

# T48 Land Tenure Typologies Guide

## Description

This tool will help the team to classify the land tenure for the properties that are within the delimitation of the priority zones, as well as the zones where the land management plan projects will be implemented. Use the typologies in Table below as a catalog.

## Participants

This task is carried out by the technical team.

**TABLE A. LAND TENURE TYPOLOGIES**

Tenure System	Typology	Description
Formal	Public Property	Municipal Properties destined for public use or service; among them, it is worth mentioning roads, streets, squares, promenades, waters, public works of general service, markets, commodities exchanges, etc.
		State State ownership or control of any asset, industry, or enterprise at any level, national, regional, or local
		Cooperative Properties that were granted by the state to carry out agricultural or livestock activities.
	Private Property	Ownership in perpetuity
	Conditional Property	Title is granted upon payment or when developments have been completed.
	Registered lease	Ownership for a specified period, from a few months to 999 years.
	Public rental	Rental occupancy of state-owned land or house
	Private rental	Rental occupancy of privately owned land or house
	Shared equity	Combination of conditional ownership and rent in which residents acquire a share in their property (often 50%) and pay rent for the remainder to the other party.
	Cooperative holding	Ownership is vested in the cooperative or group of which the residents are co-owners.
	Customary ownership	Ownership is vested in the tribe, group, community or family. Land is allocated by customary authorities such as chiefs.
	Intermediate or temporary holding systems	There are many pragmatic provisions, such as land certification, "comfort certificates", temporary occupancy licenses, etc.
Co-ownership / Condominium regime	Co-ownership, also known as condominium or community, refers to the form of ownership in which there is a single ownership, but this is divided into quotas among several owners. The practical effect is that two or more persons share the ownership of a thing. The co-ownership can come from the will of the co-owners, as for example the things that are contributed to a society or that are acquired in common.	
Informal	Irregular occupation or development of public land	Housing and settlements built on land belonging to the municipal, state or federal government, without having been previously removed from the public domain or without

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		ownership having been legally transferred. The occupants do not have legal documentation to support their tenure.
	<b>Commercialization and irregular occupation of social land (ejido and communal land)</b>	Simple subdivision of land into lots. Nonexistent or insufficient urban services or infrastructure. Land use plans and other urban regulations are not respected. Sometimes built on risk areas.
	<b>Irregular occupation or urbanization on private land</b>	Legal or administrative procedures for land commercialization, construction and urbanization are not properly complied with.
<b>Unidentified</b>	<b>Land Plots with Unknown Owners</b>	Some countries and cities do not have a proper land cadastre or do not have capacity to develop a cadastre map. In this case, some plots can be classified as unknown, or unreachable if known, as in the case of land acquisition.

**Note:** Keep the following considerations in mind when defining the legal status of the land:

- It is recommended to look for innovative international references that allow the implementation of the prioritized projects in non-regularized properties.
- In all cases, it is recommended to identify the agencies in charge of land regularization at the local level, as well as successful cases of implementation of urban projects on land in a similar situation, according to their territorial scale.

## Instructions

Discuss the following questions regarding the state of land tenure in the territory(ies) of interest and what this means for achieving the priority actions, strategies and projects proposed:

- Do you consider that there are enough municipally-owned properties to cover the deficit of urban facilities and/or public space?
- What are the prioritized projects and what is their scale of intervention? Is there land available to carry out these projects?
- Is it possible to know with certainty the legal status of the properties to be intervened?
- Does the plan contemplate intervening on land under special land tenure regimes (e.g., environmental conservation areas, historic or heritage centers)?
- Are the intervention polygons private property? What type of properties are contemplated within the intervention zones?
- Which institution(s) is/are responsible for approving, applying, updating and regulating the legal status of the land to be intervened for each of the prioritized projects?
- Are there precedents of any intervention on non-municipal property? How feasible is it to regularize a property according to the priority of the project/intervention?
- Are there national/regional/metropolitan urban development plans that provide guidelines for this type of intervention? What is recommended for the local context?