

KWA-ZULU NATAL -NEGOTIATE MANDATE

Responses:

1. Attached to this report is a summary of the comments received during the public hearings. The same concern about section 41 was raised by some members of the Public in relation to exclusion of claims arising from damage caused by storms and floods.

Responses: Damage caused by storms and floods are excluded in terms of clause 41(4) of the Bill. The Department of Human Settlements has a program to deal with natural disaster causing damage to houses. The warranty cover is provided in the event defects occur as a result of poor workmanship or failure to comply with the technical requirements. But when damage is caused by natural disaster there is no liability on the part of the home builder.

2. Concerns were raised about accessibility of NHBRC services. Stakeholders requested that the Council should be more accessible, available and visible especially in rural areas. A suggestion was made that NHBRC offices should be located in Municipalities because most people cannot access online services. Concerns were also raised about accessing training and skilling of builders, registration and enrolment processes of NHBRC.

Response: The NHBRC has an arrangement with some municipalities to ensure that its services and training is provided within the area of jurisdiction of those municipalities. In addition, there are ongoing engagements with SALGA to enter into an MOU for the benefit of all municipalities.

3. Some comments raised in the public hearings related to delayed housing projects and how this can affect the consumer rights.

Response: Delayed housing projects are caused by many factors. The NHBRC ensures that housing consumers are protected through the Bill. The MEC and MMC have a responsibility to conduct oversight over

construction of subsidy and social housing projects. Each case will be dealt with its own merits.

4. The Public was also concerned about their rights to carry out renovations especially in social housing programmes. They requested that the Bill regulates how these renovations will be carried out in whilst protecting consumer's rights.

Response: Renovations for subsidy houses are currently permitted, however they still have to comply with the requirements for renovations in terms of the NBRBS Act 103 of 1977. In addition, the issue of renovations will be regulated in terms of the Regulations. Social housing are largely rental housing units and subsidy BNG (former RDP) are for ownership built.

5. Some stakeholders raised concern was about the requirement for homes to have a Kitchen and a bathroom inside which is not common in most rural homes and requested that rural settings and development be considered, as most rural homes are not built with a bathrooms and kitchens inside.

Response: The National Building Regulations defines a dwelling unit as a unit containing one or more habitable rooms and provided with adequate sanitary and cooking facilities. A number of municipalities have described a home to include kitchens and toilets in their Land Use Scheme in accordance with the Regulations. Safety and health issues are a concern around homes without the necessary kitchens and toilets.