

Measures in curbing poor compliance to building control regulation among renovated terrace houses

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Abstract

Purpose – The purpose of this study is to explore measures taken by local authorities in curbing poor compliance among renovated terrace houses in the state of Selangor, Malaysia.

Design/methodology/approach – A qualitative methodology was selected in the data collection and analysis of the study. Seven local authority officers from seven selected local authorities were invited to participate in a face-to-face interview session to share their experience. A focus group was conducted for the purpose of confirming the validity of the data collected during the interview session. The focus group consisted of 32 officers in charge of building control enforcement invited from 11 local authorities within Selangor State.

Findings – The results show that collecting revenue rather than ensuring compliance is the main objective among the authorities responsible for enforcing the regulations. There are four common tools adopted to penalize the offenders, which are compounds, demolition, prosecution and court orders, with a mix of opinions on their objective achievement. Major obstacles identified in the implementation of the enforcement task are low staffing capacity in monitoring and inspection, difficulties in preparing investigation paper and problems carrying out the demolition of illegal extensions.

Originality/value – The study uncovers obstacles to enforcing regulations on home renovations. The findings contribute toward improving the enforcement practices of local building control authorities.

Keywords Renovation, Compliance, Strategies, Enforcement, Local authority, Terrace houses

Paper type Research paper



Introduction

Landed property is a popular type of housing in the Malaysian community and demand is always high. According to Tan Sri Lim Hock San, Managing Director of LBS Bina Sdn. Bhd. on [property, 360 online.com](http://property.360online.com) (2016), an extensive study of the current market has indicated that the demand for landed properties remains strong. Hence, LBS is targeting for more sales of landed property in 2017. Among several types of landed property housing, terrace house is the most popular and the price is also affordable to most middle- and high-income

group. The terrace house has a unique feature, which is sharing boundaries with adjacent units. The sharing of party walls leads to design constraints in terms of view, light and ventilation. In addition, changes in the structure for future expansion have an immediate impact on adjacent neighbors. Home ownership is the first step; the next step is how to make the house convenient for the homeowners. For many common reasons, terrace houses often undergo modification and alteration by the homeowners. Modifying an existing home is a need and also a popular trend among local homeowners (Ali *et al.*, 2009). According to Omar *et al.* (2010, p. 9), renovation in Malaysia is treated as a method used by the homeowner to personalize their home. Hence, the home becomes a feature that represents their style and life status. Some of the houses were altered and modified once the owners received the key from the developer. In several occasions, the houses were modified in such that the original appearance of the buildings almost vanished (Saji, 2012, p. 140). The original façades are changed by adding additional floor area on the existing porch. Existing material may also be removed and replaced by different materials to the homeowners' choice. As a consequence, a terrace house which was initially designed to be in coherence with adjacent units may lose its harmony. The shape, image and scale become irregular, diminishing architectural value and attractive character. Moreover, excessive modification could also lead to a violation of the law, especially when poor compliance becomes a common phenomenon. Therefore, this study explores how authorities face these issues and what measures have been taken to curb the problem. In guiding the study, the researcher has developed four research questions, which are:

- RQ1. What is the organizational main objective in enforcing the law on home renovation?
- RQ2. What are the enforcement tools used and do the tools achieve their objective?
- RQ3. What are the obstacles faced by local authorities in carrying out enforcement tasks?
- RQ4. How are the public educated in complying with the regulations?

What is poor compliance?

A building control system enforces the minimum requirement of building regulation to ensure compliance (Pedro *et al.*, 2010). According to Mitchell (1993) in Chayes *et al.* (1998, p. 39), the meaning of compliance is to describe those instances when the behavior of an individual conforms to an explicit rule. The description of compliance given by the author clarifies that non-compliance is an act of violation of rules or a provision. In the context of the home renovation, poor compliance indicates the construction of the home renovation is not complying with the stipulated regulation and conditions imposed by the authority. Heperle *et al.* (2013, p. 253) says that managing and the usage of the individual building is also an important aspect in achieving sustainable development, other than planning an urban design. Hence, poor compliance among individual units of a building is also a threat toward a sustainable form of development. Poor compliance in renovation work among local houses is an offense that can be easily recognized. The researcher posits that local housing's role as shelter demands that the authority take a more flexible stance toward the offenders. Unauthorized renovation might be deliberately performed. However, there are certainly various factors that influence homeowners toward certain choices. According to Chayes *et al.* (1998, p. 40), non-compliance may also reflect negligence and the inability to understand provisions of the law.

What are the legal frameworks controlling home renovation?

There are 12 local governments acting as development controllers in the State of Selangor. Each local government has its own procedures and requirements in issuing construction permit including renovating a home. However, the types of documents required for applying for a construction permit for home renovation are mostly similar in all authorities. The documents are, first, the drawing of the proposed construction, commonly known as a submission plan. The submission plan is prepared and endorsed by the Registered Architect or Registered Draftmen. In the case of a major renovation which requires structural drawings and structural calculation, a Registered Engineer is also involved. Second, an application form must be attached with supporting documents such as the property ownership, the land status, neighbors consent and calculation of fees and deposits. To be approved, the submission plan must be confirmed with the relevant provisions stipulated under the Uniform Building By-laws (1984) (UBBL). The UBBL is a bylaw established under Section 133 of the [Street, Drainage and Building Act \(1974\)](#) (Act 133). Example of provisions specified in the UBBL include the minimum size of windows to allow natural lighting and ventilation, minimum width of a room and minimum ceiling height. In addition to the UBBL provisions, the authorities also have their own guidelines to control the building line of the renovation by imposing a minimum distance of the external walls and column or any form of building projection from the boundary line. The line which controls the position of the building is called a setback line. A setback line for terrace houses is not specifically mentioned in the UBBL. Therefore, each authority has established their own guidelines. Based on a survey done on the minimum setback line for an intermediate unit of terrace houses in several authorities in Selangor, the prescribed setback line is similar to that shown in [Table I](#). The submission plan together with the approval letter endorsed by the authority forms a binding legal document between the authority and the homeowners.

What are the tools to enforce unauthorized home renovation?

Home renovation involves a small building activity which generally has shorter construction period compared to a newly built building. Although the risk is minor, the law requires that the work be conducted with a permit. The permission to commence work is under the jurisdiction of the local authority. All types of building constructions are monitored by the respective local authority in performing their role as a development controller within their territory. This power is given under the [Town and Country Planning Act, \(1976\)](#) (Act 172) and the [Street, Drainage and Building Act 1974](#) (Act 133). The Town and Country Planning Act, (1976) (Act 172) is intended to ensure uniformity in regulating town and country planning in Peninsular Malaysia. The monitoring of infrastructure and building is covered under the [Street, Drainage and Building Act 1974](#) (Act 133). It was gazetted in the country with the purpose of bringing in uniformity among the local authorities in terms of policy and action related to buildings and infrastructures. The Act granted the authority several tools as a means to control unauthorized construction including home renovation. The authority has the power to request the court for a mandatory order to alter or demolish the building or impose a fine stipulated under Section 70 (11) or 70 (13) (b) of the Act 133. In addition to a court decision, the authority also has the

Table I.
Unit type – terrace
house (intermediate)

Position of the building element	Wall (front)	Column (front porch)	Roof projection (front)
Minimum distance from the boundary	20 feet	10 feet	5 feet

power to settle a case outside the court which stated under the Local Government (Compounding of Offences). Under these bylaws, the Local Authority is given the power to fine offenders without the court orders. Under Section 72 (1) Act 133, the Local Authority is empowered to issue an instruction for the homeowner to rectify the work. For failure to fulfill the instruction, the authority has the power to demolish the work within a stipulated period.

What is unauthorized home renovation?

Saji (2012, p. 147), in her study on Malaysian terraced house design, expressed her concern by saying that excessive renovation is a common scenario in the country and, hence, is not taken as a serious problem. She also implied that there are some who opined that the authorities are too lenient. According to the findings of surveys conducted with seven local authorities in Selangor, the most common offense occurred are the offense under Section 70 (1) Act 133 which are construction without permit and deviation from the approved plan which falls under Section 70 (13) (b) Act 133. The offense under Section 70 (1) Act 133 is found to be less serious where most authorities claimed that percentage is less than 20 per cent. Under Section 70 (1) Act 133, no one is allowed to build any building without a consent from the Authority. This clause has made it mandatory that before any construction of a building, a permit must be obtained. The next clause, which is specifically related to the modification of an existing building, is Clause 70 (11) Act 133. It states that modifying a building with the intention to change its original purpose without the consent of the Authority is an offense. The penalty for committing the offense is 25,000 Malaysian Ringgit. The next section, which is common among renovated houses, falls under Section 70 (13b) Act 133. This section stipulates an offense in which the construction was not done according to the plan which was approved. According to the clause, deviation from the approved plan is a violation of the law in which the penalty is 50,000 Ringgit and a three-year imprisonment. The above regulation had indicated that a legal home renovation must comply with the basic requirements, which are:

- obtaining permit before the commencement of work;
- modification of a building should not change the original purpose of the building; and
- construction of a house must be done according to the approved plan.

Is unauthorized renovation really a problem?

Putting up a building without adhering to the approved setback line is a common offence among renovated terrace houses. According to the survey, four authorities had indicated that cases which deviate from the approved plan are in the range of 40 to 60per cent. Meanwhile, two authorities claimed that only 10 per cent of the applicants had returned to the authority to claim their deposit after the job was completed. In all, 90 per cent of the applicants had not declared the status of their home renovation. The participants also agreed that violations are mostly related to the deviation of the setback line. Such deviations prevent the owners from obtaining Certificate of Completion and Compliance. This also impedes them from claiming their deposits. Failing to claim the deposits may lead to other issues with the authorities. The deposits being paid is a form of guarantee from the homeowner to comply with the approval conditions. According to the information gathered from the interviews, the total amount of the deposit collected by each authority is found to be more than a million a year. Hence, the issue of unauthorized home renovations is one of

the sources identified for the accumulation of unclaimed deposits in local authorities. This is found to be another burden and additional task for the authorities, as they need to check through all the cases of non-compliance in deciding on the unclaimed deposits.

What causes poor compliance?

The researcher posits that the existence of unauthorized home renovation is an indicator of negative response toward policies and regulations. Studies related to compliance of property owners toward development control by [Alnsour and Meaton \(2009\)](#) in Old Salt, Jordan, in Tehran by [Sarkheyli et al. \(2012\)](#) and in Ghana by [Boamah et al. \(2012\)](#) and [Awuah and Hammond \(2014\)](#) were examined to understand non-compliance issues. The most common issue raised by the previous researchers is awareness. [Sarkheyli et al. \(2012, p. 230\)](#) claimed that awareness level and socio-economic status play the most significant role in regulation violation. However, findings by [Awuah and Hammond \(2014\)](#), [Boamah et al. \(2012\)](#) and earlier research by [Alnsour and Meaton \(2009\)](#) is contradictory. Their findings indicate that awareness may not result in compliance. These contradictory results are explained by [May and Winter \(1999, p. 680\)](#) in that awareness may not necessarily lead to compliance if regulatees do not have the capacity to comply. In such situations, the cost to comply and the complexity of the rules could act as barriers to fulfilling regulatory conditions. This is supported by [Alnsour and Meaton \(2009, p. 307\)](#) and [Awuah and Hammond \(2014, p. 22\)](#), as lack of finance and the lack of evidence of the benefits over the cost may result in non-compliance.

Could regulatory problems bring about poor compliance?

The importance of the organizational goal toward effective legal implementation was supported by [Rooij \(2006, p. 233\)](#). As a local authority is also accountable for economic growth, there are conflicting goals in enforcing the law. [Merton \(1940\)](#) in [Rooij \(2006, p. 234\)](#) says that an organization might focus on contextual goals instead of the primary goal, which is compliance. This is called goal displacement. The given example of a contextual goal is gaining sufficient resources. Goal displacement indicators occur when an organization enforces according to the stipulated law, regardless of the conditions that could lead to improving compliance. In this situation, an organization burdened by the lack of resources for monitoring would be forced to depend on citizen complaints. According to studies done by [Alnsour and Meaton \(2009, p. 307\)](#), beside socio-economic factors, administrative, enforcement and monitoring have a significant impact on compliance. Findings have shown that the role of regulators and their capacity to manage their task are important in solving non-compliance issues. One of the concerns highlighted by [Sarkheyli et al. \(2012, p. 232\)](#) is the tendency of authorities to take a legal penalty as a source of revenue. His concern was whether the authorities' objectives in enforcing the law is aligned with the actual purpose of the law. [Boamah et al. \(2012, p. 136\)](#) believed that non-compliance could occur because of inconsistency between development control and the socio-economic status as well as cultural practices of the urban residents. Hence, regulation must take into consideration the changing choices and preferences of urban residents in enhancing compliance among homeowners.

Would enforcement strategies enhance compliance?

According to [Becker \(1968, p. 176\)](#), referring to the economic analysis of choice, a person will commit an offense if the expected utility to him exceeds the utility that he could attain by fulfilling the rules. The theory explains that a person's behavior in breaking the rules is also influenced by the consequences of enforcing the law. The purpose of enforcement is to

detect, stop and prevent a violation from occurring in the future (Rooij, 2006). The main goal of enforcing the law is to gain compliance which demands suitable strategies. As mentioned by Kwartler (1998, p. 18), the manner in which compliance is to be achieved varies according to different places, therefore achieving compliance requires flexibilities in terms of actions. An offense which is visible and easy to detect is suitable for an enforcement that is seeking for cooperation Kagan (1989, p. 100). Therefore, a cooperative seeking enforcement could be effective for curbing compliance such as violation occurred in the construction activities. A study by Burby *et al.* (1998, p. 332) had a similar opinion, in that facilitating compliance, that is, flexibility in enforcement is more conducive to building compliance than systematic enforcement philosophy. This approach was supported in a later study by Parker (2006, p. 592), who suggested that the best practice of regulation to improve compliance is the use of mixed regulatory style or regulatory strategies rather than relying on deterrence alone. There are two categories of enforcement strategies: deterrence-based strategies and compliance-based strategies. Deterrence-based strategies aim at deterring non-compliance with the hypothesis that the higher the chance of getting caught breaking the law, the less willing people will be to break it. Compliance-based strategies, on the other hand, are aimed at spontaneous obedience, which came out from the feeling of moral disapproval about breaking the law (Heijden, 2006). Both strategies are of equal importance to gain compliance. Hence, the researcher posits that to adopt an appropriate enforcement strategy understanding the response of the individuals is crucial. In addition, there are also several factors that may influence compliance motivations such as external factors (cultural, social and economic) or individual factors such as fear of penalty or moral obligation. Even though the facilitative style of enforcement strategy based on cooperation and persuasion is said to be a better choice of strategy, constraints in capacity and resources of the agency in carrying out the task might end up delivering negative results. Therefore, besides making a comparison on both strategies, this study will focus more on the capacity of the agencies to implement the task.

What influences compliance motivation?

Three criteria distinguish motivation to comply: calculated motivation, normative motivations and social motivations (May and Winter, 1999, p. 676). A calculated motivation is the most common theory discussed in the theory of compliance. The author suggested that the calculation was based on the cost to comply, the weight of the penalty and the likely to be detected. This motivation is explaining the decision-making process of an individual in obeying or violating the law. A normative motivation may be described as compliance that comes from a sense of civic duty and the feeling of agreement with the regulation. This motivation is explained by an individual's internal belief and acceptance of a regulation. Social motivations are compliance that emerges to gain respect from peers. By classifying the motivations criteria, the concept of motivations to comply is much easier to understand. However, the three criteria may not be applicable in all regulatory contexts. For example, normative motivation may not occur in a context in which peer evaluation is irrelevant. The researcher posits that motivation to gain respect is indeed applicable in specific regulatory context such as, business or trades industry. In the context of home renovation, the calculated motivation and normative motivation theories are the most applicable in understanding homeowners' motivation to comply.

What is the role of public participation toward compliance?

Amir and Lobel (2012, p. 18) suggested that regulation should focus on designing processes and systems which improve private ordering and individual decision-making instead of

prohibiting and enforcing under the traditional approach of command and control. A similar opinion by [JarriaMaidin et al. \(2012, p. 91\)](#) states that promoting compliance can be achieved if the government creates an avenue for effective participation for all stakeholders and promote collaborative decision-making. Both suggestions support the importance of enhancing public involvement in implementing the law. However, the approach for encouraging public participation is dependent on the objective of the authorities in enforcing the law. The local authority should view public participation as an instrument for encouraging compliance. Hence, the voice of the public needs to be heard. In addition, changes in regulation must be orientated toward benefitting the public as a whole.

What is the role of monitoring toward compliance?

Monitoring is one of the tasks in enforcement activity which requires strategic planning and decision-making. Adequate detection of an offense by means of regular monitoring as well as consistency in imposing sanction could improve compliance ([Rooij, 2006](#)). According to [Heijden \(2006, p. 8\)](#), in research on enforcing Dutch building regulations, prioritization of risk has been suggested as a means to solve the problem in monitoring non-compliance. Prioritization of risk is putting monitoring workload according to the level of risk of a construction work. As practiced in Dutch regulation in the 2003 amendment of the Housing Act ([Heijden, 2006](#)), a light-permit procedure was introduced. Small adjustments and changes to existing buildings are categorized under a light-permit procedure. The checking process of a light-permit is simple and short, as it is done based on the basic requirements of a building construction permit. Prioritization is also encouraged in the way the Dutch Building Control employees treat applicants. Applicants who are civilians would get more help and attention than professionals who are expected to understand the procedures ([Heijden, 2006](#)). These practices which described as prioritization of risk help to reduce the time and workload of the employee in handling the task. Prioritization of risk could help reducing the workload in issuing permits; however, this may not always apply to monitoring non-compliance. Frequent activities of local home renovation require regular inspections in monitoring and detecting non-compliance. Therefore, the researcher posits that regular inspection is one of the challenging tasks to most local building control enforcement agencies in Malaysia.

Methodology

The basic interest of qualitative research is to understand the meaning and experience of the participants ([Meriam, 2009](#)). Therefore, the researcher posits that by adopting a qualitative approach the detail of the issues studied could be discovered. There are only twelve local authorities in the Selangor state in which the sources of data are rather limited. According to [Yin \(2003\)](#), whenever reference related to the subject matter is limited, a qualitative inquiry is appropriate. This methodology was also adopted by previous related research where face-to-face interview with authority officers was conducted during data collection ([Alnsour and Meaton, 2009](#)). The inquiry considered the relevance of the samples to the research topic and concern rather than their representativeness. [Creswell \(2007\)](#) stated that as context is important to understand what the participant is saying, a study should be conducted in the 'field' where the participants live or work. As the purpose of the study is to explore measures in curbing compliance, in-depth face-to-face interview is found to be an appropriate technique for identifying problems facing by a local authority. As the study focuses on issues within the urban setting, the agencies participated were among City Councils and Municipal Councils. District Councils are not included in the research, as the population of the district is lower. To capture correct information, the participants must be the Head of

Building Control Department or the least acting as the Head of Enforcement Unit. In-depth interviews using semi-structured format were conducted with the participants. The date and time for the interviews had been requested before the appointment to avoid interruption with the participants' daily commitments. Among the participants, four are holding the position as the Head of Building Control Department and the other three are the Head of Enforcement Unit. The information was collected from seven participants which have agreed to be interviewed. All of them were very cooperative and willingly sharing their experience. They were generally expressing their concerns on the problems that they are facing in carrying their tasks. A focus group discussion (FGD) with 32 local authority officers which involved in the operational team was later conducted in confirming the data. The focus group discussion was attended by officers in charge of enforcement from 11 local authorities in Selangor State. The two-hour session was started by a short presentation by the researcher and was followed by a question and answer period and informal discussion. The participants were invited to give their views and opinions regarding the issues as well as the findings. The interview session and the FGD were taped recorded and transcribed. Both sets of data were analyzed qualitatively using computer aided quantitative data analysis via Atlas.ti (version 7).

Results and analysis

Interview session

The objective of the research question is to understand the organizational objectives in performing enforcement. The question on how top management evaluates their performance in handling enforcement was raised in the interview session. Referring to [Table II](#),

Research question	Interviewees	CODES	Frequency	Theme
What are the criteria's which are used by the management in rating the performance of the building control department in carrying out their responsibilities?	Participant 1	Permit collection	Permit collection (3)	The criteria for rating the performance is collection of permit, collection of compound, collection of temporary permit and reduction of complaints. However, a majority of local authorities place higher priority on collection, which indicates the amount of revenue collected
	Participant 2	Compound collection	Compound collection (2)	
	Participant 3	Complaints reduction	Temporary permit collection (1)	
	Participant 4	Permit collection	Complaint reduction (1)	
	Participant 5	Permit collection		
	Participant 6	Temporary permit collection		
	Participant 7	Compound collection		
	Focus group discussion	Permit collection (15) Compound collection (10) Temporary permit collection (3) Complaints reduction (2) Illegal construction reductions (2)		

Table II.
Thematic analysis on
evaluation criteria on
performance

the majority of the participants admitted that collection of revenue based on compounds and permits is an important criterion in assessing their performance. This feedback indicates that the authority place a high priority on the collection or on the revenue. As the collection of revenue takes the highest position in measuring performance, achievement based on job efficiency and rate of compliance is rather neglected.

Another question raised in the session relates to the enforcement tools used and whether the tools have achieved their objectives. The data indicates that four enforcement tools are commonly used to enforce the regulation: demolition, prosecution, court orders and compounds. In terms of effectiveness of the tools, participants had mixed opinions:

‘The most effective is demolition (Participant 1).

Demolition is agreed to be effective, however [. . .] too many houses, if we take action on a house and we don’t take action on the adjacent unit, it will raise an issue. Prosecution and court orders are the most effective, demolition and compound is moderate (Participant 2).

‘Compound is the most effective, demolition is moderate and prosecution and court orders are very much ineffective (Participant 3).

Referring to [Table III](#), demolition is agreed to have a lot of impact toward educating the public to comply. However, the delaying in the actions has resulted in the work has been completed; thus, it is difficult to demolish the structures. Court orders and prosecution are also found to be effective, but the process is rather time-consuming and demands a lot of documentation. The last tool is the compound, which allows the offense to be penalized without going to court. The compound is considered to be less effective, as most of the time the homeowner is willing to settle the charge. Paying a compound is a way of escaping from being instructed to demolish the renovated building.

RQ3 is: What are the obstacles faced by the local authority in carrying out the enforcement task? Based on the data four major obstacles were being shared by the authority in handling enforcement of home renovation. First, the capacity to perform monitoring task in detecting non-compliance. Low staff capacity is found to be the problem in monitoring. In general, the authorities are not able to fully monitor the frequent renovation work. Most participants admitted that the targeted schedule could not be achieved. Responses shown in [Table IV](#) indicate that the capacity to detect non-compliance by regular monitoring is generally unattainable. In addition, feelings of disappointment are also expressed, indicating failure in achieving the objective of monitoring.

The next major obstacle experienced by the authority is the dilemma in implementing the sanction under Section 72(1) of Act 133. This clause gives the authority the power to demolish unauthorized buildings. Referring to [Table IV](#), the tool has been found to be effective in ensuring compliance; however, demolition of illegal structures related to home renovation is rare and selective.

Another major critical obstacle is the delay in the prosecution process, which involves the preparation of the investigation paper. For non-compliance cases that require court decisions, the authority needs to prepare an investigation paper or IP. Based on [Table IV](#), the tedious nature of preparing an IP and staff competency issues and commitment have been found to be obstacles.

Research question	Participant	Demolish	Compound	Court order	Prosecution
Are the enforcement tools achieved their objective?	1	Effective, very frequent	Not practice	Only for major cases	Effective; A long process
	2	Difficult, need a court order, not done consistently	Not solving the problem; Not effective	Moderate	Not effective
	3	Difficult	The most frequent	Difficult	Difficult
	4	Never demolish; It creates fear; Effective; Built confidence	Not effective	Few cases	A long process
	5	If complaint received; Difficult, not done consistently	Moderate	Difficult process; Few cases	Moderate; Difficult process
	6	The most effective; It creates fear; Not done consistently	Very hard to reach the owner; Not easy to collect	Moderate	Moderate
	7	Sensitive; Very seldom; Not done consistently, only for major violation; Effective for certain cases	Moderate	Not effective, Could not create awareness.	Not effective
	FGD	Effective; Create fear; Fast action; Create awareness; Sensitive; Difficult	Not solving the problem; Not very effective; Simpler task	Not very effective; A long and slow process; Too many documents to handle; Too much work	
	Findings	The participant's belief that demolition is an effective tool in which it would create fear to motivate compliance. On the other hand, difficult decision would involve and may also lead to unfair treatment	Compound is found to be less effective tools than demolition, as most homeowner willing to pay to avoid more severe penalty	Court order demands an extensive process of documentation. It is not effective in terms of creating fear, as the case is unknown to the public	Prosecution demand extensive process of documentation. It is also not effective because of the amount of time consumed

Table III.
Thematic analysis on the performance of the tools

The last question addressed in exploring how authority curbs compliance is related to how the public may be educated in complying with the regulations. According to the responses from the authority shown in Table V, it has been found that checking submission drawings is a demanding process. Based on the number of submissions, it is expected that the task demands a lot of effort, time and resources. Most officers

Research question	Participants	Monitoring	Problem to demolish	Difficulties in preparing IP	Staff competency and commitment
What are the obstacles faced by local authorities in carrying out enforcement tasks?	1	Unable to control, could not produce regular report	No problem	No problem	Attitude problem, need close monitoring
	2	Not following the schedule, not yet succeed, not consistent, could not produce regular report	Difficult if the house has been completed; Not able to do consistently	Incompetent staff; Lack of commitment; A long process	Lack of staff; Not competent; Attitude
	3	Low capacity, could not monitor all area	Never demolish	No cooperation from legal department	No commitment
	4	Unable to follow the twice a week schedule	Never demolish	A lot of hustle; Always being rejected; Time-consuming	Lack of staff; Multi-tasking
	5	Lack of staff; Unable to follow the twice a week schedule	Not possible to demolish; Not able to do consistently	A lot of hustle; Practicing a wrong procedure	Moderate
	6	Lack of staff;	Focusing more on legalizing;	Not competent	Not competent
	7	Lack of staff	Sensitive, not able to do consistently	No cooperation	Need exposure
	FGD	Too many tasks to handle; More time spending on the plan inspection. Inspection and monitoring is done when complaints received	Difficult; Not able to do consistently; Only on major violation; Sensitive; Political interruption	Need more staff in IP preparation; Not much exposure; Lack of training; Documents are difficult to retrieve	No cooperation from colleagues; Need to change the attitude; Need more training and knowledge
	Findings	The Local Authorities are aware of and concerns about unauthorized renovations. To detect and to control the unauthorized construction, the inspection need to be handled twice a month. However, they hardly able to achieve the target. The main reason is the constraint of manpower	Demolish is an action which may create dissatisfaction among home owner because of inconsistent enforcement. It is not possible to demolish every units that have been completed	Investigation Paper (IP) is a difficult process. They are lacking competent person and staffing to focus on doing the IP. Besides that, the processes are long and slow and tedious which demand a person with high interest on the legal matter	The attitude of the staff and their commitment is part of the obstacles. The staff need more training and exposure

Table IV.
Thematic analysis on obstacles in carrying enforcement task

Table V.
Thematic analysis on public participation

Research question	Interviewees	CODES	Frequency	Findings
How are the public educated in complying with the regulations?	Participant 1	Dialog Plan inspection Bulletin Guidelines	Dialog (2) Cooperation with developers (1) Workshop (1)	The most frequent way of raising public knowledge is discussion during plan inspection. The authority also has the guidelines document to be referred by the public. Brochures, banners, and bulletins also distribute the information
	Participant 2	Cooperation with developers, Bulletin, Guidelines Plan inspection	Plan inspection (7) Bulletin (4) Guidelines (7) Brochure (3)	
	Participant 3	Workshop, Dialog Bulletin, Brochure, Guidelines Plan inspection	Banner (2) Face to face discussion (1)	
	Participant 4	Guidelines Bill Board Banner Face to face discussion Plan inspection		
	Participant 5	Plan inspection Guidelines		
	Participant 6	Guidelines Bulletin brochure Plan inspection		
	Participant 7	Guidelines Brochure Banner Plan inspection		

claim that they communicate with the public face-to-face during plan checking. There are also guidelines available at the counter explaining the procedures. This indicates that support is always available for those homeowners who come to the authority to get assistance. However, it is also common that the homeowners are not involved in the approval process. Based on the feedback from the authorities, only a few homeowners take the initiative to get direct advice from the authority. In most cases, the task is given to consultants and or contractors. The data indicate that the authority are making the attempt to reach the public via briefing session, pamphlets and banners:

A few developers did invite us to give briefing on the approval procedures during handing over keys (Participant 2).

We don't have specific seminar for the homeowners, they usually come to our office to get information. So far we only have one session with the community explaining our guidelines (Participant 3).

We put up banners informing the homeowners to apply for permit before doing renovation. We also distributed pamphlet to the homeowners through developers (Participant 4).

Focus group discussion

The aim of the FGD is to validate the findings of the interviews. The opinions of the FGD participants related to the issues were analyzed using a similar technique. The findings of the FGD show that the results of the interviews are valid.

Discussion

The findings the study show that the objectives of an organization in performing enforcement need to be thoroughly reviewed. It is evident that the authority is putting too much priority on increasing revenue. This is contradictory to the purpose of enforcement which is to ensure compliance. The researcher concludes that the conflicting roles cause the authority to neglect the enforcement objective, in addition to increasing revenue by means of enforcement. This indicates that the authorities have insufficient funds. Shortage of fund may result in low staff capacity and lack of resources to enforce the regulation. Because of that, the authority will not be able to perform monitoring and detect violations as required.

Enforcement tools

Local authorities have been found to be using the enforcement tools provided by the 133 Act. Therefore, similar tools have been adopted by each authority. They also have different opinions on which tools are effective. Based on their experience on the outcome of using the tools, they admit that demolition should be the best tools to gain compliance. However, before demolition can be carried out several processes have to be done. The process of demolishing unauthorized construction is according to procedures covered under Section 72 (1) 133 Act. In doing so, notice of instruction is issued to the homeowners with a time frame for the owner to meet the approval conditions. According to the interviews with the respondents, while waiting for the notice to be matured for the next step of action, most unauthorized work reaches the advanced stage or have been completed. The demolition process becomes more complicated once a house has been completed or occupied. This indicates that the notices were not obeyed or probably were not received by the offenders. Most of the officers believe that demolition of unauthorized extensions would create a feeling of fear since the activities of demolishing buildings would convey that the authority is serious in their actions. However, the results show that the respondents generally are not keen on implementing demolition. The demolition of a home is considered a sensitive action, as a home is meant to be a place for shelter. In cases in which the majority of the houses within the identified area have been illegally renovated, demolishing all of the houses does not make sense. In this scenario, demolition of unauthorized renovations is almost impossible, preventing the local authority from achieving its objective regarding compliance.

Other tools are used to curb compliance is prosecution and court order. To proceed with the tools would involve expertise in terms of legal procedure. Prosecution allows a homeowner who violates the law to be charged in court. A court order is to seek for the court decision on demolishing the unauthorized structures. To the authority which has equipped with expertise found that the tools is the most effective. However, to the majority of authorities, both tools are not the best choice to curb non-compliance. Preparation to enter the court is a very challenging task to most officers. The difficulties revealed by the participants were the process of preparing an investigation paper for obtaining a court order or prosecuting the offender. The preparation of an IP requires the authority to complete several documents aligned with the requirement of the prosecution officers. The existence of competent and committed staff members would straighten out these problems. However, the findings indicate that the authority did not have an adequate number of competent staff to

carry out these jobs. The feedback gathered during the focus group confirming the result. One of the participants during focus group reveals:

What you have mentioned on multi tasking is really happened to me (Participant 13/32).

The participant related that he had similar experience. He has to do multiple tasks in his daily work doing IP, plan checking and site inspection. Another enforcement tool which does not involve much paperwork is the compound. The issuance of a compound as a penalty to any offence is a straightforward process. Compound is effective, as the homeowner is being penalized for the offence. Compound is an alternative to prosecution and also an alternative to demolition. Even though a penalty has been paid, the unauthorized renovation remains illegal. Hence, the violation has not been rectified. To those who have the money, paying compound is not a problem. As mentioned by one of the participants:

The owner is willing to pay as long as you don't demolish their house, this is the reason why compound is not the best tool in gaining compliance (Participant 4).

Enforcing the regulations requires that agencies monitor the work. One of the problems in monitoring home renovation was identified as lack of staff in doing regular inspections. In general, the period of construction of a building would depend on the competency of the contractor, period of working hour per day, size or built up area, construction method and type of materials used. Hence, the period of completion for a particular renovation may vary. Therefore, regular visits are required to monitor the construction. Based on the interviews, most authorities generally targeting the regular visit for a particular residential area to be twice a month. However, the results show that this target was never achieved. The constraint is a lack of manpower. Besides covering a large area, the results also indicate that the officers were handling multiple tasks such as site inspection, checking through plans for permit approval and investigating complaints. Among the three tasks, issuing permits and producing complaints reports are regulated under the state and federal policy. The policy requires the task to be carried out within the period of 14 days upon receiving an application or complaint. Under this scenario, the officers would definitely give monitoring sites and site inspections a low priority, as these do not have a time limit. Multitasking is a means to increase production cost and decrease overhead cost. However, combining different types of task without properly examining their natures would jeopardize the objectives as described by the findings on monitoring programs.

Educating the public is an important task in enhancing compliance. Several efforts have been made to raise awareness of legal requirements. The researcher noticed that the authorities have been trying several ways to inform homeowners by putting up banners and distribution of pamphlets. Inviting developers to be involved in delivering the message is a wise decision. There are other parties which also have direct contact with the owner, including consultants and contractors. Both parties should be encouraged to deliver the right message and the right advice.

Conclusion

This research provides evidence on the measures taken by the local authority in ensuring compliance among the homeowners. The findings also generate knowledge and understanding on the obstacles to control unauthorized home renovation. Based on the discussions, an important aspect to be considered by the local authority is the goal in enforcing the law. Priority should be given to gaining compliance instead of revenue. Measures to curb poor compliance are discovered by identifying the enforcement tools. Each

enforcement tool has been found to be practical in dealing with violations. However, the objectives could not be achieved because of obstacles such as the lack of staff and low levels of competency. In addition to that, the procedures in managing the tools are also affecting their efficiency. The drawbacks of each tool should be studied for further improvement. The authorities need to understand the factors that motivate local homeowners to comply with the laws. The enforcement tools which have been discovered represent deterrence strategies in curbing compliance. The use of facilitative strategies such as negotiation and face-to-face discussion is minimal. As deterrence is not the only strategy to gain compliance, the authorities should adopt more facilitative strategies. Homeowner involvement in the application of permits should be encouraged. Homeowners should be equipped with the right knowledge and not be influenced by incorrect advice. The findings have shown the existing measures in curbing compliance in the Selangor local authority. The findings would support the effort of local building control agencies in moving toward effective enforcement practice. The study will inspire future research on the building control enforcement process in Malaysia.

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