

Mr. Fraser.

HOUSING AMENDMENT.

ANALYSIS.

Title.	
1. Short Title.	5. Housing Amendment Act, 1921-22, amended. Undue hardship defined.
2. Part I of War Legislation Amendment Act, 1916, continued.	6. Protection of soldier tenants and their dependants.
3. Certain sections of Housing Amendment Act, 1920, continued.	7. Children not to be grounds for refusing tenancy.
4. Certain sections of Housing Amendment Act, 1921-22, continued.	8. War Legislation Amendment Act, 1916, amended.
	9. Repeal.

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:—

Short Title.

1. This Act may be cited as the Housing Amendment Act, 1923, and shall be read together with and deemed part of the Housing Act, 1919 (hereinafter referred to as the principal Act).

2. Part I of the War Legislation Amendment Act, 1916, and the several amendments thereof, shall continue in force until the thirty-first day of December, nineteen hundred and *twenty-six*, and shall then expire unless further continued.

Part I of War Legislation Amendment Act, 1916, continued.

3. Sections sixteen, eighteen, nineteen, twenty, and twenty-one of the Housing Amendment Act, 1920, shall continue in force until the thirty-first day of December, nineteen hundred and *twenty-six*, and shall then expire unless further continued.

Certain sections of Housing Amendment Act, 1920, continued.

4. Sections seven, eight, nine, and ten of the Housing Amendment Act, 1921-22, shall be continued in force until the thirty-first day of December, nineteen hundred and *twenty-six*, and shall then expire unless further continued.

Certain sections of Housing Amendment Act, 1921-22, continued.

5. Section nine of the Housing Amendment Act, 1921-22, is amended by adding the following subsections one A and one B:—

Housing Amendment Act, 1921-22, amended.

“(1A.) The Court may refuse to make an order in any case, notwithstanding proof to its satisfaction of the grounds specified in paragraphs (a), (b), (c), (d), and (e) of the last preceding subsection, or any of such grounds, if the Court is of the opinion that the

making of the order would cause undue hardship to the tenant. 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 any such order being made. 5

Undue hardship defined.

“(1B.) Undue hardship shall be deemed to exist when the Court is satisfied that there is no reasonable chance of the tenant obtaining equivalent alternative accommodation. The onus of proving the existence of such alternative equivalent accommodation shall rest on the landlord applying for the ejectment order.” 10

Protection of soldier tenants and their dependants.

6. No order for the recovery of possession of a dwellinghouse to which Part I of the War Legislation Amendment Act, 1916, applies, or for the ejectment of a tenant therefrom, shall, if the tenant is a soldier or a discharged soldier, or the wife or widow of a soldier or discharged soldier, be made so long as the tenant continues, subject to the provisions of the said Part I and its amendments, to pay rent at the agreed rate and performs the other conditions of tenancy, except on the ground that the tenant has failed to take reasonable care of the premises, or has committed waste, or has been guilty of conduct which is a nuisance or annoyance to adjoining or neighbouring occupiers. 15 20 25

Children not to be grounds for refusing tenancy.

7. It shall be unlawful for any person to refuse to let a dwellinghouse to any respectable and responsible applicant who has a child or children :

Provided that it shall be sufficient defence to show that such refusal was not due to the fact that the applicant had a child or children. 30

War Legislation Amendment Act, 1916, amended.

8. Subsection one of section eight of the War Legislation Amendment Act, 1916, is hereby amended by adding, after the word “house,” the words “or to any building let as a shop and dwelling.”

Repeal.

9. Section seventeen of the Housing Amendment Act, 1920, and subsections two and three of section nine of the Housing Amendment Act, 1921-22, are hereby repealed. 35