

CHAPTER 55

ENUGU STATE GOVERNMENT STATE HOUSING LAW

Arrangement of Sections

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SCHEDULE

CHAPTER 55

ENUGU STATE GOVERNMENT STAFF HOUSING LAW

A Law to make provisions for the establishment and operation of a government staff housing scheme.

[27th August 1991]

1. This Law may be titled as the Government State Housing Law.
2. In this Law —
“Board” means Enugu State Government Staff Housing Board established by this Law;

ENSL.1998
NO.8

Short title.

Interpretation

"Chairman" means Chairman of Board.

"Commissioner" means State Commissioner responsible for establishment matters.

"Governor" means Governor of the State,

"public service" means service of the State in a civil capacity in respect of the Government of the State;

"Secretary" means Secretary appointed in accordance with section 8; "State" means Enugu State of Nigeria.

3(1) There is hereby established a body to be known as the Enugu State Government Staff Housing Board.

Establishment
of Board

(2) The Board shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name and to acquire, hold and dispose of movable and immovable property.

4. (1) The Board consists of the following members —

Composition
of Board

- (a) the Permanent Secretary responsible for establishment matters;
- (b) the Permanent Secretary, or Deputy Permanent Secretary, Ministry of Finance and Economic Development;
- (c) the Solicitor-General and Permanent Secretary, Ministry of Justice, or his representative not below the rank of Principal State Counsel;
- (d) the Permanent Secretary, Ministry of Lands, Survey and Town Planning, or his representative.
- (e) a representative of the Secretary to the State Government;
- (f) a representative of the Association of Senior Civil Servants.
- (g) a representative of the Nigerian Civil Service Union.

(2) The Permanent Secretary, responsible for establishments matters, shall be the Chairman of the Board.

5. Whereupon any special occasion the Board desires to obtain the advice of any person on any matter the Board may co-opt such person to be a member of the Board for such meeting or meetings as may be required and such person shall while so co-opted have all the rights and privileges of a member save that he

Power to co-
opt members

shall not be entitled to vote upon any question and shall not be counted for the purpose of forming a quorum.

Duties of
Board

6. It shall be the duty of the Board, within the limits of its resources and in accordance with regulations made by the Board under section 14, to grant advances to persons eligible to receive them under this Law for the purpose of—

- (a) building a residential house anywhere in the State for the use of the applicant and his family or the applicant or his family or;
- (a) purchasing a parcel of land anywhere in the State on which such residential house is to be built; or
- (c) purchasing a residential house anywhere in the State for any such use; or
- (d) improving or extending a residential house anywhere in the State for any such use, being a house owned by the applicant and to which he has valid and good title acceptable to the Board; or
- (e) doing such things in connection with any one or more of the purposes specified in paragraphs (a), (c) and (d) as the Board may deem fit in the circumstances.

7(1) Subject to this Law, the Board may regulate its own procedure

- (2) All the meetings of the Board shall be summoned at the direction of the Chairman but the Board shall meet at least four times a year at such times as may be specified by the Chairman
- (3) The Chairman shall preside over every meeting of the Board
- (4) At any meeting of the Board four members of the Board shall form a quorum
- (5) If at any meeting of the Board the Chairman is absent, the members present shall elect one of their number to act as Chairman for the purpose of that meeting.

8(1) There shall be appointed by the Board as Secretary a person in the public service who shall have such qualifications and experience as are appropriate for a person required to perform the function of this office by virtue of this law

- (2) It shall be the duty of the Secretary —
 - (a) to take and keep record of the proceedings of the Board;
 - (b) to act as the Chief Executive Officer of the Board, and
 - (c) carry out other duties that may be assigned to him by the Board.

(3) The Board may appoint such other persons who shall also be persons in the public service to be officers and servants of the Board as the Board may determine to assist the Secretary in the exercise of his functions.

9. The Commissioner may by notice in writing, either generally or otherwise, require the Board or any of its officers or servants to furnish information with respect to the activities of the Board, officer or servant respectively, and the Board officer or servant shall furnish such information accordingly

Power of
Commissioner
to obtain

10 A person whatever his age may be shall be eligible to receive an advance from the Board under this Law if he —

Power eligible
to receive
advances.

- (a) is a person in the public service: and
- (b) holds a pensionable office in such service; and
- (c) has been confirmed in the service.

11. (1) The funds of the Board shall consist of

Funds of Board¹

(a) such grants as may from time to time be provided by the Government;

(b) sums collected or received by the Board in the execution of its functions under this Law; and

(c) sums borrowed by the Board under the provisions of this Law,

(2) Disbursements from the funds shall be made in accordance with the provisions of the Finance Law or any other legislation amending or supplementing that Law.

12. The Board may borrow money from a bank or other financing institution;

Provided that where an interest rate higher than three per cent is charged such borrowing shall be with the prior approval of the State Executive Council

13. The Board shall keep proper account of its payments, receipts, assets and liabilities and shall submit the same once every year for auditing by the State Auditor-General.

Power to
borrow money

Account and
audit

Making of contracts, instruments and other documents

14. (1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Board by any person generally or specifically authorized by it for the purpose.

(2) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or some other member authorized generally or specifically by the Board.

(3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Regulation.

15. (1) The Board may with the approval of the Commissioner, make regulations, generally for purposes of this Law. and without prejudice to the generality of the foregoing, the regulations may —

- (a) provide for the making of applications for advances.
- (b) prescribe the amount of advance available for different classes of applicants and the conditions applicable to the grant of such advance;
- (c) prescribe securities acceptable to the Board
- (d) specify the nature of title to land acceptable to the Board
- (e) prescribe the manner of repayment of advances granted, and
- (f) provide for the carrying into effect of any other provisions of this Law.

(2) The regulations contained in the Schedule to this Law shall be deemed to be made under sub-section (I)

SCHEDULE
Enugu State Government Staff Housing Law

ENUGU STATE GOVERNMENT STAFF HOUSING REGULATIONS
(Section 15(2)1

I. These regulations may be cited as the Enugu State Government Staff Housing Regulations.

Short title

2 In these Regulations —

“applicant” means a person in the public service who has applied for an advance under the Law;

Interpretation

"Board” means Enugu State Government Staff Housing Board established by the Law;

"clear title” means the best title obtainable in any particular case and one which, in the opinion of the Board, is a good and reasonable security for an advance to be granted under the Law;

“Government” means Government of Enugu State of Nigeria; “

“Head of Department” means I lead of a Government Ministry or Department;

“Secretary” means Secretary to Board.

3. An application for an advance shall be in the form specified in the Schedule to these Regulations and shall be addressed to the Secretary through the applicant's Head of Department.

Application
for Advance
Schedule.

4. An application for an advance for the purchase of a parcel of land or a residential house shall not be considered by the Board, unless the applicant produces to the Board —

Production of
offer of sale and
guarantee of clear
title and vacant
possession.

(a) evidence that the parcel of land, where the application is for an advance to purchase a parcel of land, is owned by the vendor either absolutely or for a term of years: or

(b) the vendor's written offer to sell to the applicant the parcel of land or residential house: and

(c) the vendor's written guarantee to transfer to the applicant a clear title and vacant possession of the parcel of land or residential house:

Provided that where the Board so requires in any particular case the

applicant shall produce also a written statement from the Local Government Secretary in charge of the town or place in which the land or house is situated, certifying that the vendor or the applicant, as the case may be, is the owner or reputed owner of the land or house in question

Board to ensure that land or house is suitable.

5. (I) Before the Board grants any advance for building, purchasing, improving or extending a residential house or for purchasing a parcel of land, the Board shall ensure that the house or land, as the case may be, is suitable for residential purposes

(2) For those purposes, and without prejudice to the generality of paragraph (I) of this regulation, the Board shall ensure the suitability of the house or land as to —

- (a) size and situation; and
- (b) in the case of a house, state of repair.

Conditions for grant of advance

6 (1) The Board may grant an advance for any of the purposes mentioned in paragraph (1) of regulation 5 if —

- (a) the Board is satisfied that the applicant has or shall have a clear title to the house or land, as the case may be; and
- (b) the market value of the house or land, as assessed by the Board, is not less than the amount of the advance.

(2) Notwithstanding any contrary provision in these regulations, the Board shall not grant an advance in any case where the Board is satisfied, after taking into consideration the financial circumstance of the applicant that it is expedient to grant such advance.

Amount of advance

7.(1) The amount of an advance that may be granted shall be as follows-

(a) for building, improving or extending a residential house, an amount not exceeding five times the applicant's annual salary or forty thousand naira, whichever is less;

(b) for purchasing a residential house, the value of the house as assessed by the Board or an amount not exceeding five times the applicant's annual salary or forty thousand naira, whichever is less.

(C) for purchasing a parcel of land, the value of the land as assessed by the Board or an amount not exceeding two times the applicant's annual salary, whichever is less

(2) Fees chargeable for stamp duties, registration of title, preparation of plans and other incidental expenses in respect of an advance shall be payable by the applicant, but if the amount applied for by the applicant, together with such fees and expenses is less than or equal to the amount to which the applicant is entitled under paragraph (I), the Board may, at the request of the applicant, pay such fees and expenses, and the fees and expenses so paid together with the amount applied for by the applicant shall be deemed to be the advance granted to the applicant by the Board.

Future
Advance

8. An applicant to whom an advance to purchase a parcel of land may be granted; a further advance for building a residential house thereon, but the further advance shall be such that the further advance together with the amount then outstanding in respect of the previous advance shall not exceed a total of five times the applicant's annual salary or forty thousand naira, whichever is less

6. Where an application for an advance to build, improve or extend a residential house is approved by the Board and the estimated cost exceeds the amount of the advance to which the applicant is entitled under regulation 7. the Board, if not satisfied with the estimated cost as aforesaid, shall, before paying any advance under these regulations, appoint at its own expense, a valuer who shall certify to the Board that the value of the work executed and fixed in position is not less than the difference between such estimated cost and amount of the advance.

Procedure
where cost of
building
exceeds
advance

7. (1) An advance of the purpose of building, improving or extending a residential house shall be paid by the Board in two instalments to or on behalf of the applicant during the period of building, improving or extending the house, as the case may be:

Mode of
payment of
advance

Provided that no instalment payable under this paragraph shall be paid unless work complying with specifications or conditions set out in writing by the Board with regard to that instalment is executed or fixed in position by the applicant

(2) To ensure proper application of an advance for the purpose of purchasing a residential house or parcel of land, such advance may be paid in whole by the Board directly to any person certified in writing by the applicant to be the vendor thereof and such payment shall be deemed to be

payment of such advance to the applicant.

Land and house to be mortgaged to the Board. 11. Any applicant who has received an advance to purchase a parcel of land or to build, improve, extend or purchase a residential house shall mortgage the land or building, as the case may be a first legal mortgage to the Board and shall deposit the title deeds thereof with the Board.

Plans specifications etc 12. Plans, specifications and bills of quantities required for the purpose of any advance shall be prepared, in the case of plans or specifications, by an architect or any other appropriate person, in the case of bills of quantities by a quantity surveyor, employed by the applicant and such plans, specifications and bills of quantities shall be submitted to the Board.

Interest on Advances 13. An advance granted under the Law, shall bear interest at the rate of three percent simple interest which shall be paid together with the principal amount in accordance with regulation 14.

Payment of advance 14. An advance granted under the Law shall be repayable as follows —
(a) in the case of an advance to purchase a parcel of land, within a period of not more than five years, the first instalment being paid in the month next following the months of payment Of the purchase price of the land, or three months from the date of the payment to the applicant of the final instalment of the loan whichever is earlier.

(b) in the case of any advance to build, improve, extend or purchase a residential house, within a period of not more than twenty-five years, the first instalment being paid fifteen months after the payment to the applicant of the first instalment of the loan:

Provided that in the case of an advance to purchase it residential house, the manner of repayment shall be as provided in paragraph (a) of this regulation.

15.(1) Subject to the provisions of these regulations, repayment of an advance together with interest thereon shall be equal monthly instalments.

(2) Repayment en bloc or instalmentally of an advance together with interest thereon shall be a standing charge on the salary' or income of the applicant over the period which the advance is outstanding

16. (I) Subject to these regulations, the Board may at the request of the applicant, increase the amount of the monthly repayment of ail advance together with interest thereon so as to effect speedier repayment. Variation of monthly instalments

(2) Repayment of an advance in whole or in part, together with interest thereon, may be made by the payment of lump sum, so however that if the repayment is made in part only, repayment of the balance of the advance shall be by equal monthly instalments.

17. Where building operations are commenced within twelve months of the receipt of an advance to purchase land and a further advance is granted for the purpose of building a residential house, the outstanding balance of the first advance, shall, on the completion of the building be added to

Repayment en bloc or instalmentally shall be a charge on applicant's income.

Compound interest on advances in certain cases

the subsequent advance and the total thereof shall be repayable thereafter as though it were a single advance to build a residential house.

18 (1) A pensionable officer shall be required by the Board to agree to deduction being made from any pension or gratuity which may be granted to him upon retirement if he retires before completing the repayment of any advance granted to him or from any gratuity which may be granted to his personal representative in the event of his death whilst in the public service.

(2) An officer who contributes to a provident fund shall be required by the Board to provide, as security for an advance to him, any sum outstanding to his credit in the provident fund

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Resignation
or dismissal
of applicant

19. In the event of a person resigning his appointment or being dismissed from the public service before any advance received is fully repaid the Board may thereupon exercise its right of foreclosure under the mortgage created in respect of the advance unless —

(a) the outstanding balance of the advance is paid upon such resignation or dismissal.

(b) arrangements satisfactory to the Board are made by the borrower to repay the advance

.

Death of
applicant

20. In the event of an applicant dying before the repayment of an advance granted to him is completed, the Board may exercise its right of foreclosure under the mortgage created in respect of the advance unless arrangements satisfactory to the Board are made by the applicant's personal representatives for the repayment of the advance.

Special power
to order
repayment of
advance

Where it appears to the Board that the sum being the whole or part of an advance has not been applied for the purpose for which the advance was granted, the Board may order such sum to be repaid to the Board within the time mentioned in the order, and any sum so ordered to be repaid shall thereupon become repayable accordingly.

Deduction
from pension
and gratuities

Insurance

22. (1) A house built, improved, extended or purchased under these regulations shall be insured by the Board, at the borrower's expense, with any insurance corporation or company of firm financial standing against damage by fire, flood and lightning for its full value or actual cost throughout the period of repayment of the advance

(2) The insurance policy shall be taken out in the joint names of the Board and the borrower.

(3) Any premium paid by the Board in respect of the insurance shall be deducted from the salary of the applicant

House to be kept in proper repair

3. An applicant who has received an advance to build, improve, extend or purchase a residential house shall keep the house in a proper state of repair during the period of the repayment of the advance.

Supplementary Powers

4. Subject to the provisions of these regulations, the Board may grant an advance for any of the purposes specified in these regulations subject to such other terms and conditions as the Board may in its discretion determine