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Unfinished and Non-Compliant Construction in the Global South: Institutional Capacity, Strategic Non-Completion, and Regulatory Compliance under Law 08-15 in Algeria

Saif Eddine CHETTAH [1], Abdelhafid Mahmoudi [2], Yaser Abd Alwahab [3]

[1] Institute of Architecture and Urbanism, Blida 1 university (SDUB1), Blida 9000, OVAMUS laboratory (Blida 1 university) and BERLab Laboratory (university of Biskra), Algeria. Email: chettah_saifeddine@univ-blida.dz
[2] Institute of Architecture and Urbanism, Blida 1 university (SDUB1), Blida 9000, Algeria. Email: mahmoudi_hafid@univ-blida.dz
[3] University of Idleb –Syria-Email: yasr1985@yahoo.com

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ABSTRACT
Unfinished and non-compliant construction is a persistent feature of rapidly urbanizing cities in the Global South, yet its governance determinants remain insufficiently understood. This article examines the effectiveness of Algeria's Law 08-15, a regulatory framework designed to promote building completion and conformity, through the lens of institutional capacity and regulatory compliance theory. Using Ain Abid (Constantine, Algeria) as a case study, the research develops and tests an integrated conceptual model linking regulatory design, institutional capacity, enforcement capability, household compliance behaviour, and urban outcomes. The study adopts a mixed-methods approach combining a complete inventory of 236 residential plots, a structured household survey of 158 households, semi-structured interviews with municipal authorities, and GIS-based spatial analysis. Results reveal a substantial implementation gap: while 88% of constructions possess building permits, only 10% are fully completed, and merely 4% comply strictly with planning regulations. Institutional analysis shows severe local capacity constraints, whereas household data reveals that non-completion is not solely driven by financial limitations but reflects strategic behaviour linked to infrastructure conditions and investment timing. The study conceptualizes urban regulatory failure as a systemic governance equilibrium produced by institutional decoupling and capability–requirement mismatches, offering policy-relevant insights for strengthening enforcement in rapidly urbanizing contexts.
KEYWORDS: *institutional capacity; regulatory compliance; unfinished construction; Law 08-15; Algeria; Global South urbanism*

1. INTRODUCTION

1.1. Urbanization and Unfinished Construction in Developing Countries

Rapid urbanization has profoundly shaped cities across the Global South, intensifying pressures on housing, infrastructure networks, and urban governance institutions (Alizadeh & Prasad, 2023; Tapscott, 2024). A highly visible manifestation of these pressures is the persistence of unfinished and non-compliant constructions. In many developing nations, partially completed buildings—characterized by incomplete façades, unfinished upper floors, and unauthorized modifications—are recurring features of the urban landscape. These structures reflect broader tensions between formal planning systems and actual construction practices, severely impacting urban aesthetics, infrastructure efficiency, and environmental quality.

Algeria provides a highly relevant context for investigating these dynamics. To manage urban expansion, Algerian authorities have heavily utilized residential subdivisions (*lotissements*) to facilitate access to serviced urban land. Despite comprehensive planning frameworks, widespread non-compliance persists, transforming neighborhoods into "eternal construction sites". In response, the Algerian government enacted Law 08-15 in July 2008, an ambitious legal framework aimed at regularizing existing constructions and enforcing building completion. The law sought to balance punitive enforcement with administrative accommodation, offering certificates of conformity and retroactive permits. However, evaluating the

effectiveness of Law 08-15 requires moving beyond legal analysis to examine the institutional capacities of local authorities and the strategic behavioural responses of households. This article investigates the effectiveness of Law 08-15 as an instrument of urban regulatory governance in the rapidly growing commune of Ain Abid, Constantine. It addresses a critical gap in the literature by demonstrating that regulatory outcomes in North African contexts are determined not merely by legislative design, but by systemic interactions between municipal enforcement capabilities and household economic strategies.

1.2. Literature Review and Theoretical Framework

Contemporary urban governance scholarship recognizes that regulatory compliance is shaped by institutional, organizational, and behavioural factors rather than mere legal obligations (Ayres & Braithwaite, 1992; Gunningham, 2011). In the Global South, formal planning systems frequently coexist with weak enforcement mechanisms, generating a profound policy-practice gap (Watson, 2014; Roy, 2009). The effectiveness of regulations relies heavily on **institutional capacity—**the ability of organizations to mobilize resources, coordinate actors, and monitor compliance (Healey, 1998; Innes & Booher, 2010). When technical expertise, administrative staffing, and inspection capabilities are deficient, highly sophisticated legal frameworks often result in *institutional decoupling*, where formal rules exist on paper but fail to materialize in practice (Meerow et al., 2023).

Furthermore, household compliance behaviour in developing contexts cannot be attributed solely to poverty. Urban populations frequently adapt their building practices to institutional realities, leading to **strategic non-completion**. This occurs when property owners deliberately postpone structural completion to minimize tax liabilities, retain flexibility for future expansion, or optimize commercial revenue, calculating that the benefits of non-compliance outweigh the risks of weak state enforcement. This dynamic is exacerbated by a *capability–requirement mismatch*, where complex regularization procedures exceed the technical or financial capacities of ordinary citizens.

1.3. Scientific Gaps

Despite increasing scholarly attention to urban governance and planning systems, several important gaps remain in the literature. First, much of the existing research focuses on informal settlements, informal urbanization processes, climate adaptation, or urban resilience. By contrast, relatively limited attention has been given to compliance dynamics within formally planned residential subdivisions, where regulatory frameworks exist but are unevenly enforced (Thoyyib et al., 2024; Wieszczeczynska et al., 2024). Second, many studies adopt a predominantly normative or legalistic perspective on planning systems, emphasizing regulatory design rather than the institutional capacities required for effective implementation. However, recent evidence suggests that policy outcomes are more strongly shaped by administrative capability, enforcement capacity, and inter-institutional coordination than by the formal quality of regulations themselves (Meerow et al., 2023; Eakin et al., 2023).

Third, the behavioural dimension of compliance remains insufficiently theorized. Existing explanations frequently attribute unfinished construction to financial constraints, while giving limited attention to strategic decision-making processes, including phased construction strategies, investment timing, and anticipated regulatory flexibility. Finally, empirical research on post-construction regularization policies in North Africa remains scarce. In particular, the implementation and impact of Algeria's Law 08-15 have not been extensively studied in the international literature, despite their relevance for broader theoretical debates on urban governance, institutional performance, and regulatory effectiveness in developing contexts. These gaps underscore the need for integrated empirical research that connects regulatory frameworks, institutional capacities, and household behaviour within a unified analytical approach capable of explaining the persistence of unfinished construction in formally planned urban environments.

1.4. Research Questions

In response to these gaps, this article investigates the effectiveness of Law 08-15 as an instrument of urban regulatory governance. The central research question is:

To what extent does the effectiveness of Law 08-15 depend on the institutional capacity of local authorities to implement and enforce its provisions?

To address this question, the article examines four subsidiary questions:
1. What are the observed levels of building completion and regulatory compliance within the study area?
2. Which institutional factors facilitate or hinder the implementation of Law 08-15?
3. How do property owners perceive and respond to regulatory requirements?
4. How do interactions between institutional capacity and household behaviour influence compliance outcomes?

1.5. Contribution of the Article

This article contributes to the literature in several ways. First, it provides one of the first empirical assessments of the implementation of Law 08-15, thereby enriching the limited body of international research on urban regulatory governance in Algeria and North Africa. Second, it contributes to regulatory compliance research by demonstrating that the effectiveness of planning regulations depends not only on legal design but also on institutional capacities and implementation processes. Third, the article develops an integrated analytical framework linking regulatory compliance theory and institutional capacity theory to explain urban governance outcomes in residential subdivisions. Fourth, it challenges conventional assumptions that unfinished construction is primarily a consequence of economic hardship by exploring the possibility that non-completion may also represent a strategic response to perceived incentives and enforcement conditions. Finally, the study generates practical insights for policymakers seeking to improve regulatory effectiveness, strengthen institutional performance, and promote sustainable urban development in rapidly urbanizing contexts. By examining the implementation of Law 08-15 through the lens of institutional capacity, the article contributes to broader debates concerning the governance of urban development and the conditions under which regulatory interventions successfully shape urban outcomes in the Global South.

2. METHODOLOGY

2.1. Case study Presentation:

The two housing developments (El Fadjr and 110) are located in the eastern part of the municipality of Aïn Abid, more precisely to the east of the central core of Aïn Abid (see figure 1). They are bounded as follows:

- To the north, by National Road RN20, which separates them from the "évolutif" (incremental development) housing area.
- To the east, by the Ben Bouaalia housing development, where construction work has recently begun.
- To the south, by the Zighoud Youcef district, which consists of informal individual housing units.
- To the west, by the urban core, i.e., the town centre of Aïn Abid.

According to the revised Master Plan for Urban Planning and Development (PDAU) of the municipality of Aïn Abid, the two housing developments that constitute our case study are located within the designated urbanizable zone (SU). All constructions are, of course, legally established.

Figure 1: geographical location of the study case (authors)

2.2. Methods and data collection:
This study utilizes a convergent parallel mixed-methods approach applied to the municipality of Ain Abid, a major urban growth pole in the Constantine metropolitan area. The target perimeter comprises two contiguous, formally planned municipal subdivisions developed by the *Agence Foncière Intercommunale d'El Khroub*: the El Fadjr subdivision (126 plots) and the 110 Lots subdivision (110 plots), totaling 236 residential parcels. In order to ensure the representativeness and scientific reliability of our research findings, we selected two housing developments created within the same land tenure context, developed by the same project owner, at different periods, and accommodating different social categories. The analysis of these two case studies primarily aims to verify the hypotheses formulated within our research problem. Given their strong similarity in terms of regulatory provisions set out in the specifications documents, which are virtually identical, and the fact that they form a single continuous spatial entity as well as an integral part of the same urban landscape, the analysis was conducted on a combined basis covering both developments rather than individually. Therefore, the two housing estates were considered as a single unified development. Data collection involved three primary vectors:
1. **Spatial and Structural Inventory:** A comprehensive architectural and regulatory audit of all 236 plots, utilizing GIS mapping to record building footprints, structural heights, exterior finishing, and overt planning violations.
2. **Sociological Household Survey:** A structured survey administered to 158 households (a 67% sampling rate) evenly distributed between completed and uncompleted structures. The survey captured demographic data, economic performance, and legal permit status.
3. **Institutional Interviews:** Semi-structured interviews with municipal technical departments, urban planning directorates (DUC), and utility providers to assess administrative enforcement capacities.

2.3. The Regulatory Matrix of Law 08-15
Law 08-15 established a bifurcated administrative pathway to process the massive backlog of non-compliant housing. Property owners are categorized based on their possession of an initial building permit and their current stage of physical completion (table 1). The law strictly excludes structures built on non-constructible zones, agricultural lands, and protected historical sites from any regularization, mandating immediate demolition for violations impacting public safety or critical infrastructure. Furthermore, the framework imposes rigid completion deadlines ranging from 12 to 24 months depending on the structure's primary use.

Table 1: Legal Typology of Regularization Framework under Law 08-15

Structural State	**Possesses Valid Building Permit**	**Lacks Building Permit**
Unfinished Structure	Completion Permit	Retroactive Completion Permit
Finished Structure	Certificate of Conformity	Retroactive Building Permit

4. RESULTS
4.1. Socioeconomic Profile of the Residents
Contrary to standard assumptions attributing unfinished housing to extreme poverty, the data indicates a robust, upwardly mobile population. The subdivisions house a relatively young demographic, with over 45% of residents under the age of 18 (table 2). The data indicates that over 62% of households command high revenue streams (> 30,000 DZD), supported by a predominantly entrepreneurial and commercially active demographic. Furthermore, while 22% of household heads lack formal education, the younger generation exhibits sharp educational mobility, with 26% attaining university-level education. These figures suggest that financial incapacity is not the sole driver of non-completion.

Table 2: Socioeconomic and Demographic Characteristics.

Metric	Category	Percentage
Geographic Origin	Ain Abid (Internal)	52.42%
	Rural Peripheries	29.80%
	Constantine Metropolis	18.69%
Household Income	< 15,000 DZD	20.12%
	15,000 - 30,000 DZD	17.00%
	> 30,000 DZD	62.87%
Occupational Profile	Self-Employed / Merchants	60.41%
	Salaried Employees	22.22%
	Middle Managers	12.50%
	Senior Executives	4.86%

4.2. Household distribution:

4.2.1. Number of households per dwelling

In order to understand family structures within the two housing developments, we examined the composition of households to determine whether there is a relationship between family structure and the size and form of the dwelling. Based on the graph above, it can be stated that the majority of dwellings accommodate a single household, both in the El Fadjr development and in the 110 Lots development (with a rate reaching 70%). This may be explained by the fact that the population is predominantly young, accounting for 47%. Dwellings occupied by two households represent between 20% and 30%, whereas very few dwellings contain three households, with a rate not exceeding 10%. What this reading highlights is that individual housing is generally occupied by a nuclear family, meaning a single household. To a lesser extent, it may also be occupied by an extended family composed of two or more households, given that the villa is often considered a long-term investment project aimed at enabling family reunification. However, a clear trend emerges, namely the increasing individualisation and atomisation of the Algerian family structure.

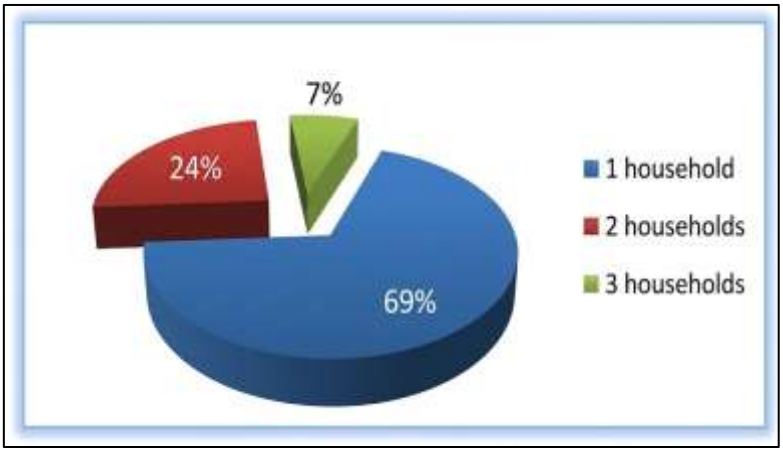

Figure 2: Number of households per dwelling (authors)

4.2.2. Spatial distribution of households within the dwelling

After identifying the composition of dwellings in terms of households, we sought to determine how these households are distributed across the different levels of the building, in order to assess the degree of compliance with the specifications outlined in the development guidelines. According to the graph above, the majority of households occupy the upper floors, with a rate reaching 56%, while only 44% of households occupy the ground floor (RDC) of their dwellings. The remaining ground floors—corresponding to 56% of the buildings—are either dedicated to commercial activities, artisanal activities, or used as garages. This proportion of ground floors not allocated to residential use is relatively high compared to the requirements stipulated in the specifications of both housing developments.

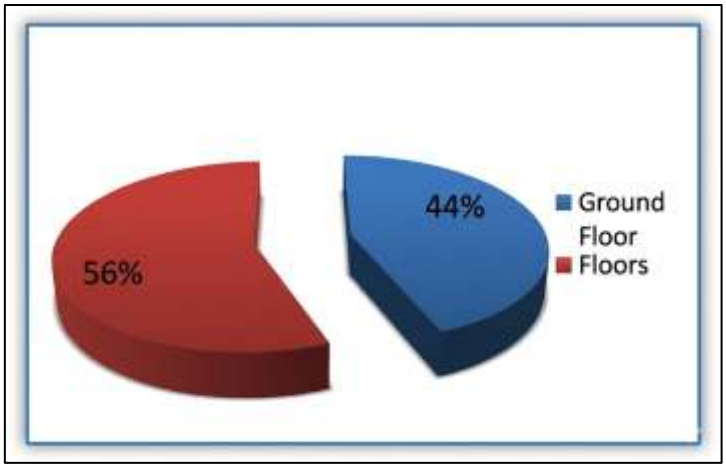

Figure 3: Figure Spatial distribution of households within the dwelling

4.3. Morphological characteristics of the two housing developments:

4.3.1. Site coverage ratio (COS) and ground occupancy ratio (CES)

The site coverage ratio (COS) and ground occupancy ratio (CES) defined in the specifications are considered rational, as they aim to ensure a spatial balance between built and unbuilt areas (solid and void), and to guarantee adequate sunlight exposure and ventilation for a healthy and high-quality living environment. According to the provisions of the specifications of the two housing developments—which are virtually identical —constructions must under no circumstances exceed G+2. The site coverage ratio (COS) varies between 0.8 and 1.7, while the ground occupancy ratio (CES) must be less than or equal to 60% of the total plot area. Based on figure 4, which shows the percentage of buildings complying with the CES across both developments, only 38.38% of constructions respect the specifications, which limit built-up area to 60% of the total plot surface. However, a large proportion of buildings—61.62%—do not comply with the CES set by the specifications (see Graph No. 21). Regarding the COS and the level of compliance with this parameter, Graph No. 11 shows that only 40% of constructions comply with the specifications, which set the COS between 0.8 and 1.7. Any building exceeding a COS value of 1.7 is considered non-compliant. In our case study, 60% of constructions do not comply with these requirements.

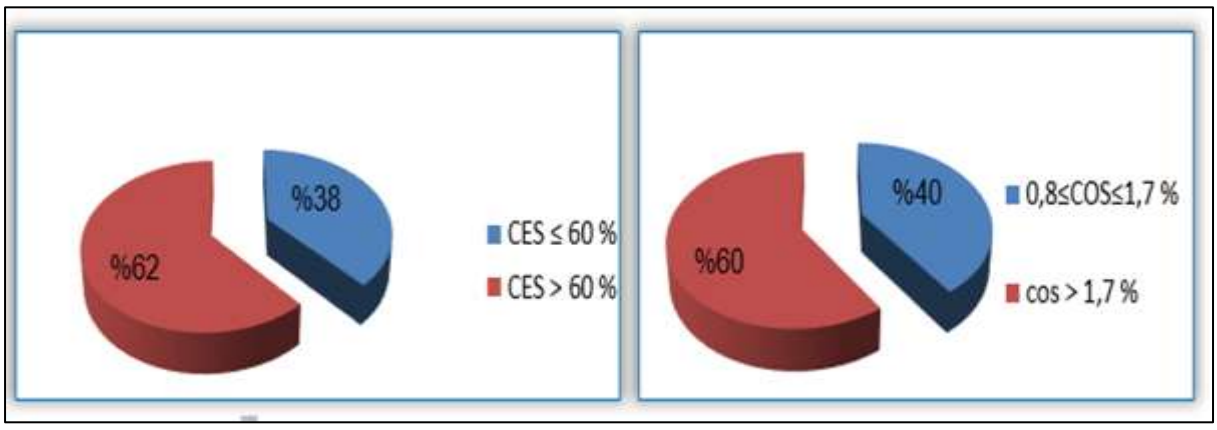

Figure 4: Site coverage ratio (COS) and ground occupancy ratio (CES)

4.3.2. Structuring of buildings according to the number of floors

According to the results of our field survey (figure 5), during which we recorded all constructions within the two housing developments of the study area, we determined the distribution of buildings according to their number of floors (ground floor, one storey, two storeys, three storeys), considering only the total number of built plots. In other words, we assessed the height of all existing constructions within the study perimeter. This was carried out in order to better identify the overall image of the site and its urban landscape. Given that the two developments form inseparable entities within the same urban fabric, the

analysis of the study area was conducted based on building height and their structural distribution in terms of number of storeys. According to the graph above, we can state that one third of the buildings constituting the urban landscape have a height of R+2, which corresponds to approximately 37% of the total built plots across both studied housing developments.

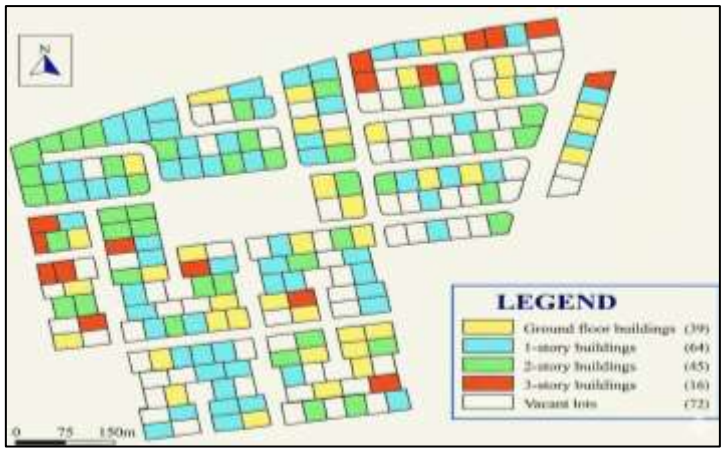

Figure 5: number of floors in each construction (authors)

4.3.3. External completion of constructions:

The level of progress and completion of works in the two housing developments varies considerably between individual plots, between the two developments, and even within the same development (figure 6). From the graph above, it can be observed that 40% of the buildings within the study perimeter present an external completion rate ranging between 70% and 100%. For moderately completed constructions, with a completion rate between 30% and 70%, 38% of buildings were recorded. Meanwhile, 22% of constructions fall into the category of poorly or very poorly completed buildings, with an external completion rate ranging between 0% and 30%. It can therefore be stated that the study area is characterized by a moderate proportion of semi-completed buildings, while the number of fully completed constructions remains low (figure 7). This represents a major issue for the overall coherence of the built environment and, consequently, for the quality of the urban landscape.

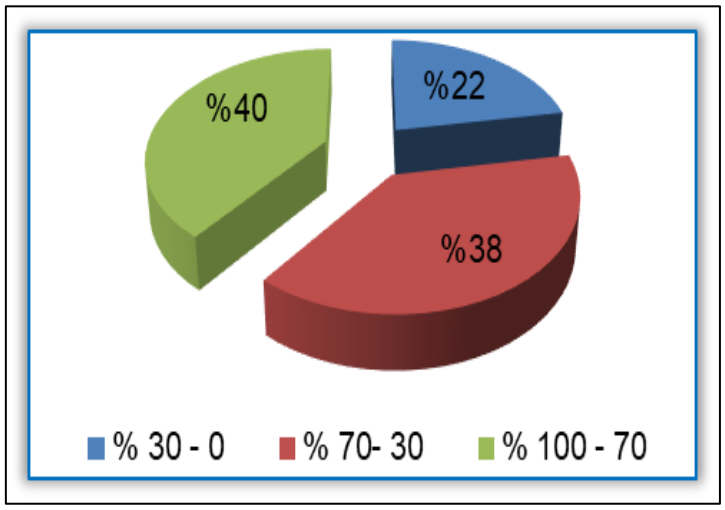

Figure 6: External completion of constructions rates (from 0 to 30%, 30 to 70 % and 70 to 100 % achieved

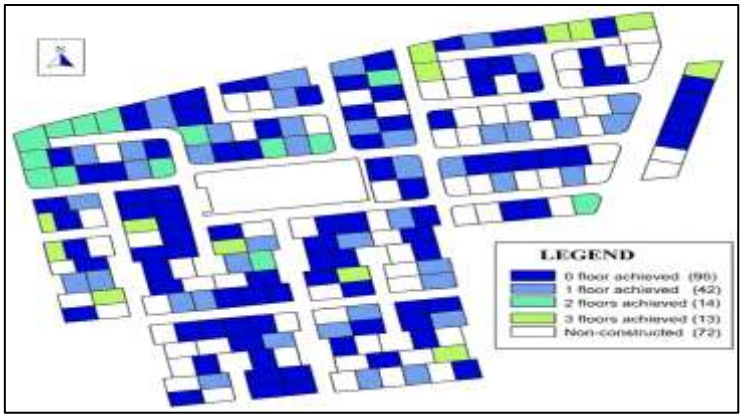

Figure 7: number of levels achieved in each construction (authors)

4.4. Identification and Listing of Violations compared to the Specifications document

After examining and analysing the two housing developments selected as case studies from urban, architectural, and socio-economic perspectives, this section focuses on the various violations recorded within the two sites, assessed on a case-by-case basis. This analysis is grounded in the specifications (*cahiers des charges*), which set out all the regulatory requirements governing the proper organization of residential subdivisions, including site coverage ratios (COS and CES), ground-floor use regulations, non-buildable zones, building setbacks, and privacy and visual exposure rules (*vis-à-vis*), among others. Field verification of these regulatory provisions was considered essential in order to identify the different types of urban planning infringements and deviations from established rules. This, in turn, allows for the formulation of appropriate corrective measures in line with Law 08/15, which provides for the regularization and completion of such constructions. The findings presented here are derived from our field survey, particularly the household questionnaires, and their interpretation is summarized in the graph below.

According to figure 8, which illustrates the different types of infractions identified in the study area, the most frequently observed violation is the presence of commercial activities and other uses not authorized by the specifications, with a rate reaching 66%. The second most common infringement is the exceedance of the ground coverage ratio (CES), recorded at 62%. The third most significant violation concerns the exceedance of the maximum permitted building height, notably the construction of a third floor, with a rate of 60%.

Regarding construction deadlines, 30% of buildings were found to exceed the authorized construction period. Non-compliance with visual and spatial relationship regulations (*vis-à-vis*) is observed in 24% of cases. Finally, the two least frequent infractions—although still notable—are the absence of building permits and encroachment on non-buildable zones, both of which are recorded at relatively similar levels of approximately 13%.

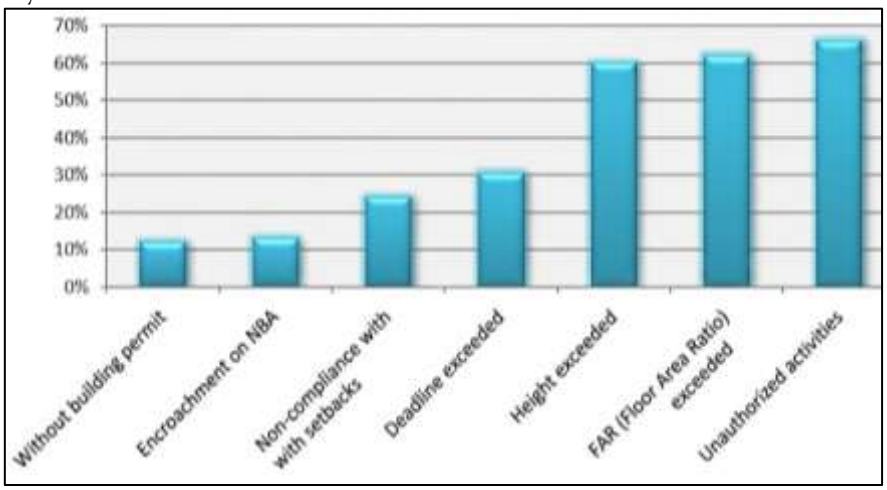

Figure 8: Violations compared to the Specifications Document in study area (authors)

4.5. The Compliance-Implementation Gap

The structural inventory exposes a massive failure in regulatory adherence. While the vast majority of households initially engage with the state to secure land rights, compliance collapses during the construction phase. As outlined in Table 3, despite 88% of owners possessing formal permits, only 10% of structures are fully finished, and a staggering 96% of the built environment fails to conform to initial architectural approvals.

Table 3: Structural Completion and Regulatory Adherence Status.

Compliance Metric	Percentage
Possesses Valid Building Permit	88.00%
Completely Finished (Exterior & Interior)	10.00%
Strict Regulatory Conformity Achieved	4.00%
Exceeds Authorized Planning Standards	60.00%

The high rate of infractions demonstrates systematic deviation. The master specifications limit the Coefficient of Ground Footprint (CES) to 60%, yet nearly 62% of plots exceed this. Similarly, height limits are capped at two upper levels (R+2), but nearly 60% of property owners violate this limit, frequently adding unauthorized third stories. The most egregious violation is functional: 66% of ground floors (*RDC*) have been illegally converted from residential space into commercial units or workshops.

Table 4: Typology of Urban Planning Infractions.

Type of Regulatory Infraction	Frequency Rate
Unauthorized Commercial Use (Ground Floor)	66.23%
Coefficient of Ground Footprint (CES) Exceeded	61.62%
Authorized Height Limits (R+2) Exceeded	59.60%
Regulatory Completion Deadlines Exceeded	30.00%
Setback and Vis-à-Vis Violations	24.00%

4.6. Causes of delays in the external completion of the housing developments:

This diversity in completion rates mainly results from the interaction of several factors, notably:

- The lack of sufficient financial resources required to complete construction works.
- The unavailability of construction materials (particularly cement), the inability of residents to purchase building materials—considered by some as unaffordable—and the scarcity of skilled labour in the market (figure 9).

It should be noted that 72% of the problems are primarily financial in nature, 22% relate to the scarcity of construction materials, while the lack of skilled labour accounts for only 6% of the total causes of delay. The lack of monitoring by the relevant authorities (urban planning services of the APC and DUCH), as well as the non-application of the regulatory measures provided for this purpose, also contribute to explaining this situation.

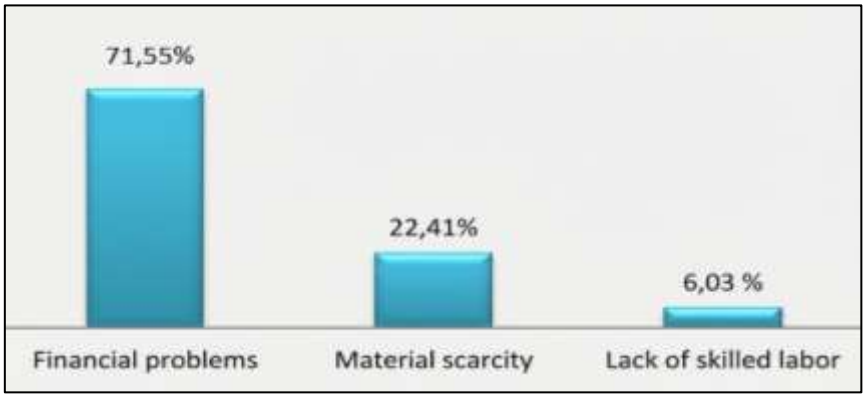

Figure 9: Causes of delays in the external completion according to the residents (authors)

4.6. Infrastructure Deficits

The spatial diagnostic of the El Fadjr and 110 Lots subdivisions reveals a profoundly degraded physical environment resulting from administrative failures. While utility connections (water, gas, electricity) nominally cover the occupied structures, actual delivery is chronically deficient, with water supplied merely one to two times per week. Crucially, the secondary and tertiary road networks (7 meters in width) remain completely unpaved. The total absence of stormwater drainage networks and proper public hygiene infrastructure has resulted in severe environmental degradation, marked by stagnant water accumulation during winter and informal solid waste dumping across vacant lots.

Figure 10: observed infrastructure deficits in the study area (authors)

5. DISCUSSION: Parsing the Governance Failure

The empirical findings validate the conceptual framework, indicating that the failure of Law 08-15 in Ain Abid in particular and in Algeria in general, is an outcome of institutional decoupling, misaligned regulatory requirements, and the strategic rationality of property owners.

5.1 Institutional Decoupling and Weak Deterrence

Propositions 1 and 2 are robustly confirmed by the local administrative reality. Law 08-15 is a sophisticated legal mechanism that requires intense bureaucratic oversight. However, local municipal departments suffer from profound institutional decoupling. Interviews revealed that the local technical services lack the workforce, logistical capacity, and digitized databases required to inspect 236 properties and process the complex architectural, structural, and legal dossiers mandated by the law. Consequently, municipal engineers estimated that a mere fraction of the non-compliant stock could actually be processed in a timely manner. This capacity deficit nullifies the deterrence effect of the law; citizens routinely ignore compliance because the state's threat of demolition or sanction lacks operational credibility.

5.2 Capability–Requirement Mismatch

Propositions 3 and 4 address the administrative friction faced by households. To obtain a certificate of conformity or a retroactive permit, owners must secure services from certified architects and civil engineers to draft "as-built" plans and structural stability reports. For a demographic where many self-built their homes without professional contractors to save costs, the financial and bureaucratic burden of assembling these dossiers is overwhelmingly high. The regulatory requirements vastly outstrip the administrative agility of the average citizen, resulting in systemic inaction.

5.3 The Rationality of Strategic Non-Completion

The data strongly supports Proposition 5, introducing the concept of *strategic non-completion*. While surveyed households cite "financial problems" (71.55%) as the primary reason for construction delays , economic data contradicts this, revealing a predominantly middle-to-high-income demographic.

Instead, non-completion is a highly rational, adaptive strategy. By leaving exterior façades unplastered and retaining exposed rebar on roofs, owners maintain an "unfinished" legal status. This status functionally shields them from definitive property tax assessments and preserves the physical option for future vertical expansion as their family grows (evidenced by 31% of units housing multiple households).

Furthermore, property owners logically refuse to invest heavily in exterior aesthetics when the municipal government has failed to pave the roads or install drainage. Instead, owners funnel their capital into the interior of the home and into the illegal conversion of ground floors into lucrative commercial properties. Strategic non-completion is thus an economically optimized response to an environment characterized by state infrastructural failure and weak regulatory enforcement.

6. CONCLUSION AND POLICY IMPLICATIONS

The case of Ain Abid illustrates that legislative mandates alone cannot cure the endemic issue of unfinished construction in the Global South. Algeria's Law 08-15 failed to achieve its aesthetic and regulatory goals precisely because it assumed a level of local institutional capacity that did not exist. The massive gap between initial permit acquisition and final structural conformity demonstrates that citizens actively participate in the formal system only when it secures their land tenure, but rationally abandon it when compliance becomes costly and state monitoring vanishes.

To remediate these structural failures, urban governance frameworks must transition from punitive, document-heavy regularizations toward integrated, supportive governance:

1. **Conditioned Land Transfers:** State land agencies must be strictly prohibited from selling or transferring subdivision parcels until primary and secondary infrastructure (paved roads, drainage, lighting) is fully completed.
2. **Decentralized Administrative Support:** Rather than penalizing owners for lacking technical dossiers, municipalities should establish localized, subsidized architectural support desks to facilitate the regularization process.
3. **Incentivized Compliance:** The tax code should be restructured to penalize perpetual "unfinished" statuses while offering clear fiscal benefits or neighborhood improvement grants to clusters of households that collectively finalize their exteriors.

Ultimately, achieving urban regulatory compliance requires the state to fulfill its own infrastructural obligations before demanding architectural perfection from its citizens.

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