

New Zealand.



ANALYSIS.

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1920, No. 49.

AN ACT to amend the Housing Act, 1919.

Title.

[9th November, 1920.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Housing Amendment Act, 1920, and shall be read together with and deemed part of the Housing Act, 1919 (hereinafter referred to as the principal Act). Short Title.

2. (1.) The Governor-General may, on behalf of His Majesty, acquire by way of lease any land to be disposed of under Part I of the principal Act as amended by this Act. Crown may acquire leasehold interest in land required for workers' dwellings.

(2.) Any lease acquired by the Governor-General under this section may be for such term of years, at such rent, and on such terms and conditions as to payment of rent, renewals, compensation for improvements, purchase of outstanding interests of the lessor, and other matters as the Governor-General deems proper:

Provided that no land shall be acquired by way of lease under this section for a shorter term in the aggregate (inclusive of the terms of all renewals to which the Crown may be entitled) than sixty years.

(3.) All lands acquired by way of lease under this section shall be deemed to have been set apart for disposal by way of lease under Part I of the principal Act as amended by this Act.

Special leasing-
powers of Board.

3. (1.) In addition to the powers of leasing land and dwellings under Part I of the principal Act the Board may dispose of any such land and dwellings by lease or sublease under this section.

(2.) Any land and dwelling disposed of under this section may be so disposed of subject to the conditions following:—

(a.) The lessee or sublessee, as the case may be, may pay the value of the improvements, as fixed by the Board, by instalments in the same manner as in the case of the purchase of a dwelling:

(b.) The lessee or the sublessee shall also pay such rent based on the unimproved value of the land as may be determined by the Board:

(c.) On the termination of the lease or sublease the lessee shall have a right to compensation for all improvements of a permanent character then on the land:

(d.) Such compensation shall be fixed in the first place by the Board, and in the event of dispute shall be determined by arbitration under the Arbitration Act, 1908:

Provided that, in the case of a sublease, the lessee shall not be entitled to any compensation in excess of the amount of compensation for improvements to which the Crown may be entitled pursuant to the terms of its lease.

(3.) Subject to the foregoing provisions of this section, the terms and conditions subject to which lands and dwellings may be leased under this section shall be determined by the Governor-General by regulations under section thirty-four of the principal Act.

Increased maximum
price of dwellings.

4. Section fourteen of the principal Act is hereby amended by omitting from subsection one the words "seven hundred and seventy-five pounds," and substituting the words "nine hundred pounds"; and by omitting the words "eight hundred and fifty pounds," and substituting the words "one thousand pounds."

Payments to be
computed from date
of possession.

5. Section fifteen of the principal Act is hereby amended by inserting, after the words "the date of" in subsection one and also in the proviso to subsection two, the words "possession as fixed by."

Board may exercise
discretion in
disposing of
dwellings under
principal Act.

6. Subject to the provisions of section thirteen of the principal Act (as to the qualifications of persons competent to acquire dwellings under Part I of that Act), the Board may dispose of any such dwelling to any person competent to acquire the same, and may, in its discretion, refuse any application for a dwelling, or, where there are two or more applicants for any dwelling, may determine to which (if any) of those applicants the dwelling shall be sold or leased, as the case may be, having regard to the circumstances of the several applicants, their reputation and character, and all other relevant circumstances.

7. Any dwelling under the principal Act may be disposed of by the Board by way of sale or lease to two persons of the same family jointly if each of them is competent to acquire a dwelling under that Act. Joint applicants

8. In addition to the purposes enumerated in section twenty-nine of the principal Act, there may from time to time be paid out of the Housing Account such amounts as the Minister of Labour may approve for any of the following purposes:— Additional purposes for which moneys in Housing Account may be expended.

(a.) Advances or grants to any local authority for the installation of a lighting, heating, drainage, or water-supply system for the convenience (whether exclusively or in conjunction with any other land or buildings) of any buildings purchased or erected or proposed to be erected under the principal Act; and

(b.) For the manufacture, supply, and transport of materials to be used in the construction of any workers' dwellings, including loans to any person or company to enable that person or company to carry out any contract for the manufacture, supply, or transport of such materials.

9. (1.) All moneys which on the thirty-first day of March, nineteen hundred and twenty-one, are standing to the credit of the Housing Account established by the principal Act shall be transferred to a separate account in the Public Account, to be called the "Housing Account." Housing Account to be part of Public Account.

(2.) All moneys which after the said thirty-first day of March, nineteen hundred and twenty-one, would, if this section had not been passed, have been payable to the Housing Account established under the principal Act shall be payable into the Housing Account under this section.

(3.) After the said thirty-first day of March, nineteen hundred and twenty-one, all references in the principal Act to the Housing Account shall, unless the context otherwise requires, be construed as references to the Housing Account established under this section.

(4.) This section is in substitution for section twenty-seven of the principal Act, and that section is hereby accordingly repealed.

(5.) This section shall come into force on the thirty-first day of March, nineteen hundred and twenty-one.

10. All unpaid instalments of principal and interest, and any other moneys due in respect of a worker's dwelling under the principal Act, may be recovered in any Court of competent jurisdiction by the Superintendent or by any other person authorized in that behalf by the Superintendent. Superintendent may recover unpaid instalments.

11. For the purposes of all agreements of sale and purchase, and of all leases and other continuing contracts entered into prior to the commencement of the principal Act and continued in force by virtue of section thirty-six of that Act, all the powers, duties, and functions of the Superintendent of Workers' Dwellings shall be deemed to be vested in and may be exercised and performed by the Housing Superintendent. Powers of Superintendent of Workers' Dwellings may be exercised by Housing Superintendent.

12. The references in Part II of the principal Act to an incorporated society of officers in the permanent employment of the Crown shall be deemed to include references to a company registered Public servants may promote company for purposes of Part II of principal Act.

under the Companies Act, 1908, the shareholders of which are such permanent officers.

Public-utility societies may be assisted to carry out schemes for provision of workers' homes.

13. (1.) In this section the expression "public-utility society" means any company registered under the Companies Act, 1908, or any other incorporated society whose object, or one of whose objects, is the establishment or formation of village settlements or garden suburbs, or generally the provision of homes for workers, and which does not make provision for the payment of dividends or of interest to shareholders at a rate or at rates in excess of such rates as may from time to time be fixed in that behalf by the Governor-General.

(2.) The provisions of Part II of the principal Act (relating to advances to be made to incorporated societies of public servants or to the members of any such society) are hereby extended so as to authorize the making of advances out of the Housing Account to any public-utility society, or to the members of any such society, for the purpose of carrying into effect any scheme promoted by that society for the formation of a village settlement or garden suburb or for the provision of homes for workers :

Provided that the maximum amount of any advance that may be made to a public-utility society under this section shall not exceed seventy-five per centum of the value of the land to which the application for an advance relates (inclusive of the estimated value of improvements), and the maximum amount of an advance under this section to any member of any such society shall not exceed seventy-five per centum of the value of any allotment or subdivision of land vested in or allocated to that member pursuant to an approved scheme (inclusive of the estimated value of improvements).

State Advances Office may lend money for acquisition of land for workers' dwellings.

14. Section fifty-one of the principal Act (amending section sixty of the Local Bodies' Loans Act, 1913) is hereby amended by inserting at the commencement of paragraph (f) the words "The acquisition of land (whether with or without dwellings thereon) for the purposes of workers' dwellings and."

Harbour Boards may borrow moneys for acquisition of land and erection of workers' dwellings.

15. (1.) For the purposes of the acquisition of land and the erection of dwellings pursuant to the provisions of Part IV of the principal Act any Harbour Board may, with the consent of the Minister of Marine, and without taking a poll of any ratepayers, borrow moneys under this section.

(2.) Any moneys borrowed under this section may be secured on debentures charged on the revenues and endowments of the Harbour Board, and may also be secured by a first or other mortgage of the interest of the Board in the land on which any such dwellings may be erected.

(3.) Notwithstanding anything to the contrary in Part III of the Local Bodies' Loans Act, 1913, it shall be lawful for the State Advances Superintendent to advance moneys to any Harbour Board for the purposes aforesaid, on the security authorized by this section, and without requiring the security of a special rate in accordance with section sixty-five of the last-mentioned Act.

Provisions as to restriction of rent not applicable to dwellings first let after passing of this Act.

16. Part I of the War Legislation Amendment Act, 1916, and the amendments thereof shall not apply with respect to dwellinghouses that may be first let as such at any time after the passing of this Act.

17. (1.) Notwithstanding anything to the contrary in Part I of the War Legislation Amendment Act, 1916 (imposing restrictions on increases of rents), any landlord, within the meaning of that Part of that Act, may apply to a Stipendiary Magistrate for relief from the provisions of that Part on the ground that the standard rent as therein defined is not sufficient to return to the landlord a net average annual income of seven per centum of the capital value of the dwellinghouse as on the third day of August, nineteen hundred and fourteen.

Magistrate may increase standard rent so as to allow net income of seven per centum on capital value.

(2.) On the hearing of an application under this section the capital value of the dwellinghouse as on the third day of August, nineteen hundred and fourteen, being determined in default of agreement as provided in sections six and seven of the War Legislation Amendment Act, 1916, as amended by section twenty of the War Legislation Act, 1917, the Magistrate shall determine—

- (a.) The annual rent receivable in respect of the dwellinghouse;
- (b.) The average annual outgoings of the landlord in respect of rates, insurances, and repairs over such period as the Magistrate considers equitable, not exceeding six years; and
- (c.) The amount (if any) to be allowed, in the discretion of the Magistrate, in respect of such depreciation of the dwellinghouse as cannot be made good by repairs.

(3.) If the Magistrate is satisfied, having regard to the particulars aforesaid and to any other matters that he deems relevant, that the standard rent as fixed by Part I of the War Legislation Amendment Act, 1916, is not sufficient to return to the landlord a net income of seven per centum of such capital value of the dwellinghouse, he may increase the standard rent to such an amount as will in his opinion be sufficient to return such net income.

18. Subject to the provisions of this Act as to the increase of the standard rent on application in that behalf to a Magistrate, where any sum which by virtue of section two of the War Legislation Amendment Act, 1916, is irrecoverable is, after the passing of this Act, paid on account of the rent of any dwellinghouse, the sum so paid shall at any time within six months after the date of payment be recoverable from the landlord who received the payment or from his legal personal representative by the tenant by whom it was paid, and may, without prejudice to any other method of recovery, be deducted by the tenant from any rent payable by him to the landlord within the said period of six months.

Rent paid in excess of standard rent may be recovered by tenant.

19. (1.) Every person to whom section four of the War Legislation Amendment Act, 1916, applies who requires or accepts any fine, premium, or other sum referred to in that section in addition to the rent of any dwellinghouse commits an offence, and is liable on summary conviction to a fine of one hundred pounds.

Demand or acceptance of bonus an offence.

(2.) Every person, not being a person to whom section four of the War Legislation Amendment Act, 1916, applies, commits an offence, and is liable on summary conviction to a fine of one hundred pounds, who stipulates for or demands or accepts any bonus, fine, premium, or other like sum in consideration for obtaining or offering to obtain or doing any thing for the purpose of obtaining any

dwellinghouse or part of a dwellinghouse for the occupation of any other person.

(3.) All moneys paid by any person after the passing of this Act as a bonus, fine, or premium, or otherwise in breach of this section may be recovered by or on behalf of the person who paid the same as a debt due to him by the person to whom or on whose behalf such moneys were so paid, at any time within six months after the date of the payment of those moneys.

Extension of grounds on which order for possession of dwellinghouse may be made.

20. Section thirteen of the War Legislation and Statute Law Amendment Act, 1918, is hereby amended by inserting, after paragraph (b) of subsection two, the following paragraph:—

“(bb.) That the tenant by subletting the dwellinghouse or any part thereof is making a profit which, having regard to the rent paid by the tenant, is unreasonable; or.”

Magistrate may determine standard rent of rooms.

21. (1.) The provisions of Part I of the War Legislation Amendment Act, 1916, shall apply, with the necessary modifications, to any room or other part of a dwellinghouse subject to the said Part I that may be sublet by a tenant to any other person (whether with or without the use of furniture), whether such room or part is first sublet before or after the passing of this Act.

(2.) In any such case the standard rent of any room or part of a dwellinghouse shall, in the case of a room or part that is sublet at the passing of this Act, be the rent at which it is so sublet, and, in the case of a room or part that is first sublet after the passing of this Act, be the rent at which it is first sublet:

Provided that, on application in that behalf by the tenant or subtenant, or by an Inspector of Factories on behalf of the tenant or subtenant, or by the owner of the premises, any Stipendiary Magistrate may determine the fair rent of any such room or part of a dwellinghouse, taking into consideration the rent payable by the tenant to the landlord, and in such case the standard rent shall be the fair rent so determined.

Determination of “undue hardship.”

22. On any application for the recovery of possession of a dwellinghouse, or for the ejectment of a tenant, the Magistrate, in determining the question as to whether or not an order for recovery of possession or for ejectment would be a cause of undue hardship to the tenant, shall take into consideration not only the hardship that may be suffered by the tenant from the making of any such order, but the hardship that may be suffered by the applicant in default of such order being made.