

CHAPTER 141

HOUSING AUTHORITY ACT

• Act • Subsidiary Legislation •

ACT

Act No. 38 of 1981

Amended by

Act No. 33 of 1986

Act No. 9 of 2008

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CHAPTER 141 HOUSING AUTHORITY ACT

An Act to establish the Housing Authority of Grenada with functions to include the giving of effect to the planning, development and financing of housing and land for residential and community purposes; to provide for the designation and acquisition of land by the Authority for development; to provide for the making of loans to assist persons to acquire, provide or improve housing accommodation for themselves and their families, and to discharge encumbrances and charges, and to make provision with respect to the housing of persons of the working class, and for purposes connected with the foregoing.

[Act No. 38 of 1981 amended by Act No. 33 of 1986, Act No. 9 of 2008.]

[21st December, 1981.]

PART I

Preliminary

1. Short title

This Act may be cited as the Housing Authority Act.

2. Interpretation

In this Act—

“Authority” means the Housing Authority of Grenada established by this Act;

“building” includes home, hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years immediately preceding any action taken in respect of it under this Act;

“business plan”, for a financial year, means—

- (a) the business plan approved under section 13B; and
 - (b) all amendments to the business plan approved under that section,
- for the financial year;

“chairperson” means the chairperson of the Authority and includes the vice-chairperson when officiating as chairperson;

“dwelling”, “dwelling-house” or “home” means any building (including a flat) used or of a type that is suitable for use as a separate dwelling, and any part of a building which is occupied or intended to be occupied as a separate building;

“financial year” means the financial year referred to in section 17;

“flat” means a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided;

“land” means—

- (a) land held in absolute ownership;
- (b) immovable buildings held in absolute ownership;

“Minister” means the Minister responsible for housing;

“owner”, in relation to any land or building, means a person who is for the time being entitled to dispose of the absolute title to the land or of the title to the building (whether in possession or in reversion) and includes a person holding or entitled to the rents and profits of the land or building under a lease or agreement the unexpired term whereof exceeds three years;

“persons of the working class” means—

- (a) mechanics, artisans, labourers and other persons working for wages;
- (b) hawkers, hucksters, and persons not working for wages but working at some trade, handicraft or agricultural occupation, without employing persons other than members of their own family.

PART II

Establishment and Constitution of the Authority

3. Establishment of the Authority

(1) The Housing Authority of Grenada is hereby established as a body corporate with perpetual succession and a Common Seal and with power to sue and be sued in its corporate name.

(2) The Authority has power to hold land.

(3) Judicial and official notice shall be taken of the Common Seal.

(4) The assets, rights and interests of the Government Housing Loans Board (now dissolved) established by the Government Housing Loan Act, 1959, and of the Housing Authority (now dissolved) established by the Grenada Housing Authority Act, 1974, are hereby transferred to and vested in the Authority.

(5) Liabilities of the Government Housing Loans Board and the Housing Authority subsisting immediately before the commencement of this Act shall be discharged by, and be enforceable against, the Authority as if those liabilities had been incurred by the Authority.

(6) The Department of the Ministry responsible for housing known as the National Housing Authority shall remain a part of the Authority from the commencement of this Act.

(7) All agreements, leases, deeds, bonds, instruments or other documents subsisting immediately before the commencement of this Act and affecting any of the bodies referred to in subsections (4) and (6) (other than the Authority) so far as they relate to the undertakings of those bodies, shall be of as full force and effect against or in favour of the Authority and enforceable as fully and effectually as if, instead of the body in question, the Authority had been named therein or had been a party thereto; where title to or interest in land has, by virtue of this section, vested in the Authority, the Registrar of the Supreme Court shall take due notice thereof and shall make such alterations to or annotations on the records of the Deeds and Land Registry as may be necessary.

(8) Proceedings instituted prior to the commencement of this Act for the enforcement of rights or liabilities which are transferred or attached to the Authority by virtue of this section may be continued by or against the Authority.

4. Constitution of the Authority

(1) The Authority shall consist of no fewer than five nor more than nine members who shall be appointed by the Minister.

(2) The Minister shall appoint a member of the Authority to be chairperson, and may at any time revoke such appointment.

(3) The members of the Authority shall be appointed for one year, and they shall be eligible for re-appointment.

(4) The Minister may at any time, if for any reason he or she considers it expedient to do so, revoke the appointment of a member, and any member, other than the chairperson, may at any time resign his or her office by giving written notification to the chairperson who shall forthwith cause such notification to be forwarded to the Minister.

(5) The chairperson, may at any time resign his or her office by giving written notification to the Minister.

(6) In the event of the temporary incapacity of a member, whether from illness or any other cause, or the temporary absence from Grenada of a member, the Minister may appoint some other person to act as a temporary member for so long as such incapacity or absence continues.

(7) Where the appointment of a member of the Authority is revoked, or where a member ceases to be a member of the Authority, the Minister may, subject to subsection (1), appoint another person to fill the vacancy.

(8) The Authority may appoint a committee for any of the purposes of this Act which in the opinion of the Authority would be better regulated and managed by means of a committee and may with the approval of the Minister delegate to any such committee with or without restriction or condition, as it sees fit, any of its powers under this Act.

(9) A committee appointed under subsection (8) shall consist of such number of persons as the Authority may consider necessary to meet the circumstances of its requirements; and any action taken by such committee in exercise of a power delegated to it as mentioned in subsection (8) shall be deemed to be an act of the Authority in furtherance of its powers under, and contained in the provisions of, this Act.

(10) A quorum of the Authority shall be three members, including the chairperson.

5. Seal of the Authority

(1) The Seal of the Authority shall be kept in the custody of the General Manager and may be affixed to instruments pursuant to a resolution of the Authority in the presence of

the chairperson or the acting chairperson and the General Manager and one other member.

(2) All instruments other than those required by law to be under seal, and all decisions, made by the Authority, may be signified under the hand of the chairperson, the acting chairperson or the General Manager.

6. Ministerial directions

The Minister, after consultation with the chairperson, may give to the Authority in writing directions generally as to the policy to be followed in the performance of its functions whenever it appears to him or her to be necessary or in the public interest.

PART III

Powers of the Authority

7. General powers of the Authority

(1) Subject to the provisions of this Act, the Authority may—

- (a) in accordance with any general or special directions of the Minister carry out, in relation to land or buildings or any interest therein vested in the Government, any purpose which could properly be included in relation to property acquired for the purposes of the development of housing;
- (b) upon such terms and conditions as the Authority may deem fit guarantee or join in guaranteeing the payment of interest and capital on monies borrowed by a person of the working class to purchase a dwelling-house or to erect a dwelling-house for his or her own use upon land being land the property of such person, or the property of the Authority or the Government and let or leased to such person;
- (c) invest at its discretion, in any securities authorised by law for the time being for the investment of trust funds, any monies (whether consisting of capital or income) at any time at the disposal of the Authority and not immediately required by the Authority for the purchase of property or the construction of buildings or any other purpose authorised by this Act;
- (d) acquire, hold, mortgage, lease and dispose (whether by way of outright sale or hire purchase or by any other method) of land and property (whether movable or immovable), subject to such covenants and conditions as the Authority may think fit;
- (e) make loans to eligible persons on such conditions as the Authority may require for any or all of the purposes described in section 15;
- (f) engage in any business or other activity carried on for the purpose of promoting or carrying out the development of housing and land for residential, business or community purposes or in respect of a development, including, with the approval of the Minister, investing or taking shares in a company, and undertaking any joint venture with a person, company or statutory body, and may otherwise collaborate or join with a company, statutory body, agency or person, in furtherance of the purposes and provisions of this Act;
- (g) construct, repair, reconstruct or extend any home, building or road by means of employees or independent contractors or aided self-help or any other means;