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SPECIAL BILL SUPPLEMENT

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THE NATIONAL HOUSING CORPORATION (AMENDMENT) ACT, 2025

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NOTICE

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This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dodoma,
20th January, 2025

MOSES M. KUSILUKA
Secretary to the Cabinet

A Bill
for

An Act to amend the National Housing Corporation Act with a view to make better provisions for its effective implementation.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title

Cap. 295

1. This Act may be cited as the National Housing Corporation (Amendment) Act, 2025, and shall be read as one with the National Housing Corporation Act, hereinafter referred to as the "principal Act".

PART II
AMENDMENT OF VARIOUS PROVISIONS

Amendment of section 5

2. The principal Act is amended in section 5-

(a) in subsection (1) by deleting the words "carry out of the functions and";

(b) by adding imediately after subsection (1) the following:

"(2) Without prejudice to the generality of subsection (1), the Board shall perform the following functions:

(a) approve housing projects and other investments of the Corporation;
(b) approve annual, revised and supplementary budget of the Corporation;
(c) ensure proper management and administration of assets and other properties of the Corporation;
(d) exercise disciplinary authority over employees of the Corporation;
(e) approve plans, policy and guidelines for the effective performance of the functions of the Corporation;
(f) approve transactions relating to acquistion and sale of landed property;
(g) approve borrowing by the Corporation; and
(h) perform such other functions as may be required under this Act.”; and

(c) renumbering subsections (2) and (3) as subsections (3) and (4) respectively.

Addition of section 5A

3. The principal Act is amended by adding immediately after section 5 the following:

“Committees of Board

5A. The Board may, for the purpose of facilitating performance of its functions, establish such number of committees from amongst its member as it may deem necessary.”.

Amendment of section 9

4. The principal Act is amended in section 9 by deleting subsection (2) and substituting for it the following:

"(2) Notwithstanding subsection (1)-

(a) tenancy agreements;

(b) local purchase orders and agreements not exceeding the value of fifty million shilings; or

(c) contracts of casual labourers,

between the Corporation and any person or body of persons may be executed in that behalf by any two senior officers of the Corporation appointed for that purpose by the Director General.".

Repeal and replacement of section 12

5. The principal Act is amended by repealing section 12 and replacing for it the following:

"Period of payment of rent

12. A tenant shall, as from the date of commencement of his tenancy, remit to the Corporation the rent payable in respect of the premises before the end of the month to which the rent relates.".

Repeal and replacement of section 13

6. The principal Act is amended by repealing section 13 and replacing for it the following:

"Interest on delayed rent

13. Where a tenant fails to remit to the Corporation the whole or part of the rent due from him within the time required, such tenant shall pay, in addition to the rent payable, a sum arrived at by applying the commercial bank interest rate on the unpaid amount of rent.".

Amendment of section 15

7. The principal Act is amended in section 15(2) by deleting the words "not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both" and substituting for them the words "of not less

than five hundred thousand shillings but not exceeding two million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both".

Repeal and replacement of section 16

8. The principal Act is amended by repealing section 16 and replacing for it the following:

"False statements

16. An applicant for a tenancy agreement, partnership or any other services who wilfully fails to disclose any material information within his knowledge, or who wilfully makes any statement which he knows to be false or does not believe to be true, commits an offence and on conviction shall-

(a) in the case of tenancy agreement or partnership between the Corporation and an individual, be liable to a fine of not less than five hundred thousand shillings but not exceeding two million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both; and

(b) in the case of tenancy

agreement or partnership between the Corporation and a company, be liable to a fine of not less than one million shillings but not exceeding ten million shillings.".

Amendment of section 17

9. The principal Act is amended in section 17 by deleting subsection (2) and substituting for it the following:

"(2) A person who resists or obstructs any member, officer of the Corporation, police officer or any other authorised person in the exercise of his power under this section, commits an offence, and on conviction shall be liable to a fine of not less than five hundred thousand shillings but not exceeding two million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both.".

Repeal and replacement of section 18

10. The principal Act is amended by repealing section 18 and replacing for it the following:

"Appointment of Director General

18.-(1) There shall be a Director General of the Corporation who shall be appointed by the President.

(2) The Director General shall be the chief executive officer and accounting officer of the Corporation.

(3) A person shall be eligible for appointment as Director General if such person

has knowledge and experience in housing and real estate matters, business administration and management, engineering, economics, law, finance or any other related field.

(4) The Director General shall hold office for a term of five years, and may, subject to satisfactory performance of his functions, be eligible for reappointment for one further term.".

Addition of section 18A

11. The principal Act is amended by adding immediately after section 18 the following:

"Employees and other staff of Corporation

18A.There shall be employed by the Board such number of employees and other staff of the Corporation in such categories and levels as may be necessary for the efficient discharge of the functions of the Corporation and upon such terms and conditions as may be determined by the Board.".

Repeal and replacement of section 20

12. The principal Act is amended by repealing section 20 and replacing for it the following:

"Remuneration of members

20. Members shall be entitled to such remuneration, fees or allowances as may be prescribed by the relevant authority.".

Repeal and replacement of

13. The principal Act is amended by repealing section 21 and replacing for it the following:

section 21

"Gratuity or other retirement benefits

21. The Board may, subject to the approval of relevant authority, grant gratuity or other retirement allowances or benefits to employees of the Corporation.".

Amendment of section 22

14. The principal Act is amended in section 22-

(a) by deleting subsection (1) and substituting for it the following:

"(1) Subject to subsection (4), the Board may, by instrument in writing under the seal of the Corporation, delegate to the Director General any of its functions or powers under this Act.".

(b) by deleting subsection (2); and

(c) in subsection (4) by deleting paragraph (b) and substituting for it the following:

"(b) powers to implement functions under section 5(2)(b), (d), (e), (f) and (g);".

(d) by renumbering subsections (3) and (4) as subsections (2) and (3) respectively.

Amendment of section 23

15. The principal Act is amended in section 23(1), by-

(a) adding immediately after paragraph (b) the following:

"(c) such grants as may be provided for the purpose of the Corporation; and"; and

(b) renaming paragraph (c) as paragraph (d).

Amendment of section 24

16. The principal Act is amended in section 24, by-

(a) deleting subsection (2) and substituting for it the following:

"(2) Subject to the provisions of the Government Loans, Guarantees and Grants Act, the Government may guarantee the repayment of the principal sum and interests

Cap. 134

on any loan, promissory note or bond issued to, or as the case may be, raised by the Corporation."; and

(b) deleting subsections (3), (4) and (5).

Repeal of sections 25 and 26

17. The principal Act is amended by repealing sections 25 and 26.

Amendment of section 27

18. The principal Act is amended in section 27 by deleting the words "with the prior approval of the Minister,".

Amendment of section 31

19. The principal Act is amended in section 31, by-

(a) deleting subsection (2); and

(b) designating the content of subsection (1) as section 31.

Addition of section 31A

20. The principal Act is amended by adding immediately after section 31 the following:

"Conflict of interest

31A.-(1) A member of the Board or an employee of the Corporation shall be considered to have a conflict of interest for the purpose of this Act, if the member or employee has or acquires any pecuniary or other interest that would conflict with the proper performance by that person of the functions or exercise of powers as a member of the Board or employee of the Corporation.

(2) Where at any time a member of the Board or employee of the Corporation has a conflict of interest in relation to any matter-

(a) before the

Corporation for consideration or determination;

(b) before any employee of the Corporation referred to or otherwise come to that officer for his advice, assistance or decision;

(c) that the Corporation would reasonably expect to be likely to come before it for consideration or determination,

that member or employee, as the case may be, shall immediately disclose the interest the person holds to other members of the Board or to the Director General in the case of an employee, and shall refrain from taking part in the consideration or determination of the matter.

(3) Where the Corporation becomes aware of the existence of a conflict of interest, it shall make a determination as to whether that conflict is likely to interfere with the proper and effective performance of the

functions of the Corporation, and the person against whom a conflict of interest is determined shall not take part on the matter for which the conflict of interest relates.

(4) A member of the Board or employee of the Corporation shall be presumed to have conflict of interest if that person fails without reasonable cause to declare his interests.".

Amendment of section 32

21. The principal Act is amended in section 32 by deleting the words "not exceeding five thousand shillings or to imprisonment for a term not exceeding two years or to both" and substituting for them the words "of not less than five hundred thousand shillings but not exceeding two million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both".

Amendment of Schedule

22. The principal Act is amended by deleting the Schedule and substituting for it the following:

"

SCHEDULE

(Made under section 5(3))

PROVISIONS RELATING TO PROCEEDINGS OF THE BOARD

Composition of Board

1.-(1) The Board shall consist of-

(a) a Chairman, who shall be appointed by the President; and

(b) not less than six nor more than eight other members who shall be appointed by the Minister.

(2) The Director General shall be the Secretary to the Board.

Qualification for

2. In appointing members of the

appointment of Board members

Board, regard shall be given to persons who-

(a) are graduate from a recognised institution; and

(b) have at least ten years experience in either housing and real estate field, land management, engineering, architecture, building, law, economics, finance, accountancy or business administration.

Vice-Chairman

3. Members of the Board shall elect from amongst themselves a Vice-Chairman of the Board.

Tenure of office

4.-(1) The Chairman and member of the Board shall be appointed for a term of three years and each be eligible for re-appointment for one further term.

(2) Notwithstanding subparagraph (1), a member may at any time resign from office by giving notice in writing addressed to the appointing authority, and from the date specified in the notice or, where no date is so specified, from the date of receipt of the notice by the appointing authority, he shall cease to be a member.

Co-option

5. The Board may co-opt any person who is not a member to participate in the deliberation of the Board and provide expertise as the Board may require, but such person shall not have right to vote.

Cessation of membership

6. A member of the Board may at any time cease to be a member on account of-

(a) inability to perform the functions of his office arising from infirmity of body or mind;

(b) misconduct that brings or is likely to bring the Board into disrepute;

(c) absenting himself from three consecutive meetings of the Board without reasonable excuse; or

(d) resignation.

Casual vacancies

7. Where a member ceases to be a member of the Board before the expiration of his term of office, the Minister may appoint another person in his place to hold office until the time when such first-named person's term of office would have expired had he not so ceased to be a member.

Meetings

8.-(1) The Board shall ordinarily meet quarterly at times and at places as it deems necessary for the transaction of its business as required under this Act.

(2)The Chairman, or in his absence the Vice-Chairman, or upon a written request by the majority of members in office may, at any time call for a special meeting of the Board.

(3) The Chairman, or in his absence the Vice-Chairman, shall preside at every meeting of the Board, and in the absence of both the Chairman and the Vice-Chairman the members present shall appoint a member amongst themselves to preside over the meeting.

Quorum

9. The quorum at any meeting of the Board shall be the majority of members present.

Decision of Board

10.-(1) Matters proposed at a meeting of the Board shall be decided by majority of the votes of members present and in the event of an equality of votes, the person presiding over shall have a casting vote in adddition to his deliberative vote.

(2) Notwithstanding subparagraph (1), a decision may be made by the Board without a meeting by circulation of relevant papers among the members, and the expression of the views of the majority of the members in writing, but any member shall be entitled to require that the decision be deferred and the subject matter be considered at the meeting of the Board.

Minutes

11.-(1) The Board shall cause to be recorded and kept minutes of all proceedings of its meetings, and the minutes of each

meeting shall be confirmed by the Board at the next meeting and signed by the Chairman of the meeting and the Secretary to the Board.

(2) When confirmed pursuant to subparagraph (1), the minutes shall be *prima facie* evidence that the proceedings as recorded in the minutes were the proceedings and decision of that meeting.

Board to regulate its own proceedings

12. Subject to the provisions of this Schedule, the Board may regulate its own proceedings.".

OBJECTS AND REASONS

This Bill intends to amend the National Housing Corporation Act, Cap. 295 in order to address challenges that have been encountered during its implementation. The Act was enacted in 1990 in order to dissolve the Registrar of Buildings, to reconstitute the National Housing Corporation and to provide for related or consequential matters. Since its enactment, the Act has been amended once with the view to make better provisions of the functions of the Corporation.

Section 5 is proposed to be amended to provide additional functions and improve existing functions of the Board which it has been performing but were not specified in the Act. The purpose of the amendment is to enhance efficiency of governance of the Corporation.

Section 5A is proposed to be added to empower the Board to establish various committees that will assist it in the execution of its functions. The purpose of the amendment is to improve performance of the function of the Board.

Section 9 is proposed to be amended to widen the scope of documents that a senior officer may be delegated to sign by the Director-General. Under the current procedure, the Director-General can only delegate the authority to sign lease agreements. The purpose of this amendment is to expedite timely execution of contracts so as to facilitate the timely implementation of functions of the Corporation.

Sections 12 and 13 are proposed to be amended with a view of removing the employer's obligation to deduct amounts as house rent and penalty for unpaid rent from employee's salary who is a tenant of the Corporation. According to the proposed procedure, employees will pay rent in the same manner as other private tenants. The purpose of the amendment is to enhance the direct accountability of the tenant to pay with a view to easen the Cooperation's rent collection.

Sections 15, 16 and 17 are proposed to be amended in order to enhance penalties which have become outdated. The purpose of the amendment is to ensure that the respective penalties are imposed in accordance with the prevailing pecuniary value and the gravity of the offence. Additionally, the amendments seek to empower the justice delivery organs to impose penalties for an offence committed by an individual or a company.

Section 18 is proposed to be amended to vest powers of appointment of the Director General to the President instead of the Minister, as well as to provide the requirements for the appointment of the Director General of the Corporation. The purpose of the amendment is to strengthen good governance and accountability in the management of the Corporation.

Section 18A is proposed to be added to separate the provisions regarding the appointment of the Director-General of the Corporation and the employment of other officers and staff of the Corporation. The purpose of the amendment is to provide proper arrangement of the provisions of the Act in line with legislative drafting principles.

Section 20 is proposed to be amended to enable allowances and other payments of the Board to be made in accordance with the guidelines provided by a relevant authority. The purpose of the amendment is to align those provisions with the procedures and guidelines related to the allowances and payments of the Board.

Section 21 is proposed to be amended by removing procedures concerning contributions to social security fund and medical schemes, since such procedures have already been provided for in the laws related to social security and health insurance.

Section 22 is proposed to be amended to remove the authority of the Board to delegate any responsibilities to an employee of the Corporation instead,

the Board shall delegate its authority to the Director General of the Corporation. The purpose of the amendment is to control powers of delegation and to enhance efficiency of the Corporation.

Section 23 is proposed to be amended by adding grants as a source of revenue of the Corporation. The purpose of the amendment is to improve financial stability of the Corporation foe effective implementation of its functions in order to improve the implementation of its responsibilities.

Section 24 is proposed to be amended by removing the authority of the Board to guarantee loans of the Corporation. The purpose of the amendment is to align the provisions of that section with the Government Loans, Guarantees and Grants Act, Cap. 134, which outlines the procedures for obtaining loans and government guarantees.

Sections 25 and 26 are proposed to be repealed in order to remove provisions related to the Guarantee Fund and the Central Savings Fund established under this Act. The purpose of the amendment is to allow funds of the corporation to be deposited into the Consolidated Fund in accordance with the Public Finance Act, Cap. 348.

Section 27 is proposed to be amended to enable the Board to invest without prior approval of the Minister. The purpose of the amendment is to enable the corporation to undertake investment in accordance with the provisions of the Treasury Registrar (Powers and Functions) Act, Cap. 370, regarding investments by public corporations.

Section 31 is proposed to be amended, and a new section 31A is proposed to be added with the aim of removing references to the provisions regarding conflicts of interest under the Land Act, Cap. 113. The purpose of the amendment is to make better provision on procedures for control of conflicts of interest, in order to enable the corporation to perform its duties diligently.

Section 32 is proposed to be amended to enhance the general penalty. The purpose of the amendment is to ensure that penalties are imposed in accordance with the prevailing pecuniary value and gravity of the offence.

The Schedule is proposed to be amended to align the provisions related to the proceedings of the Board with the existing procedures governing management of public corporations. The purpose of the amendments is to

improve the governance system of the Board and enhance its efficiency and accountability.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho ya Sheria ya Shirika la Nyumba la Taifa, Sura ya 295 ili kutatua changamoto zilizojitokeza wakati wa utekelezaji wake. Sheria hii ilitungwa mwaka 1990 kwa madhumuni ya kuvunja Ofisi ya Msajili wa Majumba, kuunda upya Shirika la Nyumba la Taifa na kuweka masharti yatokanayo na yanayohusiana na hayo. Tangu kutungwa kwake, Sheria hii imefanyiwa marekebisho mara moja kwa lengo la kuboresha majukumu ya Shirika.

Kifungu cha 5 kinapendekezwa kurekebishwa kwa kuongeza majukumu na kuboresha majukumu yaliyopo ya Bodi ambayo imekuwa ikiyatekeleza lakini yalikuwa hayajabainishwa katika Sheria. Lengo la marekebisho haya ni kuongeza ufanisi wa usimamizi wa Shirika.

Kifungu cha 5A kinapendekezwa kuongezwa ili kuiwezesha Bodi kuunda kamati mbalimbali zitakazosaidia katika utekelezaji wa majukumu yake. Lengo la marekebisho haya ni kuboresha utendaji wa Bodi.

Kifungu cha 9 kinapendekezwa kurekebishwa ili kupanua wigo wa nyaraka ambazo Mkurugenzi Mkuu anaweza kukasimisha mamlaka ya kuzisaini kwa maafisa waandamizi wa Shirika. Kwa utaratibu wa sasa Mkurugenzi Mkuu anaweza kukasimisha mamlaka ya kusaini mikataba ya upangaji pekee. Lengo la marekebisho haya ni kuharakisha ukamilishaji wa mikataba ili kuwezesha utekelezaji wa majukumu ya Shirika kwa wakati.

Vifungu vya 12 na 13 vinapendekezwa kurekebishwa kwa lengo la kuondoa wajibu wa mwajiri kukata kiasi cha pesa kama kodi ya nyumba pamoja na faini ya kutolipa kodi kutoka kwenye mshahara wa mfanyakazi ambaye ni mpangaji wa Shirika. Kwa mujibu wa utaratibu unaopendekezwa waajiriwa watalipa kodi ya pango kama ambavyo wapangaji binafsi wanalipa. Lengo la marekebisho haya ni kuongeza uwajibikaji wa moja kwa moja kwa mpangaji katika kulipa kodi ili kurahisisha ukusanyaji wa kodi za Shirika.

Vifungu vya 15, 16 na 17 vinapendekezwa kurekebishwa ili kuongeza viwango vya adhabu ambazo zimepitwa na wakati. Lengo la marekebisho haya ni kuwezesha adhabu kutolewa kulingana na hali halisi ya thamani ya fedha na uzito wa kosa. Aidha, marekebisho haya yanalenga kuviwezesha vyombo vya utoaji haki kutoa adhabu kulingana na kosa lililotendwa na mtu binafsi au kampuni.

Kifungu cha 18 kinapendekezwa kurekebishwa kwa kuweka mamlaka ya uteuzi wa Mkurugenzi Mkuu kuwa ni Rais badala ya Waziri pamoja na kuboresha masharti ya uteuzi wa Mkurugenzi Mkuu wa Shirika. Lengo la marekebisho haya ni kuimarisha utawala bora na uwajibikaji katika usimamizi wa Shirika.

Kifungu kipya cha 18A kinapendekezwa kuongezwa ili kutenganisha masharti yanayohusu uteuzi wa Mkurugenzi Mkuu wa Shirika na ajira za maafisa na wafanyakazi wengine wa Shirika. Lengo la marekebisho haya ni kuweka mpangilio bora wa masharti ya Sheria kwa kuzingatia misingi ya uandishi wa sheria.

Kifungu cha 20 kinapendekezwa kurekebishwa ili kuwezesha posho na malipo mengine ya Bodi kufanyika kwa mujibu wa miongozo inayotolewa na mamlaka husika. Lengo la marekebisho haya ni kuwianisha masharti hayo na taratibu na miongozo inayohusiana na posho na malipo ya Bodi.

Kifungu cha 21 kinapendekezwa kurekebishwa ili kuondoa masharti kuhusu uchangiaji katika mifuko ya hifadhi ya jamii na skimu za matibabu kwa kuwa taratibu hizo zimeainishwa katika sheria zinazohusu hifadhi ya jamii na bima ya afya.

Kifungu cha 22 kinapendekezwa kurekebishwa ili kuondoa mamlaka ya Bodi kukasimisha majukumu yoyote kwa mfanyakazi wa Shirika na badala yake Bodi iweze kukasimisha mamlaka yake kwa Mkurugenzi Mkuu wa Shirika pekee. Lengo la marekebisho haya ni kudhibiti mamlaka ya ukasimishaji ya Bora pamoja na kuongeza ufanisi wa Shirika.

Kifungu cha 23 kinapendekezwa kurekebishwa ili kuongeza ruzuku kama chanzo cha mapato ya Shirika. Lengo la marekebisho haya ni kuboresha uwezo wa kifedha wa Shirika kwa lengo la utekelezaji bora wa majukumu yake.

Kifungu cha 24 kinapendekezwa kurekebishwa kwa kuondoa mamlaka ya Bodi ya kudhamini mikopo ya Shirika. Lengo la marekebisho haya ni kuwianisha masharti ya kifungu hicho na Sheria ya Mikopo, Dhamana na Misaada ya Serikali, Sura ya 134, ambayo inabainisha taratibu za upatikanaji wa mikopo na dhamana ya Serikali.

Vifungu vya 25 na 26 vinapendekezwa kufutwa ili kuondoa masharti yanayohusu Mfuko wa Dhamana na Mfuko Mkuu wa Akiba ulioundwa chini ya Sheria hii. Lengo la marekebisho haya ni kuruhusu fedha za Shirika kuingizwa katika Mfuko Mkuu wa Hazina ya Serikali kwa mujibu wa Sheria ya Fedha za Umma, Sura ya 348.

Kifungu cha 27 kinapendekezwa kurekebishwa ili kuiwezesha Bodi kuwekeza bila kuhitaji kupata idhini ya Waziri. Lengo la marekebisho haya ni kuliwezesha Shirika kuwekeza kwa mujibu wa masharti ya Sheria ya Mamlaka na Majukumu ya Msajili wa Hazina, Sura ya 370 kuhusu uwekezaji wa mashirika ya umma.

Kifungu cha 31 kinapendekezwa kurekebishwa na kifungu cha 31A kinapendekezwa kuongezwa kwa lengo la kuondoa rejea ya masharti yanayohusu mgongano wa maslahi yaliyo katika Sheria ya Ardhi, Sura ya 113. Lengo la marekebisho haya ni kuweka masharti bora ya utaratibu wa udhibiti wa masuala yanayohusiana na mgongano wa maslahi ili kuliwezesha Shirika kutekeleza majukumu yake kwa uadilifu.

Kifungu cha 32 kinapendekezwa kurekebishwa ili kuongeza adhabu ya jumla. Lengo la marekebisho haya ni kuwezesha adhabu kutolewa kulingana na hali halisi ya thamani ya fedha na uzito wa kosa.

Jedwali la Sheria linapendekezwa kurekebishwa ili kuwianisha masharti yanayohusu Bodi na taratibu zilizopo za usimamizi wa mashirika ya umma. Lengo la marekebisho haya ni kuboresha mfumo wa utawala wa Bodi ili kuongeza ufanisi na uwajibikaji wake.

Dodoma,
21st January, 2025

DEOGRATIUS J. NDEJEMBI
Minister of Lands, Housing and Human Settlements Development