



The Ministry of Housing and Urban Development

Report of the Land Settlement Agency

## **Ministerial Response**

**First Report of the Joint Select Committee on Local Authorities,  
Statutory Authorities and Service Commissions (including  
THA), on an Inquiry into the Land Settlement Agency in  
Relation to Squatter Regularisation**



## I. Introduction

The First Report of the Joint Select Committee on Local Authorities, Statutory Authorities and Service Commissions (including the THA), on an Inquiry into the Land Settlement Agency(LSA) in relation to Squatter Regularisation was presented in the House of Representatives on November 9<sup>th</sup>, 2016 and in the Senate on November 15<sup>th</sup>, 2016.

Standing Orders 100(6) of the Senate and 110(6) of the House of Representatives, require the Minister with responsibility for the Ministry/body reported on by a Joint Standing Committee to present to each House a paper responding to the recommendations/comments contained in the Report.

This report is the Ministerial response to the findings and recommendations as presented in the report, to be presented to Parliament, through the Minister of Housing and Urban Development.

## II. Summary of Evidence, Findings and Recommendations

### a. Objective 1: To assess the Current State of Squatting on State Land in Trinidad

#### **The Contributors to the Increase in Squatting (Page 15 to 16: Items 3.1.7 to 3.1.9)**

##### ***Recommendations***

- A. *The Committee recommends that regular monitoring of all state lands be conducted and that annual formal surveys also be conducted. This may require some inter-agency collaboration in that the manpower and expertise required ought not to be derived solely from the LSA but rather the LSA may collaborate with:*
  - a. *The Central Statistical Office*
  - b. *Town and Country*
  - c. *Municipal Corporations*
  - d. *The Commissioner of State Lands*
- B. *The first recommendation should be compliment by the establishment of an arrangement that will facilitate inter-agency collaboration between the LSA and other entities with an interest in proper management of state lands. The LSA should be the convener of these inter-agency deliberations which should be held on a continuous basis with an acceptable timeframe e.g. One meeting every three months.*

The Minister of Housing and Urban Development is in agreement with the recommendation of the Committee in respect of monitoring of all state lands and inter-agency collaboration to promote proper management of state lands. Moreover, since 2004, the LSA established monitoring networks with key stakeholders such as the Commissioner of State Lands and the Forestry Division. Since 2011, the LSA has forwarded information on new squatting to the Commissioner of State Lands and the Municipal Corporations, so that action can be taken. In this regard, the LSA has operated within the remit of the law and now requires that the

respective institutions established in law with the legal authority to curb squatting take the required and necessary action.

The LSA is committed to maintaining this inter-agency collaboration and has established a squatting hot line: 866-1111.

The Minister would like to reiterate that the LSA maintains daily patrols of sites with increasing frequency of patrols being placed on sites that have active intrusions. These daily patrols could form the basis for annual surveys of sites to determine site occupancy. This may be supplemented using satellite and low altitude aerial monitoring using appropriate cost effective technology such as drones.

The numbers presented on squatting are estimates for 2015, based on detailed social surveys conducted between 2009 and 2012, and monitoring exercises conducted from 2012 to 2015. The LSA faced many challenges in data collection. Similar challenges were faced by the Central Statistical Office (CSO) when the LSA collaborated on the initial findings. It should be noted that the social survey exercise had the input of the CSO, the University and other organizations in the state sector.

The LSA continues to update its records by social surveys such as the ones now being conducted on state lands within Port of Spain and Environs.

- b. Objective 2** - To evaluate the effectiveness of the Agency in executing its mandate, particularly in relation to the regularisation of eligible squatters and the containment of squatting (Page 16 - 24: Items 3.2.1 to 3.1.18)

#### ***Recommendations***

- A. With respect to the lag time between receiving a COC and receiving a lease, we suggest that the LSA conduct a process review exercise and submit its recommendation for expediting the processes involved to its line Ministry. In turn, the Ministry of Housing and Urban Development should convey same for executive action.*
- B. A reliable and safe records management system is an imperative for a body like the LSA that is required to store, monitor and retrieve records for over 30,000 clients or potential clients. As such, the Committee considers that an investment in this area of the agency's operations to be justified and one that should be prioritize.*
- C. The Committee noted that there appears to be no empirical research on the real and potential impact 50,000 plus squatters may be having on sustainable development and proper land use planning. As such, the Committee recommends that LSA in collaboration with its line Ministry, explore options for engaging in empirical research. In this regard, technical assistance from international organisations such as the Inter-American Development Bank should be sought. Decisions regarding a scarce and invaluable resource such as land must be data driven.*

- D. *The Committee recommends that the LSA in collaboration with its line Ministry submit a note to Cabinet proposing that the State Land (Regularisation of Tenure) Act be amended to provide for the following:*
- a. *Vesting the LSA with the power to approach the Court for an “Eviction or Ejection Order”*
  - b. *Make recommendations to the Commissioner of State Lands and Municipal Corporations regarding the ineligibility of squatters to occupy land;*
  - c. *Extend the statutory period (retroactively) for squatters to be eligible to participate in the regularisation process. The period of extension beyond 1998 should be determined following the necessary research and consultation;*
- E. *In pursuing greater inter-agency collaboration, the Committee recommends that initial deliberations take into consideration the impact of squatting and the work of the LSA on”*
- a. *Regional Development Planning as envisioned under the Planning and Facilitation of Development Act, 2014; and*
  - b. *The National Spatial Development Strategy;*
  - c. *Other land use policies.*
- F. *The Committee recommends that the Minister of Housing and Urban Development in his response to this report, provide the Parliament with a status update on the implementation of the Land for the Landless Programme including:*
- a. *The total amount spent to date on the programme;*
  - b. *The number of lots that have been prepared for distribution to date;*
  - c. *The number of lots that have been distributed;*
  - d. *The name of the contractors awarded contracts to execute work under this programme and the value of each contract;*
  - e. *Whether the programme will be sustained, modified or disbanded.*

- ***Recommendation A***

The Minister understands the importance of a process review exercise to determine the recommendations to expedite the processes. However, the Land for the Landless Programme is currently being reviewed. Pending the outcome of this, a process review exercise will be conducted.

- ***Recommendation B***

The Minister concurs with the proposal for the implementation of a reliable and safe records management system.

As such, it must be highlighted that the LSA is currently engaged in an exercise to scan and digitize all Certificates of Comfort files. The objective of the exercise is to ensure that high quality images and accurate indices are captured, with minimal disruption to the day to day activities of the Agency which would involve utilization of the documents being digitized.

The digitized data will be released from the capture process and stored within a secure project specific storage space on a local server where it will then be uploaded to the Document Management Solution to store and index the digitized data.

This investment would prove a critical advantage to the LSA to collate and have accurate records of applicants, squatters, etc. The completion date for this exercise is June 2017.

- ***Recommendation C***

The proposal for the LSA to collaborate with its line Ministry to explore options using empirical research is duly noted.

In this regard, the Minister agrees with the recommendation of the Committee and as part of a new initiative with the Inter-American Development Bank, it is proposed to have this research conducted.

- ***Recommendation D***

The LSA has advanced clear representation and advice regarding effective containment of squatting nationwide, premised on existing legislation and naming the entities so empowered.

There has been significant advancement in identifying the provisions of the State Land (Regularization of Tenure) Act and the State Lands Act that require amendments in order to have effective containment powers granted to the LSA and the Commissioner of State Lands (COSL) as articulated through the extensive re-definition of policy approved by Cabinet.

Proposed amendments include:

- i. That "State Lands" be defined correspondingly in both the State Lands Act Chapter 57:03 and the State Land (Regularisation of Tenure) Act Chapter 57:05;
- ii. That the State Lands act be amended and unequivocally make the offence of squatting a civil offence to allow for matters to be prosecuted in the High Court and to make provision for repeat offending; different types of squatting; inciting others to squat; purporting to pass title to State lands; squatting above the high water mark;
- iii. That the Commissioner of State Lands be empowered to delegate and discharge containment functions/responsibilities to the Land Settlement Agency.

By **Cabinet Minute No. 836 dated March 20, 2014**, Cabinet agreed to approve the Squatter Containment Policy and that the said Squatter Containment Policy be used to guide the drafting of the proposed amendments to the State Lands Act Chapter 57:01 and the State Land (Regularisation of Tenure) Act, Chapter 57:05.

The Agency has proposed to:

- i. Review the captioned Draft Bill prepared by the Chief Parliamentary Counsel (“CPC”) in December 2014, as well as the Cabinet Minute No.836 dated March 20, 2014 **and** the Appendix- policy which informed same;
- ii. Consider for further incorporation therein, the comments which were submitted by the LSA to the CPC on the Draft Bill as at March 2015;
- iii. Consider for further incorporation therein, any forthcoming comments of the Commissioner of State Lands or any other key stakeholder;
- iv. Engage in wider consultation as required;
- v. Advise on any revocation, addition, substitution, modification, amendment or general comment in relation to the above, so as to formulate and approve a fresh policy; and
- vi. Prepare and submit a Cabinet Note through the MHUD, containing variations or an entirely new policy and the resulting Cabinet Minute would then be forwarded to CPC to review and amend the Draft Bill accordingly.

The Minister agrees that there is need for an amendment to the legislation for squatters who cannot be regularized under the present legislation.

In 2014, there was a proposal to extend the statutory period to June 2014 and to include a number of sites that were not listed in the Schedule of the present Act.

The Minister agrees that there needs to be further research and consultation with respect to this matter.

Since 2004, the LSA has identified areas for amendment in the governing legislation. Cabinet had previously been apprised of the necessity of these amendments. These have been updated and is before the Office of the Attorney General where the necessary amendments would be brought to Parliament.

- ***Recommendation E***

The recommendation with respect to consideration of the impact of squatting and the work of the Agency on the respective Planning and Development Strategies and Land Use Policies is duly noted. In this regard, the LSA in its initial planning stage conducts the necessary research and prepares all its pre-engineering projects in accordance to the standards of the Statutory bodies and other governing policies.

- ***Recommendation F***

In respect of the recommendation on a status update on the implementation of the Land for Landless Programme. The Land for Landless Policy and Residential Lots Programme was put on hold on June 10, 2016 pending a review of the Programme.

- c. **Objective 3:** To determine Whether the Resources, Systems and Procedures of the LSA are sufficient to allow it to operate efficiently (Page 24 - 27: Items 3.3.1 to 3.3.8)

### ***Recommendations***

- A. *Given prevailing financial challenges, the Committee recommends that the LSA's line Ministry undertake/facilitate a review of the operations of the agency with a view to:*
  - a. *Identifying performance deficits and wastages within the operations of the agency;*
  - b. *Prioritizing vacancies that should be filled;*
  - c. *Reviewing the formula for the pricing of lots.*
- B. *The Committee recommends that a fee system be established for persons who have been granted a Certificate of Comfort to assist the LSA in generating revenue to offset the cost of developing squatter sites.*

The Minister is in agreement with and supports the recommendations of the Committee in respect of human resource capacity, vacancies and financial resources, squatter regularisation and containment of squatting.

The Minister would also like to reiterate that the provision of public infrastructure is one of the provisions of public goods and services. This critical public good and service is being provided to the neediest persons on the one hand and is an investment as it alleviates the problems in squatter settlements such as sanitation, drainage, and improvements in waste water and solid waste disposal. These are serious public health issues that are being addressed that affect thousands of households directly.

In relation to the pricing policy, the Minister has been collaborating with the LSA in arriving at an equitable price for a Deed of Lease.

Reference is made to the recommendation for the establishment of a fee system for persons who have been granted a Certificate of Comfort. The introduction of a fee system must be carefully translated into a tariff that will not grant or endorse rights to state lands for which proprietary rights have not crystallized.

- d. Objective 4:** To Assess the Adequacy of the Current Legislative Framework Governing the Agency

### ***Recommendations***

- A. *The Committee recommends that the Ministry of Housing and Urban Development take the necessary action to finalise the proposed amendments to the Act and cause same to be submitted for the consideration of Cabinet;*
- B. *The Committee recommends that the Minister of Housing and Urban Development in his response to this report provide the Parliament with a status update on the approving and drafting of amendments to the Act and other related legislation.*

The Minister is in agreement with and supports the recommendations of the Committee in respect of the adequacy of the current legislative framework governing the Agency.

The Minister advises that draft amendments have been prepared. These are before the Office of the Attorney General for finalization.