



GAUTENG
LEGISLATURE
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21 May 2008

The Chairperson of the NCOP
Honourable M J Mahlangu
National Parliament
P. O. Box 15
Cape Town
8000

Dear Hon Mahlangu

RE: MANDATE TO THE GAUTENG DELEGATION

In terms of Section 65 of the Constitution of the Republic of South Africa Act (Act 108 of 1996), the Gauteng Provincial Legislature adopted the attached report which contains a mandate to our delegation in respect of the following bill:

1. Social Housing Bill [B29B-2007] – section 76

Yours faithfully

MR R M MDAKANE:
SPEAKER

No. 07 - 2008: Fifth Session, Third Legislature

GAUTENG PROVINCIAL LEGISLATURE

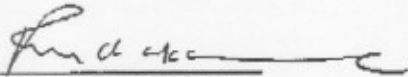
RESOLUTION

Tuesday, 20 May 2008

I, the Speaker, Mr R M Mdakane, hereby table the following resolution in terms of Rule 38 (1)

That this House adopts:

the report of the Portfolio Committee on Housing on the Final Voting Mandate to the Social Housing Bill [B29B-2007] Section 76. as recommended.



PROPOSER: MR R M Mdakane
SPEAKER



GAUTENG
LEGISLATURE

**HOUSING PORTFOLIO COMMITTEE
FINAL VOTING MANDATE
OF THE SOCIAL HOUSING BILL [B29B-2007]**

Support

(Section 76)

20 May 2008

1. INTRODUCTION

The Chairperson of the Housing Portfolio Committee, Mr. C G Tsotetsi, tables the Committee's Final Voting Mandate on Social Housing Bill [B29B-2007], a Section 76 Bill.

2. PROCESS FOLLOWED

The Speaker formally referred the Social Housing Bill [B29B-2007], a Section 76 Bill to the Housing Portfolio Committee for consideration and report in terms of Rule 232 (1)(a) read with 235(4), (6) and (7) on the 22nd October 2007. The Chairperson, Mr Godfrey Tsotetsi, tables the Final Mandate on the above-mentioned Bill as follows:

The Committee Researcher presented an analysis on the social and economic impact of the Social Housing Bill to the Committee on the 12th February 2008 followed by a briefing on the content of the Bill by the NCOP Permanent Delegate, Member Abram Mzizi on the 06th March 2007. Furthermore, the Department of Housing made its submission on the Bill during a Committee meeting on Tuesday, 11th March 2008.

In keeping with Legislature's constitutional mandate of promoting and facilitating public participation in the law making process, the Portfolio Committee invited stakeholders from Community Based and Civic Organisations, the Johannesburg Housing Company, SALGA, Women in Constructions, Housing Cooperatives, National Housing Finance Corporation, National Urban Reconstruction and Housing Agency, Women for Housing, South African Housing Cooperatives Association, Rand Water, Rural Housing Loan Fund and Peoples Housing Partnership to a Public Hearing on the

referred Bill at Rabasotho Community Hall, Tembisa on Thursday, 27 March 2008. The Committee obtained a Legal opinion on the Bill from the Legal Unit of the GPL on the 05 May 2008.

The Committee deliberated and adopted the Final Voting Mandate on the Social Housing Bill [B29B-2007], Section 76 Bill on Tuesday, 20 May 2008.

3. PRINCIPLE OF THE BILL

In Chapter 1 of the Bill, the terminology used in the draft legislation is defined, and provision is also made for the general principles applicable to social housing. The general principles have to a large extent been gleaned from the approved national social housing policy as well as the principles contained in section 2 of the Housing Act, 1997 (Act No. 107 of 1999). These principles are binding on the national, provincial and local spheres of government.

OBJECTS OF THE BILL

- To establish and promote a sustainable social housing environment;
- To define the functions of national, provincial and local governments in respect of social housing;
- To provide for the establishment of the Social Housing Regulatory authority in order to regulate all social housing institutions obtaining or having obtained public funds;
- To allow for the undertaking of approved projects by other delivery agents with the benefit of public money;
- To give statutory recognition to social housing institutions; and
- To provide for matters connected therewith"

4. FINANCIAL IMPLICATIONS AND SOCIO-ECONOMIC IMPACT ASSESSMENT OF THE BILL FOR THE PROVINCE

4.1. FINANCIAL IMPLICATIONS

In respect of the financial implications of the Bill on the province, the Gauteng Department of Housing confirmed to the Committee that there are no direct financial implications and that the Department supports the Bill as introduced

Nonetheless, the Committee notes the provisions of Sections 18(1)(a)(b) and 18(2)(a)(b) on the financing of the SHI provides as they are inadequately/not catered for in the provisions of Section 39 of DORA and this could have serious financial implication of the province.

4.2. SOCIO-ECONOMIC IMPACT

With regards to the socio-economic impact of the Bill the Gauteng Department of Housing welcomes the Bill as:

- It recognizes the importance of social housing;

- It will ensure affordable rental housing for those who could not access Social housing in the open market;
- The regulation of the sector brings about protection of the consumers. (awareness of consumers' rights and obligations);
- Secure tenure for residents in social housing institutions will be ensured as far as the provisions governing landlord tenant relationship as set out in the Social Housing Act, 1999;
- It will assist in addressing issues of rapid urbanisation and growth patterns;
- The MEC has the power to mediate in cases of conflict between a social housing institution or other delivery agent and municipality.

5. COMMITTEE POSITION

The Housing Portfolio Committee supports both the principle and details of the Social Housing Bill [B29B-2007] - section 76.

The Committee deliberated on the responses by the National Department of Housing to the Select Committee on Public Services as follows:

- The responses to the following are noted but should be covered by the Regulations:
 - There should be monitoring and control of SHIs in order to prevent exploitation of the social housing affordable rental units market in order to realise surpluses for re-investment.
 - The Bill should clearly define the low to medium income strata as the determination is inconsistent and taking into cognisance the inflationary environment.
 - The requirement as stipulated in Section 14(1)(l) that SHI must seek permission for any prescribed matters from the Regulatory Authority should be clarified in so far as what exactly the purpose of the permission sought from the Regulatory Authority is.
- The reporting requirement as stipulated in Section 16(1)(a) and (b) social housing institution must report to the Regulatory Authority, the Committee notes the response in this regard as inadequate
- The Committee recommends that the requirement of section 16(4) be deleted in the bill as it misplaced and of no relevance, noting that the Regulatory Authority while in the performance of its functions and in handling matters relating to access to information, will as a matter of course be bound by and be subject to the prescripts of the Information Act.
- The Committee recommends that the provisions of Section 13(3) and (4) on the accreditation of social housing institutions and municipalities should be revised to take into consideration the limitations of Section 39

The Bill only deals on accreditation of SHIs and does not have an effect on municipalities. Municipal accreditation is a Housing Act matter. Accreditation in a Bill is only for SHI and Social Housing Projects

of DORA specifically to Schedule B-Vote 26 as the bill must ensure that capacity exists for all newly accredited institutions and municipalities to obtain funds to avoid compromise of service delivery.

- The Provisions of Section 18 on the Financing of Social Housing are inadequately catered for in terms of Section 39 of DORA, particularly Schedule B-Vote 26.

6. FINAL VOTING MANDATE ADOPTED BY THE COMMITTEE

The Housing Portfolio Committee recommends that in terms of Section 65 of the Constitution, the House confer authority on the Gauteng Provincial Delegate/s to the National Council of Provinces to vote in favour of the Social Housing Bill [B29B-2007] Section 76.

There is a piece of bringing the social housing programmes into the budgetary stream and the regulatory authority into the budget vote so that it has sufficient funding available so as not to affect the provinces negatively. The main funding requirement to programme is the provision of the institution's subsidy which the province has to make allowance for in their normal budgetary process. Further than that it won't have any budget implications on the province.

In terms of the commission that needs to be sought, the items on which the SHI will need to seek permission, will be detailed in the regulations to the Bill.



ISISHAYAMTHETHO SAKWAZULU-NATAL

KWAZULU-NATAL WETGEWER

KWAZULU-NATAL PROVINCIAL LEGISLATURE

**TO: THE CHAIRPERSON,
NATIONAL COUNCIL OF PROVINCES**

FINAL MANDATE

PROVINCE : KWAZULU-NATAL

**BILL : SOCIAL HOUSING BILL
[B29B – 2007]**

DATE: : Tuesday, 27th May 2008

PROVINCIAL PROCESS :

Provincial Portfolio Committee/s : Housing Portfolio Committee
Portfolio Committee
meeting date/s : Tuesday, the 27th of MAY 2008
Provincial NCOP meeting date/s : Tuesday, the 27th of MAY 2008
Consultation : Parliamentary Legal Advisors, Special &
Permanent Delegates

VOTE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:

The Provincial Standing Committee on National Council of Provinces Matters met today, Tuesday, the 27th of May 2008, & agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to *reject* the Social Housing Bill [B29B-2007] in its current form for the following reasons:

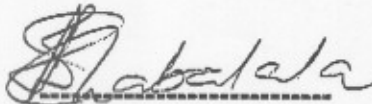
- (a) The National Department of Housing did not consider the substantial proposals from KwaZulu-Natal and other provinces.

- (b) The Committee is of the firm view that these proposals should have been incorporated in the Bill.
- (c) The Committee has not been favoured by the Regulations as undertaken by the Department at the NCOP meeting in order to guide it in passing the Bill.

The delegation is further mandated to consider any additional amendments, providing that-

- 1) the amendment/s does/do not alter the essential elements of the Bill; and
- 2) consensus is reached on the proposed amendment/s by the KwaZulu-Natal delegation.

PROVINCIAL ENDORSMENT



Ms LF Shabalala
CHAIRPERSON :
KWAZULU-NATAL STANDING COMMITTEE ON
NATIONAL COUNCIL OF PROVINCES MATTERS

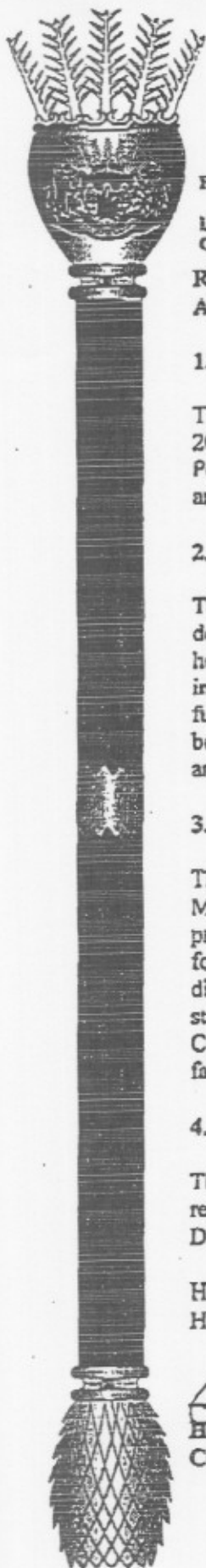
Tuesday, the 27th May 2008

DATE

080604
SCPService

Limpopo Legislature

OFFICE OF THE SECRETARY



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REPORT OF THE PORTFOLIO COMMITTEE ON LOCAL GOVERNMENT AND HOUSING ON SOCIAL HOUSING BILL [B 29B - 2007]

1. INTRODUCTION

The National Council of Provinces (NCOP) referred the Social Housing Bill [B 29B - 2007] to the Limpopo Legislature and the latter subsequently referred the Bill to the Portfolio Committee on Local Government and Housing for consideration and inputs and to report to this august House.

2. PURPOSE OF THE BILL

The Bill seeks to establish and promote a sustainable social housing environment; to define the functions of national, provincial and local government in respect of social housing; to provide for the establishment of the Social Housing Regulatory Authority in order to regulate all social housing institutions obtaining or having obtained public funds; to allow for undertaking of approved projects by other delivery agents with the benefit of public money; to give statutory recognition to social housing institutions; and to provide for matters connected therewith.

3. BRIEFING BY THE NCOP DELEGATES

The Portfolio Committee on Local Government and Housing held a meeting on 07 March 2007 to be briefed by the NCOP Permanent Delegates on the principle and provisions of the Bill. The Committee conducted a workshop on 01 April 2008, followed by a public hearing on 05 May 2008 in which stakeholders from all the districts of the province attended to give inputs. The inputs received from the stakeholders were sent to the NCOP during the negotiation stage of the Bill. The Committee appreciated the introduction of the Bill and hopes that the challenges facing social housing will be addressed in the long run.

4. FINAL MANDATE

The Committee, having supported the principle and provisions of the Bill, recommends to this august House to confer a final mandate to the NCOP Permanent Delegates to vote in favour of the Bill to pass into law.

Honourable Speaker, I move that this report be adopted as the report of this august House and move accordingly.

HON. G. MOLEKWA
COMMITTEE CHAIRPERSON

Limpopo Legislature

OFFICE OF THE SECRETARY



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0700

VOTING MANDATE


To : The Chairperson: National Council of Provinces

Name of Bill : Social Housing Bill

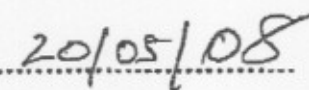
Number of Bill : [B29B-2007]

Date of deliberation : Wednesday, 21 May 2008

Vote of Legislature : in favour of the Bill


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SPEAKER: LIMPOPO LEGISLATURE


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DATE



Isikhaya Mkhetho SaseMpumalanga
Isikhaya Mkhetho Sase Mpumalanga
Isikhaya Mkhetho Sase Mpumalanga

OFFICE OF THE SPEAKER

FINAL MANDATE

SOCIAL HOUSING BILL [B29B-2007]

The Portfolio Committee on Local Government and Housing (the Committee) met on 15 May 2008 to consider the principles and details of the Social Housing Bill [B 29B-2007] (the Bill).

After careful deliberation, the Committee has resolved to support the Bill.

The Delegation representing the Province of Mpumalanga in the National Council of Provinces (the NCOP) is hereby conferred with authority and mandated to vote in favor of the Bill.

YN PHOSA
SPEAKER: MPUMALANGA
PROVINCIAL LEGISLATURE

15.5.08
DATE

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and Public Involvement"**



FREE STATE LEGISLATURE

LOCAL GOVERNMENT AND HOUSING COMMITTEE

Report on the voting mandate regarding Social Housing Bill (B29B-2007)

1. Report from the inter-provincial meeting

- a) On May 20, 2008 Adv T Malakoane, Assistant Legal Advisor of the Free State Legislature, briefed the Portfolio Committee on **Local Government and Housing** on the report from the inter-provincial meeting held on May 14, 2008.

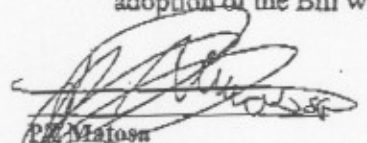
2. Consideration

The Portfolio Committee considered the report and raised its concern that most of the inputs are deferred to be considered under Regulations. In this regard the Portfolio Committee implores the NCOP to ensure that the inputs entailed in the negotiating mandates are encapsulated into the envisaged Regulations.


3. Resolution

The Committee resolved that:

- (a) Authority be conferred to the Free State Delegation, to vote for the adoption of the Bill without amendments.


 P. Matosa
 Speaker
 FREE STATE LEGISLATURE

May 20, 2008


 E Rockman
 Secretary to the Legislature

Supports without amendments