



EXTRAORDINARY

OFFICIAL GAZETTE

THE BAHAMAS

PUBLISHED BY AUTHORITY

NASSAU

2nd July, 2018

ACCESS TO AFFORDABLE HOMES ACT, 2018

Arrangement of Sections

Section

1.	Short title.....	2
2.	Interpretation.	2
3.	Objectives of Act.....	2
4.	Designation of subdivision for purpose of Act.....	3
5.	Application for exemptions.....	3
6.	Consideration and approval of application.....	3
7.	Exemptions for lot owners.....	3
8.	Restriction on disposition of materials imported duty free.	4
9.	Offences.....	4
10.	Penalty.....	4
11.	Regulations.....	4
SCHEDULE		5



No. 24 of 2018

ACCESS TO AFFORDABLE HOMES ACT, 2018

AN ACT TO PROMOTE GREATER ACCESS TO AFFORDABLE HOMES THROUGH THE GRANT OF CERTAIN EXEMPTIONS FOR THE BUILDING OF DWELLING HOMES ON SERVICED LOTS WITHIN A GOVERNMENT OWNED SUBDIVISION

[Date of Assent - 2nd July, 2018]

Enacted by the Parliament of The Bahamas

1. Short title.

This Act may be cited as the Access to Affordable Homes Act, 2018.

2. Interpretation.

In this Act—

“**Act**” means the Access to Affordable Homes Act, 2018;

“**dwelling home**” means a building to be primarily used for residential purposes by a single family and does not include a multi-family structure;

“**exemption**” means full exemption from custom duties and excise taxes;

“**Minister**” means the Minister of Finance;

“**serviced lot**” means vacant land situated in a subdivision owned by Government that has been provided with the necessary infrastructure for essential services;

“**subdivision**” means an approved subdivision consisting of serviced lots.

3. Objectives of Act.

The objectives of this Act are —

- (a) to make affordable homes more accessible by exemptions on building materials for the building of dwelling homes;

- (b) to designate serviced lots owned by Government for exemptions on building materials to be used for a single family dwelling home;
- (c) to provide for the granting of certain exemptions to owners of designated serviced lots.

4. Designation of subdivision for purpose of Act.

For the purposes of this Act, the Minister may by order published in the Gazette designate a subdivision for the purposes of exemptions under this Act.

5. Application for exemptions.

Notwithstanding anything to the contrary in any other law, any beneficial owner of a serviced lot, who is desirous of constructing a single family dwelling home on that lot, may make application to the Minister in the Form set out in the *Schedule*.

6. Consideration and approval of application.

- (1) Where the Minister is satisfied that an application relates to a designated subdivision, the Minister shall grant the approval of the application subject to the provisions of this Act.
- (2) An approval of an application under this section shall entitle an applicant to the grant of concessions referred to under section 7(1).
- (3) Where the Minister refuses an application made under this Act, the applicant shall be notified of the reasons thereof in writing.

7. Exemptions for lot owners.

- (1) Notwithstanding anything to the contrary in any other law and subject to the other provisions of this Act and to any terms and conditions under which an approval was granted, an approved applicant shall in respect of a serviced lot be entitled to enjoy exemption from customs duties and excise tax in respect of the import or domestic purchase of any and all materials necessary for the construction of a dwelling home which shall be completed within a period of two years from the date of the approval by the Minister.
 - (b) has been issued an occupancy certificate in respect thereof.
- (2) Prior to or upon the expiration of the time specified in subsection (1), the owner may apply in writing to the Minister for an extension of the time referred to in subsection (1).
- (3) The Minister may upon an application made pursuant to subsection (2), and on being satisfied that extraordinary circumstances exist, extend the period for exemption for a further period not exceeding one year.

8. Restriction on disposition of materials imported duty free.

No materials imported into The Bahamas or purchased domestically with the benefit of any exemption from customs duty under section 7 shall —

- (a) be used for purposes other than the constructing a dwelling home on the serviced lot; or
- (b) be sold, given away or otherwise disposed of,

unless with the express approval of the Minister in writing.

9. Offences.

- (1) Any person who contravenes any provision of this Act or any regulations made thereunder, commits an offence, and, in the case of a default in complying with any such provision, the offence shall be deemed to be continued so long as the default continues.
- (2) Where any document required by or under this Act to be signed by any person is false in any particular to the knowledge of the person who signs it, or where a person or entity makes a false statement or representation, that person commits an offence.

10. Penalty.

- (1) An offence against this Act shall be punishable on conviction thereof to a fine not exceeding twice the value of the concessions provided under this Act or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.
- (2) The imposition of any one or more of the penalties specified in subsection (1) shall not limit the power of the Minister to rescind the approval for exemption of customs duties and excise taxes.
- (3) In addition to the penalties under this section the Court may make —
 - (a) a confiscation order;
 - (b) an order directing payment to a public body of the value of any property obtained contrary to the provisions of this Act.

11. Regulations.

The Minister, for the purposes of giving effect to the provisions of this Act, may make such regulations as the Minister deems necessary for carrying out the provisions of this Act.

SCHEDULE

(section 5)

APPLICATION FOR EXEMPTION

Name of Applicant(s):	
Nationality:	
Bahamian Passport or Government Issued ID No.:	
Date of Birth: (dd/mm/year)	
P. O. Box:	
Telephone:	(w) (h) (c)
Facsimile:	
E-mail:	
House No. and street address:	
Description of designated lot:	
Description of the construction:	
Estimated cost of construction:	
Start date for construction:	
Expected length of time to complete construction:	

I (We), _____ declare that the contents herein are true and correct to the best of my knowledge, information and belief.

Applicant(s) Signature

Date

Please submit copies of the following documents with this application:

- (a) Bahamian Passport or other Government Identification No.; and
- (b) Proof of ownership of lot.
- (c) With respect of the description of the construction, any supporting invoice or quotation.