

MPUMALANGA - NEGOTIATE MANDATE

Responses:

1. The registration fee paid to the Council is too costly as charges are per square meter and that makes it difficult for builders to register.

Response: The registration fee is standard across board and the Bill does not seek to differentiate the registration fee in terms of clause 39(1)(a) of the Bill. Since 1998 the registration fee has not changed. The initial application fee upon application being made for registration in terms of the current Act is an amount of R745 and annual membership of R562.

2. Majority of builders use foreign nationals, as they are skilful in the construction industry they have no credentials.

Response: If a person is registered with the NHBRC it means such person should have complied with all the requirements including work permits. The Bill applies to all builders whether South African national or not, further it is an offence to construct a home without registration with the NHBRC.

3. RDPs with poor workmanship are being approved by the National Home Builders Registration Council (NHBRC). (Cracks; leaking roof etc.)

Response: The new Bill seek to ensure that the inspectors and all employees of the NHBRC and competent persons are held liable for e.g poor inspection, poor monitoring and unsubstantiated approvals without due cause.

4. It is alleged that surveyors are being bribed by contractors and closely monitoring must be strengthen.

Responses: The Bill seek to address those challenges and improving accountability. Clause 64(1)(f). Substantive non-compliance with the Bill includes the wilful, or grossly negligent making of a determination by a competent person regarding the structural integrity of a home, which determination causes, or fails to prevent, a major structural defect.

5. The exclusion of structure forming part of an informal settlement;

Response: The NHBRC inspect homes based on certain norms and standards in terms of the technical requirements. Informal settlements are not constructed based on approved norms and standards and their structural integrity cannot be assured.

6. Why the bill excludes electricians and plumbers.

Response: The NHBRC is concerned with integrity of the structures of homes, electricians and plumbers have their own authorities that regulate them.

7. The duration of the five years' house guarantee before a grievance can be reported has been noted and welcomed.

Response: Noted

8. The bill will not protect houses that destroyed by the disaster.

Response: Damage caused by storms and floods (disaster) 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.

9. A challenge of pricing as builders underquote was raised and wanted to know the assistance provided by NHBRC on such matter.

Response: The Bill provides for contractual matters including provisions of warranties, progress payments. In terms of clause 34 (3) – The funds of the surplus to the warranty fund may be applied in relation to developmental programmes for the home building industry.