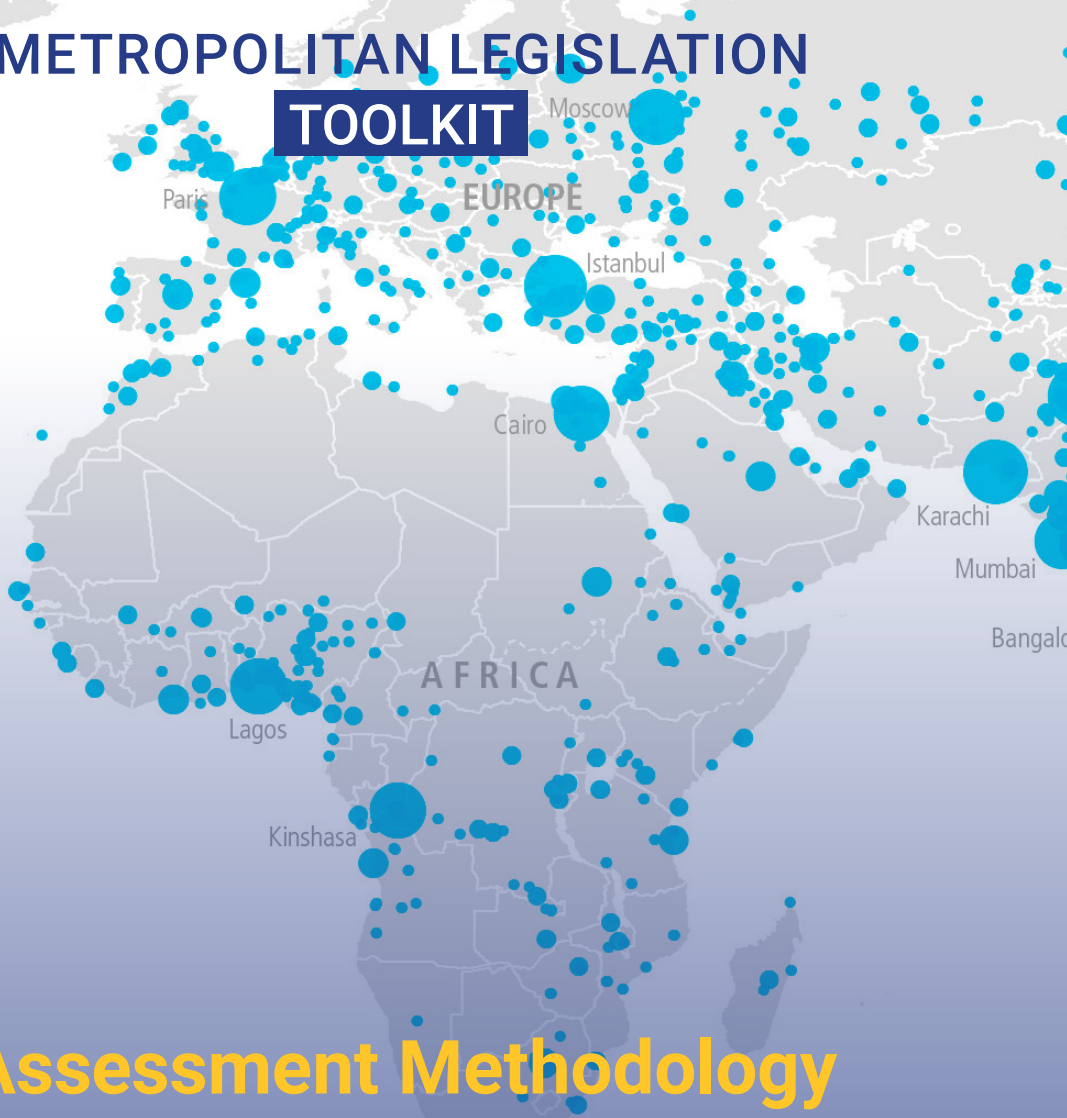


MetroHUB

METROPOLITAN LEGISLATION

TOOLKIT



Assessment Methodology

FOR METROPOLITAN LEGAL FRAMEWORKS



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MetroHUB ToolKit on Metropolitan Legislation: Assessment Methodology for Metropolitan Legal Frameworks

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1. Overview

This methodological tool is part of the MetroHub Toolkit on Metropolitan Legislation developed by UN-Habitat. The toolkit comprises three complementary instruments: the Guide on Metropolitan Legislation, this evaluation methodology, and a comparative study of international legal cases. Together, these resources aim to strengthen the technical and institutional capacities of metropolitan governments and stakeholders in designing, reforming, and implementing legal frameworks that respond to the challenges of sustainable urban development.

This methodology proposes a comprehensive approach to assess the effectiveness of metropolitan regulatory frameworks. Based on a comparative systematization of legal models observed across different regions of the world, it identifies seven key dimensions to evaluate the robustness and functionality of metropolitan legislation:

1. Legal recognition of the metropolitan scale
2. Clarity in the assignment of competencies
3. Multilevel governance
4. Decision-making structures
5. Public participation
6. Institutional innovation and flexibility
7. Financial capacity and autonomy

The tool serves a dual purpose: on the one hand, it functions as a diagnostic instrument to identify gaps and opportunities for improvement in existing legal frameworks; on the other, it guides legislative reform or drafting processes tailored to the political, institutional, and territorial realities of each context.

Each dimension includes evaluation criteria, performance levels, guiding questions, indicators, and an action framework with specific legal recommendations, all structured within a matrix presented in Annex 1.

This methodology is also aligned with the guiding principles of metropolitan legislation outlined in Chapter 2 of the Guide on Metropolitan Legislation, including the functional recognition of metropolitan areas, institutional clarity, multilevel governance, environmental sustainability, financial capacity, citizen participation, territorial equity, and normative innovation.

In this way, the tool helps assess how different regulatory models respond with varying degrees of effectiveness to these principles and contributes to:

- a. Institutionalizing metropolitan action (Principles 1 and 3)
- b. Articulating actors and levels of government (Principle 4)
- c. Promoting democratic co-responsibility (Principle 6)
- d. Enabling the sustainable management of resources and territory (Principles 7, 8) and
- e. Adapting to diverse and dynamic contexts (Principles 10 and 11)

This approach aims to provide a technically sound foundation for legal decision-making, facilitating the development of more coherent, effective, and context-sensitive metropolitan legal frameworks.

2. Legal framework model

2.1. Flexible Regulatory Model

Definition and conceptual foundation

The flexible regulatory model is characterized by its low level of legal prescription and high institutional adaptability. This model is based on a non-rigid and non-hierarchical conception of metropolitan governance, which prioritizes local autonomy, voluntary cooperation between municipalities, and the possibility of building coordination mechanisms without a unified legal structure or a formalized metropolitan entity.

It is a lightweight legal architecture, easily adaptable to complex political environments or those with a low propensity for formal integration. This type of model is common in decentralized government forms, where local governments enjoy autonomy and prefer to establish functional arrangements without creating additional levels of government. However, this regulatory flexibility is often accompanied by weak financial structuring, which limits their sustainability and the effective implementation of policies at the metropolitan scale.

Table 1. Typology and main characteristics of the Flexible Regulatory Model

Source: Author

Dimension	Characteristics
Legal basis	Intermunicipal agreements, voluntary agreements, sectoral regulations.
Legal recognition	Weak or indirect, without specific laws on metropolitan governance.
Institutionality	Ad hoc structures, networks or commonwealths without robust legal status.
Decision making	By consensus, informal or without clearly established rules.
Public participation	Non-binding consultative spaces or decentralized actions.
Innovation	High capacity for experimentation and territorial adaptation.
Financial capacity and fiscal sustainability	Limited: dependence on voluntary contributions, without legal mechanisms to guarantee stable income or fiscal autonomy.

Case study examples

Bratislava, Slovakia

Metropolitan governance operates through the self-governing regional authority, without a dedicated regulatory framework mandating a single model of coordination. Instead, governance is enabled through regional planning mechanisms and functional agreements among municipalities, as provided for under the **Act on Regional Self-Government No. 302/2001**.

Cochabamba, Bolivia

Metropolitan cooperation occurs through the Commonwealth of Municipalities of the Metropolitan Area, without a specific law creating a mandatory metropolitan entity, but supported by the **Autonomous Framework (Law 031/2010)** that allows for intermunicipal governance agreements.

Zagreb, Croatia

Legislation allows for flexible links between the City Government and peripheral municipalities through the **Zagreb Act (1997)**, without creating a metropolitan government as such.

Advantages of the Flexible Model

- **High local adaptability:** allows adjustments according to the political and social conditions of each territory.
- **Reduces political conflicts:** by not imposing a hierarchical structure, this reduces resistance from local governments.
- **Innovation capacity:** non-regulated models allow experimenting with new solutions without being limited by rigid legal structures.

Limitations of the Flexible Model

- **Legal weakness:** the absence of a clear institutional framework may hinder long-term sustainability.
- **Functional fragmentation:** voluntary cooperation may be unstable or limited by local interests.

- Low accountability: lacking robust legal provisions on transparency, there are limited avenues to hold institutions to account.
- Limited financial sustainability: the lack of fiscal empowerment prevents the consolidation of a stable financial structure and compromises the operational viability of metropolitan projects.

Effectiveness evaluation

Criteria	Evaluation
Recognition of the metropolitan scale	Low
Competence clarity	Low
Multilevel governance	Medium
Decision-making structures and procedures	Low
Public participation	Medium
Institutional innovation	High
Financial capacity and fiscal sustainability	Low

Strategic recommendations for improvement

- Move towards progressive legal recognition: integrate minimum standards that strengthen voluntary partnerships.
- Develop technical articulation mechanisms: create regional planning units that operate as bridges between municipalities.
- Promote legal inter-municipal agreements: to provide greater stability to flexible governance structures.
- Incorporate legal mechanisms for shared financing: establish intermunicipal funds or co-financing schemes to ensure the continuity of metropolitan functions.
- Promote fiscal reforms that support metropolitan management: identify legal figures that allow access to shared taxes, fees or international cooperation resources.

2.2. Structured Regulatory Model

Definition and conceptual foundation

The structured regulatory model is characterized by comprehensive legal formalization and strong regulatory prescription. In this model, the national government defines, in a detailed, hierarchical, and binding manner, the institutional architecture, functional mandates, and governance procedures for metropolitan management. It aims to ensure legal coherence, vertical coordination, and administrative efficiency through a single, unified legal framework.

This approach reflects a centralized vision of governance, where legitimacy and effectiveness stem from legal clarity, institutional stability and the mandatory compliance of metropolitan actors. It typically includes legally defined financing mechanisms, granting metropolitan entities stable revenue sources and a degree of fiscal autonomy.

Table 2. Typology and main characteristics of Structured Regulatory Model

Source: Author

Dimension	Characteristics
Legal basis	Specific national or subnational law, with hierarchy over local norms.
Legal recognition	High, through laws that create metropolitan entities with legal status.
Institutionality	Mandatory metropolitan entities with legally defined competencies.
Decision making	Collegial structures with strict operating rules.
Public participation	Low or limited, usually restricted to consultation mechanisms.
Innovation	Low, due to institutional rigidity and low regulatory adaptability.
Financial capacity and fiscal sustainability	High: regulatory access to own revenues, intergovernmental transfers and taxing powers.

Case study examples

San Salvador (El Salvador)

The Law for the Development and Land Management of the Metropolitan Area of San Salvador and Surrounding Municipalities (Legislative Decree 732/1994) establishes a clear legal framework that creates two entities -COAMSS and OPAMSS- with specific functions in planning, urban regulation and environmental management, under national supervision.

Stuttgart (Germany)

The Gesetz über die Errichtung des Verbands Region Stuttgart (1994) defines the Metropolitan Region as a public legal entity with defined competences in transportation, spatial planning and economic development, imposing institutionalized and operational metropolitan governance.

Seoul (South Korea)

Several national laws, such as the Urban Planning Act and the Framework Act on the Construction of the Seoul Metropolitan Area, assign specific powers to the metropolitan government in the areas of planning, transportation, environment and fiscal management, giving it budgetary autonomy.

Advantages

- **Legal clarity:** reduces regulatory ambiguities and conflicts of competence.
- **Institutional strengthening:** provides legitimacy and stability to metropolitan structures.
- **Operational efficiency:** allows for a uniform and controlled implementation of metropolitan policies.
- **Financial stability:** the legal framework provides for solid mechanisms to ensure permanent financing and fiscal capacity.

Limitations

- **Institutional rigidity:** can make it difficult to adapt to the changing dynamics of the territory.
- **Low social participation:** decision making tends to be centralized and ‘technocratized’.
- **Risk of excessive centralization:** it may generate tensions with local levels due to loss of autonomy.
- **Innovation is hindered:** the rigid legal structure may limit the introduction of experimental solutions.

Effectiveness evaluation

Criteria	Evaluation
Recognition of the metropolitan scale	High
Competence clarity	High
Multilevel governance	Medium
Decision-making structures and procedures	High
Public participation	Low
Institutional innovation	Low
Financial capacity and fiscal sustainability	High

Strategic recommendations for improvement

- Incorporate binding public participation mechanisms to legitimize decisions and improve their implementation.
- Design flexibility clauses within the law, allowing for gradual and context-specific adjustments.
- Complement the legal framework with institutional innovation, such as metropolitan observatories, urban laboratories, and inter-municipal networks.
- Evaluate the progressiveness of the tax regime: incorporating redistributive mechanisms and intermunicipal equity criteria.
- Establish incentives for fiscal efficiency, such as performance funds or transfers conditioned to metropolitan results.

2.3. Hybrid Regulatory Model

Definition and conceptual foundation

The hybrid model represents a functional synthesis between flexible and structured regulatory approaches, combining the existence of a general binding legal framework with a high degree of local adaptability. This model recognizes the need for enabling and structuring legislation at the national or regional level, but grants margins of operational autonomy to local and metropolitan governments to design and adjust governance structures, allocation of competencies and coordination mechanisms according to their territorial realities.

It is a multilevel and modular regulatory architecture that combines legal certainty and political contextualization, facilitating institutional innovation, social participation and financial autonomy within a legally ordered but evolving system.

Table 3. Typology and main characteristics of Hybrid Regulatory Model

Source: Author

Dimension	Features
Legal basis	National or subnational framework with local enabling devices.
Legal recognition	Clear and flexible for contextual adjustments.
Institutionality	Combination of mandatory and adaptable structures.
Decision making	Collegial bodies with general rules, adaptable by local regulations.
Public participation	Formalized at the macro level, with the possibility of local strengthening.
Innovation	High, facilitated by operational autonomy within the legal framework.
Financial capacity and fiscal sustainability	Variable: allows for the creation of own sources of income and mixed financing mechanisms, according to local capacities.

Case study examples

Barcelona (Spain)

Law 31/2010 of the Parliament of Catalonia created the Metropolitan Area of Barcelona (AMB) as a public law entity with mandatory powers, but whose Metropolitan Council - made up of mayors of the member municipalities - has regulatory leeway to adapt functions, structures and operational schemes.

Medellín (Colombia)

Law 1625 of 2013 defines a general framework for metropolitan areas in Colombia, prescribing minimum requirements for creation, but empowering each area - such as the Aburra Valley Metropolitan Area (AMVA) - to define strategic plans, financing mechanisms and participation bodies according to its context.

Canberra (Australia)

Metropolitan governance is articulated through a state regulatory framework that leaves room for inter-agency arrangements between the territorial government and neighboring local governments, promoting an adaptive functional approach without a rigid overlap.

Advantages

- **Balance between clarity and flexibility:** guarantees minimum certainties while adapting to diverse territorial needs.
- **Promotes innovation and contextualization:** enables the incorporation of differentiated and innovative solutions.
- **Enables robust multilevel governance:** by articulating common frameworks with local implementation capabilities.
- **Allows for differentiated fiscal autonomy:** according to local conditions, combining own resources, transfers and financial cooperation schemes.

Limitations

- Potential ambiguity in institutional competence: if the legal framework does not sufficiently specify the conditions for adaptation.
- Dependence on local political will: the effectiveness of the model requires committed local leadership and technical capabilities.
- Inequality in fiscal capacities: flexible design can lead to significant gaps between metropolises according to their levels of development and tax autonomy.

Effectiveness evaluation

Criteria	Evaluation
Recognition of the metropolitan scale	High
Competence clarity	Medium
Multilevel governance	High
Decision-making structures and procedures	Medium
Public participation	Medium
Institutional innovation	High
Financial capacity and fiscal sustainability	Medium

Strategic recommendations for improvement

- **Accompany with institutional and fiscal strengthening instruments:** such as technical assistance funds, incentives for territorial association and intermunicipal cooperation frameworks.
- **Promote evaluation and fiscal benchmarking systems:** to improve efficiency in the management of metropolitan resources and reduce inequalities between territories.
- **Enable complementary financing schemes:** including land value capture mechanisms, solidarity contributions between municipalities or environmental revenues.

3. Final reflection

The comparative analysis of metropolitan regulatory models shows that there is no single way to legally structure the governance of metropolitan areas. The three models identified- flexible, structured and hybrid- respond to different institutional contexts, territorial capacities and political frameworks, but all face the same challenge: to provide coherence, legitimacy and effectiveness to public action in functionally integrated and politically fragmented territories. Furthermore, these models are adaptable over time and with emerging trends. Through legislative reforms, metropolitan management can be adapted to the needs, capacities, and dynamics of the territory.

Structured models offer legal clarity, institutional stability and fiscal sustainability, but may limit social participation and innovation. Flexible models, on the other hand, promote adaptability and voluntary cooperation, but face difficulties in long-term sustainability due to their low formalization and weak financial capacity.

The hybrid model emerges as a balanced alternative, articulating common regulatory frameworks with margins of local autonomy, but requires technical capabilities and political leadership to avoid jurisdictional ambiguities and inequalities between territories.

Finally, an Evaluation Matrix and Framework for Action for Metropolitan Legislation is annexed, a tool to support legislators, metropolitan authorities, technical teams and other stakeholders in the critical review, strengthening and formulation of metropolitan legal frameworks.

Annex 1: MetroLeg

Metropolitan Legal Frameworks Evaluation and Action Matrix

This is a practical and structured matrix designed to support the assessment, strengthening, or development of metropolitan legal frameworks. It operationalizes the seven key dimensions identified in the methodology: (1) legal recognition of the metropolitan scale, (2) clarity of competencies, (3) multilevel governance, (4) decision-making structures and procedures, (5) public participation, (6) institutional innovation, and (7) financial capacity and fiscal sustainability, through specific evaluation criteria, performance levels (low, medium, high), guiding questions, qualitative and quantitative indicators, and a set of legal-institutional recommendations.

Each dimension is broken down to help users, such as legislators, metropolitan authorities, and technical teams, diagnose existing gaps and define actionable steps. The matrix offers a range of regulatory instruments and legal reforms to advance each dimension, making it a highly adaptable and context-sensitive tool.

Its structure facilitates comparative analysis and benchmarking across different metropolitan areas, and aligns directly with the principles of metropolitan legislation outlined in the Guide on Metropolitan Legislation developed by UN-Habitat.

In particular, the “Action Framework” column offers concrete but indicative recommendations that guide legal reform processes. These suggested actions serve as flexible options that can be tailored to the specific institutional and regulatory contexts of each metropolitan area. While some recommendations propose structural transformations, others support incremental improvements based on the maturity of the existing legal system. Complementing this, the “Recommended Legal and Institutional Instruments” column outlines the most suitable normative tools for implementing these actions, such as framework laws, decrees, intergovernmental agreements, binding plans, or participatory mechanisms. The coordinated use of these two columns enables practitioners to formulate realistic and context-aware strategies for advancing metropolitan governance.

METROLEG					
METROPOLITAN LEGAL FRAMEWORKS EVALUATION AND ACTION MATRIX					
Performance Level	Description	Guiding questions	Indicators	Action framework	Recommended legal and institutional Instruments
Criterion 1. Legal recognition of the metropolitan scale					
Low	No legal definition or institutional recognition.	Is there a legal definition of the metropolitan area?	Absence of specific regulations.	Include a legal definition in national or subnational legislation.	National or subnational framework law on territorial organization.
Medium	Partial or indirect recognition.	Is the metropolitan concept mentioned in sectoral laws?	Dispersed legal references without a legal entity.	Establish a comprehensive and coherent legal framework.	Sectoral legislative reform and regulatory harmonization.
High	Explicit recognition with legal institutionalization.	Is there a specific law granting metropolitan governance and competencies?	Specific law with legal personality.	Strengthen institutional development based on the legal framework.	Executive decree for implementation and institutional regulation.
Criterion 2. Clarity of competencies					
Low	Undefined or overlapping functions.	Are there conflicts or ambiguities in function allocation?	Overlapping responsibilities across levels.	Redesign the competency framework based on functional analysis.	Institutional competency map and legal-functional matrix.
Medium	Some functions are defined; others are unclear.	What functions are exclusive, shared, or delegated?	Incomplete or ambiguous lists of competencies.	Establish taxative lists in a framework law.	Organic law of competencies or special regulation.
High	Clearly and operatively defined functions.	Are the functions distributed by law?	Functional legal framework with coordination mechanisms.	Conduct periodic reviews of assigned competencies.	Intergovernmental mechanism for periodic review.

Criterion 3. Multilevel governance					
Low	No formal coordination mechanisms.	Are there legally established intergovernmental coordination instances?	Absence of intergovernmental/ jurisdictional bodies.	Create formalized coordination platforms.	Framework cooperation agreements.
Medium	Limited or informal coordination.	Are agreements or informal working groups held without a legal basis?	Intergovernmental bodies without legal mandate.	Strengthen the institutionalization of coordination.	Legally constituted multilevel committee.
High	Coordination is established and operational by law.	Is there a legal structure for multilevel governance?	Functional bodies with multilevel representation.	Monitor effectiveness and expand legal instruments.	Intergovernmental performance monitoring report.
Criterion 4. Decision-making structures and procedures					
Low	No deliberative bodies exist.	Who decides at the metropolitan level and how?	Absence of collegiate bodies.	Design representative bodies with defined functions.	Metropolitan governance statute.
Medium	Bodies exist but lack operational rules.	Are there internal rules for voting and decision-making?	Underdeveloped internal regulations.	Establish functional and procedural regulations.	Internal operating rules.
High	Institutionalized and effective decision-making.	Are decisions made by the majority, with deliberation and transparency?	Validated operational statute.	Reinforce legitimacy and operational capacity.	Manual for collegiate decision-making processes.
Criterion 5. Public participation					
Low	No legally recognized mechanisms.	Are there formal spaces for participation?	Absence of participatory regulation.	Incorporate participatory mechanisms into legislation.	Public participation law or a specific chapter.

Medium	Limited or informal participation.	Are public consultations or public forums held?	Consultations are non-binding or infrequent.	Create permanent structures for public engagement.	Regulation for metropolitan consultative councils or public hearing procedures.
High	Institutionalized and meaningful participation.	Is public participation integrated into relevant decisions?	Participatory spaces are linked to strategic decisions.	Strengthen feedback and social control mechanisms.	Participatory budgeting or public accountability reports.
Criterion 6. Institutional innovation					
Low	No technical capacity or legal support.	Are there structures with analytical capacity?	Absence of technical units or information systems.	Create technical bodies with legal backing.	Planning a technical unit or data office.
Medium	Limited capacity without legal support.	Is technical evidence used for decision-making?	Sporadic or informal use of data.	Legalize the mandatory use of technical evidence.	Protocol for technical analysis in decision processes.
High	Innovation is integrated into the institutional structure.	Are there observatories, diagnostics, and regulatory evaluations?	Operating observatories and monitoring systems.	Establish an evidence-based culture of innovation.	Metropolitan monitoring and evaluation system (M&E).
Criterion 7. Financial capacity and fiscal sustainability					
Low	No legal provisions enabling financial autonomy or own financing mechanisms.	Does the legal framework allow metropolitan entities to generate or manage their own resources?	Lack of fiscal powers; total dependence on transfers.	Include legal clauses recognizing basic fiscal autonomy.	Framework law enabling metropolitan taxes or transfer agreements.
Medium	Partial mechanisms exist, but with operational restrictions.	Are taxes, fees, or intergovernmental financial agreements allowed?	Financial instruments exist, but without full autonomy.	Design specific regulations for metropolitan financial mechanisms.	Metropolitan fiscal ordinance or regulated intergovernmental fund.

High	Legislation guarantees own revenue mechanisms and financial management.	Does the law enable budget autonomy and financial sustainability?	Existence of metropolitan taxes, authorized borrowing, and dedicated funds.	Consolidate institutional capacity for fiscal sustainability.	Metropolitan fiscal statute, investment fund, and budget accountability system.
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