

TITLE 31

**HOUSING AND
CONSTRUCTION**

TITLE 31 HOUSING AND CONSTRUCTION

CHAPTER

1 HOUSING AUTHORITY

2 – 5 [RESERVED]

6 BUILDING CODE

7 – 9 [RESERVED]

10 HOUSING AND CONSTRUCTION FINANCES

CHAPTER 1 HOUSING AUTHORITY

Section

1-101 Short title	1-108 Instruments of conveyance
1-102 Declaration of findings and policy	1-109 Exemption of property and funds from execution, liens or taxes; payments in lieu of taxes
1-103 Definitions	1-110 Authorization for appropriation; administration
1-104 Pohnpei Housing Authority	1-111 Audit
1-105 Powers and duties of the Housing Authority	
1-106 Administration of housing programs	
1-107 Cooperation by the government	

§1-101. Short title. — This chapter is known and may be cited as the “Pohnpei Community Housing Act of 1988.”

Source: S.L. No. 2L-81-88 §1, 12/20/88

§1-102. Declaration of findings and policy. — It is hereby found and declared:

(1) That the Legislature seeks as its goal a decent home and suitable living environment for every low-income family of Pohnpei;

(2) That there exist in Pohnpei overcrowded and blighted areas, as well as substandard and inadequate housing conditions and a serious shortage of decent dwelling accommodations which families and individuals can afford, and that these conditions present problems of immediate and long-ranging governmental concern;

(3) That certain overcrowded or blighted areas or portions thereof may require acquisition, clearance, and disposition subject to use restrictions as provided in this chapter, that other areas or portions thereof may, through the means provided in this chapter and in a manner consistent with appropriate land planning laws, be susceptible of conservation or rehabilitation in such manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented;

(4) That these problems must be attacked by prompt and vigorous action in the interests of public safety, health, and welfare; and

(5) That the elimination and prevention of overcrowded and blighted areas, and the provision of safe, sanitary, and decent housing which is consistent with the recommendations of an approved local master plan when one exists for families of low-income in Pohnpei constitute public uses and public

purposes and are proper governmental functions devoted to the health, welfare, and safety of the people of Pohnpei, and that the powers conferred by this chapter are for public uses and purposes for which public money are expended.

Source: S.L. No. 2L-81-88 §2, 12/20/88

§1-103. Definitions. — As used in this chapter, unless it is otherwise provided or the context requires a different construction, application or meaning:

- (1) “Area of operation” means the total geographical area within the boundaries of the state.
- (2) “Authority” means the Pohnpei Housing Authority referred to in §1-104.
- (3) “Families of low-income” or “low-income families” means individuals or families who cannot afford to pay enough to cause private housing for their use.
- (4) “Housing project” means any work, or undertaking or activity to provide decent dwellings, and other living accommodations for families of low-income.
- (5) “Overcrowded or blighted area” means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, inadequate street layout, accessibility or usefulness, or the existence of any condition that endangers life or property by fire or other means, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.
- (6) “Person” means any individual, firm, partnership, corporation, company, association, establishment, institution or organization, private or public, and includes persons acting in a representative or fiduciary capacity.
- (7) “Public agency” or “agency” means any department, bureau, instrumentality or official body, corporation or otherwise, or any public official of the state.
- (8) “Real property” or “land,” unless a restricted meaning is clearly indicated, means all lands, including improvements and fixtures thereon, and appurtenances thereto, or used in connection therewith, and every estate, interest, right, and use, legal or equitable therein, including terms for years, and liens by way of mortgage, pledge, attachment, judgment or otherwise.

Source: S.L. No. 2L-81-88 §3, 12/20/88

§1-104. Pohnpei Housing Authority. —

- (1) There is hereby created in the state a public body corporate of perpetual duration to be designated as the Pohnpei Housing Authority. The Authority shall be deemed for all purposes an agency of the government of the state; PROVIDED, HOWEVER, that the Authority shall not be vested with the power of eminent domain.
- (2) The powers of the Authority shall be vested in a Board of Directors:
 - (a) The Board shall consist of five members, all of whom shall be citizens of Pohnpei and who shall serve four-year terms. Board members shall be appointed by the Governor with the advice and consent of the Legislature. Any member of the Board may be removed by the Governor for inefficiency, neglect of duty or misconduct in office. In the event of any vacancy on the Board, such vacancy shall be filled in the same manner as the original appointments; PROVIDED, HOWEVER, that appointments to fill vacancies on the Board shall be made for the unexpired term of the member who vacated the seat.
 - (b) The Board shall elect from among its members a Chairman, a Vice-chairman, and a Secretary. Officers of the Board shall hold office for such terms and shall have such duties as the Board shall by its bylaws specify.
 - (c) Directors shall receive no compensation for their services, but shall be entitled to per diem at standard government rates and reimbursement for travel costs when engaged in the business of the Authority.

(d) The Board shall meet not less than once each calendar quarter, and may hold such additional meetings as it deems necessary and appropriate.

(3) The Governor shall appoint an executive director in the manner and for the term prescribed in the Uniform Appointments and Tenure Act, Title 9 Chapter 1, who shall not be a member of the Board. The Executive Director shall submit to the Board and the Governor an annual budget for the Board's approval, which budget shall include provisions for the expenditure of all salaries and logistical support incurred by the Authority during the fiscal year to which the budget applies. The Executive Director shall, subject to the approval of the Board and the Public Service System Act, Title 9 Chapter 2, have the power to hire and fire all employees of the Authority. Employees of the Authority shall be considered employees of the state government.

(4) The state government shall provide such office space as may be required by the Authority and shall provide such logistical and administrative support as may be required by the Authority within the limits of availability.

Source: S.L. No. 2L-81-88 §4, 12/20/88

§1-105. Powers and duties of the Housing Authority. — The powers and duties of the Housing Authority shall include, but not be limited to, the following:

- (1) To administer the state low-cost housing loan program and the Pohnpei Housing Loan Fund;
- (2) To have perpetual succession; to sue and be sued in its own name; to be represented by the Attorney General in such suits; and to have a seal and modify it;
- (3) To make loans or guarantee loans to individuals, groups or associations to assist in the construction of low-cost housing in the state;
 - (a) Such loans shall bear interest at such rate as may be established by regulation, but at no time shall such rate be more than four and one-half percent (4.5%) a year on loans made from the Federated States of Micronesia, state or other grant, loan or subsidy funds; nor more than the prevailing prime interest rate on loans made from funds borrowed by the Authority from commercial financial institutions; nor shall loans be guaranteed which bear interest at a rate greater than one percent (1%) a year below the prime interest rate offered by commercial financial institutions that may issue such loans; nor shall any loan be granted or guaranteed in excess of such amount as may be approved by the Board of Directors; and
 - (b) Loans made by the Authority shall be subject to the prior approval of the Board of Directors, and shall be made in the form and shall be secured as provided in the regulations issued under this chapter; PROVIDED, HOWEVER, that the Authority shall by regulation establish income limits, adjusted by household size, beyond which no loan may be granted, such limits to be devised to insure maximum participation in the housing program by low-income families; and PROVIDED FURTHER that no loan shall be granted or guaranteed for the construction of any housing unit in excess of ninety percent (90%) of the value of the land and buildings involved; and PROVIDED FURTHER that loans shall not be granted to pay or repay prior indebtedness on lands and buildings; and PROVIDED FURTHER that applicants for loans may contribute their equity in the form of land, building material, cash or labor;
- (4) To borrow monies from governmental, private, commercial or any other source, or to issue, sell or dispose of revenue bonds or other obligations from time to time under such terms and conditions as the Legislature shall on a case-by-case basis, prescribe by law, subject to the restrictions of the Pohnpei Constitution; PROVIDED that the proceeds of such loans, bonds or other obligations shall be used solely to finance specifically authorized activities and programs of the Authority;
- (5) To be exempt from all state licensing requirements and taxation;
- (6) To enter into and execute contracts and instruments of every kind and nature, necessary or convenient to the exercise of its powers and functions;
- (7) To make and, from time to time, modify and repeal bylaws and regulations, not inconsistent with this chapter, and state laws pertaining to administrative procedures, providing for the internal

organization and management for the administration of its affairs and operations, and for carrying out the powers and duties granted and imposed by law;

(8) To borrow money from public and private sources and give such security therefor as may be required;

(9) To accept contributions, gifts, donations or any other form of financial assistance;

(10) To deposit funds in banking institutions licensed to do business in the state;

(11) To invest funds in property or securities approved for investment by the state government;

(12) To acquire any real or personal property, or any interest or estate therein, by lease, option, purchase, gift, grant, donation, bequest or devise; and own, hold, improve, clear or prepare for development any such property;

(13) To sell, lease, exchange, transfer, assign, mortgage, pledge or otherwise dispose of or encumber, any real or personal property, or any interest or estate in such;

(14) To build, construct, manage, operate, and maintain housing projects for low-income families; and install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements;

(15) To insure or provide for the insurance in any stock or mutual company or any public or private insurance facility approved by the Attorney General, of any real or personal property or operations, against any risk and hazards;

(16) To undertake and carry out studies, analyses, research, and investigations of living and housing conditions; determine where overcrowded and blighted conditions exist; where there is a shortage of safe, decent, and sanitary dwellings for low-income families; make findings, determinations, and recommendations as to means and methods of dealing with such matters; carry into effect such findings, determinations, and recommendations; and make available to the public the results of such studies and information;

(17) To make or have made all plans necessary to the carrying out of this chapter and include in such plans, without limitations:

(a) Plans for construction of housing for low-income families;

(b) Plans for carrying out programs of voluntary repair and rehabilitation of buildings and improvements; and

(c) Plans for the enforcement of local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and other improvements; and to the repair, rehabilitation, demolition or removal of buildings;

(18) To develop, test, and report methods and techniques; and carry out demonstrations and other activities for the prevention and elimination of overcrowded areas and community blight;

(19) To lease any dwellings, accommodations, land, structures or facilities embraced in any project;

(20) To clear or prepare any property owned by it for conservation or rehabilitation;

(21) To establish, from time to time, standards of eligibility, rules, regulations, and conditions for admission to, and occupancy of, housing accommodations for low-income families in dwellings and facilities, including rents and charges therefor, in the manner that is or may be provided by the adoption of rules and regulations;

(22) To make such expenditures, subject to this chapter or any other applicable law, regulation or restriction, as may be necessary for the activities and operations to carry out the purposes of this chapter;

(23) To conduct examinations and investigations to ensure compliance with this chapter and all rules, regulations, and programs adopted and administered by the Housing Authority; PROVIDED that in connection with any hearings or investigations, the Board shall have the authority to subpoena witnesses, records, books, documents, and any other relevant information not otherwise protected by law on any matters material to the functions or operations of the housing program;

(24) To have the same use of state government pouch mail, communication facilities, and procurement services as other departments and activities of the state government; and

(25) To act as trustee in all secured financing for housing development and improvements when the trustor (debtor) is a citizen and pweldak of Pohnpei and the beneficiary (lender) is a noncitizen and non-pweldak of Pohnpei.

Source: S.L. No. 2L-81-88 §5, 12/20/88

§1-106. Administration of housing programs. —

(1) The Authority in carrying out a program of housing for low-income families shall construct, manage, and operate housing projects established for low-income families in the most economical and efficient manner, consistent with applicable requirements, so as to enable the Authority to fix rentals or charges for dwelling accommodations at low rents, in consonance with the purpose of providing safe, decent, and sanitary housing for families and individuals of low income, and shall not operate such housing projects for profit or as a source of revenue to the Authority or the government of the state. To this end, the Authority shall fix the rentals or charges for dwellings in such housing projects at rates no higher than those it shall determine to be necessary to produce revenues, that together with all other available monies, revenues, income, and receipts of the Authority from all sources, including any financial assistance provided to maintain the low-rent character of the housing accommodations, will be sufficient to:

(a) Pay, as they become due, the principal and interest on loans and obligations of the Authority issued to finance the housing program;

(b) Establish and maintain such reserves as may be required to assure the payment of such principal and interest as they become due;

(c) Meet the cost of, and to provide for, the maintenance and operation of the housing projects, including necessary reserves therefor, and for costs of insurance protection, as well as the administrative expenses of the Authority; and

(d) Make payments in lieu of taxes as provided for in this chapter. Rentals and charges for dwellings shall be established, and the housing projects shall be administered, to the greatest degree possible, so as to assure that any financial assistance required shall be in the minimum amounts and periods necessary to maintain the low-rent character of the projects.

(2) Subject to this chapter, the Authority, in the operation and management of a low-rent housing program shall rent or lease the dwelling accommodations only to families or individuals who lack the amount of income deemed necessary by the Authority to enable them, without financial assistance, to secure decent, safe, and sanitary dwellings. The Authority shall establish rentals which it determines to be within the financial reach of such families or individuals.

Source: S.L. No. 2L-81-88 §6, 12/20/88

§1-107. Cooperation by the government. —

(1) For the purpose of aiding and cooperating with the Authority in the planning, undertaking, carrying out, developing, constructing and operating of housing projects, the state government or any public agency or public body of the state with or without consideration, upon such terms as it may determine, and acting through appropriate agencies and officials, may do any, all or any combination of the following:

(a) Enter into contracts and agreements, which may extend over any period, with any other public agency or body respecting action to be taken pursuant to any of the powers granted by this chapter, including the furnishing of funds by loan, grant, contribution, appropriation or otherwise, or other assistance in connection with any project;

(b) When authorized by law or resolution of the Pohnpei Legislature, dedicate, sell, convey, lease, or otherwise transfer any of its interests in any property; or grant easements, licenses or

any other rights or privileges therein to any other state public agency concerned in any project pertaining to this chapter;

(c) When authorized by law or resolution of the Pohnpei Legislature, cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewage or drainage facilities, illumination or any other works or facilities which it is otherwise empowered to undertake or furnish, to be furnished to or in connection with any project;

(d) Furnish, install, grade, regrade, pave, plan or replan highways, streets, roads, alleys, sidewalks, ways or other places to provide access to areas set aside for low-cost housing;

(e) Plan or replan, zone or rezone any part of any community or locality set aside for low-cost housing and make exceptions and grant waivers from any building codes, regulations or rules in areas where no duly authorized planning commission exists;

(f) Cause administrative and other services to be furnished;

(g) Incur all or any part of the expense of any public improvement necessary for the purposes of this chapter;

(h) Lend, grant, appropriate or contribute funds within its disposal for the purposes of this chapter;

(i) Exercise powers relating to the repair, improvement, closing, demolition or removal of unsafe, unsanitary or unfit buildings and structures; and

(j) Do any and all other things reasonably necessary or convenient to aid and cooperate in the planning or carrying out or operating of projects toward achieving the purposes of this chapter;

(2) All agencies and public officials of the state government shall cooperate to the extent necessary to facilitate the exercise by the Authority of their powers, duties, and functions under this chapter in carrying out the purposes of this chapter;

(3) Any sale, conveyance, lease or transfer to the Authority or any agreement relative thereto concerning public land or interests therein where authorized by law or resolution of the Legislature pursuant to this section may be made without appraisal, public notice, advertisement or public bidding; and

(4) All projects shall comply with the planning, zoning, sanitary, and building laws or codes, or other regulatory measures applicable to the community in which the project is situated.

Source: S.L. No. 2L-81-88 §7, 12/20/88

§1-108. Instruments of conveyance. — An instrument executed by the Authority or by the state government conveying any right, title or interest in any property under this chapter shall be conclusively presumed to have been executed in compliance with this chapter insofar as the title or other interest of any bona fide purchaser, lessee or transferee of the property is concerned, and shall be entitled to recordation in the appropriate records of the Court of Land Tenure and the Clerk of the Court, so as to afford actual or constructive notice thereof.

Source: S.L. No. 2L-81-88 §8, 12/20/88

§1-109. Exemption of property and funds from execution, liens or taxes; payments in lieu of taxes. —

(1) All property, including funds of the Authority, shall be exempt from judicial process of every kind, including, without limitation, attachment, levy, execution, and sale by virtue of an execution; and no judgment shall be a lien or charge upon its property or funds.

(2) The property acquired or held for the purposes of this chapter is declared to be public property used for essential public and government purposes, and such property shall be exempt from all taxes and special assessments of the state government or any political subdivision thereof.

(3) The Authority may agree to make payment in lieu of taxes on its housing projects to the state government or any political subdivision thereof, or instrumentality thereof as may be designated by the state government, as it finds consistent, from time to time, with the maintenance of the low-rent character of housing projects.

Source: S.L. No. 2L-81-88 §9, 12/20/88

§1-110. Authorization for appropriation; administration. —

(1) *Authorization for operations.* There is hereby authorized for appropriation from the general fund of Pohnpei a sum or sums to be determined annually in the Comprehensive Budget Act, or so much thereof as may be necessary, to finance the operations of the Authority pursuant to this chapter.

(2) *Funds from other sources.* The Authority is entitled to receive grants, gifts, and donations to assist the Authority in activities authorized under this chapter from such other sources as may be available when so authorized in accordance with state law.

(3) *Issuance of bonds and other forms of indebtedness.* [RESERVED].

(4) *Administration.* All sums appropriated under an authorization of this section shall be administered by the Executive Director of the Authority upon concurrence of the Board. The Executive Director shall report annually to the Legislature on or before October 15 on all financial activities of the Authority for the previous fiscal year and the financial status of the Authority and the Pohnpei Housing Loan Fund at the close of the fiscal year.

(5) *Transfer of funds: availability of funds.* Sums appropriated to the operations of the Authority under the authorization of this section remaining unexpended or unobligated for expenditure at the close of the fiscal year for which appropriated shall be transferred to the Pohnpei Housing Loan Fund. All sums appropriated to the Pohnpei Housing Loan Fund under the authorization of this section or transferred to the fund as herein provided shall remain available in the fund until fully expended.

Source: S.L. No. 2L-81-88 §10, 12/20/88

§1-111. Audit. — The financial activities of the Authority shall be audited by the Public Auditor or an independent auditing firm at least once a year, the results of which shall be transmitted to the Governor and the Legislature and made available for review by the general public. In addition, all activities of the Authority shall be subject at any time to investigation by the Public Auditor.

Source: S.L. No. 2L-81-88 §11, 12/20/88

Extended legislative history: PDC §§10-100 to 10-107, 3/71; PDC §10-102 was amended by D.L. No. 3L-30-72 §1, 6/13/72; PDC §10-107 was amended by D.L. No. 3L-58-73 §26, 5/29/73; PDC §§10-100 to 10-107, as amended, were superseded by P.L. No. 5-37 §7-5, 4/5/73; D.L. No. 3L-85-74, 6/29/74 provided a permanent authorization to fund P.L. No. 5-37; D.L. No. 3L-85-74 §2, 6/29/74, was amended by D.L. No. 4L-136-78 §31, 3/27/78 and D.L. No. 4L-162-78 §1, 12/14/78; D.L. No. 3L-85-74, 6/29/74, was repealed by S.L. No. 1L-146-87 §6, 7/14/87; S.L. No. 2L-60-88, 7/14/88 provided permanent authorization to fund P.L. No. 5-37; P.L. No. 5-37, 4/5/73, was superseded by S.L. No. 2L-81-88 §12, 12/20/88.

**CHAPTERS 2 – 5
[RESERVED]**

HOUSING & CONSTRUCTION

CHAPTER 6 BUILDING CODE

Section

6-101 Short title	6-105 Application of the code
6-102 Purpose	6-106 Administration of the code
6-103 Adoption of Pohnpei Building Code	6-107 Penalties for violation
6-104 Purposes of the code	6-108 Liberal construction

§6-101. Short title. — This chapter is known and may be cited as the “Pohnpei Building Code Act of 1989.”

Source: S.L. No. 2L-91-89 §1, 3/15/89

§6-102. Purpose. — The purpose of this chapter is to authorize the development and adoption of a state building code to provide, as far as practicable, basic and uniform performance standards concerning the design, construction, quality of materials, use and occupancy, location, and maintenance of buildings, structures, and equipment associated therewith that are funded or supported by the state or other government agencies.

Source: S.L. No. 2L-91-89 §2, 3/15/89

§6-103. Adoption of Pohnpei Building Code. —

(1) The Governor of Pohnpei State, or his designee, shall formulate, propose, and adopt rules and regulations establishing minimum standards for the construction of buildings, or classes of buildings, and the installation of appurtenances thereto. Such rules and regulations may include, but are not limited to, standards or requirements for the design and construction of buildings and other structures and their appurtenances, for the materials to be used in connection therewith, and for their use, occupancy, location, and maintenance. These rules and regulations shall comprise and be collectively known as the Pohnpei Building Code and to the extent applicable, the design and construction of buildings and other structures shall comply with said code.

(2) Provisions of the Pohnpei Building Code may, from time to time, be added, amended or repealed to effectuate the purposes of this chapter.

(3) The Pohnpei Building Code and all additions, amendments or repeal of its provisions, shall be adopted pursuant to the Administrative Procedures Act, Title 8 Chapter 1. Upon adoption it shall have the force and effect of law.

Source: S.L. No. 2L-91-89 §3, 3/15/89

§6-104. Purposes of the code. — The Pohnpei Building Code shall be designed to achieve the general purpose of this chapter and the following:

(1) To provide reasonably uniform standards and requirements for construction and construction materials, consonant with accepted standards of engineering and fire-prevention practices;

(2) To permit, so far as may be practicable, the use of modern technical methods, devices, and improvements which tend to reduce the cost of construction without substantially affecting reasonable requirements for the health, safety, and security of the occupants or users of the building or other structure;

(3) To encourage, so far as practicable, the standardization of construction practices, methods, equipment, material, and techniques;

(4) To eliminate restrictive, obsolete, conflicting, and unnecessary building practices and requirements which tend to increase unnecessary construction costs or retard the completion of construction;

(5) To provide for the upgrading of existing buildings and structures to the standards set out in the Pohnpei Building Code; PROVIDED that such upgrading of existing buildings and structures shall not be required prior to modification or repair of the building or other structure; PROVIDED FURTHER that such upgrade shall not be required for the construction of buildings and other structures for which funds have been obligated prior to the adoption of the Pohnpei Building Code; and

(6) To provide an administrative procedure for appealing decisions of the Building Officer with adequate notice to the aggrieved party and with an opportunity to be heard and present evidence.

Source: S.L. No. 2L-91-89 §4, 3/15/89

§6-105. Application of the code. —

(1) The Pohnpei Building Code shall be applicable to the construction of all buildings and other structures, and the installation of appurtenances thereto, that are funded by the state or supported with state funds. This includes, without limitation, such projects directly funded or financed by the state, projects wherein the monies are administered or managed by the state, and projects built with monies loaned by the state; PROVIDED, HOWEVER, that when the monies for construction are made available to the state on condition that a different building standard shall apply, and such standard is more stringent or restrictive, then such alternate standard shall apply to that particular project.

(2) The Pohnpei Building Code shall also apply to such other buildings or other structures to be constructed with funds from the national or any foreign government or governmental agency unless specifically modified or waived by the Building Officer.

(3) The application of the Pohnpei Building Code may be limited to specified classes or types of buildings, according to use or other distinctions, and may differentiate among different areas of the state depending on special conditions therein.

Source: S.L. No. 2L-91-89 §5, 3/15/89

§6-106. Administration of the code. — The Governor shall designate a person within the executive branch as the Building Officer to administer and enforce the Pohnpei Building Code. Subject to the procedures and limitations set out in the Pohnpei Building Code, the Building Officer is expressly authorized and empowered:

(1) To examine and approve or disapprove plans and specifications for the construction of buildings and other structures to which this chapter applies;

(2) To require that the construction of any such building or structure be in accordance with the applicable provisions of the Pohnpei Building Code, subject, however, to the powers of variance or modification that may be granted in the Pohnpei Building Code;

(3) To issue certificates of occupancy, permits, licenses, and such other documents as may be required by the Pohnpei Building Code in connection with the construction of buildings or other structures;

(4) To prohibit the commencement of construction until a permit therefor has been issued showing compliance with the requirements of the applicable provisions of the Pohnpei Building Code;

(5) To ensure compliance with this chapter and all rules and regulations adopted hereunder, and in connection with any hearings or investigations, the Building Officer shall have the authority to subpoena witnesses, records, books, documents, and any relevant information not otherwise protected by law;

(6) To order, in writing, the remedying of any condition found to exist in or about any building in violation of the Pohnpei Building Code. Such orders shall be served in the same manner as the service of summons as prescribed by the rules of the Pohnpei Supreme Court; and

(7) To exercise such ancillary powers as set out in the Pohnpei Building Code and as necessary to fulfill the purposes of this chapter.

Source: S.L. No. 2L-91-89 §6, 3/15/89

§6-107. Penalties for violation. — In addition to any other remedy or penalty available by law, any person, having been served with an order of the Building Officer who shall fail to comply with such order within the time fixed by the Building Officer, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of the Pohnpei Building Code shall, upon conviction thereof, be subject to a fine of not more than \$500, or imprisonment for not more than 30 days, or both such fine and imprisonment. Each day of the violation shall constitute a separate offense.

Source: S.L. No. 2L-91-89 §7, 3/15/89

§6-108. Liberal construction. — This chapter shall be interpreted liberally to effectuate its purposes.

Source: S.L. No. 2L-91-89 §8, 3/15/89

CHAPTERS 7 – 9 [RESERVED]

HOUSING & CONSTRUCTION

CHAPTER 10
HOUSING AND CONSTRUCTION FINANCES

Section

10-101 Pohnpei Housing Loan Fund: authorization for appropriation; administration

§10-101. Pohnpei Housing Loan Fund: authorization for appropriation; administration. —

(1) There is hereby created a Pohnpei Housing Loan Fund, hereinafter referred to as “Loan Fund,” which shall serve as a source of financing for construction of moderate cost residential housing units in Pohnpei State.

(2) It shall be the purpose of the Loan Fund to make loans available to the people of Pohnpei who wish to construct moderate cost residential housing but are unable to otherwise obtain loans from the established commercial lending institutions in Pohnpei State. The Loan Fund shall be used to improve and advance the housing conditions of the people of Pohnpei and shall not be used for construction of commercial residential houses.

(3) There is hereby authorized for appropriation from the general fund of Pohnpei or such fund into which capital account monies of the Compact of Free Association may be deposited a sum or sums to be determined annually in the Comprehensive Budget Act for the purpose of providing the capital for the Loan Fund herein created by Subsection (1) of this section. All appropriations made to the Loan Fund shall remain available until fully expended.

(4) The Loan Fund shall be managed and administered by the Pohnpei Housing Authority solely for the purposes specified herein. The terms and conditions of loans made against this Loan Fund shall be promulgated by the Pohnpei Housing Authority Board with the concurrence of the Governor and the approval of the Legislature. All loan payment proceeds of this Loan Fund shall be treated as earnings and deposited in the Loan Fund. A separate accounting shall be maintained by the Executive Director of the Housing Authority of all monies deposited or loaned from the Loan Fund. The Executive Director shall submit to the Board, the Governor, and the Legislature on or before October 15 each year an annual financial report detailing the activities of the Loan Fund. The Loan Fund shall be subject to audit at any time upon request of the Legislature, the Governor or the Board of the Housing Authority.

Source: S.L. No. 1L-146-87 §§1 – 3 & 5, 7/14/87; S.L. No. 2L-72-88 §1, 10/21/88

Note: S.L. No. 1L-146-87 §4 transfer of assets and §6 repealing provisions have been omitted.

HOUSING & CONSTRUCTION

(Next page is Title 32 divider)