

Rec: 01/05/08

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Northern Cape
Provincial Legislature

OFFICE OF THE SPEAKER

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Hon MJ Mahlangu

NEGOTIATING MANDATE FOR THE SOCIAL HOUSING BILL [B29B - 2007]

1. INTRODUCTION

The Chairperson of the Portfolio Committee on Housing & Local Government, Hon CAT Smith, tabled the Committee's negotiating mandate on the *Social Housing Bill [B29B - 2007]* as adopted by the Portfolio Committee on 06 May 2007.

2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *Social Housing Bill [B29B - 2007]* to the Portfolio Committee on Housing & Local Government on 29 August 2007.
- 2.2 The Portfolio Committee received a briefing on the Bill on 18 April 2008 from the Northern Cape's Permanent Delegate to the NCOP, Hon RJ Tau, and the Department of Housing & Local Government.
- 2.3 The Portfolio Committee resolved at the meeting of 18 April 2008 to hold public hearings on the referred Bill in the Frances Baard, Namaqua and Siyanda Regions of the Province to solicit the views of communities and stakeholders with regard to the *Social Housing Bill*.

Four (4) public hearings were held from 22 - 24 April 2008 as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature in respect of the Bill.

On 06 May 2008, the Portfolio Committee on Housing & Local Government deliberated and considered the *Social Housing Bill [B29B - 2007]*.

3. COMMITTEE INPUTS ON THE BILL

- In section 2(1)(a) the word children to be replaced with "child headed households".
- The Regulatory Authority to account to both the Minister as well as Parliament, which includes Provincial Legislatures.
- The Committee notes that funds have been allocated in the MTEF period 2006/07 - 2008/09 and needs clarity on what would happen with these budgeted funds.

children and
child headed
households.

- The role of the private sector should be defined more clearly.

4. PUBLIC INPUTS CONSIDERED BY THE COMMITTEE

- The title of the Bill needs to be reviewed as it does not address what the Bill seeks to achieve.
- The rules and regulations should be clear whether the qualifying amount is combined or individual in a household.
- The qualifying requirements for these rental institutions should include all income levels, as it only provides for economic active persons.
- In section 2(1)(a) the word children to be replaced with "child headed households".
- The MEC should serve as a monitoring authority on the implementation of the Act.
- The community wants to see a sample of the houses to be build before they can approve to the building of such.
- The community has fears that these social houses might lead to the former hostel-style accommodation of the apartheid era.
- Ownership versus rental: The public was concerned and disappointed that the social housing was for rental only and that one could not therefore own the house at some point and even be able to pass it on to one's family members.
- Affordability and Size: the public was concerned about the cost of such social housing; as well as the sizes of the units. (How many people can be accommodated? Can a family be accommodated?)
- Affordability was again raised as a serious concern, particularly for people who reside in low-income areas given its socio-economic challenges such as poverty, unemployment and inability to keep up with the payments of basic services. Therefore, the public want to know what will happen if a person who has been renting such social housing, is not in a position to afford the rental anymore.
- The community wishes to be involved as far as the allocation of approved projects are concerned.
- The Bill does not specifically indicate which women are catered for, more for clarification should be provided.
- The Bill does not make provision for strict measures or prohibition to individuals who already own houses and are renting it to others, therefore record keeping by way of a reliable data base is needed.
- The omission of males in the Bill needs to be worded correctly or clarified.

6. LEGAL TECHNICAL INPUTS CONSIDERED BY THE COMMITTEE

- In clause 2(1)(a), the regulations should be clear on the criteria to be used for the allocation of accommodation. Also does the wording of this clause indicate a type of "preference scale" of criteria that is going to be used?

- Clause 12(2) should be redrafted as follows: *"The Regulatory Authority may make funds available through the social housing investment plan to assist in meeting the costs of any such support."*
- Clause 12(3) should be rephrased as follows: *"The Regulatory Authority may authorise a forensic investigation into the institution's affairs and appoint a public accountant and auditor registered in terms of the Public Accountants' and Auditors' Act, 1991 (Act No 80 of 1991), to undertake such investigation, should the social housing institution continue to resist the intervention of the Regulatory Authority or if there is no improvement in performance in respect of the matters which necessitated the intervention."*
- In Clause 5, the repeated use of the word "to" should be minimised. The clause should be redrafted as follows. *"A municipality must, where there is a demand for social housing within its municipal area, as part of the municipality's process of integrated development planning, take all reasonable and necessary steps, within the national and provincial legislative, regulatory and policy framework to –*
 - (a) *facilitate social housing delivery in its area of jurisdiction;*
 - (b) *encourage the development of new social housing stock and the upgrading of existing stock or the conversion of existing non-residential stock; ..."*

7. KEY DETERMINING PRINCIPLES

The public hearings held by the Portfolio Committee were successful.

The people who attended the public hearings did not oppose the Bill.

8. PORTFOLIO COMMITTEE POSITION ON THE BILL

After due deliberation and taking note of the Public's input, the Portfolio Committee on Housing & Local Government supports the Bill.

9. ADOPTION OF THE BILL BY THE HOUSE

The House adopted this negotiating mandate, and further mandates the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill, taking note of the comments, recommendations and inputs.


 HENK VAN DER STAADHOUER
 ACTING SPEAKER

Rec: 07/05/08

Wes-Kaapse Provinsiale Parlement
 Western Cape Provincial Parliament
 Palamente yePhondo leNtshona Koloni



MANDATE OF THE WESTERN CAPE ON THE SOCIAL HOUSING BILL

[B29B-2007]

Negotiating mandate of the Western Cape Provincial Parliament on the *Social Housing Bill [B 29B-2007]* (NCOP), as resolved by the House on 6 May 2008.

The Western Cape Provincial Parliament having considered the subject of the *Social Housing Bill [B 29B-2007]* (NCOP) referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill with the following amendments:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

CLAUSE 2

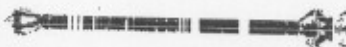
1. On page 5, in line 25, to amend paragraph (d) as follows:

(d) not discriminate against any residents **[on any grounds set out in section 9 of the Constitution, including individuals affected by HIV and AIDS];**

CLAUSE 4

1. On page 7, in line 4, to amend sub clause (1) as follows:

(1) Every **[provincial government, through its MEC] province must-**



Handwritten notes and stamps on the right margin, including the word 'Ca' and a large '10'.

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CLAUSE 9

1. On page 9, in line 4, to amend paragraph (f) as follows:

(f) he or she has failed to attend [~~three~~ two] consecutive meetings, without an apology or justified excuse.

CLAUSE 19

1. On page 14, in line 48, to amend sub clause (1) as follows:

19. (1) The Minister, by notice in the Gazette and after consultation-



**S BYNEVELDT
SPEAKER
6 MAY 2008**

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