

13 November 2013
PC settle.

**RESPONSE TO COMMENTS MADE BY THE PORTFOLIO COMMITTEE ON THE
HOUSING DEVELOPMENT AGENCY REGULATIONS**

KEY

Comments in Black: inputs and comments made by the PC and Parliamentary legal advisor on the Regulations.

Inputs in Blue: comments and inputs from the Department regarding proposals by the Parliamentary legal advisor and the Portfolio Committee.

Comments in Red: additional information to be provided by HDA.

1. Regulation 3(1): provisions to cover instances where the Minister doesn't approve a preliminary declaration for a priority housing development area:

HDA will provide inputs with regards to the proposed regulation.

2. Regulation 4(1): making provision for time frames for the process of finalising a priority housing development area plan.

We propose that this Regulation be substituted with Regulation 4(1) of the draft Regulations submitted after the meeting with the Portfolio Committee.

HDA to confirm the practicality of the proposed time frame in the above Regulation, taking into consideration approvals that may have to be obtained in finalising the priority housing development area plan.

3. Regulation 4(1)(c)(iv) and Regulation 4(3): specify the participating parties as contemplated in the regulation.

We propose that the definition of "participants" as provided for in the draft shared with the parliamentary legal advisor be inserted to specify the different participants involved in the development of a priority housing development area.

4. Regulation 6(1): the comment was in a form of the Department providing clarity as to what is meant by landed property in Regulation 6(1)(a).

Landed property is defined in the Housing Development Agency Act, 2008 as land with improvements including buildings, structures and services. In terms of the Act, the Housing Development Agency was established to facilitate the acquisition of land and landed property in a way that complements the capacities of Government across all spheres.

5. Regulation 7(3): provide for relevant legislation applicable to municipalities:

Municipal Systems Management Act and Municipal Structures Act, to name a few, however there could be others that we are not aware of, this needs to be catered for in the provision.

HDA must also provide any other relevant legislation from the ones provided above.

6. Regulation 7(3): the comment was to ensure that the community participating process as provided for in the Regulations is not fragmented, and further ensure that HDA participates in the community participating process.

HDA to provide information with regards to this provision.

7. Regulation 7(4): keeping records of priority housing development area by HDA.

HDA to provide inputs with regards to the proposition.

8. Chapter 4, Regulations dealing with funding for priority housing development areas.

We propose that this provision be substituted with Chapter 4 of the draft shared with the Parliamentary legal advisor, the proposed chapter provides more clarity as to where funding will come from.

9. Regulation 13(1): to specify time frames in this regulation.

HDA to provide time frames for this provision/regulation.

10. Regulation 14(3): specify the time frames for when an implementing agent is to report to the Agency on matters relevant to the agent's roles.

HDA to provide for the time frames for this provision.

11. Regulation 21: Committees and support structures, the proposal was that this provision should provide for the powers of the Committees and further ensure that communities are well represented in the committees.

HDA to make inputs with regards to the proposed regulation/s, provision.

All other inputs and comments, we are in principle totally in agreement therewith.

