

## **Byelaws Concerning Building Maintenance & Repair**

**By Umesh Dhargalkar**

Cooperative Housing Societies are governed by their Managing Committees. It is the responsibility of the Committee to maintain the Society building in good condition at all times. This involves establishing the need for the repair/ maintenance works, raising and allocating funds and undertaking the works in a proper and transparent manner. For this purpose, it is necessary to understand the model byelaws concerning building maintenance and repair, which are listed below.

### **Creation of Funds (Clause 13)**

The Society shall create and establish the following funds by collecting contributions from its members at the rates mentioned hereunder:

#### **Repairs and Maintenance Fund**

The Repairs and Maintenance Fund, at the rate fixed at the General Body from time to time, subject to the minimum of 0.75 percent per annum of the construction cost of each flat for meeting expenses of normal recurring repairs

#### **Major Repairs Fund**

Major Repairs Funds, as and when required and decided by the General Body, at the rate fixed on area basis

#### **Sinking Fund**

The Sinking Fund at the rate decided at the meeting of the General Body, subject to the minimum of 0.25 percent per annum of the construction cost of each flat, excluding the proportionate cost of the land

### **Utilization of Funds (Clause 14)**

The Society may utilize its funds in the manner indicated below:

#### **Reserve Fund**

The Reserve Fund of the Society may be utilized for the expenditure on repairs, maintenance and renewals of the Society's property.

#### **Repairs and Maintenance Fund**

The Repairs and Maintenance Fund may be utilized by the Committee for meeting the expenditure on maintenance of the Society's property and repairs and renewals thereof.

#### **Major Repairs Fund**

Utilization of major repairs fund with the prior permission of General Body

#### **Sinking Fund**

On the resolution passed at the meeting of General Body of the Society and with the prior permission of the Registering Authority, the Sinking Fund may be used by the Society for reconstruction of its building/ buildings or for carrying out such structural additions or alteration to the building/ buildings, as in the opinion of the Society's Consultant, would be necessary to strengthen it/ them or for carrying out such heavy repairs as may be certified by the Consultant and on approval of General Body.

### **Structural Audit (Clause 77)**

The Society shall cause the STRUCTURAL AUDIT of the Building of the Society as follows:

For the building ageing between 15 to 30 years - Once in 5 years

For the building ageing above 30 years - Once in 3 years

Such STRUCTURAL AUDIT shall be conducted by the Structural Engineers from the panel of the Municipal Corporations in case of the societies, which are in the limits of Municipal Corporations. In case of other societies, such structural audit shall be carried out by the Government Approved Structural Engineers.

### **Responsibility of the Committee (Clause 156)**

It shall be the responsibility of the Committee to maintain the property of the Society in good condition at all times.

### **Inspection for Need of Repairs (Clause 157)**

The Secretary of the Society, on receipt of any complaints about maintenance of the property of the Society from any members of the Society or on his own motion, shall inspect the property of the Society from time to time and make the report to the Committee, stating the need of the repairs, if any, considered necessary. The Committee shall consider the report made by the Secretary of the Society and decide as to which of the repairs should be carried out.

### **Limits on Expenditure (Clause 158)**

(a) The Committee shall be competent to incur expenditure on the repairs and maintenance of Society's property, if the one time expenditure does not exceed:

Upto 25 members	Rs. 25,000/-
26 to 50 members	Rs. 50,000/-
51 and above	Upto Rs. 1,00,000/-

(b) If one time expenditure on repairs and maintenance of the Society's property exceeds the limits as mentioned under byelaw No. 158(a), prior sanction of the meeting of the General Body of the Society shall be necessary.

(c) The meeting of the General Body of the Society shall decide:

The limit up to which the expenditure on repairs and maintenance of the property of the Society could be incurred by the Committee without calling for tenders for the work. In respect of the work, the cost of which exceeds the limit, so fixed, the Committee shall follow the procedure of inviting tenders, placing them before the General Body meeting for approval and entering into contract with the Consultant (if appointed) and the contractor.

### **Work of repairs and maintenance (Clause 159)**

Subject to the provisions of the byelaw No. 158(a), (b) and (c) the Committee shall proceed to carry out the repairs and maintenance of the property of the Society. It shall be the responsibility of the Committee to see that the repairs are carried out as per the contract.

**Sharing of Costs (Clause 160)**

Depending on the nature and location of repair/ maintenance work, the costs shall be shared in the following manner:

**(a) Work at Society's Cost**

The following repairs and maintenance of the property of the Society shall be carried out by the Society at its cost:

(i) All internal roads, (ii) Compound walls, (iii) External water pipe lines, (iv) Water pumps, (v) Water storage tanks, (vi) Drainage lines, (vii) Septic tanks, (viii) Stair cases, (ix) Terrace and parapet walls, (x) Structural repairs of roofs of all flats, (xi) Stair-case lights, (xii) Street lights, (xiii) Outside walls of the building/ buildings, (xiv) All leakages of water including leakages due to rain water, and leakages due to external common pipe line and drainage line, (xv) Electric lines up to main switches in the flats, (xvi) Lifts, (xvii) The damaged ceiling and plaster thereon in the top floor flats, on account of the leakage of the rain water through the terrace.

**(b) Work at Members' Cost**

All the repairs, not covered by the byelaw No. 160 (a) shall be carried out by the members at their cost.

**Insurance of the building (Clause 161)**

The Society shall insure its building/ buildings necessarily against risk of fire and earthquake.

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