



ST. CHRISTOPHER AND NEVIS

CHAPTER 10.07

HOUSING ACT

Revised Edition

showing the law as at 31 December 2002

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This edition contains a consolidation of the following laws—

HOUSING ACT

Act 37 of 1976 ... in force 24th December 1976

Amended by: Act 9 of 1996

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CHAPTER 10.07

HOUSING ACT

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CHAPTER 10.07
HOUSING ACT

AN ACT TO PROMOTE THE CONSTRUCTION OF NEW HOUSES AND THE IMPROVEMENT OF LIVING CONDITIONS FOR FAMILIES OF LOW INCOME; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Housing Act.

Interpretation.

2. In this Act—

“Authority” means the National Housing Corporation established under the National Housing Corporation Act, Cap. 23.18;

(Inserted by Act 9 of 1996)

“building development” or “housing project” means a project designed to furnish urban or rural housing accommodation, and recreational facilities for families of low income, or space appropriate therefor;

“development” includes a plan for the re-development of land in a slum clearance or any other area for the purpose of building development;

“family of low income” means an individual or a family whose income is, in the opinion of the Minister, insufficient to permit him or her or them to rent housing accommodation adequate for his or her or their needs at the current rental market in the State;

“Minister” means the Minister responsible for the subject of housing.

Powers of the Authority.

3. (1) The Authority may—

- (a) guarantee moneys loaned to persons to be used in the construction of any building development;
- (b) advance moneys or guarantee moneys loaned to persons to acquire and rehabilitate dwelling houses;
- (c) make agreements with respect to a building development for—
 - (i) the acquisition and development of land for housing purposes;
 - (ii) the construction of dwelling houses for sale or rent;
 - (iii) the acquisition, improvement and conversion for housing purposes of existing buildings;
- (d) invest funds in property or securities approved for investment by the Minister;
- (e) acquire or hold real property or any estate or interest therein by purchase, lease, option, gift, grant, or otherwise and dispose of such property from time to time;
- (f) sell, lease or let houses to families of low income;

- (g) undertake and carry out any of the terms of any agreement made under paragraph (c) or any building development and in connection therewith plan, construct and undertake the management of any building development under any such agreement and construct, acquire, lease and dispose of any project;
 - (h) from time to time borrow or raise by way of loan such sums as the Authority may consider requisite for any of the purposes of the Authority in any one or more, or partly in one and partly in another of the following ways—
 - (i) by the issue and sale of debentures, bills of exchange or promissory notes of the Authority in such denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times as the Authority may determine;
 - (ii) by temporary loan or loans from any bank or banks or from any person either by way of bank overdraft or loan or in any other manner as the Authority may determine; and
 - (iii) by charge or mortgage of any of the real property vested in the Authority;
 - (i) sell any debentures, bills or notes of the Authority either at, or at less or more than the par value thereof and may charge, pledge or otherwise deal with such debentures, bills or notes as collateral security;
 - (j) exercise all or any part of or combination of the powers granted by this Act.
- (2) The expression “for any of the purposes of the Authority” in paragraph (h) of subsection (1) shall, without limiting the generality thereof, include—
- (a) the carrying out of the powers of the Authority mentioned in paragraphs (a) to (g) of subsection (1);
 - (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan on any securities issued by the Authority; and
 - (c) the payment of the whole or any part of any obligation, liability or indebtedness of the Authority.
- (3) Where the Authority manages a building development there shall be paid to the Authority for the management of such development such fees as may be prescribed by regulations made under this Act.

Sealing of debentures or promissory notes of the Authority.

4. Debentures, bills or promissory notes of the Authority shall be sealed with the seal of the Authority authenticated in the manner prescribed by section 3 of the National Housing Corporation Act and may be signed by the Chairperson and one other member of the Authority, and any interest coupon that may be attached to any debenture, bill or promissory note of the Authority may be signed by the Chairperson or other officer of the Authority.

Guarantee of payment by Government.

5. The Governor-General may authorise the Minister of Finance to guarantee on behalf of the Government payment by the Authority of any debentures, bills,

promissory notes, charges or mortgages issued or made by or of any temporary loan made to the Authority under the authority of this Act.

Sale of Authority's securities to Government and advances to Authority.

6. (1) The Government may authorise the Accountant-General—
- (a) to purchase any debentures, bills, or promissory notes of the Authority;
 - (b) to make advances to the Authority in such amounts, at such times and on such terms and conditions as the Governor-General may approve.
- (2) The moneys required for the purposes of subsection (1) shall be paid out of the Consolidated Fund.

Agreement of Authority to share or contribute to cost of building development.

7. The Authority, with the approval of the Minister, may—
- (a) enter into an agreement with any person or other authority for sharing or contributing to the capital cost or the maintenance cost of any building development;
 - (b) enter into an agreement with any person or other authority undertaking a housing project to provide that certain specified uses of land in a specified area surrounding or adjacent to the project will be maintained for the period specified in the agreement.

Limitation on rentals or payments.

8. (1) The Authority shall manage and operate a building development or a housing project established for families of low income in the most economical and efficient manner consistent with applicable requirements.

(2) Rental or charges for dwelling houses or living accommodation shall be fixed in consonance with the purpose of providing safe, decent and sanitary housing for families of low income and the Authority shall not manage any building development or housing project for profit or as a source of revenue.

(3) For the purpose of this section, the Authority shall fix such rental or charges at rates no higher than those which the Minister shall, after consultation with the Authority, determine to be necessary to produce revenues which, together with all available money from all sources, including governmental assistance provided to maintain the low income character of such building development or housing project, will be sufficient to—

- (a) pay, as they become due, the principal and interest on money borrowed by the Authority;
- (b) establish and maintain such reserves as may be required to assure the payment of such principal and interest, as they become due;
- (c) meet the cost of, and to provide for, the maintenance and operation of the building development or housing project, and for costs of insurance protection as well as the administrative expenses of the Authority.

Accounting for funds and books of accounts.

9. (1) The Authority shall make administrative, maintenance, and operating expenditures in accordance with an annual budget and shall account to the Minister of Finance, at such time or times as the Minister of Finance may determine for any funds that may have been furnished to it or provided by the legislature or by any bank or any other public body.

(2) The Authority shall, at all times, keep proper books and accounts as may be necessary—

- (a) to show all moneys held, received or paid by the Authority; and
- (b) to distinguish such money held, received or paid by the Authority on account of each separate building development or housing project, and to distinguish such money from other money, held, received or paid by the Authority on any other account.

(3) In addition to the books and accounts referred to in subsection (1), the Authority shall keep a record of all bills of costs.

(4) The Director of Audit shall have access to any books, documents, papers and records of the Authority relating to its operations with respect to financial assistance furnished by the Government.

Powers granted by this Act to the Authority to be additional powers.

10. The powers granted to the Authority under this Act shall be in addition to the powers granted to the Authority under the National Housing Corporation Act or any other law and in so far as any provision of this Act is inconsistent with any provision of the National Housing Corporation Act or any other law the provision of this Act shall prevail but the Authority may utilize all procedures and facilities provided by any such law in its operations under this Act.

Regulations.

11. The Minister may generally make regulations for the proper carrying out of the provisions and purposes of this Act and in particular but without prejudice to the generality of the foregoing may make regulations prescribing anything which is required to be prescribed by this Act.
