

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
30th January, 1922.*

Hon. Mr. Anderson.

HOUSING AMENDMENT.

ANALYSIS.

1. Short Title.	5. Wrongful possession of a dwelling.
2. Increasing maximum price of dwellings. Con-sequential repeal.	6. Part XIII of Land Act, 1908, not to apply to land disposed of under principal Act.
3. Provisions in respect of insurance.	7. Provisions as to recovery of possession of dwellinghouses subject to Part I of War Legislation Act, 1916.
4. Transfer of dwelling in case of death.	

A BILL INTITULED

AN ACT to amend the Housing Act, 1919.

Title.

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 Section four of the Housing Amendment Act, 1920, is hereby repealed.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

Provisions in respect of insurance.

(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. 5

(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. 10

(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. 15

(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. 20 25

(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. 30 35

(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. 40

Wrongful possession
of a dwelling.

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. 45 50

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.

7. (1.) No order for the recovery of possession of a dwelling-house to which Part I of the War Legislation Amendment Act, 1916, applies, or for the ejection of a tenant therefrom, shall be made except on one or more of the grounds following, that is to say:—

(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 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.

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

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