

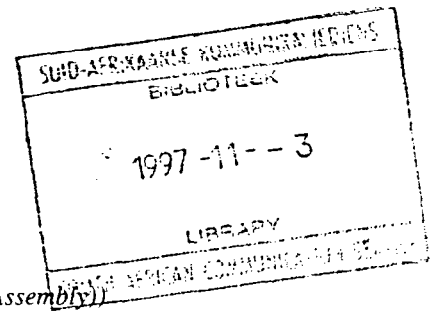
REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
HOUSING BILL**

[B 82—97]

(As agreed to by the Portfolio Committee on Housing (National Assembly))

[B 82A—97]



REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
BEHUISINGSWETSONTWERP**

[W 82-97]

(Soos goedgekeur deur die Portefeuljekomitee oor Behuising (Nasionale Vergadering))

[W 82A—97]

ISBN O 621274453

AMENDMENTS AGREED TO

HOUSING BILL [B 82-97]

CLAUSE 1

1. On page 4, in line 42, after “ensuring” to insert “internal and external”.
2. On page 6, from line 15, to omit the definition of “**provincial housing board**” and to substitute:

“**provincial housing development board**” means a provincial housing development board referred to in section 8(1)(a)(i) or the body determined by provincial legislation to perform such board’s functions as contemplated in section 8(13)(b)(ii);

3. On page 6, from line 19, to omit the definition of “**provincial housing fund**” and to substitute:

“**provincial housing development fund**” means a provincial housing development fund contemplated in section 12(2).

CLAUSE 2

1. On page 6, from line 24, to omit subsection (1) and to substitute:

- (1) National, provincial and local spheres of government must—
- (a) give priority to the needs of the poor in respect of housing development;
 - (b) consult meaningfully with individuals and communities affected by housing development;
 - (c) ensure that housing development—
 - (i) provides as wide a choice of housing and tenure options as is reasonably possible;
 - (ii) is economically, fiscally, socially and financially affordable and sustainable; and
 - (iii) is based on integrated development planning;
 - (d) encourage and support individuals and communities in their efforts to fulfil their own housing needs by assisting them in accessing land, services and technical assistance;
 - (e) promote—
 - (i) education and consumer protection in respect of housing development;
 - (ii) conditions in which everyone meets their obligations in respect of housing development;
 - (iii) the establishment, development and maintenance of socially and economically viable communities and of safe and healthy living conditions to ensure the elimination and prevention of slums and slum conditions;
 - (iv) the process of racial, social, economic and physical integration in urban and rural areas;

- (v) the effective functioning of the housing market while levelling the playing fields and taking steps to achieve equitable access for all to that market;
 - (vi) measures to prohibit unfair discrimination on the ground of gender and other forms of unfair discrimination by all actors in the housing development process;
 - (vii) higher density in respect of housing development to ensure the economical utilisation of land and services;
 - (viii) the meeting of special housing needs, including, but not limited to, the needs of the disabled;
 - (ix) the provision of community and recreational facilities in residential areas;
 - (x) the housing needs of marginalised women and other groups disadvantaged by unfair discrimination; and
 - (xi) the expression of cultural identity and diversity in housing development
- (f) take due cognizance of environmental conditions in respect of housing development;
- (g) not inhibit housing development in rural or urban areas;
- (h) in the administration of any matter relating to housing development—
- (i) respect, protect, promote and fulfil the rights in the Bill of Rights in Chapter 2 of the Constitution;
 - (ii) observe and adhere to the principles of co-operative government and intergovernmental relations referred to in section 41(1) of the Constitution; and
 - (iii) comply with all other applicable provisions of the Constitution;
- (i) strive to achieve consensus in regard to the policies of the respective spheres of government in respect of housing development;
- (j) observe and adhere to the principles in Chapter 1 of the Development Facilitation Act, 1995 (Act No. 67 of 1995), in respect of housing development;
- (k) use public money available for housing development in a manner which stimulates private investment in, and the contributions of individuals to, housing development;
- (l) facilitate active participation of all relevant stakeholders in housing development; and
- (m) observe and adhere to all principles for housing development prescribed under subsection (2).

2. In the English text, on page 8, in line 15, to omit “inconsistent” and to substitute “consistent”.

CLAUSE 3

1. On page 8, in line 38, after “Constitution” to insert “establish and”.
2. On page 8, in line 41, after “policy” to insert:

, including national norms and standards,
3. On page 10, after line 8, to insert the following subsection:

(3) For the purposes of subsection (2)(a) “national norms and standards” includes norms and standards in respect of permanent residential structures, but are not limited thereto.

4. On page 10, in line 27, to omit “effectiveness parameters” and to substitute “equitableness and effectiveness requirements”.
5. On page 10, in lines 55 and 56, to omit subsection (7) and to substitute:

(7) When exercising any executive authority in terms of this section, the Minister must co-ordinate with the other Ministers in question and may not encroach upon the executive authority of any of such Ministers.

CLAUSE 5

1. On page 12, in line 18, after “Housing” to insert “Development”.
2. On page 12, in line 19, after “Housing” to insert “Development”.
3. On page 12, in line 25, to omit paragraph (a) and to substitute:

(a) The Board consists of a chairperson, a vice-chairperson and not more than 13 other members appointed by the Minister.
4. On page 12, after line 25, to insert the following paragraphs:

(b) The members of the Board must be appointed only after—

 - (i) the Minister has through the media and by notice in the *Gazette* invited nominations of persons as candidates for the respective positions on the Board; and
 - (ii) the parliamentary committees for housing of the National Assembly and the National Council of Provinces have made recommendations to the Minister in relation thereto after a transparent and open process of considering persons so nominated.

(c) The need for the Board to reflect broadly the race and gender composition of South Africa must be considered when members are appointed.
5. On page 12, in lines 47 and 48, to omit paragraph (a).

CLAUSE 6

1. On page 14, after line 29, to add the following paragraph:

(f) collect, compile and analyse categorized data in respect of housing development, including, but not limited to, data categorized according to gender, race, age and geographical location.

CLAUSE 7

1. On page 16, in line 20, after “of” to insert “adequate”.

CLAUSE 8

1. On page 16, in line 38, after “housing” to insert development .
2. On page 16, in line 42, after “housing” to insert “development”.
3. On page 16, in line 51, after “housing” to insert “development”.
4. On page 18, in line 1, after “housing” to insert “development”.
5. On page 18, in lines 10 and 11, to omit “Executive Council” and to substitute “provincial legislature”.
6. On page 18, in line 12, after “housing” to insert “development”.
7. On page 18, in line 14, after “housing” to insert “development”.
8. **On page 18, in line 18, after “housing” to insert “development”.**
9. On page 18, in line 21, after “housing” to insert “development”.
10. On page 18, in line 24, after “housing” to insert “development”.
11. On page 18, in line 40, after “housing” to insert “development”.
12. On page 18, in line 43, after “housing” to insert “development”.
13. **In the Afrikaans text, on page 19, in line 51, to omit “kan” and to substitute “meet”.**
14. On page 18, in line 49, after “housing” to insert “development”.
15. On page 18, in line 52, after “housing” to insert “development”.
16. On page 18, in line 55, after “housing” to insert “development”.
17. On page 20, in line 1, after “housing” to insert “development”.
18. On page 20, in line 3, after “housing” to insert “development”.
19. On page 20, in line 15, after “housing” to insert “development”.
20. On page 20, in line 22, after “housing” to insert “development”.

21. On page 20, in line 26, after “housing” to insert “development”.
22. On page 20, in line 33, after “housing” to insert “development”.
23. On page 20, in line 36, after “housing” to insert “development”.
24. On page 20, in line 42, after “housing” to insert “development”.
25. On page 20, in line 49, after “housing” to insert “development”.
26. On page 20, in line 51, after “housing” to insert “development”.
27. On page 20, in line 54, after “housing” to insert “development”.
28. On page 20, in line 55, after “housing” to insert “development”.
29. On page 20, in line 59, after “housing” to insert “development”.
30. On page 22, in line 3, after “housing” to insert “development”.
31. On page 22, in line 6, after “housing” to insert “development”.
32. On page 22, in line 12, after “housing” to insert “development”.
33. On page 22, in line 14, after “housing” to insert “development”.
34. On page 22, in line 18, after “housing” to insert “development”.
35. On page 22, from line 23, to omit subparagraph (ii) and to substitute:
 - (ii) a body of which the members are appointed by the MEC to perform the functions of such board in terms of this Act;
 - (iii) the appointment of the members of such body with consideration to the need for such body to reflect broadly the race and gender composition of South Africa; and
 - (iv) the appointment of the chairperson, vice-chairperson and other members of such body only after—
 - (aa) the MEC has through the media and by notice in the *Provincial Gazette* invited nominations of persons as candidates for the respective positions on such body; and

(bb) the committee for housing of the provincial legislature has made recommendations to the MEC in relation thereto after a transparent and open process of considering persons so nominated.

CLAUSE 9

1. On page 22, in line 32, to omit “opportunities”.
2. On page 24, in line 12, after “housing” to insert “development”.

CLAUSE 10

1. On page 24, in line 49, after “housing” to insert “development”.
2. On page 24, in line 51, after “housing” to insert “development”.

CLAUSE 12

1. On page 28, in line 26, after “housing” to insert “development”.
2. On page 28, in line 29, after “housing” to insert “development”.
3. On page 28, in line 44, after “housing” to insert “development”.
4. On page 28, in line 49, after “housing” to insert “development”.
5. On page 30, in line 4, after “housing” to insert “development”.

CLAUSE 14

1. On page 30, in line 17, after “housing” to insert “development”.
2. On page 30, in line 26, after “housing” to insert “development”.
3. On page 30, in line 27, after “housing” to insert “development”.
4. On page 30, in line 30, after “housing” to insert “development”.
5. On page 30, in line 32, after “housing” to insert “development”.
6. On page 30, in line 40, after “housing” to insert “development”.

7. On page 30, in line 44, after “housing” to insert “development”.
8. On page 30, in line 48, after “housing” to insert “development”.
9. On page 30, in line 52, after “housing” to insert “development”.
10. On page 32, in line 5, after “housing” to insert “development”.
11. On page 32, in line 9, after “housing” to insert “development”.
12. On page 32, in line 18, after “housing” to insert “development”.
13. On page 32, in line 24, after “housing” to insert “development”.
14. On page 32, in line 31, after “housing” to insert “development”.
15. On page 32, in line 39, after “housing” to insert “development”.
16. On page 32, in line 42, after “housing” to insert “development”.
17. On page 32, in line 44, after “housing” to insert “development”.
18. On page 32, in line 47, after “housing” to insert “development”.
19. On page 32, in line 50, after “housing” to insert “development”.
20. On page 34, in line 16, after “housing” to insert “development”.
- 21.** On page 34, in line 25, after “housing” to insert “development”.
22. On page 34, in line 33, after “housing” to insert “development”.
23. On page 34, in line 34, to omit “by”.
24. On page 34, in line 45, after “housing” to insert “development”.
25. On page 34, in line 47, after “housing” to insert “development”.
26. On page 34, in line 50, after “housing” to insert “development”.
27. On page 34, in line 51, after “housing” to insert “development”.

28. On page 34, in line 52, after “housing” to insert “development”.
29. On page 36, in line 4, after “housing” to insert “development”.
30. On page 36, in line 20, after “housing” to insert “development”.
31. On page 36, in line 22, after “housing” to insert “development”.
32. On page 36, in line 25, after “housing” to insert “development”.
33. On page 36, in line 28, after “housing” to insert “development”.
34. On page 36, in line 30, after “housing” to insert “development”.
35. On page 36, in line 31, after “housing” to insert “development”.
36. On page 36, in line 34, after “housing” to insert “development”.
37. On page 36, in line 38, after “housing” to insert “development”.
38. On page 36, in line 40, after “housing” to insert “development”.
39. On page 36, after line 45, to insert the following subsection:
 - (9)(a) The Minister must institute a national housing programme to phase out within one year of the commencement of this Act every housing subsidy granted in terms of— .
 - (i) the Housing Act, 1966;
 - (ii) the Development and Housing Act, 1985;
 - (iii) the Housing Act (House of Representatives), 1987;
 - (iv) the Development Act (House of Representatives), 1987; or
 - (v) the Housing Development Act (House of Delegates), 1987.
 - (b) Such national housing programme must contain time limits to phase out the various categories of housing subsidies.
 - (c) The Minister must report quarterly to the parliamentary committees for housing of the National Assembly and the National Council of Provinces on the progress with the implementation of such national housing programme.

CLAUSE 15

1. On page 36, in line 51, after “housing” to insert “development”,
2. On page 36, in line 52, after “housing” to insert “development”.

3. On page 36, in line 56, after “housing” to insert “development”.
4. On page 38, in line 16, after “housing” to insert “development”.
5. On page 38, in line 20, after “housing” to insert “development”.
6. On page 38, in line 23, after “housing” to insert “development”.
7. On page 38, in line 31, after “housing” to insert “development”.
8. On page 38, in line 32, after “housing” to insert “development”.
9. On page 38, in line 38, after “housing” to insert “development”.

CLAUSE 16

1. On page 40, in line 5, after “housing” to insert “development”.

CLAUSE 17

1. On page 40, in line 11, after “housing” to insert “development”.
2. On page 40, in line 16, after “housing” to insert “development”.
3. On page 40, in line 21, after “housing” to insert “development”.
4. On page 40, in line 23, after “housing” to insert “development”.

LONG TITLE

1. On page 2, in the fifth line, after “Housing” to insert “Development”.
2. On page 2, in the fifth and sixth lines, to omit “provincial housing boards” and to substitute:

provincial boards under the name provincial housing development boards