

A BILL

FOR

AN ACT TO REPEAL THE FEDERAL HOUSING AUTHORITY ACT, CAP. F14, LFN, 2014 AND ENACT THE FEDERAL HOUSING AUTHORITY BILL, AND FOR RELATED MATTERS

Sponsored by Hon. Zainab Gimba

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria

1 PART I - ESTABLISHMENT OF THE FEDERAL HOUSING AUTHORITY
2 AND ITS GOVERNING BOARD

3 1.-(1) There is established a body to be known as the Federal
4 Housing Authority (in this Act referred to as "the Authority").

Establishment
of the Federal
Housing Authority

5 (2) The Authority-

6 (a) shall be a corporate body;

7 (b) may sue or be sued in its corporate name;

8 (c) shall operate as an Agency of Government for implementing
9 the Commercial and Social Housing Programmes.

10 2.-(1) The affairs of the "Authority" shall be conducted by a Board
11 of Directors of the Authority hereinafter referred as "the Board" which shall
12 consist of-

Composition of
the Board of
Directors of the
Authority

13 (a) a Chairman to be appointed by the President, who shall be a
14 person by reason of specialised knowledge and experience has special
15 contribution to make to the work of the Authority;

16 (b) the Permanent Secretary of the Ministry responsible for
17 housing or his representative;

18 (c) Six (6) persons (representing the six geopolitical zones) who by
19 reason of their ability, specialized knowledge and experience have special
20 contribution to make to the work of the Authority; shall be appointed by the

1 President on recommendation of the Minister;
 2 (d) the Managing Director/Chief Executive of the Authority;
 3 (e) the four Executive Directors of the Authority; and
 4 (f) a Secretary to the Board and Legal Adviser who must be a staff of
 5 the Authority.

Member of the
Board

6 3. A member of the Board shall hold office-
 7 (a) for a term of 4 years in the first instance and may be re-appointed
 8 for another term of 4 years and no more; and
 9 (b) on such terms and conditions as may be specified in their letters of
 10 appointment.

Allowances of
Members

11 4. Members of the Board shall be paid such allowances as the Federal
 12 Government may from time to time determine.

Cessation of
Membership

13 5.-(1) Notwithstanding the provisions of section 4 of this Act, a
 14 member of the Board may at any time be removed from office by the President
 15 for inability to discharge the functions of his office, whether arising from
 16 infirmity of mind or body or misconduct.

17 (2) member of the Board may resign his appointment by a notice in
 18 writing addressed to the President, through the Minister in-charge of Housing.

19 (3) Where a vacancy occurs in the membership of the board, it shall be
 20 filled by the appointment of a successor to hold office for the remainder of the
 21 term of office of his predecessor; the successor shall represent the same interest
 22 and shall be appointed by the President on the recommendation of the Minister.

23 PART II - POWERS OF THE BOARD, FUNCTIONS AND POWERS OF

24 THE AUTHORITY

Powers of the
Board

25 6. The powers of the Board are to-
 26 (a) Determine the overall policy of the Authority and in particular the
 27 financial, economic and operational programmes of the Authority and ensuring
 28 the implementation of such policies and programmes;
 29 (b) Consider and approve the budget of the Authority;

1 (c) Approve the letting or leasing of any property vested in the
2 Authority; and

3 (d) Do such other things in its opinion are necessary to ensure the
4 efficient performance of the functions of the Authority.

5 7.-(a) make recommendations to the Federal Government in
6 respect of urban and regional planning, transportation, communications,
7 electric power, sewage and water supply development as may be relevant to
8 the successful execution of housing programmes approved by the Federal
9 Government;

Functions of the
Authority

10 (b) the execution of such housing programmes as may be approved
11 by Government;

12 (c) provide social housing in all states of the Federation and the
13 Federal Capital Territory;

14 (d) develop and manage estates on commercial and profitable basis
15 in all states of the Federation and the Federal Capital Territory;

16 (e) Execute special housing programmes as shell be approved and
17 funded by the Federal Government; and

18 (f) to mobilize off-shore funding for housing development.

19 8.-(1) Subject to this Act, the Authority shall have power to do
20 anything which in its opinion is calculated to facilitate the carrying out of its
21 functions including (without prejudice to the generality of the foregoing) the
22 power to-

Powers of the
Authority

23 (a) subject to the regulatory power of the Federal Government-

24 (i) fix the rate charges and the prices of goods and services it
25 provides; and

26 (ii) capitalize its assets.

27 (b) acquire, construct and maintain dwelling houses, schools,
28 communal and commercial buildings and other structures: hold and manage
29 moveable and immovable property;

30 (c) enter into contracts for the construction, maintenance,

- 1 management or repairs of any property;
- 2 (d) purchase or acquire any assets, business or other property where,
- 3 in the pinion of the Authority, such purchase or acquisition is necessary for the
- 4 discharge of its functions;
- 5 (e) sell, let, lease or dispose of any property vested in the Authority;
- 6 (f) undertake or sponsor the undertaking of such research as may be
- 7 necessary for the performance of its functions;
- 8 (g) train managerial, technical and other staff for the purpose of
- 9 running the Authority's operations;
- 10 (h) carry out the development control of its estates Urban and
- 11 Regional Planning Commission;
- 12 (i) subject to any general or special directive of the Board, invest any
- 13 of its surplus funds and maintain a general financial reserve;
- 14 (j) do such other things which in its opinion are necessary to ensure
- 15 the efficient performance of its functions; and
- 16 (k) The Authority may, with the approval of the Board borrow by way
- 17 of loan or over draft, such monies as the Authority may require for the
- 18 discharge of its functions.

19 (2) The powers of the Authority may be exercised by any employee

20 or agent of the Authority authorised in that behalf by the Authority

21 PART III - STAFF OF THE AUTHORITY

Appointment
of the Managing
Director

22 9.-(1) There shall be for the Authority a Managing Director to be

23 appointed by the President on the recommendation of the Minister.

24 (2) The Managing Director shall-

25 (a) shall be a person who by reason of his/her ability, specialised

26 knowledge and experience has special contribution to make to the work of the

27 Authority

28 (b) be the Chief Executive and accounting officer of the Authority;

29 and

30 (c) hold office-

1 (i) for a term of 5 years in the first instance and may be re-
2 Appointed for another term of 5 years and no more; and

3 (ii) on such terms and conditions as may be specified in his letter of
4 appointment.

5 10. The Managing Director/Chief Executive is responsible for-

6 (a) the day to day administration of the Authority; and

7 (b) subject to the directives of the Board, the execution of the
8 policies of the Authority.

Duties of the
Managing Director/
Chief Executive

9 11.-(a) There shall be for the Authority, three Executive Directors
10 to man the three Departments of the Authority namely Projects, Estate,
11 Finance//Corporate Services) to be appointed by the President on the
12 recommendation of the Minister;

Appointment of
Executive Directors

13 (b) The Executive Directors shall head the three Departments of
14 the Authority;

15 (c) Hold office-

16 (i) for a term of 5 years in the first instance and may be re-appointed
17 for another term of 5 years and no more; and

18 (ii) on such terms and conditions as may be specified in their letters
19 of appointments.

20 12. The Secretary to the Board and Legal Adviser to the Authority
21 shall not be a member of the Board but shall keep the records and conduct the
22 correspondence of the Board and perform such other duties of a similar
23 nature as the Board or, as the case may be, the Managing Director/Chief
24 Executive Officer may, from time to time, direct.

Secretary to the
Board

25 13. -(1) The Board shall appoint for the Authority such number of
26 employees as may in its opinion be necessary to assist the Authority in the
27 discharge of its functions.

Staff

28 (2) The terms end conditions of service including the
29 remuneration, allowances and benefits of the employees of the Authority

1 shall be as may be recommended by the Management and approved by the
2 Board.

3 (3) if the Board thinks it expedient that any vacancy in the staff of the
4 Authority should be filled by a person holding office in the Public Service of
5 the Federation or a State, it shall inform the Chairman of the Federal Civil
6 Service Commission and the Federal Civil Service Commission may make
7 necessary arrangements for the filling by the vacancy by way of secondment or
8 transfer.

9 (4) Where any member of the Public Service of the Federation or a
10 State is appointed on secondment to the Authority, such person may, subject to
11 the approval of the Authority, transfer his services to the Authority in
12 accordance with the relevant provisions of the Public Service Rules.

Staff regulations 13 14. -(1) The Board may make regulations relating generally to the
14 conditions of service of the employees of the Authority, such regulations may
15 provide employees of the Authority and appeals against such dismissal or
16 disciplinary measures.

17 (2) Where staff regulations are not made, any instrument relating to
18 the conditions of service of officers in the Civil Service of the Federation shall
19 be applicable to the employee of the Authority.

Pension 20 15.-(1) Service in the Authority shall be approved service for the
21 purpose of the Pension Reform Act and accordingly employees of the
22 Authority shall be entitled to pension and other retirement benefits as
23 prescribed under the Pension Reform Act.

24 (2) Nothing in subsection (1) of this section shall prevent the
25 appointment of a person to any office on terms which preclude the grant of
26 pension or gratuity in respect of that office.

27 PART IV - FINANCIAL PROVISIONS

Fund of the Authority 28 16. -(1) The Authority shall establish and maintain a fund in the
29 Central Bank or any other Commercial Bank as may be authorised by the
30 Federal Government into which shall be paid-

1 (a) monies received by the Authority in the course of its operations
2 or in relation to the exercise of its powers:

3 (b) such monies as may be provided by the Federal Government by
4 way of loan or grant;

5 (c) returns on any investments made by the Authority;

6 (d) All sums accruing to the Authority' by way of gifts,
7 testamentary dispositions, endowments or other contributions from
8 philanthropic persons or organizations;

9 (e) Foreign aid, grants and assistance from donor agencies;

10 (f) All other monies which may from time-to time accrue to the
11 Authority; and

12 (g) Such other monies as may be provided by the Federal
13 Government for the provision and maintenance of social and other special
14 housing programmes.

15 (2) The Authority shall apply the fund established under sub-
16 section (1) of this section to:

17 (a) the cost of administration and maintenance of the Authority;

18 (b) the payment of allowances and other benefits of members of the
19 Board;

20 (c) the payment of salaries and benefits of employees of the
21 Authority;

22 (d) the provision and management of Housing estates in all states
23 of the Federation and the Federal Capital Territory;

24 (e) for the purpose of which any aid, grant and assistance under
25 sub-section (1) (d) are provided; and

26 (f) for such other expenditures of the Authority.

27 17.-(1) The Authority shall keep proper accounts and other records
28 and shall prepare in respect of each financial year, a statement of accounts in
29 such form as the Board may direct.

30 (2) The accounts of the Authority shall be audited by Auditors to be

1 appointed annually by the Authority from among the list of auditors and in
2 accordance with guidelines prepared by the Auditor-General for the
3 Federation.

4 (3) The Authority shall submit to the Board not later than 30th June in
5 each financial year, a report of its activities during the preceding year, which
6 shall include a copy of the audited accounts of the Authority for that year and a
7 copy of the auditor's report.

8 PART V - COMPULSORY ACQUISITION OF LAND AND PROTECTION OF
9 LAND VESTED IN THE AUTHORITY

Compulsory
acquisition of
land

10 18.-(1) where there is any hindrance to the acquisition of any land by
11 the Authority for any purpose under this Act, including any failure by the
12 Authority to reach an agreement as to the amount to be paid in respect of the
13 acquisition, the President may, on the application of the Authority and after
14 such enquiry as he may think fit, declare that the land is required for the service
15 of the Authority.

16 (2) where a declaration is made under subsection (1) of this section,
17 the land in respect of which the declaration was made shall be deemed to be
18 land required for a public purpose of the Federation within the meaning of the
19 Land Use Act and the Federal Government may-

20 (a) cause action to be taken under the Act for acquiring the land for the
21 Federal Government; or

22 (b) if the land is customary land, issue a requisition under the
23 appropriate law for the revocation of any rights relating to the land.

24 (3) Where a declaration is made under subsection (1) of this section in
25 respect of any land other than customary land and-

26 (a) The land has been acquired pursuant to subsection (2) of this
27 section; or

28 (b) The President is satisfied that there are no rights subsisting in
29 respect of the land, the President may vest the land in the Authority by means of
30 a certificate under the hand and seal of the Registrar of Deeds.

1 (4) Where a declaration is made under subsection (1) of this section
2 in respect of any customary land and-

3 (a) The rights relating to such land have been revoked pursuant to
4 subsection (2) (b) of this section; or

5 (b) The Governor of the State in which the land is situated is
6 satisfied that there are no rights subsisting in respect of the land, the
7 Governor may grant to the Authority a right of occupancy of the land on such
8 terms and conditions as he thinks fit.

9 (5) A plan of any land referred to in subsection (1) of this section

10 (a) containing measurements of the boundaries of the land;

11 (b) Showing the relationship of the land to any sufficient
12 identifying mark; and

13 (c) Signed by the Managing Director, shall be sufficient
14 description of the land for the purposes of an application under the
15 subsection.

16 (6) The Authority shall not without the approval in writing of-

17 (a) the President; or

18 (b) in the case of customary land, the Governor of the state in which
19 the land is situated, mortgage, charge, assign or otherwise alienate any land
20 or any right of occupancy or other right in land vested in it under this section.

21 19.-(1) Notwithstanding anything in any other enactment-

22 (a) any property vested in the Authority shall not be acquired
23 compulsorily; and

24 (b) no mining operations shall be carried on, on any land vested in
25 the Authority or any land over which the Authority is entitled to rights of
26 support for benefits of lands so vested, except with the prior approval in
27 writing of the President.

28 (2) Any person who suffers any loss by reason of the provisions of
29 subsection (1) (b) of this section shall be-

Protection of
land vested in the
Authority

1 (a) paid adequate compensation by the Authority in respect of the
2 loss; and

3 (b) entitled to institute an action in the Federal High Court to
4 determine the extent of his loss and the amount of compensation payable
5 pursuant to this subsection.

6 (3) This section binds the Government of the Federation and
7 Government of any state in the Federation including the Federal Capital.

8 PART VI - MISCELLANEOUS

Power of Minister
to give directives

9 20. The Minister may give to the Board directives of a general nature
10 in writing with respect to any of the functions of the Authority under this Act.

Protection of
employees of
the Authority

11 21. The Public Officers Protection Act shall apply to employees of
12 the Authority in respect of anything done or omitted to be done in the course of
13 their employment by the Authority.

Regulations

14 22. The Board may, with the approval of the Minister, make
15 regulations generally to give full effect to the provisions of this Act.

Interpretation

16 23. In this Act, unless the context otherwise requires-
17 "appropriate law" in relation to a State means any law in force in the State
18 defining customary lands and providing for the revocation of rights relating
19 thereto if any such land is required for public purposes of the Federation;
20 "Authority" means the Federal Housing Authority established by section 1 of
21 this Act;
22 "Board" means the Board of Directors of the Authority constituted under
23 section 2 of this Act;
24 "Chairman" means the Chairman of the Board of Directors appointed pursuant
25 to section 2 of this Act;
26 "Customary land" in relation to a State means customary land in a State within
27 the meaning of the appropriate law;
28 "Functions" include power and duties;
29 "Government" means the Government of the Federal Republic of Nigeria;
30 "High Court" means the Federal High Court or State High Court;

1 "Mining operations" include prospecting for minerals, extracting of
2 minerals and activities preparatory or incidental thereto; and

3 "Minister" means the Minister charged with the responsibility for housing.

4 24. This Bill may be cited as the Federal Housing Authority Bill; Citation
5 2019

6 SCHEDULE

7 *Section 2(4)*

8 SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS
9 OF THE BOARD

10 1. The Board shall meet at least four times each year at such times
11 and places designated by the Chairman.

12 2. if not less than seven (7) members make a written request to the
13 Chairman for an extraordinary meeting to be convened, the Chairman shall
14 summon a meeting to be held within fifteen days from the date on which he
15 received the request.

16 3. The Chairman shall preside at meetings of the Board, and if he is
17 absent from a meeting the members present shall elect one of their member
18 to preside at the meeting.

19 4. At the meeting of the Board the Chairman and seven (7)
20 members shall form a quorum and in the case of an equality of votes, the
21 Chairman or other person presiding shall have a second or casting vote.

22 5. Subject to this Act, the Board may make Standing Orders
23 regulating the proceedings of the Board.

24 6. Any summons, notice or other documents require or authorised
25 to be served on the Authority may, except where there is express provision to
26 the contrary, be served by-

27 (a) delivering it to the Managing Director; or

28 (b) sending it by registered post addressed to the Managing
29 Director at the principal office of the Authority.

30 7. The fixing of the seal of the Authority shall be authenticated by

1 the signature of the Managing Director and the Secretary to the Board.

2 8. Any contract or instrument which, if made or executed by a person
3 not being a body corporate, would not be required to be under seal, may be
4 made or executed on behalf of the Authority by any person generally or
5 specially authorised to act for that purpose by the Board.

6 9. Any document purporting to be a contract, instrument or other
7 document duly signed or sealed on behalf of the Authority shall be received in
8 evidence and, unless the contrary is proved, be presumed without further proof
9 to have been so signed or sealed.

10 10. Any member who has a personal interest in any contract or
11 arrangement entered into or proposed to be considered by the Board shall
12 disclose his interest to the Board and shall not vote on any question relating to
13 the contract or agreement.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Federal Housing Authority Act, Cap. F14, LFN, 2014 and enact the Federal Housing Authority Bill and determine the overall policy of the Authority and in particular the financial, economic and operational programmes of the Authority and ensuring the implementation of such policies and programmes.