



## **Installation of Lifts in Residential Blocks / Entrances Owned by or Purchased from the Government**

### **1. Purpose of the Scheme**

The aim of the Housing Authority is to, where it is physically possible, install lifts in Government owned residential blocks or blocks purchased from the Government.

The Housing Authority therefore receives applications for the installation of lifts in apartment blocks/entrances in Malta and Gozo and occupied by tenants recognised by the Government as well as by owners who acquired the residence under any scheme where the Housing Authority encouraged tenants to become homeowners. The blocks/entrances may be:

- (a) absolute property of the Government or the Government may be the co-owner of the apartments together with residents who have purchased their apartment from the Housing Authority or from third parties;
- (b) property occupied by owners who acquired the residence under any scheme where the Housing Authority encouraged tenants to become homeowners.

In case of building having different entrances or doors that are distinct and independent from each other and where more than one lift would be necessary, separate applications need to be submitted for each lift.

### **2. Definition**

In this Scheme, unless the context otherwise requires:-

"applicant/s" means the members of the Residents' Association which shall be represented by a person chosen by the residents to represent the tenants/owners of the block that will participate in this scheme;

"the Authority" means the Housing Authority established by section 3 of the Housing Authority Act, 1976, (Cap 261);

"Chairman" means the Chairman of the Housing Authority and includes any person authorised to act on his behalf;

"recognised tenant" means a person occupying a Government owned apartment as his/her ordinary residence under a title of lease from the Government;

"property owned by the Government" refers to Government owned property including property owned by the Joint Office;

“owners” means persons who acquired their residence under a scheme where the Housing Authority encouraged tenants to become homeowners.

In this Scheme the singular shall import the plural and the masculine shall import the feminine.

### **3. Applications for assistance under this scheme**

- (i) The applicant that qualifies to apply for Assistance under this Scheme may make an application on a prescribed form from the Housing Authority
- (ii) The Assistance available under this Scheme shall consist in the installation of lift.
- (iii) An applicant who, on the first date of publication of this scheme in the Government Gazette, has a pending application under:-
  - (a) Scheme “V” published in the Government Gazette of the 19<sup>th</sup> June 1999; and/or
  - (b) Installation of Lifts in Government Owned Residential Blocks/ Entrances Scheme” published in the Government Gazette on 15<sup>th</sup> April 2005; and/or
  - (c) Scheme “E” published in the Government Gazette of the 23<sup>rd</sup> September 2009;

and has not entered into a written agreement with the Authority as regards that application, the application shall be considered under this scheme. Provided that the administrative charge already paid with the first application will not be refunded but will be considered for this application.

### **4. Qualification for Assistance under this scheme**

Lifts will be installed under the following conditions:

- (a) At least one of the applicants or his/her relative that lives in the building must be disabled or have severe mobility issues which disability or mobility issues;
- (b) The block/entrance must be at least three storeys high from road level;
- (c) The block/entrance must be planned in such a manner that a lift installed is accessible to all the apartments and can be installed with the least structural alterations possible. For example, lifts can be placed at common entrances whilst maintaining a staircase wide enough of an adequate measurement. The Housing Authority establishes this measurement.
- (d) The necessary permits must to be obtained from the Planning Authority (PA), from the Lands Authority, as well as third parties whose consent is necessary in order to carry out the necessary works and alterations;
- (e) On the date of application, a Residents’ Association must have been appointed and registered in accordance with the legal requirements, with a designated representative to take care of the maintenance, repairs and payments referred to in article 8;
- (f) All residents of the block must agree to participate in the scheme, with participation being subject to a special hypothec in the case of owners, reflecting the pro rata amount per apartment of the costs of the lift project.

## **5. Disqualification**

An application shall not qualify under this Scheme if the Residents' Association is not set up.

## **6. Conditions of Payment to install a lift**

Owners of the block and members of the Residents' Association who participates in this scheme must contribute his/her share of the price for the installation of the lift, according to the number of apartments in the block. This amount is to be paid prior the distribution of the lift's keys. Those tenants/owners who do not participate in the scheme cannot make use of the lift but if they decide to use the lift at a later stage, the Housing Authority reserves the right to oblige them to pay an additional amount in access to their share of the lift

The owners are also given the opportunity to, instead of paying their share of the lift installation, they register a general hypothec and a special hypothec on their property in favour of the Housing Authority for the full amount of the share due by each owner. This hypothec secures that this sum is paid back to the Authority in case the apartment is transferred *inter vivos*.

## **7. Legally or *De Facto* Separated Applicants**

- (i) An applicant who is legally separated from his spouse shall produce a copy of the final judgement of the competent court that pronounces the separation or a copy of the contract of separation.
- (ii) An applicant who is *bona fide de facto* separated person shall produce to the satisfaction of the Housing Authority proof that he/she is actually so separated and in this sense he/she has to produce all documents, sworn declarations, legal declarations and any other proof which he deems necessary to substantiate this fact. It shall be discretionary on the Housing Authority to decide whether the documents submitted suffice to prove the *de facto* separation.

## **8. Residents' Association**

Before an application is submitted, the residents must form a Residents' Association of the block/entrance and also elect a representative. Once the lift is installed the Association must accept full responsibility for the maintenance of the lift, the maintenance of the common parts, payments for the consumption of electricity and telephone line of the lift, as well as payments for the necessary repairs and maintenance of this same lift. A maintenance agreement must be signed with a lifts company and this has to be renewed each year. Any payments due, in connection with the lift must be paid equally amongst all tenants/owners that have access to the lift.

Once the lift is installed, none of the members of the Residents' Association can move back from their decision to contribute for the maintenance of the lift, the maintenance of the common parts, payments for the consumption of electricity and telephone line of the lift, as well as payments for the necessary repairs and maintenance of this same lift.

## **9. Method of Application**

- (i) The Residents' Association qualified to make an application for Assistance under this Scheme shall submit an application in the prescribed form and shall deliver the same application to the Authority during the prescribed times.

- (ii) The prescribed forms can be collected from the offices of the Housing Authority 22 Pietro Floriani Street Floriana, Malta and from the Housing Authority branch Office 5 Level 3 74 George Borg Olivier Street Victoria, Gozo or from the Housing Authority website.

## **10. Information**

The Authority may require the applicants to sign and confirm under oath any declaration in any form even under oath it may consider necessary for the carrying out of this Scheme and the applicant shall allow the Authority to inspect his ordinary residence and any other tenement held by him as the Authority may require.

## **11. Administrative Charge and Abandoned Applications**

- (i) Each application for assistance under this Scheme shall be lodged personally by representative of the Residents' Association at the Authority and that application shall not be accepted unless accompanied by the sum of forty Euro (€40) as an administrative charge which is not refundable even if the application is not accepted.
- (ii) In case of owners, these will be asked to sign an agreement whereby they bind themselves to pay their share for the lift installation and to honour the conditions of the scheme. A deposit of € 500 has to be paid, which amount will then be deducted from the share which has to be paid by them. The Housing Authority will only refund this deposit to members in cases where the lift is not installed due to technical or legal problems. If the owners fail to follow this agreement the sum of € 500 will not be refunded.

## **12. Works eligible under the scheme**

The Housing Authority will carry out the necessary structural alterations, and ensures that the lift is installed. When the lift is functioning and commissioned to the residents, it automatically becomes the direct responsibility of the residents who form part of the Residents' Association. When the hand over of the lifts is carried out, the Residents' Association will become fully responsible for the lift. The Housing Authority reserves the right to ask the Association to present at the end of each year after the hand over, a copy of the lift's maintenance agreement which is to be renewed each year, as well as copies of receipts of the electricity, telephone bills together with a copy of an engineer's certificate. In so doing the Housing Authority will ensure that all the conditions, in particular those related to the lift's maintenance, are observed in full. If the Housing Authority is not satisfied with this, it reserves the right to stop the functioning of the lift, until the residents regularise their position.

## **13. Penalty for False Declaration**

If at any time it results that applicants have made a false declaration or given incorrect information/documents for the purposes of any application made under this Scheme, without prejudice to any penalty for which they may have become liable under any other law, applicants shall be liable to the payment to the Authority of a fine equivalent to the sum total of any assistance from which applicants have benefited under the provisions of the Scheme. They will also be disqualified for a period of five (5) years from benefiting from any scheme made with the approval of the Minister responsible for Housing, and shall forfeit the right to any assistance under this Scheme.

*This incorrect or false declaration or this submission of incorrect or false documents may also lead to the commencement of criminal procedures.*

#### **14. Vacation of Premises on which a Subsidy has been granted**

In case the premises on which a subsidy has been granted under this scheme is transferred to third parties, the new owner shall be bound with the same conditions under this scheme and shall honour the same obligations.

#### **15. Right of refusal**

Notwithstanding anything contained in the foregoing provisions of this Scheme, the Authority shall have the right, at its absolute discretion, to refuse any application and its decision will be final and not subject to scrutiny.

The Authority shall have a right to stop and, or withdraw this scheme and it shall have the right to change its conditions even retrospectively and thus this scheme does not bestow acquired rights. Such change shall not make the Authority subject to any action for damages. An application that has been accepted may be withdrawn and, or refused if the conditions of the scheme are changed after the acceptance of the application.

#### **16. Duration of Scheme**

This Scheme shall remain in force for a period of one year from the date of its publication in the Government Gazette, and shall be automatically renewed for further periods of one year each unless a Notice to the contrary is published in the Government Gazette indicating that the scheme has been withdrawn.

#### **17. Amendments to Scheme**

The Authority shall have the right to make any amendments to this Scheme by publication of the said amendments in the Government Gazette. Such amendments might be made applicable retroactively.

#### **18. Interpretation**

In case the Maltese text differs from the English text, the Maltese text will prevail.