Urban land readjustment: voluntary or mandatory?

Fennie van Straalen & Thomas Hartmann

Symposium on Land Consolidation, 10 November 2016
Nieuw wettelijk instrument voor gebiedsontwikkeling

#Stedelijke herverkaveling
Mandatory vs. voluntary
Appraisal of properties
Inner-city development
Urban land readjustment - voluntary or mandatory?
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Mandatory vs. voluntary

Urban land readjustment - voluntary or mandatory?
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Germany – mandatory

Austria – mandatory – 50% quota

Netherlands – voluntary
Germany – mandatory

Austria – mandatory – 50% quota

Netherlands – voluntary

Urban land readjustment – voluntary or mandatory?
Mandatory vs. voluntary appraisal of properties
Aktuelle Informationen zum Immobilienmarkt in NRW

BORISplus ist das zentrale Informationssystem der Gutachterausschüsse und des Oberen Gutachterausschusses für Grundstückswerte über den Immobilienmarkt in Nordrhein-Westfalen.

Aktuelle Meldungen

11.10.2016
Best Practice Award: BORISplus.NRW App belegt den ersten Platz. Weitere Informationen

06.10.2016
Ab heute steht Ihnen die neue BORISplus.NRW App auch für Windows 10 Mobile im Microsoft Store zur Verfügung.

23.08.2016
Ab heute steht Ihnen die neue BORISplus.NRW App für iOS und Android in den jeweiligen Stores zur Verfügung.

25.07.2016
Ab sofort steht in BORISplus.NRW der Grundstücksmarktbericht NRW 2016 zur Verfügung.
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Transparent land market

Appraisal boards
Urban land readjustment – voluntary or mandatory?

Transparent land market

Appraisal boards

Note: relation URL – compulsory purchase
Mandatory vs. voluntary

Appraisal of properties
Mandatory vs. voluntary

Appraisal of properties

Inner-city development
Urban land readjustment – voluntary or mandatory?

- Germany – mandatory
- Austria – mandatory – 50% quota
- Netherlands – voluntary
Urban land readjustment – voluntary or mandatory?

Germany – mandatory

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Netherlands – voluntary

Netherlands – rural
Voluntary or mandatory land readjustment?

Urban land readjustment – voluntary or mandatory?
Rural land readjustment / land consolidation

1924 Land consolidation Act

1938 Adjustment
  Double majority dropped
  Increase of financial gain of land owners

Van den Brink & Molema (2008); Van den Brink (2009)
Rural land readjustment / land consolidation

1924 Land consolidation Act

1938 Adjustment
  Double majority dropped
  Increase of financial gain of land owners

Why?
Economic viability
Shifting ideology after WWI (social welfare)
Experiments show need mandatory instrument

Van den Brink & Molema (2008); Van den Brink (2009)
Mandatory urban land readjustment = compulsory purchase?

Urban land readjustment – voluntary or mandatory?
Mandatory urban land readjustment = compulsory purchase?

Constitutional Court Germany: NO
Mandatory urban land readjustment = compulsory purchase?

Constitutional Court Germany: NO

CHAPTER 2

Mandatory Happiness?
Land Readjustment and Property in Germany

Benjamin Davy
Mandatory urban land readjustment = compulsory purchase?

Deduction for public purposes possible:

<table>
<thead>
<tr>
<th>Country</th>
<th>Development</th>
<th>Deduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Urban redev.</td>
<td>&lt;10%</td>
</tr>
<tr>
<td></td>
<td>Urban new</td>
<td>&lt;30%</td>
</tr>
<tr>
<td>Austria (Tirol)</td>
<td>Urban</td>
<td>&lt;10%</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>Rural</td>
<td>&lt;5%</td>
</tr>
</tbody>
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Voluntary or mandatory land readjustment?

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Transparency Committee

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Transparency Committee
Political mind-set

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f.m.vanstraalen@uu.nl, t.hartmann@uu.nl

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