

T51 Regulatory Instruments Guide

Description

This catalog helps to assess the existing legal framework, as well as the legal requirements for plan approval and, finally, to identify potential improvements to the current regulations to ensure proper implementation of the plan, and the prioritized projects. For a complete assessment of legislation, use the [Planning Law Assessment Framework](#) developed by UN-Habitat.

Participants

This task is carried out by the technical team and institutions involved with legal approvals and its development.

Instructions

1. Complete the following table identifying the most relevant instruments for each territorial scale, seeking to identify those that most directly influence the implementation of the strategic project portfolio, and/or the implementation of the lines of action. Refer to the results of the **Legal Framework Review (Activity 2)** for reference.

Table A. Regulatory Instruments		
Scope	Examples	Instruments
National	Urban or tax laws Sustainable Urban Development Act National urban policy National housing policy Sustainable building code Equity policy Policies Development Vision and Plans	<ul style="list-style-type: none"> • <i>General Law of Ecological Balance and Environmental Protection and its Regulations on Environmental Impact.</i> • <i>General Wildlife Law.</i> • <i>General Law and Regulations for Sustainable Forestry Development.</i> • <i>General Law of National Assets and Regulations for the Use and Development of the Territorial Sea, Waterways, Beaches, Federal Maritime-Terrestrial Zone and Land Reclaimed from the Sea.</i>
Local / Municipal	Urban Plans Neighborhood Plans Spatial visions Institutional mechanisms Participatory mechanisms Ordinances Urban parameters Construction regulations Zoning code Building code	<p><i>Municipal Urban Development Program of Benito Juárez, Quintana Roo 2018-2030</i></p>

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2. Then discuss and respond to the following regulatory framework checklist.

Identification of planning instruments (at the national, regional and metropolitan levels)

- What are the existing planning documents at different planning scales? What is the purpose of each?
- Which institution(s) is/are responsible for approving, implementing, updating and regulating each planning document?
- Are there national/regional/metropolitan urban development plans and are they legally binding? What is recommended for the local context?
- What institutional body/ies are responsible for approving and/or developing local plans?
- What are the requirements for approval of the planning document?

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3. Identify the most relevant regulatory instruments, and complete the table indicating the proposed improvements and/or modifications to each legislation, as well as the regulations to be incorporated, to ensure the correct implementation of the **strategic project portfolio**.

Table B. Proposed Policy Instruments for Strategic Project Portfolio			
Prioritized projects	Instruments identified	Proposed improvement and/or modification	New regulations to be incorporated, modified or adapted
Neighborhood Center (Nichupté Bridge)	Tax instruments for the recovery of property value	<i>In Mexico, there are few applications of specific tax instruments that tax real estate capital gains or the increase in the value of the land generated by public action. The Political Constitution allows it; however, in order to implement it, it would have to be added in the Fiscal Code of the State of Quintana Roo and in the Treasury Laws. It is worth mentioning that the implementation of tax instruments will surely be rejected by the citizens, especially if the instrument for its collection (especially the mechanisms for accountability) and the transparency in the use and destination of the resources are not clear, timely and truthful.</i>	

Keep the following considerations in mind when defining financial mechanisms:

- The incorporation of new regulations may be beyond the competence of the technical team and/or the municipality.
- In all cases, it is recommended to identify the agencies in charge of introducing such legislation, or implementing improvements to existing legislation, according to their territorial scale.
- The tables are referential, and more projects/instruments may be included, if applicable.

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4. Identify the most relevant regulatory instruments, and complete the table indicating the proposed improvements and/or modifications to each legislation, as well as the regulations to be incorporated, to guarantee the correct implementation of the **lines of action and strategies**.

Table C. Proposed policy instruments for lines of action

Strategy	Line of action	New regulations to be incorporated, modified or adapted