



**MINISTRY  
HUMAN SETTLEMENTS  
REPUBLIC OF SOUTH AFRICA**

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**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER: 3247 (NW3720E)**

**DATE OF PUBLICATION: 30 MAY 2025**

**QUESTION:**

**Mr C J Poole (DA) to ask the Minister of Human Settlements:**

Whether, in light of section 14 of Compliance Data, which strictly prohibits construction without an enrolment certificate, she will furnish Mr C J Poole with (a) a breakdown of non-compliant projects in the past five years, including project value and type such as private or public and (b) the number and nature of enforcement actions taken and their outcomes; if not, in each case, why not; if so, what are the relevant details in each case? NW3720E

**REPLY:**

**(a) Breakdown of Non-Compliant Projects Over the Past Five Years**

The details of non-compliant projects identified over the past five years, including the type of project (public or private) and associated values where applicable, are attached as **Annexure A**.

**(b) Number and Nature of Enforcement Actions Taken and Outcomes**

The number and nature of enforcement actions undertaken during the past five years, along with their outcomes, are also detailed in **Annexure A**.

## **Overview of Enforcement Process and Compliance Measures**

When the National Home Builders Registration Council (NHBRC) identifies that a registered home builder has commenced construction without prior enrolment of the home—contrary to sections 14(1) or 14(2) of the Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998), as amended—a **Notice of Non-Compliance** is issued. This notice affords the builder an opportunity to rectify the contravention within a prescribed period. Should the builder fail to comply, the case is escalated for possible suspension and disciplinary prosecution.

Due to the nature of the contravention (failure to enrol), the **value of the project is typically not available** to the NHBRC, as the home or project in question has not been formally registered in the system.

### **Disciplinary Process**

Disciplinary proceedings are conducted by a **Disciplinary Committee (DC)** appointed by the NHBRC Council in accordance with section 5(1)(b) of the Act. Hearings are held in-person across all nine provinces. Charges may be withdrawn under the following circumstances:

- New evidence demonstrates prior compliance;
- There is insufficient evidence to proceed;
- Further investigation is deemed necessary.

### **Sanctions Imposed**

If a home builder is found guilty, the DC may impose one or more of the following sanctions:

- A **warning** (non-punitive, but retained on record for future reference);
- A **fine** of up to **R25,000 per charge**;
- **Deregistration**, resulting in the withdrawal of the home builder's registration.