

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



**FINAL MANDATE OF THE WESTERN CAPE ON THE SOCIAL HOUSING  
BILL [B29 3-2 107]**

Final mandate of the Western Cape Provincial Parliament on the *Social Housing Bill [B 29B-2007]* (NCOP), as resolved by the House on 16 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 amendment:

[            ] 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**

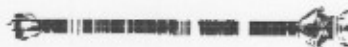
1. On page 5, in line 25, to amend paragraph (d) as follows:

(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-



**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 with Parliament



**S BYNEVELDT  
SPEAKER  
16 MAY 2008**



**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, 27<sup>th</sup> May 2008**

**PROVINCIAL PROCESS :**

Provincial Portfolio Committee/s : Housing Portfolio Committee  
Portfolio Committee  
meeting date/s : Tuesday, the 27<sup>th</sup> of MAY 2008  
Provincial NCOP meeting date/s : Tuesday, the 27<sup>th</sup> 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 27<sup>th</sup> 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:

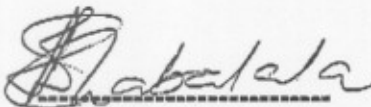
- (a) The National Department of Housing did not consider the substantial proposals from KwaZulu-Natal and other provinces.

- (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.

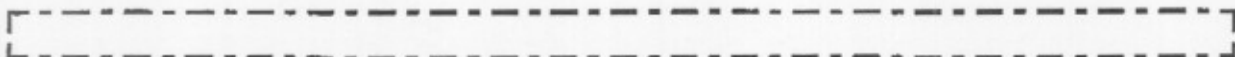
**PROVINCIAL ENDORSMENT**



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

Tuesday, the 27<sup>th</sup> May 2008

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**DATE**



rec 20/05/08

080604  
ScpserviceNorthern Cape  
Provincial Legislature

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Hon MJ Mahlangu

## FINAL MANDATE FOR THE SOCIAL HOUSING BILL [B29B - 2007]

## (Section 76 Bill)

## 1. INTRODUCTION

The Chairperson of the Portfolio Committee on Housing & Local Government, Hon CAT Smith, tabled the Committee's negotiating mandate as adopted by the Portfolio Committee on 06 May 2008 on the *Social Housing Bill [B29B - 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 from the Northern Cape's Permanent Delegate to the NCOP, Hon RJ Tau, at its meeting on 18 April 2008.

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. PUBLIC INPUTS ON THE BILL

The public hearings held were well attended by the members of the public.

The members of the public supported the Bill and made the following comments:

- 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.

### 4. LEGAL TECHNICAL INPUTS ON THE BILL

- 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; ..."*

#### 5. COMMITTEE COMMENTS ON THE BILL

- In section 2(1)(a) include *"and child headed households"* after the word *"children"*.
- The Regulatory Authority to account to both the Minister as well as Parliament.
- The role of the private sector should be defined more clearly.

#### 6. PORTFOLIO COMMITTEE POSITION AT THE NEGOTIATING STAGE:

The Portfolio Committee on Housing & Local Government **supports** the Bill.

The Negotiating Mandate was tabled on 06 May 2008 in the House. The Committee recommended to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill, taking note of the concerns raised by the Committee as well as those of the public.

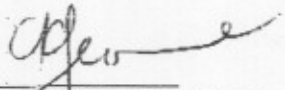
The House therefore conferred on the Permanent Delegates the authority to participate in negotiations and to raise the concerns expressed.

#### 7. COMMITTEE POSITION AFTER CONSIDERATION OF NEGOTIATING MANDATE BY THE NCOP SELECT COMMITTEE

The Portfolio Committee's Negotiating Mandate indicated that the Northern Cape will support the *Social Housing Bill [B29B – 2007]* on condition that the concerns raised by the Committee will also be considered.

**8. FINAL VOTING MANDATE**

In terms of Section 65 of the Constitution, the House confer authority on its Permanent Delegates to the NCOP to vote in support of the *Social Housing Bill [B29B - 2007]*.



**HON. G. Seoposengwe**  
**Speaker**

Date: .....





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Date: 03 June 2008

**PORTFOLIO COMMITTEE ON HOUSING**

***Report on Final Mandate of the Social Housing Bill (B29B-2007)***

**1. *Terms of reference***

The Social Housing Bill (B29B-2007), herein referred to as the Bill, was referred to the Portfolio Committee on Housing by the NCOP Business Committee for consideration in order to formulate a provincial mandate.


**2. *Consideration of the Bill***

The Portfolio Committee met on 03 June 2008 and was briefed by Chairperson of the Committee, Hon. D Neer, on the deliberations of the NCOP negotiating mandate meeting. The Committee agreed with concerns and proposals for amendments raised by provinces as reflected in the minutes.

**3. *Resolution***

The Committee resolved that the following final mandate be conferred:

- To vote for the adoption of the Bill.
- That the Special Delegate, Hon Neer, be mandated to represent the Province at the meeting considering the final mandates and vote for the adoption of the Bill.

*for*   
HON. N KIVIET  
SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE