

PORTFOLIO COMMITTEE

PROPOSED AMENDMENTS TO THE HOUSING DEVELOPMENT AGENCY BILL

[B 1 - 2008]

NEW CLAUSE

1. That the following be inserted as a new clause:

"Purpose of Act –

2. The purpose of this Act is to provide for the-

- (a) establishment of the Agency which will facilitate the acquisition of land and landed property, in a way that supplements the capacities of Government across all spheres;
- (b) objectives, role, powers and duties of the Agency; and
- (c) mechanisms to render assistance to provinces and municipalities to fast track the rapid release of land and landed property for housing delivery."

CLAUSE 2

On page 3, from line 56, to omit section 2 and to substitute:

" 2(1) The Housing Development Agency is hereby established as a juristic person.

(2) The Agency –

- (a) operates as a national public entity;
- (b) is subject to the Public Finance Management Act and this Act.
- (c) acts through its Board.

CLAUSE 3

1. On page 4, from line 2, to omit, section 3 and to substitute:
"Objects of Agency
3(1) The objects of the Agency are to –
(a) identify, acquire, hold, project manage housing development services and release state and privately owned land for residential and community purposes, for the creation of sustainable human settlements; and
(b) contract with any organ of state for the purposes of and acquiring available land for residential housing and community development.

CLAUSE 4

1. On page 4, in line 6, to omit "by agreement with a Municipality".
2. On page 4, in line 7, after "(a)" to insert "identify and".
3. On page 4, in line 7, to omit "which has been identified by such a municipality".
4. On page 4, in line 11, to omit "Minister" and to substitute "Agency"
5. On page 4, in line 11, to omit "a municipality lacks the capacity" and to substitute "there is a lack of capacity".
6. On page 4, in line 11, after "capacity" to insert "in any organ of state".
7. On page 4, in line 11, after "to" to insert "identify".

8. On page 4, in line 12, after "release" to insert "state and privately owned".
9. On page 4, in line 13 after "settlements" to insert " recommend to that organ of state to engage the services of the Agency".
10. On page 4, in line 14, to omit paragraph "(a)".
11. On page 4, in line 16, to omit paragraph "(b)".
12. On page 4, in line 18, after "of" to insert " a province and"

CLAUSE 5

1. On page 4, in line 22, to omit "may" and to substitute "must".
2. On page 4, in line 22, to omit "; subject to subsection (4)" and to substitute "identity".
3. On page 4, in line 34, to omit subsection (4).
4. On page 4, in line 37, to omit "(5)" and to substitute (4).

CLAUSE 6

1. On page 4, in line 40, to omit "Functions" and to substitute "Powers and duties".
2. On page 4, in line 41, to omit " The Agency, by agreement with a municipality, may- " and to substitute " In order to achieve the objects of the Agency, the Agency must -

" In order to achieve its objectives the Agency must-

(a) develop a development plan to be approved by the Minister after consultation with the provinces and municipalities;

(b) project manage the housing developments;

(c) monitor the progress of the development of land and landed property acquired for the purposes of creating sustainable human settlements;

3. On page 4, from line 41 to insert, the current paragraphs as (d) to (j).

4. On page 4, in line 44, to omit "find" and to substitute "identity".

5. On page 4, in line 47, to omit municipality and to substitute "relevant authorities".

6. On page 5, after line 5, to insert " (e) must follow procurement procedures that are fair, equitable, transparent and in line with supply chain management guidelines for the acquisition of housing goods and services.

CLAUSE 8

1. On page 5, in line 21, to omit "and".

2. On page 5, in line 23, to omit "of" and to substitute "responsible for".

CLAUSE 23

1. On page 10, in line 30, to omit "overseen by" and to substitute "reporting to".

CLAUSE 24

1. On page 10, in line 44, to omit "rendered to municipalities".

CLAUSE 30

1. On page 11, in line 43, to omit "difficulties" and to substitute "difficulty".

CLAUSE 31

1. On page 12, in line 25, to omit "and the Minister for the Public Service and Administration,".
2. On page 12, in line 40, to insert " Portfolio and Select Committees on Housing"

CLAUSE 32

1. On page 12, in line 47, to omit "may" and to substitute "must".

CLAUSE 33

1. On page 12, in line 50, to omit "may" and to substitute "must".

MEMORANDUM ON OBJECTS

1. On page 14, in paragraph 4, to omit ", by agreement with Municipalities;"
2. On page 14, in paragraph 4, after "to" to insert "identity".
3. On page 14, in paragraph 4, after "release" insert "state and privately owned".
4. On page 14, in paragraph 5, to omit "a municipality" and to substitute "any organ of state".
5. On page 14, in paragraph 5, to omit "which has been identified by a municipality".
6. On page 14, in the first line in paragraph 6, to omit "only".
7. On page 14 in paragraph 6, to omit "a municipality" and to substitute "there is a lack".

8. On page 14, in paragraph 6 to omit "lacks the" and to substitute "of".
9. On page 14, in paragraph 6, after "to", to insert "identity".
10. On page 14, in paragraph 7, to omit "municipalities" and to substitute "organs of state".

PREAMBLE

1. After paragraph 4 of the preamble insert "**ACKNOWLEDGING** that there are serious problems and hindrances towards the realisation of housing for all, there is a need to accelerate the service delivery of housing and source the required skills;"