



THE ZANZIBAR HOUSING CORPORATION, 2014

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“Apartment house” mean a building containing more than one unit or suit”

“Assets” mean every government building or premises which were under Department, lands and other movable or immovable properties by virtue of acquisition, by right of occupancy and right of use or otherwise;

“ Authorized Employee” means a member of staff of the Corporation who has been assigned by Director General to carry out soecific job on behalf of the Corporation;

“ Board” means Board of Directors of the Corporation established under section 8 of the Act;

“Buiding” includes apartment house, office, warehouse, sheds and other structures on the land comprised in the right of occupancy in respect of the land on which the building is situated, whether used for residential, commercial, industrial or other purposes of any kind;

“Construction” in relation to a house or other building includes the process of modification, alterration, maintenance and repair;

“Corporation” mean the Zanzibar Housing Corporation established under this Act;

“Department” means the Department of Housing and Development of Human Settlement;

“Director-General” means the Director-General of the Corporation appointed under section 5 of this Act;

“Government” means the Revolutionary Government of Zanzibar;

“Housing scheme” means a proposal for the construction of houses including such other proposals as may be necessary or desirable by the Government;

“Lease” means agreement executed between the Corporation and a tenant for letting house or apartment, or unit, or any premise.

“Land Lord” means Zanzibar Housing Corporation established under this Act;



“Member” means a member of the Board appointed under section 8 of this Act;

“Minister” means the Minister responsible for housing;

“Premises” means building and its fixtures of the Corporation and its surrounding areas;

“President” means the President of Zanzibar and the Chairman of the Revolutionary Council.

“Regulations” means the regulations made under section 52 of this Act.

“Rent” includes payment by a tenant to the land lord under the terms of lease or tenancy agreement;

“Rent period” a period in a lease or tenancy for which the tenant must make a payment of rent.

“Right of occupancy” means the right of occupancy granted under the Land Tenure Act no 12 of 1992 in respect of the land upon which the building is situated;

“Senior staff” in relation to the employees of the Corporation means the Directors and heads of unit as set out in the Scheme of Service of the Corporation.

“Tenant” is a natural or legal person who legally rent or lease the building or premises.

PART II ESTABLISHMENT OF THE CORPORATION

Establishment of the Corporation. **3.**(1) There is hereby established Corporation to be known as The Zanzibar Housing Corporation or ZHC in acronym;

(2) The Corporation shall be an autonomous body Corporate with perpetual succession and common seal and shall be capable in its own name to:

- (a) acquire, hold or dispose off its own property whether movable or immovable;
- (b) enter into contract with an individual person or an organisation;



- (c) sue and being sued;
- (d) borrowing and lending money; and
- (e) do or perform all other things or acts which may lawfully be done by a body Corporate.

Composition.

4. The Corporation shall have the following composition:-

- (a) The Board of Directors as established by this Act;
- (b) Director General;
- (c) Directors of the Departments and heads of Sections who shall be appointed by the Board subject to provisions of the Public Service Act and its Regulations; and
- (d) Employees who shall be employed by the Board subject to the provisions of the Public Service Act and its Regulations;

Director General.

5.(1) There shall be a Director General of the Corporation who shall be a Chief Executive Officer and shall be appointed by the President.

(2) The Director General shall be responsible for the day to day administration of the Corporation and for the implementation and execution of the Board decisions.

Qualification of Director General.

6.(1) The Director General shall have the following qualifications:-

- (a) must be a Zanzibar by birth.
- (b) must possess at least first degree or its equivalent from the recognized Institution in the field of building construction, administration, law or any other related field and experience of at least five years.

(2) The Director General shall be appointed to serve for a period of four years and may be eligible for reappointment for one term.

Function of the Corporation.

7.(1) The function of the Corporation shall be to facilitate the provision of house and other buildings to Zanzibaris for residential, commercial, industrial or other real estate purposes on such terms as the Corporation may, in each case, determine.

(2) Without prejudice to the provision of subsection (1) of this section, and subject to any general or specific directives of the Board, the Corporation shall engage in-



- (a) the construction of houses or other buildings for lease or sale on such terms as the Corporation may determine;
- (b) maintaining the existing buildings which were prior under the Department before the establishment of the Corporation;
- (c) to lease and collect rent from the lessee and collect other monies raised from other activities performed by the Corporation according to the provisions of this Act; and
- (d) the business of real estate manager in respect of properties owned by the Corporation.

(3) Without prejudice to the provisions of subsections (1) and (2) of this section, the Corporation shall engage in:-

- (a) the provision or facilitating the provision of building materials, and other related materials, whether through the establishment of factories or subsidiary companies or in any other way;
- (b) the business of building contractors, building supervision and consultation;
- (c) the business of real estate managers in respect of properties owned by the Corporation or by any other person on agreed terms;
- (d) any other activities related or incidental to the construction of houses or other building, management of estate, and management of the affairs related to building and houses built or acquired by the Corporation or otherwise transferred to it by or under this Act;
- (e) master developer task by acquiring tracks of land, plan such land, develop infrastructure, design project and sale part of the project to other developers as Corporation deemed appropriate and according to this Act;
- (f) undertaking housing upgrading and development of formal and informal settlements;
- (g) establishment of a land reserve for smooth future construction works; Land for such purpose shall be acquired, planed and serviced for housing development in all regions of Zanzibar as the case may be;



- (h) in cooperation with Zanzibar Investment Promotion Authority, to identify suitable investors either individuals or body corporate in the construction of houses under partnership or joint venture agreement;
- (i) disposing of dilapidated and condemned properties in a manner that is beneficial to the Corporation; and
- (j) performing such other activities as may be directed by the Board.

(4) In accordance with respective approved planning schemes, the Corporation shall ensure that other developers or purchasers of the project developed by the Corporation comply with the master plan, development laws, regulations and standards in respective area.

PART III ADMINISTRATION AND MANAGEMENT OF CORPORATION

The Board and its Composition. **8.** There is hereby establishment a Board to be known as the Board of Directors of the Corporation which shall consist of the following members:-

- (a) A Chairperson, who shall be appointed by the President;
- (b) Director General as an ex-officio;
- (c) Not more than five other members, who shall be appointed by the Minister.

Qualification of Chairperson and Board Members. **9.**-(1) In appointing Chairperson, account shall be taken to a person's integrity, knowledge, experience and outlook in matter relating to the management or housing.

(2) In appointing members, account shall be taken to a person's integrity, knowledge, experience and outlook in matters relating to the business of real estate's or finance or building contractor or lands and or legal matters.

Secretary of the Board. **10.** The Board shall appoint a Secretary of the Board who shall have at least first degree of Law and experience of not less than three years in settlement matters.

Tenure of the Board. **11.**-(1) The Board shall serve for a period of three years from the date of its appointment; the members of the Board shall be eligible for re-appointment for one term.



(2) Any member may at any time resign his office by giving notice in writing addressed to the appointing authority, and he shall cease to be a member from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the appointing authority.

Disqualification.

12.-(1) A person shall not continue to be a member of the Board if:-

- (a) he is of unsound mind;
- (b) he has been involved in any immoral or unethical activities;
- (c) he has been imprisoned for more than six months or convicted for an offence involving or necessarily implying fraud or dishonesty;
- (d) he is absent from four consecutive meetings of the Board without reasonable excuse; or
- (e) he is declared bankrupt.

Functions of the Board.

13. The functions of the Board shall be:-

- (a) to monitor and supervise the performance of the Corporation;
- (b) to formulate policy guidelines for the performance of the functions of the Corporation;
- (c) to approve housing scheme and other investment of the Corporation;
- (d) to approve investment and disposal of fixed assets of the Corporation;
- (e) to approve annual and supplementary budget of the Corporation whenever it is needed;
- (f) to recruit or appoint staff of the Corporation in accordance with the Public Service Act;
- (g) to exercise disciplinary measures over senior staff of the Corporation;
- (h) to approve and oversee implementation of Corporation plans;



- (i) to approve rent, fees, charges for the service provided by the Corporation;
- (j) to approve borrowing by the Corporation; and
- (k) to perform such other functions as may be given by the Minister or required under this Act.

Committees of the Board.

14.-(1) The Board shall, for the purpose of facilitating performance of its functions, establish such number of Committees as it may deem necessary.

(2) The Committees of the Board established under subsection (1) of this section, shall perform functions as may be delegated to them by the Board and shall be accountable to the Board.

(3) The Board shall appoint such number of members to be members of a Committee established under subsection (1) of this section.

(4) The Board may invite such other person with special expertise to attend meeting of the Committee of the Board such person, however, shall have no voting right on any matter before the Committee.

(5) The size of the Committee, terms and procedures of the Committees shall be determined by the Board according to the Regulations.

Meetings of the Board.

15.-(1) The Board shall ordinarily meet for the transaction of business at the times and places decided by the Board and shall meet once in every three months.

(2) All meetings of the Board shall be convened by the Chairperson or, in his absent, by another member who is acting on his behalf as explained in the Regulations.

Extra Ordinary Meeting.

16. The Board may conduct an extra ordinary meeting if deems necessary, and the Chairperson or another member acting on his behalf shall give a notice at least one day before the meeting.

Decision of the Board.

17.-(1) At any meeting of the Board, the decision of the Board shall be construed as the decision of the majority of the members present.

(2) Where there is no consensus in voting and in the event of equality of votes, the Chairperson shall have deciding vote.



- Co-option. **18.** The Board may co-opt any person to participate in its meetings, but the person so co-opted shall have no right to vote.
- Vacancies. **19.** Where any member ceases to be a member before the normal expiration of his term of office, the Minister may appoint another person in his place to hold office until the expiry of the tenure of the Board.
- Minutes of the Board meeting. **20.** Minutes of the Board meeting shall be kept in appropriate form and shall be confirmed by the Board and signed by the Chairperson in the next meeting.
- Quorum. **21.** The quorum at any meeting of the Board shall be more than half of the members.
- Orders and Directives of the Board. **22.**-(1) When any order is made or any directives are given by the Board under this Act, the Corporation shall convey or cause to be conveyed the contents of the order or directions to the persons concerned in such manner as the Board may from time to time determine.
- (2) Notwithstanding subsection (1) of this section, Corporation shall give to the concerned person, the notice of every order and of all directives published in the Government Official Gazette.
- (3) Any person who contravenes or fails to comply with any order or directives made or given by the Corporation, in relation to any matter which concern him such that he ought to carry out or comply with the order or directives, shall be guilty of an offence.
- Remuneration of Board Member. **23.** The members of the Board shall be paid such remuneration and allowances as proposed by the Board, and approved by the Minister in consultation with the Minister responsible for Finance.

PART IV OPERATION, POWERS AND PROCEDURES OF THE CORPORATION

- Power to Delegate. **24.**-(1) Subject to subsection (3) of this section, the Board may, from time to time, by instrument in writing under the seal of the Corporation, delegate to any committee of the Board any of its functions or powers under this Act, so that the delegated functions or powers may be exercised by the delegate in accordance with the terms of the instrument of delegation.



(2) The delegation made under subsection (1) of this section shall not prevent the Board from exercising its functions and powers, and the Board may at any time revoke a delegation made under this section.

(3) The Board shall not delegate:-

- (a) its power to delegate; or
- (b) its borrowing power; or
- (c) the power to approve the annual budget or any supplementary budget, the annual balance sheet or any statement of account.

Inquiries by the Minister.

25. The Corporation shall when so required by the Minister, inquire into and report to the Minister on the necessity or otherwise of the provision of houses in any part of Zanzibar.

Power to contract.

26.(1) All deeds, contracts, and other documents shall be deemed to be duly executed by or on behalf of the Corporation if sealed with the official seal of the Corporation and signed by the Director General or any member of staff of the Corporation appointed by the Director General to do the same on his behalf.

(2) Notwithstanding subsection (1) of this section, tenancy agreements between the Corporation and any person or body of persons may be executed on behalf of the Corporation by staff of the Corporation authorised by the Director General.

(3) Except by any other reason acceptable under this Act or any other laws, a deed, contract or other document executed in accordance with this section shall, be effectual in law and shall bind the Corporation and its successors and all other parties to it.

(4) A deed, contract or other document made in accordance with this section may be varied or discharged in accordance with the conditions explained under this section.

Determination of Rent.

27.(1) Rent payable in respect of building for occupation, business or any use of premises shall be determined by the Management of the Corporation subject to the approval of the Board.

(2) In determination of rent payable under this section, the Corporation shall have regard to:-



- (a) size of the premises;
- (b) use of the premises;
- (c) value of the premises;
- (d) location of the premises; and
- (e) structural stability and condition of the premises.

(3) For the purpose of calculating the amount payable under this section, it shall be taken into account that the Corporation will pay:-

- (a) the land rent;
- (b) the premium for insuring the premises;
- (c) the property tax and other rates chargeable upon the premises under any law; and
- (d) any repair for which the Corporation is liable by the agreement or custom or any applicable law.

(4) The Corporation shall solely possess final decision in selecting the person or institutions suitable for entering into tenancy relationship.

(5) In exercising its powers under sub section (4) of this section, Corporation shall set procedures and standards under the Regulation made under this Act.

Existing Lease
Contracts.

28.-(1) All existing leases executed by the Department shall be reviewed in six months after commencement of this Act.

(2) Without prejudice to subsection (1) of this section, during the review, the Corporation shall have a right to adjust, modify and or issue a new lease contract with the new terms and conditions for the Corporation premises to all the existing lease agreements and contract issued by the Government and or Department prior to the establishment of the Corporation.

Payment of Rent.

29. The tenant shall remit rent payable in respect of the premises as from the date of commencement of tenancy before the end of the month to which the rent relates.



Penalty for Delaying Payment of Rent.	<p>30. Where a tenant fails to remit to the Corporation the rent due from him within the time specified by the Corporation, such tenant shall pay a penalty as approved by the Board.</p>
Rent and Penalties Recoverable as Debts.	<p>31. Any rent or additional rent due as penalty, payable under this Act shall be a debt to the tenant and shall be recoverable to the Corporation accordingly.</p>
Sublease, Assignment and Alteration.	<p>32.-(1) No lessee shall be allowed to sublease or assign or mortgage the premises to any person without the written approval of the Corporation.</p> <p>(2) Where a lessee subleases or assigns or mortgages the premises contrary to the provision of subsection (1) of this section, he commits an offence and the Corporation shall have the right to terminate the lease forthwith.</p> <p>(3) No lessee shall be allowed to do any minor or major structural alteration without the written approval of the Corporation.</p> <p>(4) Notwithstanding the conditions prescribed under section 46 of this Act, the Corporation shall have the right to terminate the contract of the tenant who contravenes the conditions set under sub section (1) of this section.</p> <p>(5) Before exercising its rights under sub section (4) of this section, the Corporation shall consider the right of the tenant to be heard.</p>
Termination of a Tenancy.	<p>33.-(1) The Corporation shall exercise any right to terminate a lease for failure to pay rent and penalty due under the lease of for any breach of the covenant of the lease.</p> <p>(2) Where the Corporation has effected termination of a tenancy under subsection (1) of this section, a tenant in respect of whom termination is effected shall vacate the premises within the period as may prescribed by this Act.</p>
Procedure for Termination.	<p>34.-(1) The Corporation shall prior to exercise the right to terminate a tenancy under Section 33 of this Act issue a thirty days notice to a tenant stating the reasons for termination.</p> <p>(2) A lessee who issued with a notice of termination under subsection (1) shall be required to remedy the breach within the period prescribed in the notice.</p> <p>(3) In event the breach is not remedied within the prescribed time, the tenancy shall be terminated on expiry of thirty days from the date of service of notice, and the Corporation shall refer the matter to the Court Broker for eviction of tenant.</p>



(4) Without the prejudice to the provision of subsection (3) of this section, the Corporation may institute suit against a rent defaulted in a Court of competent jurisdiction.

Confidentiality.

35.-(1) Any person employed in the administration of the business of the Corporation shall regard and deal with all documents, information returns or forms relating to the activities of the Corporation as confidential.

(2) Any such person who, having possession of or control over any documents, information, returns or forms relating to any of the matters referred in subsection (1), communicates or attempts to communicate such information or anything contained in such documents returns or forms to any person, commits an offence and upon conviction shall be liable to a fine not less than three hundred thousand shillings and not more than five hundred thousand shillings or to imprisonment for not less than one month and not more than three months, or both fine and imprisonment.

(3) person shall not be considered to commit an offence under sub section (2) of this section if he is:-

- (a) authorized by the Corporation to communicate such documents; or
- (b) exercising the duties of the Corporation; or
- (c) acting under the order or directions of any court.

False Statements.

36. Any person who willfully fails to disclose any material information to the Corporation within his knowledge, or who willfully makes any statement which he knows to be false or does not believe to be true, shall be guilty of an offence and liable upon conviction by a court, to a fine of not less than five hundred thousand shillings or to imprisonment for a term not less three months or to both, fine and imprisonment.

Power of Entry and Inspection.

37.-(1) Any authorized employee, at any reasonable time, may enter upon any land or building connected to the functions of the Corporation, for the purposes of inspecting on the same or for the purposes of furthering the carrying out of any function of the Corporation under this Act.

(2) Any person who resists or obstructs any officer of the Corporation authorized by the Corporation in the exercise of his powers under this section, the Corporation may terminate any agreement or application entered or made with that person.



(3) Any person who injures or assault any member or officer of the Corporation authorized by the Corporation in the exercise of his powers under subsection (1) of this section, shall be guilty of an offence and liable on conviction by a court to a fine not less than five hundred thousand shillings or to imprisonment for a term not less than three months or to both that fine and imprisonment.

PART V FINANCIAL PROVISIONS

Funds and Resources of the Corporation.	<p>38. The funds and resources of the Corporation shall consist of:-</p> <ul style="list-style-type: none">(a) Funds received by the Corporation in the course of discharging its functions;(b) Funds borrowed by the Corporation; and(c) Subvention from the Government or from other sources such as grants, donation, or other contributions from development partners.
Power to raise and Guarantee the Loan.	<p>39.(1) Subject to any law of the country, the Corporation may obtain loans and other credit facilities from any person or institution upon such terms and conditions relating to the repayment of the principal and interest, subject to any directives by the Board.</p> <p>(2) The Government may guarantee the repayment of a loan and the payment of interest on a loan raised by the Corporation or any promissory notes or bond issued thereby.</p>
Account.	<p>40.(1) The Corporation shall establish and maintain its Accounts where funds of the Corporation shall be kept.</p> <p>(2) The Board shall give directives on the manner in which the reserve account to be operated.</p>
Funds for Investment.	<p>41.(1) The Corporation may, invest any part of the fund of the Corporation and which is not for the time being required for the purpose of the business of the Corporation and such investments shall comply with investment under relevant investment laws of Zanzibar.</p>



(2) The Corporation may, subscribe to any shares of any Company which involves in housing matters for the purpose of investing the funds of the Corporation.

Budget.

42.-(1) The Corporation shall, not later than three months before the end of each financial year, prepare and submit to the Board, estimates of its income and expenditure for the next financial year.

(2) Subject to the provision of the subsection (1), the Board shall submit to the Minister for approval, a copy of its Budget for the next Financial year.

(3) Where the Corporation deems necessary to make a supplementary budget, it shall submit it to the Minister through the Board for approval.

Accounts and Audit.

43.-(1) The Corporation shall keep accounts and records of all its transactions and shall ensure that all money received and paid by the Corporation is properly accounted for.

(2) The annual statement of accounts of the Corporation shall be audited by the Controller and Auditor General.

Annual Report.

44.-(1) The Board shall prepare or cause to be prepared and submit to the Minister within, or not later than three months after the close of the financial year, an annual report dealing generally with the activities and operations of the Corporation during that year and the report shall be accompanied by :-

- (a) a copy of the audited accounts of the Corporation, together with the auditors' reports if any, on the accounts;
- (b) report of the directives given to the Board by the Minister during that year;
- (c) report of the activities of the Corporation and the Board for that year; and
- (d) such other information as the Minister may direct.

(2) The Corporation shall also submit to the Minister such other reports on its financial affairs upon request on writing.



PART VI MISCELLANEOUS PROVISIONS

Protection of Members.	<p>45. Without prejudice to the provisions of other relevant laws of Zanzibar, no act or thing done or omitted to be done by any member or any employee of the Corporation shall, if done or omitted bona fide in the execution of his duties as a member of the Board or an employee of the Corporation, subject him to any action, liability or demand of any kind.</p>
Offences.	<p>46. Any person who commits any offence under this Act or under any subsidiary legislation made under it and in respect of which no specific penalty is provided, shall be liable on conviction to a fine of not less than one Million shillings or to imprisonment for a term not less than six months or to both, fine and imprisonment.</p>
Offence Committed by Body Corporate.	<p>47. Where any offence under this Act is committed by a body corporate, any person who, at the time of the commission of the offence was concerned as a director or officer, with the management of the affairs of the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.</p>
Liability of Employer or Principal.	<p>48. Where an offence under this Act is committed by a person as an agent or employee, the principle or employer shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he had no knowledge, and could not by the exercise of reasonable diligence have had knowledge, of commission of the offence.</p>
Notification of Orders and Direction.	<p>49.-(1) Where any order or directives made or given by the Minister, the Board or the Corporation under this Act is not necessary to be published in the Official Gazette, the order or directives shall be brought to the notice of persons concerned or likely to be concerned by it in any manner determined by the Minister, the Board or the Corporation, as the case may be.</p>
Exemption.	<p>50. If the Minister receives an exemption application and upon satisfaction, may recommend to the Board on writing an exemption of any person or category of persons from the application of all or any of the provisions of any regulation, order, directives or requirement made, given or issued under this Act.</p>



Regulation by the
the Minister. **52.** The Minister shall make Regulations for the better carrying out of the
purposes and provisions of this Act.

Saving **53.** All properties which were under supervision of Department shall vest and
owned by the Corporation.

**Passed by the House of Representatives of Zanzibar on 24th of October,
2014.**

**YAHYA KHAMIS HAMAD
CLERK,
HOUSE OF REPRESENTATIVES
ZANZIBAR.**