

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Increasing maximum price of dwellings. Con-sequential repeal. 3. Provisions in respect of insurance. 4. Transfer of dwelling in case of death. 5. Wrongful possession of a dwelling. 6. Part XIII of Land Act, 1908, not to apply to land disposed of under principal Act. 7. Section 18 of Housing Amendment Act, 1920, amended. | <ol style="list-style-type: none"> 8. Section 19 of Housing Amendment Act, 1920, amended. 9. Provisions as to recovery of possession of dwellinghouses subject to Part I of War Legislation Amendment Act, 1916. 10. Restrictions on letting or selling of dwelling-house when possession recovered on ground that premises are required for landlord's own occupation. |
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1921-22, No. 60.

AN ACT to amend the Housing Act, 1919.

Title.

[11th February, 1922.]

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, 1921-22, 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.) Section fourteen of the principal Act, as amended by section four of the Housing Amendment Act, 1920, is hereby further amended by omitting from subsection one the words "nine hundred pounds," and substituting the words "one thousand one hundred and fifty pounds"; and by omitting from the same subsection the words "one thousand pounds," and substituting the words "one thousand two hundred and fifty pounds."

Increasing maximum price of dwellings.

(2.) Notwithstanding anything to the contrary in the principal Act, the limits of price fixed by section fourteen of that Act as amended by this section may be exceeded by any amount not exceeding two hundred pounds that may be paid by the purchaser by way of deposit.

(3.) Section four of the Housing Amendment Act, 1920, is hereby repealed.

Consequential repeal.

3. (1.) In addition to the instalments of purchase-money and interest as required by the principal Act the purchaser of a dwelling

Provisions in respect of insurance.

shall with each such instalment pay to the Board such amount as the Board may require to insure the building against loss or damage by fire, earthquake, flood, tempest, or other cause, and in respect of rates payable in respect of the property to any local authority.

(2.) The Board may insure each dwelling to the full value thereof with any person or company carrying on in New Zealand the business of such insurance, or may itself take such proportion of the risk as it thinks fit, and for this purpose may retain such proportion as may be required of the moneys payable in respect of insurance under the last preceding subsection.

(3.) The Board shall be deemed to have had power so to insure dwellings as from the coming into operation of the principal Act.

(4.) All moneys retained by the Board in accordance with subsection two of this section shall be paid into a separate fund in the Housing Account, to be known as the Housing Insurance Fund (hereinafter referred to as the Insurance Fund).

(5.) All moneys required to make good any loss or damage to any dwelling as aforesaid in excess of the amount otherwise covered by insurance, but not exceeding the value of the risk (if any) taken by the Board in accordance with subsection two of this section, shall be paid out of the Insurance Fund.

(6.) All moneys from time to time standing to the credit of the Insurance Fund shall be invested in such manner as the Minister of Finance may direct.

(7.) This section is in substitution for section seventeen of the principal Act, and that section is hereby accordingly repealed.

Transfer of dwelling
in case of death.

4. (1.) On the death of the purchaser or lessee of any dwelling disposed of under the principal Act his executors or administrators shall, subject to the consent of the Board, have power to transfer the dwelling or to assign the lease, as the case may be, to any qualified person; but the consent of the Board shall not be necessary in the case of any such transfer or assignment to a person claiming such transfer or assignment as a beneficiary under the will of the deceased purchaser or lessee, or claiming by virtue of the intestacy of the said deceased.

(2.) The executors, administrators, or trustees of the deceased purchaser or lessee may continue to hold the dwelling or the lease in trust for the persons beneficially entitled thereto under the will or by virtue of the intestacy of the deceased; and any conditions as to residence may be fulfilled by the persons so beneficially entitled, or by any of them, or by any suitable person or persons approved by the Board, as if such person or persons were the purchaser or lessee, as the case may be.

(3.) If no probate is granted or no letters of administration are issued within six months after the death of the purchaser or lessee, the Superintendent may transfer the dwelling or assign the lease to any qualified person, and may receive the purchase-money on account of the person or persons entitled thereto under the will or by virtue of the intestacy of the deceased, or he may transfer the dwelling or assign the lease to the persons entitled thereto under the said will or intestacy, or to any one or more of them in trust for all.

5. Any person who obtains possession of a dwelling under the principal Act without the consent of the Board, except a person beneficially entitled thereto under a will or intestacy, shall be deemed to be in possession thereof without right, title, or license, and the Superintendent, or any person authorized in writing in that behalf by the Superintendent, may forthwith take action for the recovery of the possession thereof in accordance with section one hundred and seventy-two of the Magistrates' Courts Act, 1908, in all respects as if the Superintendent were the owner of such dwelling.

Wrongful possession
of a dwelling.

6. The provisions of Part XIII of the Land Act, 1908, shall not apply to any land or to any interest in land disposed of under the principal Act.

Part XIII of
Land Act, 1908,
not to apply to
land disposed of
under principal Act

7. Section eighteen of the Housing Amendment Act, 1920, is hereby amended by inserting, after the words "it was paid," the words "or by an Inspector of Factories on behalf of the tenant."

Section 18 of
Housing
Amendment Act,
1920, amended.

8. Section nineteen of the Housing Amendment Act, 1920, is hereby amended by adding the following as subsection four thereof:—

Section 19 of
Housing
Amendment Act,
1920, amended.

"(4.) Every person commits an offence and is liable to a penalty of one hundred pounds who stipulates for, or demands, or accepts as a condition of the tenancy of a dwellinghouse, payment for the furniture or fixtures or other effects of such house of any sum in excess of the fair selling-value of such furniture, fixtures, or other effects."

9. (1.) An order for the recovery of possession of a dwellinghouse to which Part I of the War Legislation Amendment Act, 1916, applies, or for the ejection of a tenant therefrom, may be made on one or more of the grounds following, but shall not be made on any other ground:—

Provisions as to
recovery of
possession of
dwellinghouses
subject to Part I of
War Legislation
Amendment Act,
1916.

(a.) That the tenant has (subject to the provisions of the said Part I) failed to pay rent at the agreed rate or to perform the other conditions of the tenancy; or

(b.) That the tenant has failed to take reasonable care of the premises or has committed waste; or

(c.) That the tenant has been guilty of conduct which is a nuisance or annoyance to adjoining or neighbouring occupiers; or

(d.) That the premises are reasonably required by the landlord for his own occupation as a dwellinghouse; or

(e.) That an agreement for the sale of the premises has been duly entered into, to be completed by transfer within one month from the date thereof, and that the premises are reasonably required by the purchaser for his own occupation as a dwellinghouse; or

(f.) 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.

(2.) Section fifty-six of the principal Act and section twenty-two of the Housing Amendment Act, 1920, are hereby repealed.

(3.) Part I of the War Legislation Amendment Act, 1916, and the several amendments thereof, including this section, shall continue in force until the thirty-first day of December, nineteen hundred and twenty-two, and shall then expire unless further continued.

Restrictions on letting or selling of dwellinghouse when possession recovered on ground that premises are required for landlord's own occupation.

10. (1.) A landlord who obtains an order for possession of a dwellinghouse on the ground defined in paragraph (d) of subsection one of section nine hereof shall not let the dwellinghouse, or permit any person other than himself or his wife, family, and domestic servants to occupy the dwellinghouse, or sell or make or enter into any agreement for the sale of the dwellinghouse, for a period of six months after the date when he obtains possession by means of such order, unless he shall have first obtained an authorizing order of a Magistrate as hereinafter provided :

Provided that if the dwellinghouse contains more rooms than are reasonably required for the occupation of the landlord and his wife, family, and domestic servants, the letting of any rooms which are not so required shall not be deemed to be a lease in contravention of this subsection.

Every person who does any act in contravention of this subsection commits an offence and is liable to a penalty of one hundred pounds.

(2.) If a document produced as an agreement for the purpose of obtaining an order under paragraph (e) of subsection one of section nine hereof is in any respect not a genuine agreement binding upon both vendor and purchaser and intended to be carried into full effect according to the express tenor thereof, every party to such document or concerned in the user thereof commits an offence and is liable to a penalty of two hundred pounds.

(3.) Where an order for possession is made upon the said ground (e), neither the landlord nor the purchaser shall let the dwellinghouse, or permit any person other than the purchaser, his wife, family, and domestic servants, to occupy the dwellinghouse, or sell or make any agreement for the sale of the dwellinghouse, for a period of six months after the date when possession is obtained by means of such order, unless he shall have first obtained an authorizing order of a Magistrate as hereinafter provided :

Provided that if the dwellinghouse contains more rooms than are reasonably required for the occupation of the purchaser and his wife, family, and domestic servants, the letting of any rooms which are not so required shall not be deemed to be a lease in contravention of this subsection.

Every person who does any act in contravention of the provisions of this subsection commits an offence and is liable to a penalty of one hundred pounds.

(4.) A Magistrate is hereby empowered to grant an authorizing order to a person applying for the same under subsection one or subsection three hereof if it is proved to the satisfaction of the Magistrate that by reason of circumstances which have arisen since the making of the order for possession it is just that such person should be relieved from the obligation imposed upon him by this section.
