December 2023

Jamaica Developers Association Ltd. NEWSLETTER

JAMAICA DEVELOPERS ASSOCIATION LTD Real Estate Development Webinars:



"Exploring Contracts, Joint Ventures & the Quantity Surveyor's Role"

Thursday, October 26, 2023





Thursday, June 22, 2023

RECAP: Real Estate Development Webinars

The webinars held this year were successful. With presentations from industry experts and government officials, we deem the webinars series to be a resounding success.

In June 2023, Hon. Delroy Chuck, the Minister of Justice, expressed strong support in his opening speech for organized development in residential and commercial areas. He highlighted the importance of respecting restrictive covenants within communities to safeguard homeowners' property rights.

In October 2023, during his opening speech, Mr. Kevin Richards, Chief Executive Officer of Kingston Properties Ltd., expressed satisfaction at the participation of Quantity Surveyors in the webinar. He noted the substantial expansion of the Real Estate industry over the past decade but highlighted the lag in legislation, which has hindered the sector's growth. Mr. Richards also emphasized the necessity for increased public/private partnerships in Jamaica.

We were once again treated to excellent presentations made by representatives from the industry.

THE DEVELOPERS DILEMMA – PRE DEVELOPMENT RESTRICTIVE COVENANT MODIFICATION

Presenters:

 Mr. Alton Morgan, Attorney-at-Law & Managing Partner at Legis Attorneys-At-Law and Mrs. Licea-Ann Smith, Attorney-at-Law & Partner at Nunes Scholefield DeLeon & Co.

Panelists:

- Mr. John Leiba, Attorney-at-Law/Consultant at DunnCox
- Mrs. Rose Bennett-Cooper, Attorney-at-Law, Bennett Cooper Smith
- Mr. Antwan Cotterell, Attorney-at-Law, Myers Fletcher & Gordon

THE ROLE OF ARCHITECTS – ISSUING OF COMPLETION CERTIFICATES *Presenter:*

Mr. Robert Fowler, Architect, Bob Fowler & Associates

Panelists:

- Dr. Patricia Green, Architect/Patricia E. Green Architects.
- Mr. Robert Woodstock, Architect & Partner, HaroldMorrison+RobertWoodstock Associates Ltd

CONTRACTS FOR DEVELOPMENTS DEVELOP-ER/CONTRACTOR & DEVELOPER/PURCHASER *Presenter:*

Ms. Stephanie Ewbank, Partner, Myers Fletcher & Gordon

Panelists:

- Mr. Noel Levy, Consultant, Myers Fletcher & Gordon
- Mr. Alton Morgan, Managing Partner, Alton E. Morgan & Company

JOINT VENTURE CONTRACTS AND ISSUES ARISING

Presenter:

Mrs. Licea-Ann Smith, Attorney-at-Law & Partner at Nunes Scholefield DeLeon & Co.

Panelists:

- Mr. Alton Morgan, Managing Partner, Alton E. Morgan & Company
- Mr. Norman Minott, Consultant, Myers Fletcher & Gordon

THE ROLE OF QUANTITY SURVEYORS IN REAL ESTATE DEVELOPMENT

Presenter:

Mr. Ryon Edwards, President, Jamaican Institute of Quantity Surveyors

Panelists:

- Ms. Veronica Royal, Managing Director, Verco Limited Chartered Quantity Surveyors
- Mr. Winston Josephs, Manager & Qualifying Director Designate for Valuations, VMBS

We are truly grateful to them for sharing their knowledge, experience and time with us.

This year's Moderators - Messrs. Krisna Desai and Afeef Lazarus - shared a wealth of knowledge and experience in their capacities as Real Estate Attorneys.

The papers presented and video recordings are available on our website: https://jamaicadevelopersassociation.org/ presentations.

ACCREDITATION

Accreditations have been secured from the Land Surveyors Board of Jamaica and the General Legal Council for the June Webinar. Similarly, approvals have been obtained from the Architects Registration Board and the Jamaica Institute of Quantity Surveyors for the October Webinar. Presently, we're awaiting accreditation from the General Legal Council and the Land Surveyors Board Association of Jamaica for the October event.

The generosity of our Sponsors will also assist in making this year's contributions to worthy and financially challenged students in the Faculty of the Built Environment at the University of Technology.

Our sponsors: PLATINUM Gore Developments Ltd. JNBank

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Jamaica Mortgage Bank Jamaica Property Company Ltd. Millennium Properties Ltd. Sagicor Group Ltd.



JN BANK PARTNERS WITH NHT UNDER EXTERNAL FINANCING MORTGAGE PROGRAMME

We're pleased to inform you that JN Bank has partnered with the National Housing Trust (NHT) to offer financing to qualified NHT contributors under the External Financing Mortgage Programme (EFMP).

This EFMP replaces the former Joint Financing Mortgage Programme and will allow qualified NHT contributors the opportunity to continue mixing their NHT benefits and JN Bank mortgage proceeds to purchase property. Similar to the JFMP, under the new partnership, JN Bank will handle the processing and disbursement of funds to contributors, as well as manage the repayment of the loans.

We look forward to your support with informing NHT contributors about the reintroduction of this benefit that will afford them the flexibility and convenience of pooling funds from NHT and JN Bank to achieve homeownership.

Your loyalty to us is never taken for granted, and we are grateful for your continued support to us, so that we can provide Jamaicans the opportunity to accomplish, what for many is, a lifelong goal.

Thank you for partnering with us!

CHAIRMAN'S CORNER

ur Association remains committed to advocating for our members' interests. To that end, we have been invited to actively participate in a range of Government Committees and Boards: -



• Registration (Shared Communities) Bill The Ministry of Economic Growth and Job

Creation is presently working towards establishing regulations that will oversee the functioning of communities with shared facilities and expenses, which fall outside the scope of the Registration (Strata Titles Act). As a

component of this effort, the Ministry has cordially invited members of our Association to partake on a committee dedicated to this objective.

The appointed representatives are Dayton Wood, Alton Morgan, Mesdames Licea-Ann Smith and Natasha Rickards-Baugh, have engaged in three meetings thus far and have officially presented a proposal to the Bill on the Association's behalf.

• Legislation to Regulate the Practice of Quantity Surveying in Jamaica

Ministry of Economic Growth and Job Creation is developing appropriate legislation to regulate the practice of Quantity Surveying in Jamaica Committee aimed at ensuring appropriate oversight and the regulation of the practice of Quantity Surveyors in Jamaica.

Mr. Norman Minott, attorney-at-law, has been our representative on this important committee.

Amendments to the Local Improvement Act

The Planning Institute of Jamaica is executing a project funded by the World Bank to undertake a revision of the Local Improvement Act and to address the legal and practical changes that are necessary to improve the subdivision approval.

We were invited by the Ministry of Economic Growth and Job Creation to provide assistance to Dr. Winston McCalla, the Consultant, through our involvement in face-to-face meetings, consultations, and interactive sessions.

Mr. Alton Morgan and Mrs. Licea-Ann Smith represent us on this committee.

Revision Of The Housing Public- Private Partnership Policy (2008)

The Jamaican Government has collaborated with private developers to offer affordable housing solutions, particularly for low-income individuals, under the 2008 Housing Public-Private Partnership (HPPP) policy. The Ministry is now looking to assess and modify this policy to enhance housing delivery through this approach. Mr. Michael Lake represents us on the committee overseeing these changes.

• Revision of the Construction Industry Policy of Jamaica

The Ministry of Economic Growth & Job Creation is reviewing Jamaica's Construction Industry Policy (CIPJ) to include emerging issues and enhance the construction sector's role in national development and the economy. The Policy Steering Committee (PSC) will oversee the revision of CIPJ, and our Association has been

invited to have representation on the committee. Dayton Wood is the designated representative.

NEW DIRECTOR

We are pleased to extend a warm welcome to Mr. Shane Walters as the newest addition to our Board of Directors, representing Sagicor Jamaica Group Ltd. Mr. Walters, who currently serves as the Head of Real Estate & Investment Management at Sagicor, has joined the board in the wake of Ms. Brenda Lee Martin's re-assignment at Sagicor. We thank Ms. Martin for her wise counsel, and congratulate her on her promotion.

PRESENTATIONS AT WEBINAR

Please note that presentations can be viewed/downloaded from our website: http://jamaicadevelopersassociation.org/presentations)

ANNUAL GENERAL MEETING

We had a solid turnout from our members at our recently concluded Annual General Meeting on November 30. During the meeting, Mr. Colin Whittingham, one of our founding members, delved into the reasons for the Association's formation and the challenges developers have faced throughout the development approvals process from inception to the present.

Additionally, we were honored by the presence of the following Officers at the National Land Agency: Ms. Stephanie MacLean, the Registrar of Titles, and Ms. Kelli-Ann Walker, the Acting Senior Registrar of Titles. Ms. Walker delivered an extensive presentation on "Subdivision and Strata Applications submitted to the Office of Titles."

The members present enthusiastically embraced the presentation, actively engaging by asking relevant questions and expressing their concerns.

From my Family to yours - A Holy and Happy Festive Season and a Blessed New Year to you and yours!

Cator Dool

REQUIREMENTS FOR A SECTION 77 APPLICATION – Surrender of Title

Ms. Chalene Laughton

Manager, Adjudication Services, National Land Agency

ection 77 applications, more commonly referred to as the "Surrender Application", are grounded in Section 77 of the Registration of Titles Act (RTA). This application is not to be confused with the Section 79 Application which is when the title is old and/or worn.

When are Section 77 applications made: -

Section 77 applications are made in the following instances:

- 1. When there is a need to rectify a boundary, whether there is an encroachment or a prior error in distinguishing the boundary.
- 2. When there is a need to amalgamate lands. For example, if there are two or more parcels of land adjoining each other with the same owner and the owner wants one (1) title for the land.
- 3. When there is a need to splinter or get separate titles for a parcel of land, that is, a subdivision of the land.

This article will focus on splintering the title for developments involving multiple lots.

Preliminary Matters

Before undertaking any transaction with the National Land Agency (NLA), Land Titles Division (LTD), you must verify that the information you have received about the land is legitimate. This is done by conducting a title search. The title search will confirm the name of the registered proprietors and indicate whether or not there are any encumbrances which affect the land such as mortgages, caveats and/or court orders. Having received a copy of the original Certificate of Title, you are then required to check the restrictive covenants to ascertain if there are any restrictions on the Certificate of Title that will prevent you from subdividing the land. Particularly you are looking for the restrictive covenant that states "no further subdivision of the said". Restrictive covenants referring to no further subdivision of the said land will need to be modified before the Developer can make the Section 77 application. However, if the restrictive covenant states "no further subdivision without the approval of the Local Planning Authority" you may proceed with the Section 77 application once you have received the approval from the Municipal Authority. There will be no need to proceed to Court to modify this particular covenant, unless the approval was not granted.

Section 77 applications can only be done on lands that have been described by a survey plan, therefore, Certificate of Titles done by metes and bounds (estimation) would need to be reregistered by plan before it can be subdivided.

Boundary Checks

It is strongly recommended that a Commissioned Land Surveyor does a boundary check of the land to ensure that what is on the ground matches what is on the Certificate of Title before the application is made. If any encroachment or unregistered land is detected, these must be remedied before the application can be submitted. Having completed these checks and there are no encroachments, the Commissioned Land Surveyor prepares the plan of the development.

At the Municipal Authority (Parish Council)

An application is made to the respective Municipal Authority for permission to proceed with the development. The Municipal Authority has its checklist that will be issued to the developer. Upon making an application, if the development receives approval, the Municipal Authority imposes conditions of approval which must be met. Upon inspection of the development, if all is found to be in order as per the conditions imposed, the Municipal Authority issues the Certificate of Completion and the Road and Works Certificate. It should be noted that the process of approval involves feedback from National Environment and Planning Agency (NEPA), the Jamaica Fire Brigade, National Water Commission (NWC), and other state agencies. If the development is found to be in breach of the conditions of approval, the developer is required to remedy these breaches before the Municipal Authority signs off on the development.

At the National Land Agency- Land Titles Division Application for a deposited plan

Once the plan has two (2) or more lots, you will be required to lodge the plan at the Land Titles Division for the plan to be placed on deposit which is thereafter referred to as a deposited plan or DP. This is in keeping with Section 126 of the Registration of Titles Act.

The following documents are to be lodged for the processing of the DP:

- 1. Prechecked plan
- 2. Road and Works Certificate also referred to the as the Road Alignment Certificate

- 3. Certificate of Completion
- 4. Blueprint
- 5. Conditions of Approval
- 6. Registration Fee: \$5,000

Once the DP is approved, it is signed by the Registrar of Titles and placed on deposit. You are now able to prepare your Section 77 application and request the Certificate of Titles from the lots from the deposited plan.

In some instances, the Blueprint/conditions issued by the Municipal Authority will request that the Certificate of Completion and/or the Road and Works Certificate must be submitted upon the lodgment of the Section 77 application in order for the title for the respective lots to be released (issued).

Section 77 Application

It is highly recommended that you use the standard form for the Section 77 application found on the National Land Agency's website [www.nla.gov.jm] which lists the usual supporting documents. There are also notes on the standard form that will guide the applicant when this application is



Your

being made.

The Section 77 application is a statutory declaration and must be witnessed by a Justice of the Peace if in Jamaica or a Notary Public outside of Jamaica.

In completing the application, the name, address, and occupation of the registered proprietor must be stated. The registered proprietor's name in the application must be as is on the Certificate of Title. For example, if the name on the Certificate of Title is John Adam Public, the application must state John Adam Public. John A. Public or John Public will not be accepted and will be a reason for rejection.

If the registered proprietor is a company, you must state the name of the company, the business address and the act or law of incorporation for that company. In instances where the registered proprietor is a company, the representative of the company who will be signing on behalf of the company should state his/her name, address, and capacity (for example Director) and indicate that he/she is duly authorized to make the declaration on behalf of the company.



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Real Estate Board Announces Policy Changes to Better Serve the Industry

Mr. Damian Wilson Marketing & Public Relations Officer, Real Estate Board

The Real Estate Board, the Government regulator of the private real estate sector, has announced a number of policy changes intended to better serve the interest of the public and the industry. These changes affect how dormancy is treated, the issue of attachment and supervision, and finally how Dealers with overseas qualifications can become qualified to practise locally.

The changes were ratified at the June 22 meeting of its Board of Directors. These policy changes were subject to substantive deliberations of the Board, guided by legal advice and review of the legislative framework provided by the Real Estate (Dealers and Developers) Act, consultation with key stakeholders, and its own observation and assessment of the industry.

Commenting on the policy changes, Board CEO, Phillip Chambers said, "The Real Estate Board takes very seriously any change that affects how our practitioners operate, how we regulate them, and also how those changes are likely to affect the public at large." Mr. Chambers went to explain that some of these changes have been in gestation for some time now, and that the discussions were guided by the Board's learned inhouse counsel. "Of course, we are constantly surveying the landscape to see how we can better do what we do to improve the service provided by Salesmen and Dealers, which will ultimately redound to the benefit of the public."

With regards to dormancy, the previous policy requiring a dealer who acts as Qualifying Director of a dealer company, to place his or her individual license on dormancy is revoked. The individual dealer is now at liberty to decide whether or not he or she will apply for a license to practice in his or her individual capacity for a particular year, or whether he or she wishes to apply for dormancy. Dormancy is a provision which allows persons who do not intend to practice within a given year, to indicate this to the Board and pay the requisite fee, in lieu of the standard licence fee to practice.

On the issue of attachment, a supervising dealer can have a maximum of four persons attached, to him or her, up from two previously. However, the Supervising Dealer must:

- 1. Complete the Real Estate Supervisory Dealers Continuing Professional Development Course.
- 2. ...hold a current Dealer's licence.
- 3. ...have been a practicing dealer for at least three years
- 4. ...be fully compliant with filings under Proceeds of Crime Act and Terrorism Prevention Act.



- 5. ...not have any complaint, except for one which is deemed frivolous or vexatious, lodged with the Real Estate Board against him/her/it.
- 6. ...have a registered office and displays required by paragraph 3 (a) and (b) of the Real Estate (Dealers and Developers) (Code of Ethics) Regulations.
- ...not have been found to be in breach of the Real Estate (Dealers and Developers) Act by the Court or the Real Estate (Dealers and Developers) (Code of Ethics) Regulations, by the Real Estate Board.

Further to point number one, a Real Estate Dealers Course will be offered over two days, with the first day designated for all dealers and the second for all supervising dealers. The Real Estate (Dealers and Developers) Act dictates that a person who has completed the pre-licensing Dealers Course, must complete a period of attachment, or training as means of observing first-hand, the operations of a dealer, to be eligible to apply for registration by the Board as a Dealer.

Finally, applicants from overseas who hold similar qualification in other jurisdictions, must complete the Dealers' Training Course at the Real Estate Training Institute (RETI), together with a period of attachment of at least one-year in the office of a real estate dealer approved by the Board.

The CEO in his assessment stated that the Directors and management are confident that these changes will improve the overall professionalism and competence of practitioners and be of significant benefit to the public. The Board has written to various professional stakeholder groups and Associations, as well as disseminated a mass email to all Dealers and Salesmen, to inform them of these changes. It will also be publicized in print, social and electronic media.

Practitioners are asked to contact the Board directly for further







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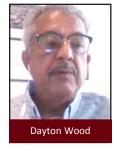


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Photo Highlights

June Webinar







October Webinar

















Located at 6 Kings Drive (6), AVEBURY is a property of 0.5 acres that has been subdivided into 8 residential lots and 1 common area lot.

Developments by Cimarron presents this exclusive housing complex that consists of eight (8) townhouse units in four (4) identical blocks, together with the associated external works to include guard house, fencing, driveway, drainage, etc.

Each unit is a total of 1,650 square feet, bedrooms equipped with an a/c unit, 3 ½ bathrooms, grilled, gutters, solar water heater and a 400 gallon water tank.

<u>Professional team</u> Architects: Stiebel & Co. Quantity Surveyors: Burrowes & Wallace Contractor: Construction 365

Subdivision approved by KSAMC - July 12 2021 Project approved by KSAMC - July 21 2021 Project approved by Real Estate Board - December 2021

Engineers: Jackie Pitter & Associates Land Surveyor: Isa Angulu & Associates Lawyers: Delroy Chuck & Co.

Title covenants amended – May 2022

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JDA MEMBERS NEW DEVELOPMENTS

Developer	Project	Description
Developments by Cimarron	Avebury 6 Kings Drive, Kingston 6	8 Town houses 3 bedrooms; 3 ½ bathrooms
Geon Group of Companies	Silverwoods 2 18 Liguanea Avenue	6 Townhouses 3 bedrooms; 3 ½ bathrooms with helper's quarters (completed)
	Upper Montrose Road	UNDER CONSTRUCTION 6 individual Villas on individual lots: 2- 4 bedroom; 4 ¹ / ₂ bathrooms with helper's quarters 4- 3 bedrooms; 3 ¹ / ₂ bathrooms with helper's quarters
Gore Developments Ltd.	Camelot Village St. Ann	626 Detached Houses 2 Bedrooms ,1 Bathroom and 72 Townhouses
	Phoenix Park Village 2 Portmore, St. Catherine	3,158 Detached Houses 2 Bedrooms, 1 Bathroom
Guardian Group Ltd.	The Cambridge 4 Musgrave Ave, Kingston 5	 COMPLETED 176 Units spread over two (2) multistorey residential towers named The Elite and The Edge The Elite has 60 units (24 studios, 32 one-bedrooms – with 2 full bathrooms, 4 two-bedrooms with 2 bathrooms - Penthouse) The Edge has 116 units (36 studios, 76 one-bedrooms with 2 full bathrooms, 4 two-bedrooms with 2 full bathrooms, 4 two-bedrooms with 2 full bathrooms, 4 two-bedrooms with 2 bathrooms.
	The Camden 27-29 Millsborough Avenue, Kingston	 20 Units - Six (6) townhouses/villas – 3 bedrooms/4bathrooms Twelve (12) apartments – 2 bedrooms/3 bathrooms Two (2) Penthouses – 3 bedrooms/ 3 1/2 bathrooms
Island Homes Ltd.	Bayfront Villas & Apartments Portmore St. Catherine	1,2 and 3 Bedroom Apartments





JDA MEMBERS NEW DEVELOPMENTS

Developer	Project	Description
Lancewood Valley Country Club Development Co.	Lancewood Valley Country Club Sandy Bay, Clarendon	COMING SOON 322 - 2 and 3 Bedroom units
New Era Developments Ltd.	Portridge Portmore, St. Catherine	605 Units consisting of2 bedrooms 2 bathrooms;3 bedrooms, 3 bathrooms
Sagicor Group	New Brunswick Village Spanish Town, St. Catherine	COMMMERCIAL AND RESIDENTIAL 89 residential units (Studios, 1&2 bedroom apt; 2 bedroom T/H) and over 90,000 sq ft of commercial space
	Cannon Ball Commercial Complex Up Park Camp, Kingston	10 Commercial units
	Bessa Oracabessa, St. Mary	86 Luxury Residential units (Villas, Ocean Suites, River Suites)
Selective Homes Ltd.	Little Bay Country Club Negril	Beach Front Gated Community 159 Units Consisting of : Studios, 2 & 3 Bedroom Town Houses and Detached Homes
	Winchester Green Island, Hanover	
Stewarts' Development & Services Ltd.	Howard Acres Phase 2, Goshen, St Elizabeth	32 Residential Bungalows – 2 bedrooms; 1 bathroom Completion date August 2024
	Villa Road Mandeville, Manchester	16 Residential 2 & 3 Bedroom units Completion date December 2024



Stewarts' Development & Services Limited (Member)

JDA FACTS

The Jamaica Developers Association is an umbrella organisation representing the Developers of housing and commercial solutions, allied businesses and groups. Our Associate Members include Commercial Banks, Legal Firms, Building Societies, suppliers of building materials and major mortgage providers.

JDA members adhere to the following:

- Commitment to orderly, responsible development in Jamaica
- Social responsibility, ensuring sustainable designs with minimal negative environmental impact
- Using only registered Engineers and Architects
- Volunteering their expertise to promote improvements in real estate development law and administration
- Providing facilities for the legislature to confer with and ascertain the views of the real estate developers
- Working cooperatively with Government entities such as NEPA, NWA, National Water Commission, National Land Agency and Jamaica Public Service.

BENEFIT TO MEMBERS

Through the years the Association members have the opportunity for dialogue with relevant agencies on matters of concern to the industry.

We believe our efforts have contributed to:-

- Reduction in Stamp Duty
- Transfer Tax paid on new developments discounted by 75%
- The establishment of the Development Assistance Centre at the National & Environment Planning Agency (NEPA)
- 90 days Fast Track Approvals Process

SEAL OF APPROVAL

Members of the JDA are able to use the Association's SEAL – which can be used on their letterheads or in their advertisements when selling their products to show that they follow best practices

Beyond our private practices, many JDA members have formed or are involved in Foundations and Non-profit Organizations in which we support a wide range of causes in education, health, sports and other sectors.

We also raise public awareness of critical human, social and environmental issues for the advancement of the nation.

The Association awards an annual Bursary - "**Eustace Bird Bursary**" in honour of our late Secretary/Manager Mr. Eustace Noel Bird to a third or fourth year student reading for a Diploma in Construction Management at the University of Technology.

The Association will continue to press on to achieve results and will, at all times continue to lobby for the advancement of the real estate development sector, cooperate fully and give genuine and valuable support to Government.

We will continue to provide efficient service and protect the interests of not only our members but also prospective purchasers, and remain a viable and strong organization.

HOW TO BECOME A MEMBER

Developers applying to become members of the Association are thoroughly screened and must :-

- Be recommended by at least two members of our Association
- Have successfully completed a minimum of three development schemes
- Have a proven track record of dependability and the highest ethical standards.

AN INSPIRATIONAL THOUGHT

"Do the best that you can until you know better. Then when you know better, do better" Maya Angelou





THE JAMAICA DEVELOPERS ASSOCIATION LTD.

JDA Members are Developers, Contractors, Suppliers, Financial Institutions, Professionals: Attorneys, Architects, Engineers, Land Surveyors, Real Estate Agents etc.

> For membership apply to: JDA Secretariat 3 Duke Street, Kingston Tel: (876) 967-2503 Email: jamaicadevassn@cwjamaica.com