



**Bizkaiko Foru
Aldundia**

Hirigintza Saila

**Diputación Foral
de Bizkaia**

Departamento de Urbanismo

STATUTORY DECREE 21 /1999 dated the 2nd of March, for the regulation of subsidies to Local Councils for the acquisition of land in the year 1999.

EXPLANATION

The 1999 General Budget of Bizkaia Historical Territory, approved by Statutory Law 13/1998 dated the 23rd of December, includes a heading regarding economic aid to Local Councils of the historical territory in their onerous acquisition of land for the development of subsidised housing, and it is hereby required to establish the regulatory basis for granting this specific type of aid.

By virtue of the above, and at the proposal of the Statutory Deputy of the Town Planning Department, upon debate and approval by the Government Council of the Diputación Foral de Bizkaia (Bizkaia's Provincial Government) during meeting held on the 2nd of March,

I HEREBY DISPOSE

Article 1.- Objective.

The objective of the present Decree is the establishment and regulation of subsidies granted by the Diputación Foral de Bizkaia to the Local Councils of Bizkaia Historical Territory for the onerous acquisition of land for the development of subsidised housing.

Article 2.- Subsidies.

The subsidies envisaged in the present Decree specifically refer to non-reimbursable subsidies.

Article 3.- Eligibility.

All Local Councils of Bizkaia Historical Territory are eligible to apply for the economic aid envisaged in the present Decree. These may act through Local Public Entities of either private or public nature, or through Local Public Associations, provided the Council owns the majority of capital shares.

Article 4.- Actions eligible for subsidising.

1. The actions eligible for subsidies will be those land acquisitions which meet the following requirements:
 - a) Land must be rated urban, development land or land suitable for development.
 - b) Land must be rated by the town planning for the construction of some type of subsidised housing, or in its absence, it must be included in a public housing programme.
 - c) Acquisitions must be made in an onerous capacity.
 - d) Operations must have already been carried out or at least formally agreed.



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- e) Purchaser must be the Local Council either directly or through one of the entities mentioned in Article 3, and whose social objective is the management of land which will be used for the construction of subsidised housing.
2. In order to meet the requirement stated in item d) above, the existence of a purchase contract for the agreed acquisitions will be required, and, in the case of purchase by expropriation, the fixing of a fair price in the case of individual expropriation, and the preliminary approval of the expropriation project in the case of joint valuation.

Article 5.- Amount of the subsidy.

1. The amount of the subsidy will be a maximum of 75% of the purchase price.
2. In any case, the amount of the subsidy in concurrence with any other aid granted for the same purpose, will not surpass the total purchase price.

Article 6.- Documentation to be submitted and deadline

1. Those Councils interested in applying for above subsidies must lodge the following documentation with the register of received documents of the Town Planning Department within one month after the date following publication of the present Statutory Decree:
 - a) Written formal application.
 - b) Council engineer's report.
 - c) Location map to 1:5,000 scale.
 - d) Map of plots of land indicating boundaries of land to be purchased to 1:500 scale.
 - e) Document justifying land valuation and suitability for the construction of subsidised housing.
 - f) Copy of contract of the transfer of title or copy of expropriation records.
 - g) Where applicable, documentation certifying that the housing to be built is included in the housing plans of the Basque Government or any other Public Administration.
 - h) Where applicable, the Council's agreed contribution.
2. In the case where required documentation is not attached to application or documentation is incomplete, the concerned Corporations will be required to rectify the situation within ten days, with the warning that should they not do so, it will be understood they are withdrawing their application.
3. In any case, the Town Planning Department can request any supplementary information as it considers necessary for the appropriate understanding and assessment of submitted applications.



Article 7.- Processing of applications.

1. Resolution of applications will be decided by Statutory Order of the Statutory Deputy of the Town Planning Department, at the suggestion of the Town Planning General Manager, upon receiving report from the Legal and Technical-Town Planning Services of the mentioned Department.
2. Submitted applications will be passed resolution within a maximum of two months after the end of the deadline for submission of the required documentation as established in Article 6 above. Nevertheless, this deadline can be extended in those cases envisaged in article 42.2 of Law 30/1992 dated the 26th of November.

Upon expiry of initial deadline, and where applicable, of the extension, should no express resolution be passed, it will be understood applications have been rejected.

3. At the request of the Councils concerned or of the Statutory Town Planning Department, the granting of the subsidy can be formalised by means of an administrative document for the due record of the mutual commitments undertaken by the parties.

Article 8.- Concession Scheme

Subsidies will be granted in accordance with the following criteria, listed below by order of importance:

- 1st Land acquisitions which have already been carried out will have priority over those agreed.
- 2nd Acquisitions closer in time, either completed or agreed, will have priority over older acquisitions.
- 3rd Planning adjustment to legislation in force, or, in any case, the greater degree of fulfilment of the revision stage.
- 4th The inclusion of the land in the public housing programmes of the Basque Government or any other Public Administration.
- 5th The greater contribution agreed by the Council.
- 6th The Registered Received date of the application.

Article 9.- Payment of the subsidy.

1. The resolutive Statutory Order of the concession of subsidies will also include proposed payment method of those subsidies for already made acquisitions.
2. Aids granted for the acquisition of land to be carried out will be paid upon presentation of documents justifying transfer of title of the premises to the adjudicatee Councils. Deadline for submission of the mentioned documentation at the Town Planning Department will be the 15th of December of the current year, and it is understood that the beneficiary Councils forfeit the amount of the subsidy granted if this has not been justified by the above mentioned date.

Article 10.- General Regulations.

Subsidies included under the present Decree will be governed by the dispositions in the same Decree and by the general regulations of subsidies and public subsidies of Bizkaia Historical Territory.



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ADDITIONAL DISPOSITIONS

First.-

The Statutory Deputy for Town Planning is empowered to issue as many dispositions as necessary for the enforcement and fulfilment of the articles disposed in the present Decree.

Second.-

Subsidies which may be granted on the grounds of the present Decree, will be for a maximum of 200,000.000 Pesetas (1,202,024.21 Euros). For this purpose, this has been authorised in the budget provisions of programme 430201; item-sub-item 732.99; organism 11.03; order number 01457 of 1999 budgetary year.

FINAL DISPOSITION

Single disposition.-

The present Decree will come into force the day after its publication in the Official Gazette of Bizkaia.

THE STATUTORY DEPUTY FOR TOWN PLANNING

Josu Montalbán Goicoechea

THE GENERAL DEPUTY

Josu Bergara Etxebarria