner feasible to implement the national urban development and construction policy;

Now, therefore, in accordance with Article 14(1)(a) of the Addis Ababa City Government Revised Charter Proclamation No 361/2003 it is hereby proclaimed as follows:
Part One

General Provisions

1. Short Title

This Proclamation may be cited as “A Proclamation to Re-amend Proclamation No.15/2009 of the Addis Ababa City Government Executive and Municipal Service Organs Re-establishment Proclamation No. 28/2012”.

2. Definition

Unless specifically stated, in this Proclamation:

1. “Proclamation” means the Addis Ababa City Government Executive and Municipal Service Organs Re-establishment Proclamation No. 15/2009;

2. “Bureau” means the Construction and Housing Development Bureau of the City Government,

3. “Board” the governing board that superiorly directs both the Housing Development Management Agency and the Housing Construction Project Office jointly, established in accordance with this proclamation, regarding the construction, administration, and transfer of houses;

4. Other terms shall take the meaning given under Proclamation No. 15/2009.

Part Two

Amendment

3. Article 4(4) of the proclamation is cancelled and substituted by the following:-

4. Construction and Housing Development Bureau

4 Article 5 sub-article (5) up to (7) of the Proclamation is cancelled and substituted by the following sub-articles (5) up to (9):-

5. Housing Development and Management Agency

6. Housing Construction Project Office

7. Government Construction Agency

8. Construction Industry Development and Regulatory Authority

9. Public Participation Development Agency
5. Article 6(b) of the Proclamation is cancelled and substituted by the following:

b. The executive organs mentioned under sub-article (5) to (9) of Article 5 shall be accountable to the Construction and Housing Development Bureau;

6. Section Six of the Proclamation is cancelled and substituted by the following new section six:

SECTION SIX
Power and Function of Construction and Housing Development Bureau and Executive Organs it coordinates

24. Construction and Housing Development Bureau

The Bureau shall have the following powers and functions:


2. Cause the preparation, in cooperation with the concerned bodies, contracts regarding construction works undertaken by budget of the City Government as well as housing construction and other constructions the Bureau directs; follow up implementation of same;

3. Notwithstanding implementation by the concerned body of the Federal Government, provide appropriate support towards fulfilling the capacity gap of the construction industry based on research; cause the performance of searching and improving new alternative technologies that help to build capacity; coordinate same and ensure that such technologies are utilized;

4. Design strategies whereby producers and retailers of construction inputs supply in large quantity and better quality with the view to harmonize supply
of the input with development of the construction industry; support and follow up implementation of same;
5. Ensure that, causing existence of data network and center, current data of the construction section is collected, recorded, analysed and organized in a manner that it can indicate development directions;
6. Conduct researches with the view to coordinate the housing development works of the City with job creation and the Growth and Transformation Plan; provide support to the implementation of same;
7. Follow up the construction of residential houses and others carried out by the City Government; ensure that shelter is provided to persons displaced in coordination with the concerned bodies; as well coordinate the concerned bodies towards fulfillment of infrastructure for condominiums built by government and other bodies;
8. Ensure that the houses administered by the City Government are meant for the service of beneficiaries and also newly built houses are properly transferred to the beneficiaries in accordance with law;
9. Approve, based on direction set by the Cabinet, upon investigating the research submitted regarding conditions by which residential and commercial houses belonging to the City Government are to be transferred to private ownership and superiorly follow up implementation of same;
10. Administer and supervise the construction or finance, other than that of the City Government, given with the objective of alleviating the housing or other social problem of residents of the City by donors or others is used for the objective sought;
11. Direct and coordinate construction works undertaken by budget of the City Government and public participation;
12. Cause the establishment of control system that enables to ensure any housing construction work undertaken by the City Government is carried out in accordance with the quality, time and cost specified in the contract; superiorly direct same;
13. Cause organs other than the housing construction project to participate in the housing construction sector, where necessary, with the view to solve the housing problem of the City;

14. Evaluate, provide support and follow up implementation as regards level of the prevention work in parts of the City exposed to flood.

25. Housing Construction Project Office

1. The project office, being directed by board, shall have the following powers and functions:
   a. Construct or cause the construction of convenient and accessible residential houses that serve the residents of the City based on the demand identified by the Housing Development and Management Agency;
   b. In coordination with the concerned bodies, ensure the availability of land and infrastructure for the houses it constructs or causes to be constructed;
   c. Strengthen the construction industry by applying and disseminating cost effective and new alternative house construction input technologies;
   d. Cause establishment of agrostone and related service institutions by the City Government for success of the housing development programme; supply for sale products which are beyond the needs of the project office; provide training and other services related to the use and application of such products;
   e. Purchase or cause the purchase of goods and construction materials necessary for the housing development programme; where it is believed and decided by the concerned body that such should be bought from abroad it shall effect or cause same in accordance with procurement laws of the government;
f. Cause the speedy performance of the housing development programme by making the work process from design up to construction maintain the standards;
g. Cause the preparation of the detailed local development plan and design necessary for the housing construction in a manner compatible with urban plan and cost minimizing condition by the Urban Plan and Information Institute;
h. Transfer to the Housing Development and Management Agency document of houses the construction of which is accomplished 80% by identifying them in type and those the construction of which is accomplished 100% along with their cost of construction;
i. Perform as may be necessary such other related functions and constructions designated by the City Government or Board which help in achieving its objectives.

2. Details about the organizational structure, powers and functions of the board shall be determined by regulation issued by Cabinet of the City Government.

26. Housing Development and Management Agency

The Agency, being directed by board, shall have the following powers and functions:

1. Receive houses constructed by the Housing Construction Project Office of the City Government which are accomplished, along with the appropriate documents; record and organize data according to the type and service of the houses; transfer to beneficiaries according to law;

2. Notwithstanding the provisions of sub-article (1) of this Article, the Agency shall draw lot up on receiving from the Housing Construction Project Office houses, the construction of which is 80% accomplished, by categorizing into type of houses with the view to facilitate the drawing of lot;

3. Cause the houses it received in accordance with sub-article (1) of this Article to be registered through the concerned body, before it transfers, upon fulfillment of the necessary requirements to be administered by association of owners organized in accordance with condominium law,

4. Carry out registration that enables identify quantity and number of house seekers at different levels; organize the data or cause it to be organized at each Sub-city;
5. Conduct study on alternative finance sources whereby residents of the City become owner of house; cause same implemented upon approval by Cabinet of the City Government;

6. Follow up proper collection of the cost of houses from the beneficiaries with the view to enable the City Government timely pay the loan it earned for the construction of houses;

7. Register, with full information thereof, let and administer in accordance with appropriate law all residential and commercial houses belonging to the City Government, study conditions whereby such houses can be transferred to private owners on sale basis, implement same up on the approval by the Bureau;

8. Register buildings belonging to the City Government, study conditions by which such buildings shall be improved and cause submission of same to the City Government through the Bureau, follow up the implementation upon approval;

9. Perform, as may be necessary, such other activities designated by the City Government or Board that enable fulfillment of its objectives.

27. Government Construction Agency

The Agency shall have the following powers and functions:-

1. Undertake research on demands of construction undertaken by the City Government, with the exception of housing, roads and water construction; prepare design or cause the design to be prepared by private consultant where it is ascertained by the Bureau that the work is beyond capacity of the Agency;

2. Perform, coordinate and direct the auction and progress of the construction together with the owner of the construction, cause construction contracts prepared in accordance with construction law, follow up and supervise the implementation of same;

3. Supervise that constructions are carried out in accordance with the approved plan and contract by deploying experts; follow up through private consultant organization where it is ascertained by the Bureau that the work is beyond capacity of the Agency;
4. Prepare or cause the preparation of different construction and design work manuals and standards;

5. Undertake study or cause the undertaking of same on areas of the City endangered with flood; prepare or cause the preparation of design for carrying out protective work; give auction for the construction work; follow up and supervise the construction.

28. Construction Industry Development and Regulatory Authority

The Authority shall have the following powers and functions:-

1. Prepare legal framework governing the construction sector and infrastructure development works within boundary of the City; follow up implementation of same up on approval;

2. Notwithstanding what is decided by the concerned organ of the Federal Government, fill the capacity gap of the construction industry in the City based on study; search for and conduct study on new alternative technologies; share experience; adopt and internalize same;

3. Register and issue license of profession and competency to construction professionals, consultants, contractors and suppliers of construction materials in the City; renew, terminate the license; and ascertain that they are working with legal license;

4. Issue price cost by undertaking research, in cooperation with the Finance and Economic Development Bureau, on construction input and labour market value; disseminate same to the beneficiaries of the sector as well as the City Government upon approval by the Cabinet;

5. Resolve primarily disputes arising out of contracts of the construction sector; supervise the implementation thereof;
6. Cause the existence of information network and center; register, update, analyze information thereof; publish the result and disseminate same;
7. Confirm the quality of construction inputs through laboratory test by taking sample from production sites; take the necessary measure upon those with quality problem; undertake quality checking service to other institutions or individuals upon request by charging them the necessary fee.

29. Public Participation Development Agency

The Agency shall have the following powers and functions:-

1. Design and submit development implementation strategies to the Cabinet through the Bureau, for areas within the City that are to be developed due to local upgrading; implement same upon approval;
2. Cause the establishment of development structures in different parts of the City with the view to enable the society identify problems and development demands of the specific area, directly participate and become moving force of the development; coordinate and direct activities by causing preparation and approval of legal framework for such structures;
3. Support developmental activities of a specific area by searching and upon approval of alternative financial sources; follow up the proper utilization of material, labour and monetary contributions of the society;
4. Cause the preparation of construction plan that enables realization of demands of the society identified in the specific area; submit same to the concerned organ for approval;
5. Prepare action plan enabling implementation of the construction plan prepared based on needs of the society; provide support for the implementation of same;
6. Identify and inform to the concerned organ where a land to be cleared due to local upgrading deserves compensation and substitute plot of land for the purpose of appropriate service; follow up same;
7. Prepare or cause the preparation of design for construction works done by public participation during local upgrading activities; undertake auction and contrat administering activities; follow up and control the construction process.
8. Undertake different studies and cause the implementation thereof, up on approval, on how to scale-up local development construction activities done based on needs of the society by coordinating and participating the residents;

9. Follow up and support the proper repair and conservation of developmental works carried out by the society with the view that they are properly utilized;


7. Article 41(1)(a) of the proclamation is cancelled and substituted by the following:-
   a. Building Permit and Control Authority

8. Article 41(1)(e) of the proclamation is cancelled and substituted by the following:-
   e. Land Development Bank and City Renewal Project Office

9. Following Article 41(1)(l) the following new sub-article (m) is added:-
   m. Residual Works and Title Administration Transitional Period Service Coordination Project Office

10. Article 45 of the proclamation is cancelled and substituted by the following new Article 45:-

   45. Building Permit and Control Authority:
   The Authority shall have the following powers and functions:-

   1. Issue plan agreement document to developers to whom land has been allocated or legal possessors of land to build in accordance with the structural and local development plans as well as levels of construction;

   2. Investigate and approve construction designs, which are presented by developers or legal possessors of land to whom plan agreement has been issued after fulfillment of requirements provided for the structural and local development plans as well as construction level and law, on the basis of appropriate law; issue building permit to same; control that the construction is in accordance with the approved design and issued building permit:
3. Investigate into and issue license regarding matters of renewal and improvement of construction based on appropriate law;

4. ascertain that quality of construction materials supplied to construction sites is up to the quality set by the Construction Industry Development and Control Authority; cause the confirmation by the Construction Industry Development and Control Authority the quality of those it finds deficient in quality;

5. Keep fulfilled data regarding constructions within the City Government; update and disseminate same;

6. Set standard, in consultation with the concerned bodies, for advertisement boards erected within the boundary of the City and posted on buildings within the City;

7. Issue license in accordance with the standard, upon assuring that there is legal right to do so, for advertisement boards erected within boundary of the City and posted on buildings in the City; follow up and control that same is erected or posted in accordance with the permit;

8. Conduct research that enables strengthening coordination of construction; cause the constructors perform their activities in a coordinated manner;

9. Prepare coordinated and standardized detailed network plan based on the structural plan and standards of the City with the view to harmonize the infrastructure work of the City; transfer same for implementation upon approval;

10. Cause the infrastructure developers submit detailed design and construction schedule regarding new constructions as well as repair, renewal and improvement with the exception of emergency repair works; issue license upon investigation and coordination; follow up and control that the work is done in accordance with the license; take measure if the work is done contrary to the license issued;
11. Article 50 of the Proclamation is cancelled and substituted by the following:-

50. Land Development Bank and City Renewal Project Office

The Project Office shall have the following powers and functions:-
1. Design and submit execution strategies of land development and city renewal; implement same upon approval;
2. Conduct study works on land development and city renewal based on the master and structural plan as well as specific local development plans;
3. Prepare land to be used for different development works within the City;
4. Notwithstanding those to be developed through public participation, develop and renew, through renewal works, areas of the City which are damaged and deteriorated;
5. Conduct study on the compensation scheme of properties and possessions situated at places intended to be used for public purposes and renewal areas; ensure the proper execution thereof;
6. Fix and effect the proper compensation payment to persons displaced due to different development and renewal works in the City; issue certificate of substitute plot and house receiving certificate; and follow up the execution thereof;
7. Conduct study on urban land grade and lease initial price in a way supported by map; submit same to the Cabinet of the City Government for approval; implement same upon approval; disseminate current information thereof to the public;
8. Follow up boundary, based on the plan, of development infrastructures, different services like recreation areas, green areas and even public gathering plazas in the City; undertake boundary preservation works; transfer to the concerned bodies for the issue of certificate of possession, as may be proper;
9. Demarcate plots of land that are prepared or otherwise but not possessed by anybody; keep proper information in digital and plan format; erect information board containing the service for which the land is to be used, the level and necessary descriptions; protect the land against illegal acts and take proper measures where an illegal act takes place;

10. Transfer on lease basis to temporary users based on the license issued by the Environmental Protection Authority of the City to exploit underground minerals of stone, gravel, and selected material areas by demarcating according to the plan; where use of such places comes to an end, it recovers to renew and prepare for another development activity;

11. Run auction of plots of land prepared for different development activities in expansion and renewal areas by registering in the bank and issuing uniform parcel number; transfer the plot of land in the field to the winners of the auction; perform protection and safeguarding activities until the land is transferred to the beneficiary;

12. Transfer on temporary lease basis plots of land allocated to micro and small scale enterprise services, car washing services; prepare for another development activity by holding back and renewing the plot upon lapse of the contract period or service thereof;

13. Demarcate, administer and notify to the Building Permit and Control Authority areas serving for depositing waste materials of construction; control and follow up that waste materials are deposited in appropriate manner according to the license issued by the Building Permit and Control Authority;

14. Transfer land for any construction by tender or allotment in accordance with lease law; conclude lease contract; hand over the land, and collect lease payment based on the lease contract;
15. Ensure that construction takes place in accordance with the lease contract; take appropriate measure in accordance with the lease law where the construction has not been commenced or accomplished in accordance with the time and condition provided by law and contract;

16. Give order for land clearance in accordance with appropriate law; follow up the implementation thereof.

12. Following Article 56 of the Proclamation, the following new Article is added:-

57. Residual Works and Title Administration Transitional Period Service Coordination Project Office

The project office shall have the following powers and functions:-

1. Organize and structure the projects considered to be residual and specifically planned;

2. Cause the implementation thereof and follow up by preparing initial activity plans that the projects shall be guided by and execute and by giving the necessary cognizance to the concerned bodies;

3. Until the Immovable Property Registration and Information Agency is properly organized and takeover the task, the project office shall:-
   a) Ascertain the proper implementation, at sub-city level by the concerned body in the area, of land and houses registration and information handig of the City as well as possessorial and/or ownership right transfer is in accordance with policies and laws; take corrective measures where the implementation of land or house administration is inconsistent with the policies and law;
b) Render service of registration and protection regarding possession and immovable property; issue certificate of title deed for land possession; organize current cadastre system; keep and preserve information about type of land usage and possessors thereof; investigate and pass decision on questions of changing land usage by legal possessors of land in accordance with law;

c) Update and implement, based on study, directives of service governing the land administration execution system; transfer same to the concerned body in the area of work; ascertain the proper implementation thereof;

d) Properly keep and organize data regarding service rendered in relation to land possession administration; handover same to the immovable property registration and preservation institution;

e) Prepare the current property price statement based on the market; transfer by calculating the land rent fee and house tax statement to the concerned body;

f) Provide property valuation service for tax, court and other similar purposes, with the exception of compensation matters;

4. Issue title deed for possessions without title deed in accordance with the work rules provided by law; organize the files thereof;

5. Cause legal existing possessions of land governed by parcellation to enter into lease system in accordance with what is provided by law; conclude lease contract thereof; keep data thereof;

6. Perform, by organizing technique team, quality supervision over the discrepancies of parcels during preparation of title deed;

7. Follow up and cause the problems and bottle necks encountered by the sub projects resolved;

8. Follow up and evaluate work performance of the sub projects by preparing monitoring and support plan.
13. Article 65(1)(d) of the proclamation is cancelled and substituted by the following:

d. Construction and Housing Development Office

14. Article 67(a) of the Proclamation is cancelled and substituted by the following:

a. Building Permit and Control Office

15. Following Article 67(e) of the Proclamation, the following new sub-article (f) is added:

f. Residual Works and Title Administration Transitional Period Service Coordination Project Office

16. Article 75(1)(j) of the Proclamation is cancelled and substituted by the following:

j. Construction and Housing Development Office

17. Article 77(a) of the Proclamation is cancelled and substituted by the following:

b. Building Permit and Control Office

Part Three

Miscellaneous Provisions

18. Transfer of Right and Obligation

1. The rights and obligations of Construction Regulatory and Capacity Building Authority regarding construction supervision shall be transferred to the Building Permit and Control Authority;

2. The rights and obligations of Land Administration and Construction License Authority regarding land administration shall be transferred to the Land Development Bank and Urban Renewal Project Office;

3. The rights and obligations of Land Administration and Construction License Authority regarding building permit shall be transferred to the Building Permit and Control Authority;

4. The rights and obligations of Addis Ababa City Housing Development Project Office regarding housing construction and development shall be transferred to the Housing Construction Project Office;