

HOUSING

Sectional Titles Act 66 of 1971, as amended in South Africa to November 1979.

Summary: This Act provides for the division of buildings into sections and sets forth the details of sectional ownership.

Applicability to SWA: Section 43 states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Justice) Transfer Proclamation (AG 33/1979, as amended), dated 12 November 1979. Section 3(1)(q) of the transfer proclamation excluded section 26(4)(c) of the Act (which refers to compliance with the *Group Areas Act 36 of 1966*) from the operation of section 3(1) of the General Proclamation. None of the amendments to the Act in South Africa after the date of transfer were made expressly applicable to SWA. The Act was replaced in South Africa by the *Sectional Titles Act 95 of 1986*, which was not applicable to SWA.

Regulations: Regulations are contained in RSA GN R.475 of 30 March 1973, as amended by RSA GN R.2579 of 29 December 1978, AG GN 82/1982, GN 195/1996 (GG 1367), GN 76/2007 (GG 3824) and GN 229/2007 (GG 3960).

Housing Levy Ordinance 18 of 1976.

Summary: This Ordinance establishes a housing levy fund to be used for the provision of housing for employees in “declared housing areas”, using a levy obtained from employers.

Squatters Proclamation, AG 21 of 1985.

Summary: This Act provides for the removal of persons unlawfully present on land or in buildings, and for the demolition of structures which are unlawfully erected. The portions of the Proclamation which did not come into force immediately were brought into operation by AG 28/1986.

National Housing Enterprise Act 5 of 1993.

Summary: This Act provides for the continued existence of a corporation to provide for the housing needs of the inhabitants of Namibia, changes its name from the “National Building and Investment Corporation” to the “National Housing Enterprise” and sets forth its powers, duties and functions. It replaces the National Building and Investment Corporation of South West Africa Proclamation (AG 60/1978).

Amendments: Act 32/2000 (which came into force on 5 March 2001 - GN 37/2001, GG 2492) amends sections 1, 4, 5, 6, 8, 9, 10, 14, 15, 18, 20, 22, 23 and 26. The State-owned Enterprises Governance Act 2 of 2006, which was brought into

operation by Proc. 13/2006 (GG 3733), amends section 5, 6, 8 and 10.

Regulations: Regulations are contained in GN 62/2001 (GG 2513).

National Housing Development Act 28 of 2000.

Summary: This Act establishes a National Housing Advisory Committee to advise on housing programmes, and provides for Housing Revolving Funds to be established by regional and local authorities to be used for low-cost housing. It further provides for the establishment of Decentralised Build Together Committees for each region, to deal with applications for assistance from the Housing Revolving Funds. The Act replaces the Native Housing Levy and Contributions Ordinance 22 of 1961 and the Housing Ordinance of the Administration of Coloureds 4 of 1983. The Act came into force on 5 March 2001 (GN 36/2001, GG 2492).

Regulations: Regulations contained in GN 44/2001 (GG 2492) are revoked by GN 57/2001 (GG 2507).

Appointments: The National Housing Advisory Committee is announced in GN 188/2001 (GG 2615). Committee members are appointed in General Notice 156/2003 (GG 3019), GN 258/2004 (GG 3334), GN 110/2006 (GG 3672) and GN 34/2008 (GG 3991). Alternate committee members are appointed in GN 24/2009 (GG 4216).

Sectional Titles Act 2 of 2009.

Summary: This Act provides for the division of buildings into sections and common property, and the acquisition of separate ownership in sections coupled with joint ownership in common property. It replaces the *Sectional Titles Act 66 of 1971*. It will come into force on a date set by the Minister.

Regulations: Regulations made under the previous Act survive in terms of this Act- Regulations are contained in RSA GN R.475 of 30 March 1973, as amended by RSA GN R.2579 of 29 December 1978, AG GN 82/1982, GN 195/1996 (GG 1367), GN 76/2007 (GG 3824) and GN 229/2007 (GG 3960).

SELECTED ARTICLES

Legal Assistance Centre, *A Place We Want to Call Our Own: A study on land tenure policy and securing housing rights in Namibia*, 2005, available at www.lac.org.na/projects/lead/Pdf/aplaceweanttocallourown.pdf.

See also National Housing Enterprise Act 5 of 1993 (**FINANCE AND DEVELOPMENT**).

See also **LAND**.

See also **LANDLORD AND TENANT**.