



Housing and Land Use Regulatory Board

Government's regulatory body for housing and land development

“Regulatory Updates for Real Estate Developers”

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Commissioner

Metropolitan Club, Makati City

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Housing and Land Use Regulatory Board

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- **Board Resolution No. 946, s. 2017**
Executive Committee Resolution No. 002, s. 2017
(IRRs on Balanced Housing Development Program Amendments)
- **Board Resolution No. 948, Series of 2017 (Revocation of TLS)**
Memorandum Circular No. 102, Series of 2017 (Affidavit of Undertaking)
- **Board Resolution No. 949, s. 2017 (HOA Fees)**
Executive Committee Resolution No. 001, s. 2017



Housing and Land Use Regulatory Board

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Republic Act No. 10884

(July 17, 2016)

“Balanced Housing Development Program Amendments”



Amendatory Provisions of RA 7279

Sec. 3 of RA 7279 redefining paragraph (r)

Sec. 18 of RA 7279. Balanced Housing Development

**Sec. 20 of RA 7279. Incentives for Private Sector
Participating in Socialized Housing**



Section 3 of RA 7279 redefining paragraph (r)

“(r) ‘Socialized housing’ refers to housing programs and projects covering houses and lots or homelots only, or **residential condominium units** undertaken by the government or the private sector for the underprivileged and homeless citizens which shall include sites and services development, long-term financing, liberalized terms on interest payments, and such other benefits in accordance with the provisions of this Act.”



Sec. 18 of RA 7279. Balanced Housing Development

Owners and/or developers of proposed subdivision and condominium projects shall be required to develop an area for socialized housing equivalent to at :

- **least fifteen percent (15%) of the total subdivision area or total subdivision project cost and**
- **at least five percent (5%) of condominium area or project cost, at the option of the developer,**
- in accordance with the standards as provided by law: *Provided, That* proposed socialized subdivision projects and proposed socialized condominium projects shall be exempt from this requirement.



Sec. 18 of RA 7279. Balanced Housing Development

For this purpose, the Housing and Urban Development Coordinating Council and the National Economic and Development Authority shall jointly determine and set separate socialized housing price ceilings for socialized subdivision and socialized condominium projects which shall be mandatorily reviewed or revised every two (2) years.



Sec. 18 of RA 7279. Balanced Housing Development

The balanced housing development as herein required may also be complied with by the owners and/or developers concerned in any of the following manner:

“(a) Development of socialized housing in a new settlement;

“(b) Joint-venture projects for socialized housing with either the local government units or any of the housing agencies or with another private developer, or with a nongovernmental organization engaged in the provision of socialized housing and duly accredited by the Housing and Land Use Regulatory Board, but if the developer has failed to complete the development of the project, the owner and/or developer of the main subdivision or condominium project shall be solidarily liable only to the extent of compliance to the balanced housing requirement regardless of the provisions of their joint venture agreement; or

“(c) Participation in a new project under the community mortgage program.



Sec. 20 of RA 7279. Incentives for Private Sector Participating in Socialized Housing

SEC. 20. *Incentives for Private Sector Participating in Socialized Housing.* — To encourage greater private sector participation in socialized housing and further reduce the cost of housing units for the benefit of the underprivileged and homeless, the following incentives shall be extended to the private sector:

- “(a) Reduction and simplification of qualification and accreditation requirements for participating private developers;
- “(b) Creation of one-stop offices in the different regions of the country for the processing, approval and issuance of clearances, permits and licenses: *Provided, That* clearances, permits and licenses shall be issued within ninety (90) days from the date of submission of all requirements by the participating private developers;
- “(c) Simplification of financing procedures; and
- “(d) **Exemption from the payment of the following;**
 - “(1) **Project-related income taxes;**
 - “(2) **Capital gains tax on raw lands used for the project;**
 - “(3) **Value-added tax for the project contractor concerned;**
 - “(4) **Transfer tax for both raw completed projects; and**
 - “(5) **Donor’s tax for lands certified by the local government units to have been donated for socialized housing purposes.**



**Sec. 20 of RA 7279. Incentives for Private Sector
Participating in Socialized Housing**

“Provided, That a socialized housing certification issued by the Housing and Land Use Regulatory Board shall be sufficient for the purpose of availment of tax exemption: Provided, Further, That upon application for exemption, a lien on the title of the land shall be annotated by the Register of Deeds: Provided, Furthermore, That the socialized housing development plan has already been approved by the appropriate government agencies concerned: Provided, Finally, That all the savings realized by virtue of this provision shall accrue in favor of the beneficiaries subject to the implementing guidelines to be issued by the Housing and Urban Development Coordinating Council.”

“x x x.”



**Board Resolution No. 946 , s. 2017 (May 3, 2017)
(effectivity date 01 July 2017)**

**REVISED IMPLEMENTING RULES AND REGULATIONS TO GOVERN
SECTIONS 3, 18 AND 20 OF REPUBLIC ACT NO. 7279, OTHERWISE
KNOWN AS THE URBAN DEVELOPMENT AND HOUSING ACT OF
1992, AS AMENDED BY REPUBLIC ACT NO. 10884, OTHERWISE
KNOWN AS “BALANCED HOUSING DEVELOPMENT
PROGRAM AMENDMENTS”**



SEC. 1. Scope and Coverage of Rules and Regulations.

- **All new residential subdivision and new residential condominium projects**, with applications for approval or development permit filed with the local government unit or HLURB upon the effectivity of RA10884.
- **All existing residential subdivision and existing residential condominium projects with applications for expansion or alteration** resulting to an increase in the total project area or total project cost of the original residential subdivision or residential condominium projects filed with the local government unit or HLURB upon the effectivity of RA10884.
- **Proposed residential subdivision or residential condominium projects to be sold at the prevailing price ceiling for socialized housing**, as may be jointly determined by the Housing and Urban Development Coordinating Council (HUDCC) and National Economic and Development Authority (NEDA), **shall be exempt from the coverage of this Rules.**



Sec. 2. Definition of Terms

2.6 “Condominium Project” refers to the entire parcel of real property divided or to be divided for residential purposes into condominium units, including all structures thereon.

2.7 “Condominium Area” refers to gross land area for development of a condominium project plus the total gross floor area of the condominium building.

In the case of a mixed-use condominium project, condominium area refers to gross land area for development of a condominium project plus the aggregate floor area of the condominium building less the aggregate floor area of the commercial units and the proportionate share thereof in the pertinent common areas.

2.8 “Condominium Project Cost” refers to the total cost of: (i) raw land, based on the zonal value at the time of application for condominium development permit, (ii) land development, and (iii) building construction.

In the case of a mixed-use condominium project, condominium project cost refers to the total cost of: (i) raw land, based on the zonal value at the time of application for condominium development permit, (ii) land development, and (iii) building construction, less the cost of the aggregate floor area of the commercial units and the proportionate share thereof in the pertinent common areas.



Sec. 2. Definition of Terms

2.21 "Solidary Liability" refers to the obligation of the developer of the main project to comply with the socialized housing standards and to completely develop the required compliance project if, for any reason, the private developer of the compliance project shall fail to do so.



Sec. 3. Preferred Manner of Compliance

Developers of proposed residential subdivision projects shall be required to develop an area for socialized housing equivalent to **at least fifteen percent (15 %) of the total subdivision area or total subdivision project cost, at the option of the developer.**

Developers of proposed residential condominium projects shall be required to develop an area for socialized housing equivalent to **at least five percent (5 %) of condominium area or project cost, at the option of the developer.**



Sec. 4. *Other Manners Compliance*

- 4.1. Development of socialized housing in a new settlement.
- 4.2. Joint-venture projects for socialized housing with any of the following:
 - 4.2.1 The local government units for:
 - 4.2.1.1. The development of socialized housing program or socialized housing project; or
 - 4.2.1.2. The development of basic services that will benefit a socialized housing program or socialized housing project of the local government unit, such as the provision of educational or health facilities and other basic amenities and facilities mentioned in Sec. 21 and productivity or livelihood centers mentioned in Sec. 22 of UDHA.



Sec. 4. Other Manners Compliance

4.2.2. Any of the housing agencies for:

- 4.2.2.1. The development of socialized housing program or socialized housing project;
- 4.2.2.2. The rehabilitation of non-performing socialized housing assets of any of the housing agencies;
- 4.2.2.3. The development of basic services that will benefit a socialized housing program or socialized housing project of any of the housing agencies, such as the provision of educational or health facilities and other basic amenities and facilities mentioned in Sec. 21 and productivity or livelihood centers mentioned in Sec. 22 of UDHA; or
- 4.2.2.4. The purchase or subscription of socialized housing bonds or socialized asset-backed securities issued or conveyed by any of the housing agencies;



Sec. 4. Other Manners Compliance

4.2.3 Another private developer for:

4.2.3.1. The development of socialized housing program or socialized housing project; or

4.2.3.2. The development of basic services that will benefit a socialized housing program or socialized housing project such as the provision of educational or health facilities and other basic amenities and facilities mentioned in Sec. 21 and productivity or livelihood centers mentioned in Sec. 22 of UDHA.



Sec. 4. Other Manners Compliance

- 4.2.4 A non-government organization (NGO) engaged in the provision of socialized housing for:
- 4.2.4.1. The development of socialized housing program or socialized housing project; or
 - 4.2.4.2. The development of basic services that will benefit a socialized housing program or socialized housing project of an NGO such as the provision of educational or health facilities and other basic amenities and facilities mentioned in Sec. 21 and productivity or livelihood centers mentioned in Sec. 22 of UDHA.



Sec. 4. Other Manners Compliance

4.3. Participation in a new project under the community mortgage program, such as but not limited to the following:

4.3.1. Provision of a parcel of land to a CMP project;

4.3.2. Land development or housing or building construction in a CMP project;

4.3.3. Provision or development of right-of-way or access to roads or public transportation lines, or provision or upgrading of amenities, facilities or other forms of development in a CMP project.



Sec. 5. Location of Compliance Project

The compliance project shall be located in the same municipality or city where the main project is located, if feasible.



Sec. 6. Non-Combination of Compliance

The developer of the main project shall not be allowed to use a combination of project area and project cost as basis for computation of a single compliance.



Sec. 7. Registration of the Compliance Project

Any socialized housing program with houses and lots or homelots only, or units thereof not to be sold to the general public and thus not covered by PD 957 and BP 220, or services development intended to be utilized as compliance to the balanced housing development, shall first be registered with the HLURB before the same can be used as a compliance project. Such compliance projects shall be subject to HLURB rules and guidelines, as may be issued pursuant hereto.



Sec. 8. Accreditation of Developers and Non-Government Organizations

All developers and non-government organizations with which the developer of the main project will enter into a joint venture agreement under Secs. 4.2.3 and 4.2.4 above shall apply for accreditation in accordance with the guidelines issued by the HLURB.



Sec. 9. Incentives for Private Sectors Participating in Socialized Housing

The HLURB shall coordinate with the appropriate government agencies for the purpose of:

- 8.1. Creation of one stop offices in the different regions of the country for the processing, approval and issuance of clearances, permits and licenses;
- 8.2. Simplification of financing procedures; and
- 8.3. Exemption from the payment of the following:
 - 8.3.1 Project-related income taxes;
 - 8.3.2 Capital gains tax on raw lands used for the project;
 - 8.3.3 Value-added tax for the project contractor concerned;
 - 8.3.4 Transfer tax for both raw completed projects; and
 - 8.3.5 Donor's tax for lands certified by the local government units to have been donated for socialized housing purposes.



Sec. 10. Socialized Housing Certification

For the purpose of availment by the developer of the incentives under RA 7279 as amended by RA 10884, the HLURB shall issue a certification that a socialized housing program or socialized housing project has been registered and/or licensed by HLURB.



Sec. 11. Incentivized Compliance

The HLURB, in consultation and coordination with the HUDCC, shall provide additional incentives by way of prioritized and simplified procedure in the availment and utilization of the manners of compliance that will benefit the homeless and underprivileged as the targeted socialized housing beneficiaries.



Sec. 12. Strict and Faithful Compliance

The HLURB shall ensure strict and faithful compliance by the developers with the balanced housing development through:

- 11.1. Proper and sufficient documentary submission;
- 11.2. Publication of the notices of filing of registration statement and posting of billboard notices at the sites of both the main and compliance projects;
- 11.3. Detailed annotation on the certificate of registration or license to sell of both the main and compliance projects of the name and location of the projects, their respective project area or cost, including the specific blocks and lots, or units of the compliance project, and the remaining blocks and lots, or units still available for compliance, in order to avoid insufficient, duplication or re-utilization of compliance;
- 11.4. Conduct of ocular inspection and regular monitoring of the compliance projects in accordance with its rules and regulations; and
- 11.5. Imposition of fines and sanctions in case of any violation or non-compliance with the balanced housing development.



Sec. 13. Authority to Issue Guidelines and Circulars

Subject to prior authority or approval by the Executive Committee, the Chief Executive Officer of the HLURB is hereby authorized to issue guidelines and memorandum circulars implementing or interpreting this Rules, provided that the provisions of such guidelines and memorandum circulars shall not be inconsistent with or go beyond the provisions of this Rules.



Sec. 14. Penalty Clause

Any violation of the provisions of this Rules shall be penalized in accordance with the provisions of Executive Order No. 648, RA 7279 and RA 10884.

The license to sell of the main project may be suspended, cancelled, or revoked, if the required compliance project has not been developed or has not been completely developed in accordance with the approved work program and within the period approved by HLURB.

If any of the compliance projects of the developer, under Sections 3 and 4.2.3, to any of its main projects has not been completed within the period allowed by HLURB at the time any application for a new main project is filed, such an application shall not be accepted until and unless such compliance project/s is completed.



Sec. 15. Repealing Clause

All board resolutions, rules and regulations, memoranda, circulars, guidelines and similar official issuances mandating rules or implementing, explaining and interpreting Section 18 of RA 7279, as amended by RA 10884 that are inconsistent herewith are hereby repealed.

This Resolution supersedes all resolutions, rules, regulations, and guidelines pertaining to the manners or modes of compliance to Section 18 of RA 7279.



Sec. 16. Separability Clause

The provisions of this Rules are hereby declared separable, and in the event that any provision herein is declared null and void, the validity of all other provisions shall not be affected thereby.



Sec. 17. Effectivity Clause

This Rules shall take effect fifteen (15) days after its publication in the Official Gazette or in any national newspaper of general circulation.

(Date of Effectivity: 1 July 2017)



PROVIDING FOR THE SUBMISSION OF AN AFFIDAVIT OF UNDERTAKING IN LIEU OF THE PROOF OF COMPLIANCE TO THE MODES AND MANNERS PROVIDED BY BOARD RESOLUTION NO. 946, SERIES OF 2017, THE REVISED IMPLEMENTING RULES AND REGULATIONS TO GOVERN SECTIONS 3, 18, AND 20 OF R.A. 7279, AS AMENDED BY R.A. 10884, OTHERWISE KNOWN AS “BALANCED HOUSING DEVELOPMENT PROGRAM AMENDMENTS”



**Board Resolution NO. R-948, s. 2017
(effectivity date 01 July 2017)**

Revoking Board Resolution No. 756, Series of 2003, Otherwise known as “Building Permit as a Post Requirement to Registration and License to Sell for Condominium Projects”



**Memorandum Circular No. 102, s. 2017
(18 July 2017)**

**EFFECTIVITY OF BOARD RESOLUTION NO. R-948,
SERIES OF 2017 (REVOKING BOARD RESOLUTION NO.
756, SERIES OF 2003, OTHERWISE KNOWN AS
“BUILDING PERMIT AS A POST REQUIREMENT TO
REGISTRATION AND LICENSE TO SELL FOR
CONDOMINIUM PROJECTS”**



Memorandum Circular No. 102, Series of 2017 (18 July 2017)

- Board Resolution NO. R-948, Series of 2017 took effect on 01 July, 2017.
- Building Permit is now a requirement prior to the issuance of license to sell for condominium projects.
- Only applications for license to sell for condominium projects accepted before the effectivity of the board resolution can still be issued Temporary License to Sell.



Board Resolution NO. R-949, s. 2017
(effectivity date 01 July 2017)

**Requiring Homeowners Associations to
Assist the Local Government in the
Registration of Domestic Workers of
Members and Homeowners Within Their
Jurisdiction**



**Board Resolution No. R-949, Series of 2017
(effectivity date 01 July 2017)**

Homeowners associations are required to create a **Kasambahay Affairs Committee** which shall be responsible for the registration of all domestic workers and employees employed by members and homeowners within their respective territorial jurisdiction, which registration list shall be submitted to the barangay secretary and duly updated on a monthly basis.



**Board Resolution No. R-949, Series of 2017
(effectivity date 01 July 2017)**

All homeowners, whether members or not of the homeowners association are required to submit the list of all domestic workers and employees employed by them, with the obligation to update the same in cases of the hiring of new or the separation from employment of listed domestic workers and employees.



**Board Resolution No. R-949, Series of 2017
(effectivity date 01 July 2017)**

That homeowners associations shall be required to adopt this Resolution as part of their Rules and Regulations, and any violation thereof punishable in accordance with the provisions of RA 9904 and its Implementing Rules and Regulations.



**EXECUTIVE COMMITTEE RESOLUTION NO. 001
s. 2017**

**GUIDELINES IN THE KINDS OF DUES, FEES
AND CONTRIBUTIONS THAT MAY BE
COLLECTED BY HOMEOWNERS
ASSOCIATIONS**



Sec. 4. Applicability

- 4.1. Associations registered or in the process of registration with the HLURB, whether members or not of the association, of subdivisions and other residential real estate projects;
- 4.2. Associations registered with the HLURB in condominium projects where the deed of restrictions do not vest in a condominium corporation or any other body the management, regulation and maintenance of the common areas.



POWERS AND FUNCTIONS OF HOMEOWNERS ASSOCIATIONS

6.1. Homeowners Associations.

- (a) Institute, defend, or intervene in litigation and/or administrative proceedings affecting the welfare of the association and the subdivision or condominium as a whole;
- (b) Regulate the use, maintenance, repair, replacement and modification of open spaces and cause additional improvements thereon;
- (c) Regulate access to, or passage through the subdivision or condominium roads for purposes of preserving privacy, tranquility, internal security and safety and traffic order;
- (d) Ensure the availability of quality water services at a reasonable price, and, at its option, administer and manage the waterworks system of the subdivision or condominium;
- (e) Grant easements, leases, concessions and authority to use open spaces and petition for or consent to the vacation of streets and alleys;
- (f) Impose or collect reasonable fees for the use of open spaces, facilities, and services of the association; and,
- (g) Regulate the establishment of certain institutions such as, but not limited to, schools, hospitals, markets, grocery stores and other similar establishments affecting the character of the subdivision or condominium in traffic generation, and/or opening the area to outsiders which may result in the loss of privacy, security, safety, and tranquility to its residents.



POWERS AND FUNCTIONS OF BOARD OF DIRECTORS

6.2. Board of Directors.

- (a) In general, to act in all instances on behalf of the association except on matters which are exclusively reserved to the members or homeowners. In the performance of their duties, the officers and members of the Board shall exercise the degree of care and loyalty required by the position;
- (b) Regularly maintain an accounting system using generally accepted accounting principles, and keep books of accounts, which shall be open for inspection to any homeowner and duly authorized representatives of government agencies upon request, during reasonable hours, on business days;
- (c) Collect the fees, dues and assessments that may be provided for in the By-Laws, and such rules as may be approved by the Board and, upon publication in at least three (3) conspicuous places within the subdivision/ village, ratified by a majority of the members;
- (d) Collect reasonable charges for assessments, and, after due notice and hearing by the Board in accordance with the procedures as provided in the By-Laws and/or the rules and regulations adopted by the Board, charge reasonable fines for late payments and for violation of the By-Laws, rules, and regulations of the association, in accordance with a previously established schedule adopted by the Board and furnished to the homeowners;
- (e) Cause compliance with regard to height regulations, easements, use of homes, buildings, edifices, or structures that may be built within the subdivision or condominium, in accordance with the National Building Code, zoning laws, Housing and Land Use Regulatory Board rules and regulations, existing local ordinances, and existing deeds of restriction;
- (f) Propose measures to raise funds and the utilization of such funds and submit the same for the consideration of the members of the association; and,
- (g) Exercise such other powers as may be necessary and proper in accordance with the law and this Guidelines, and for the accomplishment of the purposes for which the association was organized.



Sec. 7. Kinds of Dues, Fees and Contributions

- 7.1. **Membership Fees.** The amount paid by a member in consideration for membership in the association.
- 7.2. **Association Dues.** The amounts charged the members on a regular basis primarily intended to defray the administrative expenses of the association.
- 7.3. **Beneficial User Dues.** The amounts charged to-
 - (a) Homeowners who may not be compelled to be members or members whose membership have been revoked, or
 - (b) Owners and/or developers of subdivisions or condominium projects, wherever applicable hereto, who hold lots or housing units as part of the inventory for purpose of sale to the public.
- 7.4. **Special Assessments** - The amounts charged members and/or beneficial users to defray other expenses necessary and proper for the security, tranquility and maintenance of the subdivision or condominium as well as that for the protection of the integrity and maintenance of the association to enable it to perform its duties and functions.



Sec. 8. Computation of Dues, Fees and Contributions

- 8.1. **Gross Expense.** The association shall determine the amount chargeable by obtaining the average monthly expenses or, if not feasible, the highest monthly expense and an additional ten percent (10%) as contingency funds to answer for any unforeseen additional expenses;
- 8.2. **Gross Area.** The gross area of the subdivision or condominium shall be the total lot and floor area of saleable lots or units in the subdivision or condominium, respectively;
- 8.3. **Rate Base.** The rate base shall be obtained by dividing the gross expense by the gross area to arrive at the cost per square meter;
- 8.4. **Chargeable Amounts.** The charges per member or beneficial user shall then be computed by multiplying the total lot and floor area by the rate base, and an additional ten percent (10%) for members or twenty percent (20%) for beneficial users to cover for any shortfall in collections resulting from the failure of some members or beneficial users to pay their dues, fees or contributions.
- 8.5. **Interests and Penalties.** Interests and penalties may be charged for the non-payment of dues, fees and contributions Provided, that the authority to collect such amounts have been duly provided in the By-Laws; and, Provided further, that the same shall not exceed twelve percent (12%) per annum.



Sec. 9. Special Assessments

- 9.1. Security Fees
- 9.2. Environmental Protection Fees
- 9.3. Vehicle Stickers
- 9.4. Delivery Fees
- 9.5. Construction Charges
- 9.6. Charges for Use of Amenities and Facilities
- 9.7. Water Fees
- 9.8. Legal Defense Fund
- 9.9. Certification Fees
- 9.10. Identification Card Fees.
- 9.11. Other Special Assessments



Sec. 12. Proscribed Acts

- 12.1. To require the driver of any vehicle entering the subdivision or condominium to surrender his/her driver's license. The association is not authorized under the traffic laws to take custody, even on a temporary basis, the license issued by the Land Transportation Office;
- 12.2. To collect fees or "donations" for passage through the subdivision roads under the guise of defraying the costs of maintenance of the roads and/or streets of the subdivision or condominium, or for any other reasons, as this practice constitutes undue restrictions on the right to ingress and egress;
- 12.3. To impose any fees, including parking fees, usage fees and similarly purposed charges, in the use of roads and streets of the association except to impose reasonable regulations to insure free and unhampered access thereto. The roads, streets and sidewalks of the subdivision or condominium are for the common use and benefit of homeowners and should not be a source of income generation for the association;
- 12.4. To collect fees for water deliveries since it is the duty of the association to provide or insure that homeowners have access to safe and potable water;
- 12.5. To deprive any homeowner of his/her right to avail of or enjoy basic community services and facilities where he/she has paid the dues, charges, and other fees for such services;
- 12.6. To prevent any homeowner who has paid the required fees and charges from reasonably exercising his/her right to inspect association books and records;



Sec. 12. Proscribed Acts

- 12.7. To exercise rights and powers in violation of the required consultation and approval of the required number of homeowners or members;
- 12.8. To unreasonably fail to provide basic community services and facilities and maintain, repair, replace, or modify such facilities;
- 12.9. To commit such other acts as are expressly prohibited by the existing laws, rules and regulations promulgated by duly constituted authorities, the ByLaws and such other reasonable restrictions, rules and regulations.



HLURB Rulings

Developers cannot be members of homeowners associations (*Yeh v. Hodges, HOA-A-160802-0824*)

“.... the subdivision owner or developer does not hold the saleable portions of the property in the concept of an “owner” of a residential property in the subdivision but these form part of the inventory of the subdivision owner or developer for sale to the public.

Parenthetically, since the subdivision property is held for purposes of sale and not as a “residence”, then the subdivision owner or developer is not a “homeowner” who can be a member of the homeowners association established in the subdivision.”



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