

Tamil Nadu Apartment Ownership Act, 2022

- The Tamil Nadu Apartment Ownership Act, 2022 (Act No. 44 of 2022) repeals and re-enacts the earlier Tamil Nadu Apartment Ownership Act, 1994.
- It extends to the whole of the State of Tamil Nadu.
- The Act came into force on March 6, 2024, as notified by the state government, though it was passed back in 2022.
- It applies to buildings having four or more apartments, compared to the 1994 Act, which applied only to buildings with five or more apartments.
- An "apartment" is defined as a separate, self-contained part of a property (one or more rooms or enclosed spaces) used or intended for residential or commercial purposes — this includes blocks, chambers, dwelling units, flats, offices, showrooms, shops, or similar spaces.
- The Act applies to both residential and commercial apartments.
- It is binding not just on apartment owners but also on tenants and employees of owners, and any other person using the apartment or part of it.
- Every apartment must have an exclusive owner, and is treated as heritable and transferable immovable property, along with its share in common areas and facilities.
- The promoter or majority of apartment owners must submit a declaration in the prescribed form to the Competent Authority.
- Common expenses are charged to apartment owners based on their undivided share in the common areas and facilities.
- The Act mandates registration of Apartment Owners Associations (AOAs), giving them legal recognition and a formal framework to function.
- Only one resident association is recognised per apartment complex, simplifying governance.
- Two or more societies, or properties with more than one project, can together form a federation for better management of shared facilities.
- The Act allows redevelopment of ageing or unsafe buildings with the consent of two-thirds of apartment owners, or when a structure is officially deemed unsafe.
- Non-compliance with the Act's provisions attracts penal action in the form of a fine.
- The state government can frame rules under this Act, to be published in the Tamil Nadu Government Gazette; the Tamil Nadu Apartment Ownership Rules, 2024 were notified on September 24, 2024, for this purpose.
- District registrars have been designated as "Competent Authorities," the Inspector General of Registration as the "Appellate Authority," and town and country planning officials as "Appropriate Authorities" under the associated rules.