



**BERMUDA
1971 : 48**

GOVERNMENT HOUSING AREAS ACT 1971

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[7 July 1971]

[preamble and words of enactment omitted]

Interpretation

- 1 In this Act, unless the context otherwise requires —
 - "charge" means a charge levied in accordance with section 6(1);
 - "the Corporation" means the Bermuda Housing Corporation;
 - "grantee" includes the assignee of a grant;
 - "housing area" means land declared to be a housing area under section 2;
 - "lessee" includes the assignee of a lease and, where the sub-lease or mortgage has been authorized under section 5, a

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sub-lessee (other than a mortgagee not in possession) or a mortgagee in possession as the case may be;

"the Minister" means the Minister charged with responsibility for Housing.

"mortgage" includes mortgage by way of sub-lease or assignment and the charging of any property with the payment of any moneys;

"spouse" includes a divorced, separated, widowed or reputed spouse.

Housing area on Government or Bermuda Housing Corporation land; sanction of Legislature; declaration by Minister

2 (1) The Minister may, with the previous sanction of the Legislature, by Order published in the Gazette, declare any land the property of the Government, or comprised within a housing estate or scheme developed, built or managed by the Corporation or to be so developed, built or managed, to be a housing area for the purposes of this Act and he may, in like manner, vary the boundaries of any area so declared.

(2) The sanction of the Legislature referred to in the foregoing subsection may be expressed by way of resolution passed by both Houses of the Legislature approving the declaration in question and communicated to the Governor by message.

Disposal of land within housing area before 1 August 1974

3 (1) *[omitted]* *[spent]*

(2) *[omitted]* *[spent]*

(3) *[omitted]* *[spent]*

(4) The benefit and burden of all leases or other dispositions of land by the Member of Executive Council for the time being responsible for Public Works and related matters and by the Minister of Works and Agriculture under subsection (1) subsisting immediately before the 1st of August, 1974 and of any covenant or agreement entered into between the said Member or Minister and the assignee of the tenant's estate and interest in the said lease or other disposition shall as from such commencement be transferred to, vest in and enure for the benefit of or against the Corporation, as the case may be, as if any reference there —

(a) to the Government were a reference to the Corporation;

(b) to the Director of Public Works, the Accountant General, the Member for Works or the Minister of Works and Agriculture were a reference to the General Manager of the Corporation;

- (c) to the Head Office of the Department of Public Works were a reference to the principal place of business of the Corporation.

Dwellings must be owner occupied

4 Any dwellings on land let or granted for residential purposes under section 3 shall be used solely as a residence for the lessee or grantee and his household, or the spouse or heir of such a person and his household.

No sub-letting or mortgage without consent of Corporation

5 (1) No premises let to any person under section 3 prior to the 1st August, 1974 shall be sub-let and no estate or interest granted under that section shall be mortgaged unless the consent of the Corporation thereto in writing has first been obtained.

(2) Any purported sub-lease or mortgage in contravention of subsection (1) shall be void.

Service charges

6 (1) Where the Government supplies any services to a housing area (including the maintenance of any communal grounds, the decorative repair of any houses and sewerage) the Minister may levy a service charge on the premises within the area for such services in such amount and in such manner as may be prescribed by regulations made under section 7.

(2) A charge shall, notwithstanding anything in any trust, mortgage, conveyance, bill of sale, devise or bequest, be a charge or lien on the property in respect of which such charge was levied and also on the personal property of the person liable to pay the charge within the housing area ranking next after any parish or municipal rates due thereon.

(3) Any amount owing in respect of any charge may be sued for and recovered with costs, in the manner provided for the recovery of a debt or liquidated demand by the Magistrates Act 1948 [*title 8 item 15*], without limitation as to amount.

(4) A certificate in writing under the hand of the Accountant General setting out the amount owing in respect of any charge shall in any suit for the recovery of such amount be prima facie evidence that the amount claimed is payable by the person against whom the claim is brought.

Minister may make regulations

7 (1) The Minister may by regulation —

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- (a) provide for the levy of a charge in accordance with subsection (1) of section 6;
 - (b) make provision for the manner in which refuse or other waste is to be kept or disposed of.
- (2) The Corporation may with the approval of the Minister, make regulations for the administration of any housing area and, without derogation from the generality of the foregoing, such regulations may —
- (a) prohibit any act by any person within the housing area to the annoyance of any other such person or which disturbs his comfort or convenience;
 - (b) regulate and restrict the keeping of animals; and
 - (c) make such provision as may be necessary or expedient to preserve the amenities of the area.
- (3) Different regulations may be made for different housing areas.
- (4) The affirmative resolution procedure shall apply to regulations made under subsection (1); the negative resolution procedure shall apply to regulations made under subsection (2).
- (5) Any regulations made under this section may provide penalties for the contravention thereof but no such penalty shall exceed a fine of two hundred dollars.

Offences

- 8 (1) Any person who —
- (a) uses a dwelling for a purpose other than that specified in section 4 or who allows or permits any other person so to use the premises; or
 - (b) purports to sublet or mortgage any premises or estate or interest therein in contravention of section 5 or who is a party to any such transaction,

commits an offence:

Punishment on summary conviction: a fine of \$1,000.

- (2) A court may, upon convicting any person under subsection (1), where it appears to the court that such person is occupying any dwelling within a housing area in contravention of this Act, order such person to leave such premises within such time as the court may determine, and any failure by such person to comply with the terms of such order shall be a continuing offence which shall be deemed to constitute a separate offence for each day during which the offence continues.

[Amended by

1974 : 82

1977 : 35]