

# A BILL

## FOR

AN ACT TO ESTABLISH NATIONAL ESTATE HOUSING MANAGEMENT COMMISSION TO BE SADDLED WITH A RESPONSIBILITY AS AN INDEPENDENT REGULATOR OF ALL ESTATE HOUSING MANAGEMENT SERVICES, ESTATE PRIVATE/PUBLIC DEVELOPERS, HOUSE AGENTS AND ITS OPERATIONAL ACTIVITIES IN NIGERIA AND FOR RELATED MATTERS

*Sponsored by Hon. Mallam Bukar Gana*

[ ] Commencement

ENACTED by the National Assembly of the, Federal Republic of Nigeria-

1 PART I - ESTABLISHMENT OF THE NATIONAL ESTATE HOUSING  
2 MANAGEMENT COMMISSION AND THE GOVERNING BOARD

3 1.-(1) There is established a commission to be known as the  
4 National Estate Housing Management commission (in this Bill referred to  
5 as "the commission").

Establishment of  
National Estate  
Housing  
Management  
Commission

6 (2) the Commission-

7 (a) shall be a body corporate with partial succession and a common  
8 seal and may sue and be sued in its corporate; and

9 (b) may acquired, hold, mortgage, purchase and deal with property,  
10 whether moveable or immoveable.

11 2. The Commission shall-

Objectives of the  
Commission

12 (a) saddled with the responsibility as an independent Regulator for  
13 Estate Housing Management services; Protect and ensure stability of Estate  
14 development and its operational activities.

15 (b) ensure high standard of certain level of protection of property  
16 buyers;

17 (c) provide transparency in property transaction process in  
18 Nigeria;

1 (d) strongly eradicate quackery in the real Agents, Estate Housing  
2 industry in compliance to eliminate any forms of property frauds;

3 (e) ensure a mechanism for monitoring and providing advice to the  
4 Federal Government on the matters relating to the Estate developers and its  
5 Agents operations, in the Housing development industry; and

6 (f) make efficient provision and regulation of the estate Housing  
7 Management services of the industry.

Functions of the  
Commission

8 **3. Commission shall-**

9 (a) Provide policies and guidelines for the Estate  
10 Housing/developers, Agents operational activities to National priorities  
11 developmental strategy in the industry;

12 (b) Ensure identification of Eligible person(s) to be licensed as Estate  
13 Practitioner, Agents and developers;

14 (c) Annually issue and renew licenses to estate operators in the Estate  
15 Housing Industry;

16 (d) Properly maintain a register of licenced Estate practitioner,  
17 developers and Agents;

18 (e) Make investigation, on compliants and petitions against licensed  
19 Estate Managers, Agents and developers practicing in the Estate industry;

20 (f) Commence sanction to unlicensed Estate Managers, Agents and  
21 Developers found to be practicing in the industry;

22 (g) Ensure monitoring teams and inspections conduct in order to  
23 enforce compliance with the laws;

24 (h) Ensure collection of data on property transactions;

25 (i) Strongly ensure confirmation of property payment of taxes, fees,  
26 or charges on transactions, i.e. With-holding Tax, Value Added Tax, Estate  
27 duty, Tenament rate, and outgoing as shall be imposed or charged by the  
28 commission or any other Government Agency;

29 (j) Organise seminars, symposium/workshops or other training to  
30 estate practitioners, licensed property developers and other stakeholders. (k)

1 Provide platform as the mediator between the Estate, developers, Agents,  
 2 Estate buyers and sellers, including land sellers, buyers and rent between  
 3 Landlord and tenants in the Estate Housing procurement development in  
 4 Nigeria;

5 (l) Ensure consultancy services on housing data and connected  
 6 matters to stakeholders, e.g students Engineers, property Developers, Estate  
 7 surveyors Estate Agents/Practitioners, Builders etc.

8 (m) Ensure regulations as may be necessary under this Bill to give  
 9 effective provisions of the Bill and enforcement of such regulations and the  
 10 provision of this Bill generally;

11 (n) Perform such other functions as may be conferred on the  
 12 commission by the President FRN.

13 PART II - ESTABLISHMENT OF THE GOVERNING BOARD

14 4.-(1) There is established for the management of the affairs of the  
 15 commission a Governing Board ("in this Bill referred to as the Board").

Establishment  
 and Constitution  
 of Governing  
 Board of the  
 Commission

16 (2) The Board shall consists of-

17 (a) a Chairman, who shall-

18 (i) have require qualifications and experience required to perform  
 19 the functions of the office;

20 (ii) 2 representatives not below the rank of a Director of the  
 21 ministers in charge of-

22 (a) Works and Housing;

23 (b) Budget and National planning,

24 (c) Justice.

25 (iii) a registered Architect;

26 (iv) a registered Engineer;

27 (v) a registered Town planners;

28 (vi) a registered Quantity Surveyor;

29 (vii) a professional Accountant I Economist; and

1 (viii) 2 representatives of the Association of Estate Agents in Nigeria.

2 (3) The members of the Board shall-

3 (a) be person(s) of recognized expert knowledge, qualification and  
4 experience in the Estate Housing development Management Services in the  
5 sector;

6 (b) be appointed by the President on recommendation of the minister  
7 and subject to confirmation by the Senate;

8 (c) each member of the Board shall hold office for a term of four "4"  
9 years in the first tenure and may be eligible for the appointment for a further  
10 term of four "4" years and no more; and

11 (d) be paid such remuneration and allowances as the revenue  
12 mobilization and fiscal allocation commission, may from time to time  
13 determine.

14 (4) The Board shall from quarterly basis hold meeting which should  
15 be headed or presides over by the chairman of the commission. While in  
16 absence of the chairman, the secretary to the commission will presides over the  
17 meetings, as the administration officer of the commission.

18 (5) The Board shall meet for the conduct of its ordinary meetings at  
19 least 4 times annually.

20 (6) Notwithstanding the provision of sub-clause(s) of this clause, the  
21 Board may meet to conduct other business as exigency demands;

Schedule

22 (7) The supplementary provisions set out in the schedule to this Bill  
23 shall have effect with regards to the processing's of the Board and other related  
24 matters;

Resignation,  
Cessation or  
removal from  
membership of  
the Board

25 **5.-(1)** The members of the board may be appointed by the president of  
26 the "FRN" and may resigned his/her appointment by notice in writing address,  
27 to the chairman while chairman address his/her resignation to the President of  
28 "FRN".

29 (2) A member of the Board shall cease membership if the member-

30 (a) lacks physical or mental capacity to perform his/her functions;

1 (b) becomes of unsound mind;  
2 (c) becomes bankrupt, and  
3 (d) convicted of a felony, misconduct, or of any offences involving  
4 dishonesty.

5 (3) A member of the Board may be removed from office by the  
6 president if he is satisfied that it is not in the interest of the commission or  
7 public that the member should continue in that office.

8 (4) Where a vacancy occurs in the membership of the Board, it  
9 shall be filled by the presidential powers of appointment of a successor to  
10 hold office for the remainder of the term of the office of the Predecessor.

11 **6.** The Board shall have powers to-

Powers of the  
Board

12 (a) Manage and superintend the affairs of the commission;

13 (b) Formulate policies for the regulation and development of the  
14 commission;

15 (c) Formulation and Coordination of the rules and regulations of  
16 the Estate Housing Management Services, Agent practitioners, developers  
17 practice in the Housing sector;

18 (d) Provide best social protection standards for the management  
19 and coordination of activities of the commission as relates to citizens.

20 (e) Commence overall monitoring, evaluation and review the  
21 Estate Housing management Services in the industry;

22 (f) Engage either indirectly or directly on transfer from the private  
23 or public service of the federation, advisors, experts, consultants, and  
24 employees as required by the Board, to assist the Board discharge its  
25 functions efficiently and effectively;

26 (g) Make payment to employees such remuneration including  
27 allowances as the Board may determine from time to time, with the approval  
28 of the National Salaries, income and wages commission;

29 (h) Subject to the provision of this Bill, by general special order in  
30 writing, delegate to any member or secretary to the commission to perform

1 specific functions, under this bill, as it may deem necessary for the effective  
2 running of the commission.

3 PART III - STAFF OF THE COMMISSION

Appointment  
of the Chairman  
and Secretary of  
the Commission

4 7.-(1) There shall be appointed for the commission, chairman by the  
5 president of the FRN, who shall possess cognate experience and qualification as  
6 Estate Value Management Services and Estate developers expert and  
7 administration for a period of not less than 8 years.

8 (2) The chairman shall-

9 (a) be the Chief-Executive and Accounting officer of the commission  
10 and shall be charged with-

11 (i) matters relating to day-to-day management and operations of the  
12 commission; and

13 (ii) determining the ranks of staff of the commission;

14 (b) hold office for a tenure of four "4" years and newable subject to  
15 satisfactory performances for further tenure of four "4" years, and no more; and

16 (c) be answerable to Board.

17 (3) There shall be appointed for the commission, by the Board on the  
18 recommendation of the chairman, a secretary to the commission, who shall  
19 qualify as legal practitioner and was so qualified for a period of not less than 8  
20 years.

21 (4) The Secretary shall be-

22 (a) a legal adviser of the commission;

23 (b) the secretary of all the committees to be established by the  
24 management;

25 (c) answerable to the chairman of the commission

26 (d) recommend the training of staff to the chairman for approval;

27 (e) coordinate and evaluates staff performances and report to the  
28 chairman for promotion approval;

29 (f) handles Junior staff welfare approval and recommend senior staff  
30 welfare for chairman's approval; and

1 (g) handles Junior staff recruitment with the approval of chairman.

2 **8.** The chairman shall cease to hold office if he/her-

Cessation, removal,  
resignation of the  
Chairman

3 (a) lacks physical or mental capacity to perform his/her functions;

4 (b) becomes on un sound mind;

5 (c) becomes bankrupt; and

6 (d) convicted of a felony, misconduct or of any offence involving  
7 dishonesty.

8 (2) The chairman may be removed from the office by the president,  
9 if satisfied that he is not in the interest of the commission or public that the  
10 person should continue in the office.

11 (3) The Chairman shall be appointed by the president and may  
12 resign his appointment by notice in writing address to the president.

13 **9.** The Chairman shall subject to the general direction of the  
14 Board, and be responsible for-

Functions of the  
Chairman

15 (a) the execution of the policies and decisions of the Board;

16 (b) implementation of the commission's regulations and control  
17 functions;

18 (c) administer daily administration of the commission;

19 (d) keeping the records and financial books of the Board including  
20 its proceedings for proper accountability;

21 (e) keeping the administration of the secretariat of the Board; and

22 (f) ensure general direction and control of all other employees of  
23 the commission;

24 (2) The chairman, may delegate the powers and the functions to the  
25 secretary to the commission in his absence to act or perform his legitimate  
26 functions, where necessary, as may determined by the Board.

27 **10.-(1)** The Board shall appoint for the commission such number  
28 of employees as may in the opinion of the Board be expedient and necessary  
29 for the proper and efficient performances of the function of the commission;

Other Staff of  
the Commission

30 (2) Nothing in this Bill shall preclude the Board from appointing

1 person(s) outside the public service of the federation or of the state where  
2 necessary to do so;

3 (3) Ensure terms and conditions of services with remuneration,  
4 entitlements, allowances, benefits and pensions of the employees are paid as at  
5 when due, as may be determined by the Board;

Pension

6 **11.**-(1) Service in the commission shall be approved, service for the  
7 purposes of pension:

8 (2) Employees of the Commission shall be entitled to pension, gratuity  
9 and other retirement benefits as enjoyed by the employees holding grade levels  
10 in the civil service of the federation;

11 (3) Notwithstanding the provisions of sub-clause (1) and (2) of this  
12 Bill, nothing shall prevent the appointment of person(s) to any office on terms  
13 which preclude the grant of pension and gratuity in regards to the office; and

Act No. 4, 2014

14 (4) for the purposes of the application of the provisions of the pension  
15 Reform Act , any power exercisable by the Minister of Works and Housing or  
16 other authority of the Government of the federation, other than the powers to  
17 make regulations under section (23) thereof is vested in and shall be  
18 exercisable by the Board.

19 PART IV - STRUCTURE OF THE COMMISSION

Structure of the  
Commission

20 **12.**-(1) For the purpose of effective administration, the commission,  
21 shall be structured into five operational departments, excluding the offices of  
22 the chairman and the secretary to the commission as follows;

23 (i) the office of the chairman of the commission;

24 (ii) the office of the Secretary to the Commission;

25 (a) investigation, Monitoring and Enforcement;

26 (b) licensing;

27 (c) control and evaluation;

28 (d) research and Training; and

29 (e) finance, audit and administration.

30 (2) The Board may create additional Department and committees

1 based on management recommendation and prevailing circumstances;

2 (3) Each Department shall be managed by a Director who is  
3 charged with the responsibility of coordinating the functions of such  
4 department as spelt in the administrative manual of the commission.

5 13.-(1) There shall be established for the commission, such  
6 number of departments, divisions and units as the commission, may with the  
7 approval of the Board deem necessary. Department of  
the Commission

8 (2) Each department shall be headed by the Director who shall be  
9 professionally qualified to hold the office appointed through competitive  
10 process.

11 (3) Subject to the approval of the Board, the commission may  
12 create additional departments, divisions and units as it may deem necessary  
13 to achieve the objectives of the commission.

14 14. The commission shall-

15 (a) divide the federation to such number of zone as it may, from  
16 time to time, determine for effective organization of the commission; and

17 (b) establish, in each zone, a zonal office. Zonal office of  
Commission

18 15. There is established for the commission, a management  
19 committees comprising of all the Directors and the chairman of the  
20 commission, who shall be the chairperson of the committee. Establishment  
of management  
and other committees  
for the Commission

21 (2) The committee may create additional standing or Ad-hoc  
22 committees and give them specific function. Part V- Financial Provisions

23 16.-(1) There shall be established and maintain, by the  
24 Commission, a fund into Which shall be paid or credited- Fund of the  
Commission

25 (a) allocations from the federal Government;

26 (b) such monies as may, from time to time, be lent deposited or  
27 granted to the commission by the Government of the Federation or states;

28 (c) all donations and grants received from both local and  
29 international organizations;

30 (d) fees, Penalties, Charges, administrative costs of Proceedings,

1 and other monies payable to the commission in pursuance of this Bill;

2 (e) all Monies received by the commission as gifts endowments,  
3 loans, contributions, deposition or donations; and

4 (f) all other monies and assets which may accrue to the fund from time  
5 to time.

6 (2) The fund shall be managed in accordance with the rules and  
7 regulations made by the Board and without prejudice to the generality of the  
8 power to make rules under this sub-clause, the rules shall in particular contain  
9 provisions-

10 (a) specifying the manner in which the assets of the fund are to be held  
11 and regulating the making payments into and out of the fund; and

12 (b) requiring the keeping of proper accounts and records for the  
13 purposes of the fund in such form as may be specified in the rules.

Expenditure of  
the Commission

14 **17.** The Commission shall apply the proceeds of the fund established  
15 pursuant to clauses 12 of this Bill to-

16 (a) cost of administration of the Commission;

17 (b) promoting and publicizing the activities of the Commission;

18 (c) payment of official expenses of the members of the Board and  
19 committees of the Board;

20 (e) cost of Maintenance of any property required or vested in the  
21 commission;

22 (f) capital expenditure approved by the commission;

23 (g) the payment for all contracts, including mobilization,  
24 fluctuations, Variations legal fees and cost on contract administration; and

25 (h) to undertaking such other expenses and activities as connected  
26 with all or any of the functions of the commission under this Bill.

Powers to accept  
gifts

27 **18.**-(1) The commission may accept gifts of land, money or other  
28 property on such terms and conditions considered Lawful.

29 (2) The commission shall not accept any gift if the conditions attached  
30 by the person or organization making the gifts are inconsistent with the



1 developers, Agents subject to such condition as may be imposed.

2 (4) Any person(s) who acts in breach of sub-clause(1) shall be on  
3 conviction liable to-

4 (a) imprisonment for a term of two years or a fine not exceeding Eight  
5 times the initial fee for the relevant license or both fine and imprisonment; and

6 (b) forfeiture to the commission of the, property facilities,  
7 installations and equipments used by the such person(s) for the Unlicensed  
8 service.

9 (5) The commission shall from time to time publish to the general  
10 public the licensed Estate Housing Operators, Operating in Nigeria.

11 (6) Notwithstanding the provisions of any other law the provisions of  
12 this part of this Bill shall apply to existing Estate Developers, Estate Agents,  
13 Estate Builders, Estate Operators, generally.

Application  
for License

14 **23.**-(1) Any person(s) who needs to practice Estate Housing Services  
15 of this Bill, apply to the Commission for a license.

16 (2) Any application for registration must be lodged in the prescribed  
17 manner and in accordance with the guidelines published by the Commission.

18 (3) The commission shall in the guidelines, specifies the-

19 (a) manner of service in respect of which applications are invited;

20 (b) form in which applications may be submitted including any fee  
21 payable on submission of an application;

22 (c) kind in which the service must be provided;

23 (d) Department where and times when any application form or  
24 relevant document may be obtained from the commission; and

25 (e) Time frame to submit such applications to the commission.

26 (4) The commission may require an applicant for License to submit to  
27 the Commission within the period Specified by it and at the applicants  
28 expenses, such information as may be necessary to consider the application.

29 (5) The commission shall within a period of five US" weeks after  
30 receiving an application in accordance with sub-clause (1) of this clause-

1 (a) issue a license subject to specified terms and conditions; or  
2 (b) refuse to issue a license and give reasons in writing for such  
3 refusal.

4 (6) The Commission shall from time to time issues guidelines and  
5 regulations for granting of licenses.

6 (7) The commission shall in granting licenses, be guided by the  
7 principles and consideration for;

8 (a) fairness and non-discrimination for transparency;

9 (b) the need to promote fair competition and investment in the  
10 Estate Housing Industry;

11 (c) provision of modern competition and qualitative services in the  
12 industry in Nigeria; and

13 (d) other principle and consideration that the commission may  
14 from time to time consider necessary for the national interest.

15 PART VII - MISCELLANEOUS PROVISIONS

16 24.-(1) A person(s) aggrieved by the actions and decisions of the  
17 commission under this Bill, including such .action or decision taken on the  
18 basis of the commission's power under this Bill, may bring an action in the  
19 Federal High court provided that the aggrieved person(s) shall communicate  
20 to the commission his intention(s) in writing within 21 days, bring an action  
21 against such action or decision.

Pre-action  
Notice

22 (2) The intending (aggrieved) person(s) shall serve on the  
23 commission a formal written notice which shall clearly and explicitly state;

24 (a) the cause of action;

25 (b) the particulars of the claims;

26 (c) the name and place of abode of the intending aggrieved  
27 person(s); and

28 (d) the reliefs which the aggrieved intends to claim.

29 (3) The notice of intention to initiate an action against the  
30 commission referred to in sub-clauses (1) and (2) may be addressed to and

	1	delivered to the office of the commission's chairman.
Limitation of suit against the Commission	2	<b>25.</b> -(1) Subject to the provisions of this Bill, the provisions of the
	3	public officers protection Act, shall apply in relation to any suit against any
	4	member or officer or employee of the commission.
	5	(2) Notwithstanding anything contained in any other law or
	6	enactment, no suit shall lie against any member of the Board, the chairman or
	7	any other officer or employee of the commission for any act done in pursuance
	8	or execution of this Bill or any other law enactment, or any alleged neglect or
	9	default in the execution of this Bill or such law or enactment, duty or Authority,
	10	shall lie or be against the commission in any court except-
	11	(a) It commenced within three months after the act, neglect or default
	12	or complains of; or
	13	(b) in the consistent damage or injury, within six months next after the
	14	leasing thereof.
Service of Documents	15	<b>26.</b> A notice, summons or other document required or authorized to
	16	be served upon the commission under the provisions of this Bill or any other
	17	Law or enactment may be served by delivering it to the chairman.
Restriction of execution against property of the Board	18	<b>27.</b> In any action or suit against the commission no execution or
	19	attachment of process shall be made against the commission, unless not less
	20	not less than three months' notice of the intention to execute or attach has been
	21	given to the commission.
Indemnity of Officers	22	<b>28.</b> A member of the Board, the chairman, any officer or employee of
	23	the commission, shall be indemnified out of the assets of the commission
	24	against any proceedings, whether civil or criminal, in which Judgment is given
	25	in their favour, or in which the person(s) is acquitted, if any such proceedings is
	26	brought against the person(s) in their capacity as a member of the board, the
	27	chairman, officer or employee of the commission.
Regulations	28	<b>29.</b> The Board may with the approval of the Minister of works and
	29	Housing, make regulations as maybe necessary or expedient for giving
	30	effective provisions of this Bill, and for its administration thereof;

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1	<b>30.</b> The President may give to the Board directives of a general	Powers to give directives
2	character relating particular matters (but not to any individual person or	
3	case) with regards to the exercise by the Board of its functions under this	
4	Bill, and it shall be the duty of the Board to comply with the directives; but	
5	no directive shall be given which is inconsistent with the duties of the Board	
6	under this Bill.	
7	<b>31.</b> In this Bill except the context otherwise required-	Interpretation
8	"Board" means the National Estate Housing Management Commission;	
9	"chairman" means the chairman of the Board;	
10	Minister" means the minister charged with responsibility for matter in	
11	relation to works and Housing.	
12	<b>32.</b> This Bill may be cited as National Estate Housing Management	Citation
13	Commission Bill, 2023.	

## 1 SCHEDULE

2 *Clause 4(7)*

## 3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

4 (1) Subject to this Bill and Section 27 of the interpretation Act, the  
5 Board may make standing orders regulating its proceedings or those of any of  
6 its committees.7 (2) The quorum of the Board shall be 6 members out of 12 Twelve and  
8 the quorum of any committee of the Board shall be determined by the Board.9 (2) (1) The Board shall meet on quarterly basis which means 4 time  
10 annually and subject thereto, the Board shall meet whenever it is summoned by  
11 the chairman, and if the chairman is required to do so by the notice given to  
12 him/her by not less than five members, he shall summon a meeting of the Board  
13 to held within 2 weeks from the date on which the notice is given.14 (2) Any meeting of the Board, the chairman shall presides but if he is  
15 absent, the secretary to the commission, shall presides at the meeting and report  
16 back to the chairman when is present.17 (3) When the Board desires to obtain the advice of any person(s) on a  
18 particular matter, the Board may invite the person(s) to such period as it deems  
19 fit, but a member who is not in attendance shall not be entitled to vote at any  
20 meetings of the Board and shall not count for quorum at that meeting.21 (4) Notwithstanding any other provision in this Bill, the commission  
22 shall prescribe and enforce appropriate, penalties on any transport service  
23 provider who exceeds the tariff duly approved by the commission for the  
24 provision of any of this service.25 3.-(1) The Board may constitute one or more committees, to carry out  
26 on behalf of the Board, such as its functions or the functions of the commission  
27 as the Board may determine.28 (2) Constituted committees under this paragraph shall consists of  
29 Department heads; such as Directors as may be determined by the Board; and  
30 members of the Board may hold office in the committees, including Ad-hoc, in

1 accordance with the terms of his/her appointment to the commission.

2 (3) Subject to the provisions of this Bill and the decisions of the  
3 Board, a committee constituted under this Bill may regulate its own  
4 proceedings and activities in the commission.

5 (4) The decisions of a committee of the Board shall be effective  
6 when persecuted to the commission's Board for approval.

7 4.-(1) The fixing of the seal fund shall be authenticated by the  
8 signature of the chairman and secretary; including any other person(s)  
9 authorized to do so, generally, to act for that purpose required by the Board.

10 (2) In terms of contracts or instrument which if made or executed  
11 by person(s) not being a corporate body, would not be required to be under  
12 seal, but may be made or executed on behalf of the fund by the chairman or  
13 any person(s) specially authorized to act for that purpose by the Board.

14 (3) Any document presented to be a document duly executed under  
15 the seal of the fund shall be received in evidence and shall unless and until  
16 the contrary is proven, be presumed to be so executed.

17 5. The validity of any proceeding of the Board or of a committee  
18 thereof shall not be adversely affected by any vacancy in the membership of  
19 the Board or committee, or by any defect in the appointment of the members  
20 of the Board or of a committee, or by reason that the person(s) not entitled to  
21 do so took part in the proceedings of the Board or committees.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish National Estate Housing Management Commission to be saddled with a responsibility as an independent regulator of all Estate Housing Management Services, Estate Private/Public Developers, House Agents and its operational activities in Nigeria.