

Homebuyers' knowledge of their rights and obligations
when buying a new house: A small scale survey in
Mpumalanga

by

Khunjuliwe Purity Sibeko

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Faculty of Arts and Design

Durban University of Technology

Supervisor: Dr Sandra Land

Co-supervisor: Dr Anita Hiralaal

DECLARATION

I, Khunjuliwe Purity Sibeko, declare that:

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Signed:.....

Date: 30.09.2021

DEDICATION

This work is dedicated to my beloved late parents,

Mr Orpheus Sibeko

Mrs Lucy Bekiwe Sibeko

To the Almighty God who has carried me this far. God is my ever-present help

“I can do everything through Christ who gives me strength”.

Philippians 4:13

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Thank you to my “twin” Simon Ndukuya who constantly called and asked about my study progress.

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I thank God my Father who has always been with me. Without God I would not make it. His presence has always been with me. He kept his Word that He will never leave nor forsake me.

ABSTRACT

The ever-increasing population size in South Africa has resulted in an increase in the number of homebuyers who enter the property market. For this reason, there was a risk of homebuilders building houses of poor quality in order to meet the ever-increasing demand. National Home Builders Registration Council (NHBRC) was established in 1998 to regulate the home building industry. The NHBRC is mandated to protect the homebuyers from unscrupulous builders who built houses of poor quality.

The purpose of this study was to establish the extent of homebuyers' knowledge of their rights and obligations when they are in the process of buying new houses and when they have occupied their homes. The researcher in her position as a complaints officer at NHBRC observed that most homebuyers in the Mpumalanga Highveld region report defects to NHBRC when the defects are already outside the Defect Liability Period (DLP) and thus lose their right to have defects attended to by homebuilders at no cost to themselves. Observing their plight is what led to this study.

International studies indicate that across the world, many homebuyers do not have adequate knowledge of their rights and obligations. In this study, it has been established that homebuyers in the Mpumalanga Highveld region of South Africa do not demonstrate adequate knowledge.

Underpinned by Sen's Capability Approach, this qualitative study was conducted and open-ended questions were asked to determine participants' behaviours, experiences, attitudes and perceptions. Particular attention was paid to homebuyers' knowledge of defect liability periods and redress channels as stipulated in Section 13 of the Housing Consumer Protection Measures Act 95 of 1998. A sample of 10 participants was interviewed telephonically. The results showed that the participants have inadequate knowledge of the homebuyer's rights and obligations. The study suggests that there is a definite need for structured homebuyer education by NHBRC.

Recommendations are based on the key constructs of Sen's Capability Approach, namely, capability, functionality, and agency.

KEY CONCEPTS: Knowledge, Homebuyer, Rights and Obligations

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LIST OF ABBREVIATIONS

DBI	Digital Brand integration
DUT	Durban University of Technology
BCSR	Building Condition Survey Report
DLP	Defect Liability Period
DoHS	Department of Human Settlement
GNU	Government of National Unity
HCPMA	Housing Consumer Protection Measures Act 95 of 1998
IREC	Institutional Research Ethics Committee
NHBRC	National Home Builders Registration Council
NHP	National Housing Policy
PWD	People with Disability
UK	United Kingdom

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CHAPTER ONE

1. INTRODUCTION

In 1997 the National Home Builders Registration Council (NHBRC) was established as a parastatal to the Department of Human Settlement (DoHS). It was established to regulate the homebuilding industry. Its main mandate is to protect homebuyers from malpractices by homebuilders. Hence it is called the Champion of the homebuyers. The homebuilders are required by law to obey instructions from NHBRC. The success of this organisation lies in ascertaining that homebuyers live in good quality houses by:

- Inspecting homes when they are still under construction
- Educating homebuyers about their rights and obligations
- Enforcing homebuilders to redress defects if there are any

Even though this organisation exists in the interest of homebuyers, there is little evidence that many homebuyers have knowledge of their rights and obligations in instances when their homes have defects. This study therefore investigated if homebuyers in the Mpumalanga Highveld region know what action to take if their homes have defects, when to take that action, and where to go in order to execute that action.

This chapter will outline the problem statement, the research question as well the research methodology.

1.2. BACKGROUND OF STUDY

The National Home Builders Registration Council (2017) reports that a remarkable number of homebuyers report defects when the Defect Liability Period (DLP) has lapsed. This means they do not report the defects within the warranty period. In the financial year 2015/2016 & 2016/2017, out of a total number of 76 complaints received by NHBRC, 59 (77%) complaints were rejected and 17 (23%) were accepted (The National Home Builders Registration Council 2017). In the financial years 2017/2018 and 2018/2019 the number of complaints received was 40. Out of the 40 received complaints, 31 (77.5%) were rejected and 9 (22.5%) were accepted. In all these

financial years it is evident that the rejected complaints outnumbered the ones accepted. This is a matter of concern because complaints are rejected if the defects are reported outside the DLP. In that instance, NHBRC then has no capacity to act on behalf of those homebuyers and enforce homebuilders to redress the defects. In that way, homebuyers forfeit their rights to have the defects redressed by the homebuilders and they do not even have a privilege of claiming from the warranty fund. Yet, when they report within the DLP they do not forfeit their rights as they would have acted on their responsibility of reporting at the right place at the right time.

The number of defects reported outside the warranty period raises the question of whether the homebuyers are aware or have knowledge of what action to take when they experience defects. Another dimension is a remarkable decline in the number of complaints that were reported in the financial year 2017/2018 and 2018/2019. The customer satisfaction survey which was conducted in 2016 suggests that NHBRC interact less with its primary beneficiaries which are the homebuyers, (NHBRC 2016). The same report points out that the homebuyers have better knowledge about homebuilder compliance to NHBRC rules and regulations than they have about homebuyer knowledge of rights and obligations. The likelihood is that the majority of homebuyers report defects only to the homebuilders who tend to ignore them and they never get to report to NHBRC (NHBRC 2016).

Using Sen's capability theory as a theoretical background, this study sought to investigate whether the homebuyers of Mpumalanga Highveld Region know and understand their rights and obligations when they are in the process of buying a newly built house and when they have occupied the house they have bought. Homebuyers have a right to houses constructed according to NHBRC technical standards in order to ensure good quality, and also that, should the house have defects, the homebuilder shall rectify those defects reported to him. These rights and obligations are stated in the Housing Consumer Protection Measures Act 95 of 1998 (HCPMA).

1.2.1. HOUSING CONSUMER PROTECTION MEASURES ACT 95 OF 1998 (HCPMA)

This act governs the home building industry by outlining what is expected of the homebuilder and what is expected of the homebuyer. Section 13 particularly, explains what is expected of the homebuyer. It states that the homebuyer must report defects within the Defects Liability Period (DLP) as follows:

- Defects with three months reporting time limit to be reported within three months from the date of occupation
- Defects with one year reporting time limit to be reported within one year from the date of occupation
- Defects with five year reporting time limit to be reported within five years from the date of occupation

As it is specified in the HCPMA, the homebuyers have an obligation to observe these time frames and report defects guided by the type of defects they are experiencing. Should they report outside these time frames they forfeit their rights. NHBRC as an organisation that regulates the homebuilding industry has a responsibility to promote housing consumer rights and to provide housing consumer information as stated by HCPMA. The information to be disseminated to the homebuyers pertains to the homebuyers' obligation to report defects within the DLP so that they do not miss out on their rights. In that way, the organisation carries a mandate of representing the interests of housing consumers by providing protection against defects in new homes. This NHBRC mandate agrees with the National Housing Policy which states that everyone has a right to adequate housing. Adequate housing encompasses good quality housing (Department of Human Settlement 2004).

1.3. MY POSITION AS A RESEARCHER

I am an employee of the National Home Builders Registration Council (NHBRC). This is an organisation that is mandated by the Department of Housing to regulate the homebuilding industry. The vision of NHBRC is to be a champion of homebuyers. The strategy behind being the champion of homebuyers is to ensure that homebuyers are

educated about their rights and obligations. Also, they should be protected against exploitation by homebuilders who build sub-standard quality houses. Homebuilders who built sub-standard quality work and refuse to redress defects may be deregistered if they are reported to, and are taken through the legal processes of the NHBRC. The deregistration status disqualifies them to continue building.

I am a Complaints Officer in the NHBRC. I handle complaints about poor quality houses in the Highveld Region of Mpumalanga. From my experience, I have always wondered why homebuyers report defects in their houses when the time period for reporting has lapsed. For me, this raised the question of whether homebuyers know their rights and obligations when they discover defects in their homes.

The NHBRC has homebuyer education programmes that are run through its marketing department as well as through the NHBRC directorate. They educate homebuyers through workshops, roadshows, websites, radio and television. Marketing and Communication is one of the supporting pillars of the organisation. Managers of NHBRC realised that there was a need for strategic partnerships and more strategic intervention workshops with all stakeholders so that they could be educated (and inducted) about the business of the NHBRC (NHBRC Final Annual Performance Plan 2018/2019:42).

1.3.1. Limitations of study

As a researcher, I acknowledge that I am an employee of NHBRC. Conscious of the implications of my position, I strove to minimise such things as bias, axiological assumptions and subjectivity by adhering to the interview schedule which was pretested. The pretesting helped to test leading questions which could influence respondents to respond in a certain manner as alluded to by (Mouton 2011). The questions in the interview schedule were structured so that the participants were able to share their all details of their lived experiences regarding the the homebuyer knowledge of rights and obligations.

1.4. RESEARCH METHOD

This study was conducted in the Highveld region of Mpumalanga. A qualitative method was used and data was collected through telephonic interviews. The interpretive paradigm was adopted. Small scale survey was used as a research design. The sample of homebuyers were asked questions on the interview schedule (attached) and their answers were logged on the interview sheet. The participants gave permission that the conversation to be recorded.

1.5. THEORETICAL FRAMEWORK

CAPABILITY APPROACH

The Capability Approach was used to frame this study

The Capability Approach was first conceived by an Indian economist and philosopher, Amartya Sen in the 1980's. It was then later developed by Martha Nussbaum who is an American philosopher. It is a tool used to conceptualise and evaluate a particular situation or occurrence. This approach is used as a theoretical foundation in the context of human development. This study, saw human development as relating to people's capability to do things. Human development is about developing someone's capability to do something. In terms of the Capability approach, human development has the following dimensions:

- Knowledge
- Standard of living

The core characteristics of Capability Approach are as follows:

- What people are effectively able to do and what they become as they improve their quality of life.
- What people can do to remove the obstacles they are faced with in order to live the kind of life which seems to them to be of reasonable value or standard.

GOODPAL (2018) claims that the capability of doing something is influenced by education. This means the effectiveness of education is demonstrated by capability and realisation of potential. People are able to take action by applying what they have learnt. This means they apply their knowledge by taking the initiative to see the desired results. When people are capable, they are able to express their power about what a good life is for them. They are, for instance, able to ensure that their homes are not defective, and this relates directly to their standard of living. Capability can be measured through behavioural patterns, that is, how people react towards a particular given situation. People may lack capabilities due to reasons such as lack of knowledge (GOODPAL 2018). This is relevant to this study because of the possibility that the observed homebuyers' behavioural patterns are a result of a lack of knowledge.

GOODPAL (2018) emphasises that in any given situation it is very important to evaluate the capability of an individual in order to establish possible constraints they face since this helps to suggest the kind of intervention needed to help their development. Capability deprivation equates to a lack of freedom for individuals. Freedom includes:

- Ability to scrutinise and criticize actions and freedom of speech
- Opportunity to have and use resources
- Ability to access social activities
- Ability to protect oneself from falling into horrible deprivation

Homebuyers of Mpumalanga Highveld region behaviour might be influenced by knowledge deprivation or the inability to act on the knowledge they have.

1.6. CONTEXT OF THE RESEARCH

Housing in South Africa is characterised by a rapidly growing society (Burgoyne 2008). As the population grows, more people enter the property market. South Africa's population has grown from 51 770 560 in 2011 to 55 653 653 in 2016 (Stats SA 2016), and from 55 653 653 in 2016 to 59 622 350 in 2020 (Stats SA 2020). The property market increases even in Mpumalanga because of the growth in population. Stats SA (2016) indicated that the Mpumalanga population has increased from 4 335 964 in 2016 to 4 679 780 in 2020. The latest figures do not show the growth rate of the Mpumalanga Highveld region separate from the Lowveld region however, the statistics of 2016 showed a fast growth rate of population in the Mpumalanga Highveld region (4.19%) as opposed to the Lowveld region (0.88%) (Stats SA 2016). As more people enter the property market, there is a higher demand for houses. In the process of meeting the high demand, the quality is compromised. This reflects Hopkin's (2017) statement, "Rapid growth in the production of new homes in the United Kingdom (UK) is putting build quality under pressure as evidenced by the increase in the number of defects."

The National Housing Policy (Department of Human Settlement 2004) states that everyone has a right to adequate housing. Adequate housing encompasses good quality housing. This is referred to as housing with good quality workmanship and material and is free from defects (Sufian & Rozanah 2008). This is why the government of South Africa established The National Home Builders Registration Council (NHBRC). NHBRC is mandated to ensure that homes are built according to set building quality standards. Should the homebuilder deviate from those set standards, the house develops defects. The homebuyer then has an obligation to report the defects to NHBRC so that the homebuilder redresses them. By so doing, homebuyers harness their rights to live in proper quality homes. It is therefore very important for the homebuyers to know and understand their rights and obligations to houses of good quality.

1.7. RESEARCH PROBLEM

It is of vital importance that the homebuyers know their rights and obligations on matters pertaining to ownership of the home. They must strive at living in houses of good quality. If the house shows some defects they must demonstrate their knowledge by taking action and seek redress within the DLP. It is therefore an objective of the NHBRC as a housing statutory body to promote homebuyer rights and to provide homebuyer information (NHBRC Annual Performance Plan 2019/2020). This function is designated to the NHBRC Marketing department. In the inception of NHBRC on 1 December 1999, this department was centralised at Head Office in Gauteng. Realising that provincial dynamics differ, the function was decentralised such that each province had its Marketing department. The decentralisation of marketing was meant to assign a Marketing Coordinator for each province who would educate the homebuyers (and other stakeholders) according to their needs. By so doing the homebuyers would have an advantage of knowing their rights and their obligations. In a telephone conversation on 5 March 2018, the NHBRC Complaints Officer who is located at the Provincial office in Nelspruit, confirmed that it seems that homebuyers' knowledge about their rights and obligations is not adequate. The statistics of the National Homebuilders Registration Council show that in the financial years 2015/2016 and 2016/ 2017, 77% of the complaints received from homebuyers were rejected and 23% were accepted. In the financial years 2017/2018 and 2018/2019 77.5% complaints were rejected and 22.5% complaints were accepted (The National Home Builders Registration Council 2017). The most common reason for rejection is that defects were reported when the time period for reporting had lapsed. This points to an urgent need to discover why people do not submit complaints according to protocols when not doing so, it means that they lose the protection of the NHBRC, which they have a right to claim.

1.8. RESEARCH AIMS

The study aimed to investigate homebuyers' knowledge of their rights and obligations when buying a new house and after they have taken occupation.

This study:

- Would contribute to the pool of knowledge about homebuyers' education and understanding of their rights.
- Was motivated by my passion for the provision of secure and adequately comfortable housing for South Africans
- Could possibly contribute to the National Homebuilders Registration Council (NHBRC) in carrying the mandate to impart knowledge to the homebuyers about their rights and obligations

1.9. RESEARCH OBJECTIVES

The objectives of this study are to:

- Establish the kind of knowledge the homebuyers have with regards to their rights and obligations as specified in the Housing Consumer Protection Measures Act 95 of 1998.
- Discover the manner of action homebuyers take to benefit from any knowledge they do have.
- Find out the extent of homebuyers' awareness of and response to education programmes provided by the NHBRC.

1.10. RESEARCH QUESTIONS

- What knowledge do homebuyers have with regards to their rights and obligations as specified in the Housing Consumer Protection Measures Act 95 of 1998?
- What action do homebuyers take to benefit from any knowledge they do have?
- What education programmes are homebuyers aware of?

1.11. DEFINITION OF TERMS

1.11.1. Rights

Rights can be defined contextually. It depends on what right is referred to. The appropriate definition of rights for this study is by Banthiya (2018). He defines rights as a right to seek redress against unscrupulous exploitation of consumers and to fight for the quality that has to be provided.

1.11.2. Obligations

Obligations, as defined by Dodsworth (2007) are things that a person is supposed to do or is required to do. He further states that a person who has an obligation has no choice, nor it is not up to them to decide whether to fulfil an obligation or not. So to have an obligation is to have a conclusive reason to act.

1.11.3. Homebuyer

Colin, Jones & Watkins 2009 (cited in Zeng 2013) define “homebuyer” as a person who is in the process of buying a home. Zeng (2013) defines “homebuyer” as a housing consumer. This means the term “homebuyer” and “housing consumer” are used interchangeably. According to the HCPMA, a housing consumer is a person who is in the process of purchasing a home or has purchased a home. A homebuyer is thus defined as such.

1.12. OUTLINE OF CHAPTERS

➤ Chapter 1 – Background

This chapter outlines the background of the study. It highlights the motivation of study. Personal context, objectives of the study, rationale of the study and research questions are also discussed. It also includes the definition of terms.

➤ Chapter 2 – Literature review and Theoretical Framework

- This chapter reviews the existing literature related to this study. Homebuyer education internationally and nationally is reviewed. A literature gap is identified to justify this study. The Capability Approach is a theory underpinning this study

and is relevant to the research questions. This theory gives light on the behavioural patterns of individuals.

➤ Chapter 3 - Research Design and Methodology

Chapter 3 outlines the research design. It explains the method of collecting and analysing data employing a qualitative method as a research approach. A telephone interview schedule was used as a data collection technique. Homebuyers of Mpumalanga Highveld Region are a sample.

➤ Chapter 4 –Presentation of findings

This chapter presents the findings from the data collected.

➤ Chapter 5- Discussion of findings

This is where the data collected is analysed and interpreted using a spreadsheet that shows the findings from the data collected. Chapter leads to the conclusion and recommendations of the study.

➤ Chapter 6 - Conclusion and Recommendations.

The conclusion is drawn based on the findings. The researcher then provides recommendations for NHBRC to act on, based on the findings of the research.

1.13. Summary

This chapter presented the background of the study as well as the research problem. The main objectives of the study were also articulated. Definition of terms, the theoretical framework as well as an outline of chapters were presented. The following chapter, chapter two, will provide a literature review relating to homebuyers' knowledge of rights and obligations as well as the theoretical framework which underpins this study.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL UNDERPINNINGS OF THE STUDY

2.1. INTRODUCTION

Knowledge has globally become central to success for many organisations. This is because knowledge helps to achieve the goal of the organisation. Should any of the stakeholders lack knowledge, the organisational goal is compromised. That is why it is crucial for each organisation to have knowledge management. It is a proactive tool to achieve organisational goals. O'Dell & Grayson 1998 (cited in Prinsloo, Waveren & Chan 2017) state that organisations have to do knowledge management in order to achieve their organisational performance. Hence the concept of knowledge management has also become popular nationally and internationally. Mulumba (2012) argues that there is a shift from information to knowledge for the benefit of organisations' strategic goals. She believes it is thus crucial that organisations manage their customer knowledge. Hence her study which was conducted in South Africa aimed at determining if organisations in South Africa do manage customer knowledge within their organisations. Like any organisation, the National Home Builders Registration Council (NHBRC) is no exception. It has to achieve its organisational goal of being a homebuyer's champion by educating the homebuyers so that they know their rights and obligations regarding defects that develop in homes. Turban, Mclean and Wetherbe (2004) state that knowledge management includes such activities as:

- Knowledge creation
- Knowledge sharing/dissemination
- Knowledge usage/ application

The following diagram illustrates activities of knowledge management.

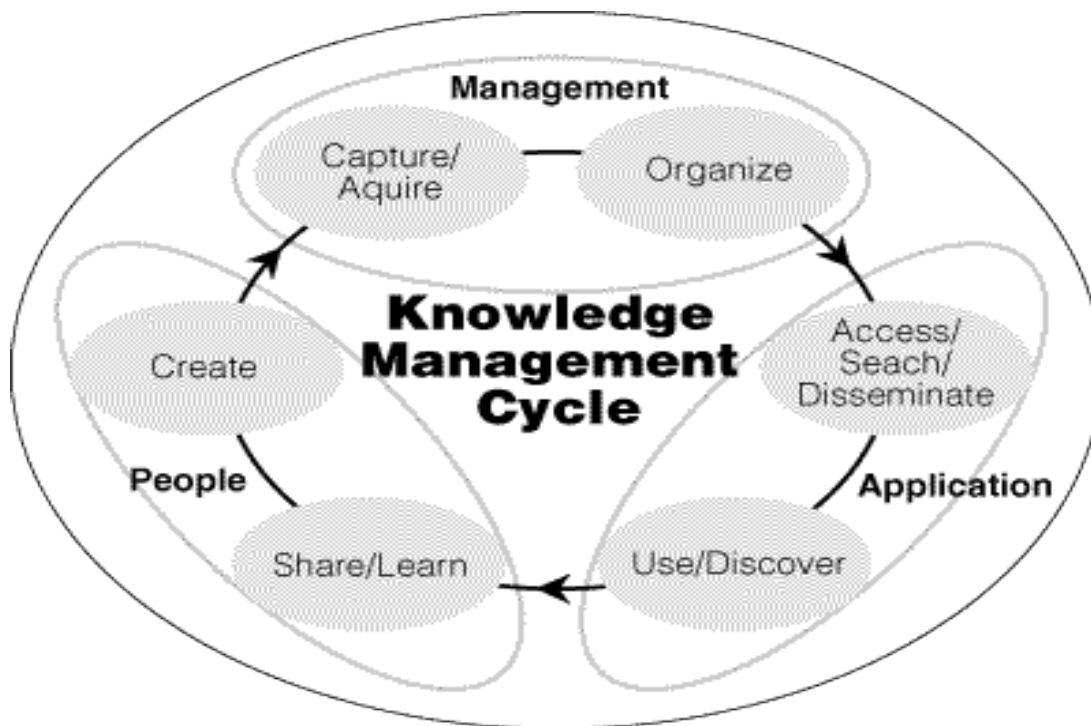


Figure 1: Knowledge Management Cycle

Source: (Adapted from Turban, Mclean and Wetherbe (2004))

This chapter reviewed literature that covers

- Housing and homebuyers in South Africa
- Context of the problem
- Knowledge as information in action
- Knowledge of rights and obligations
- Search for solutions
- Theoretical framework

2.2. HOUSING AND HOMEBUYERS IN SOUTH AFRICA

Before the year 1994 South Africa was governed under the apartheid regime. During this era of apartheid, South African residential areas were segregated according to racial groups. So called “White” areas were mostly in urban areas and suburbs, and so called “Black” areas tended to be on the outskirts of towns and villages and in rural areas. At the end of apartheid in 1994, the legal barriers of segregation fell away. Many people who used to live in rural areas and sub-urban areas moved to urban areas,

mostly looking for job opportunities. That population was mixed in terms of socio-economic status. Some could afford to buy themselves decent homes in suburbs, but many others could not afford to acquire adequate homes for themselves, and constructed shacks in and around urban areas as their dwelling places. That gave rise to ever-increasing informal settlements in urban areas.

In an attempt to control these informal settlements, the Government of National Unity (GNU) made up of members of different political parties and headed by the African National Congress, declared it a priority to provide housing for historically disadvantaged people in order to restore human dignity and to cater for rural migration (Amoah, Kajimo-Shakantu and van Schalkwyk 2020). This was in line with the South African Constitution of 1996 which states that everyone has a right to adequate housing (National Housing Policy and Subsidy Programmes 2010). This is echoed by Sahar (2020) as he states that everyone has a right to adequate housing. According to Amoah et al (2020) the government issued a White Paper which put in place a plan to build houses for people who earned less than R3500 per month as they were deemed not to be able to afford houses in the open market. The GNU committed itself to the Reconstruction and Development Programme (RDP), which included the objective of building one million houses within a period of five years from 1994 (Callinicos 1996). That would have meant building an average of 200 000 houses per year. Callinicos (1996) states that between 1994 and 1997, only 225 000 out of the planned 1 000 000 houses were built. Considering the target of 1 000 000 houses which was planned, there was a deficit of 775 000 in housing delivery. It was then evident that the problem of South African housing provision could not be solved by the government's efforts only.

Due to the slow rate of housing delivery the government opted for housing delivery through introducing project linked subsidies. In these projects the developers construct housing, and qualifying households take ownership of the residential unit from the developers on completion. This was also part of the programmes to eradicate informal settlements. Homebuyers who could afford to buy homes in the open market and homebuyers who benefited from subsidy by the government resulted in an increase in housing demand. Kimhur (2020) states that due to high housing demand, the homebuilders started to build houses of poor quality because they were driven by profit making motives. What aggravated this problem even more was that the housing

industry was not regulated. The National Home Builders Registration Council (NHBRC) was then established to regulate the home building industry. Inspection of homes during construction forms a significant part of NHBRC business to ensure quality control. However latent defects sometimes appear after the house has been occupied. Those defects should be reported by the homebuyers to the homebuilder, and subsequently to NHBRC. For homebuyers to have knowledge of the process of defect reporting it is important that they know their rights and obligations. For NHBRC to monitor the quality of built homes through inspections, all homes should be enrolled with this organisation.

2.3. CONTEXT OF THE PROBLEM

Lack of knowledge about reporting defects within the Defects Liability Period (DLP) seems to be the reason why homebuyers do not act in accordance with their rights and obligations. This reflects similar phenomena to those described in Sommerville's (2008) study conducted in the UK. His report shows that judging by the respondents to his questionnaire, only 13% of total homebuyers had their defects repaired and 87% did not get the defects corrected. Sommerville says this is caused by a gap in the homebuyer's knowledge of new home warranty provisions. The homebuyers are not aware of who provides the warranty. This implies that the UK homebuyers are aware of the existence of the warranty for their homes but they are not aware of who to report the defects to. This is a similar situation to the homebuyers of Malaysia where there was a knowledge gap in terms of redress channels. They lacked knowledge on how to go about getting their defects redressed (Harod & Masud 2012).

Sommerville (2008) also highlights that there was a knowledge gap in his respondents' knowledge as to how this warranty operates. Sommerville (2008) further states that most homebuyers are not familiar with the contents of the warranty. This suggests that they are not aware of what is covered by the warranty. He indicates that the homebuyers are not given an explanation of what the warranty entails before they take occupation of new homes. It is a possibility that there is legislation that outlines what the warranty is about but they had no knowledge of that legislation and what it entails. That further brings forth the need to understand the possible state of affairs with

Mpumalanga homebuyers. In South Africa, despite the warranty cover being outlined clearly in the HCPMA, Homebuyers still forfeit their rights.

Rotimi, Tookey, Craig and Rotimi (2011) agree with other studies on the notion that after the house has been occupied, the homebuyers have to report visible defects so that the homebuilder should redress them. Interestingly, the study shows that 100% of respondents in New Zealand where the study was conducted acknowledge that they did experience defects after taking occupation. They all reported defects to the homebuilders but only 14% got defects rectified and 86% had to live with the defects. This brings about another dimension. The New Zealand homebuyers did report the defects and the reason the defects were not rectified is that they were reported to the homebuilders who did not act on their responsibility. The study concludes that most defects were not rectified because in New Zealand there is no organisation nor legislation that enforces the homebuilder to go back and rectify after the house has been occupied. There is no legislation to cover their rights and obligations. In South Africa, there is an organisation working in the interest of homebuyers and there is legislation that mandates this organisation to act, but homebuyers still forfeit their rights. This raises a suspicion that lack of knowledge could be a major issue.

As per the definition of rights, knowledge of rights also suggests that the homebuyers must be aware of what a quality built house entails and must have the ability to contest the quality that has been provided. Some homebuyers do not contest for quality because they are not even aware of what defines quality in a home let alone knowing that they possess rights to quality homes. Banthiya (2018) states "Without information on quality, consumers would not be able to make the right decisions and protect themselves from abusive practices." Rapeleng (2003) conducted a study in South Africa on access to adequate housing in Joe Morolong Municipality in Northern Cape Province. The study aimed to evaluate homeowners' knowledge to access adequate housing. 120 households were interviewed regarding their interpretation and experience of the right to access adequate housing. The findings of the study revealed that many newly built houses did not meet the requirements of adequate houses. Nonetheless, none of the respondents had knowledge about what constitutes adequate housing hence they took no action to report defects. They felt no obligation to act. This resonates with Dodsworth's definition (2007) of obligations as things that a person is supposed to do or is required to do and further states that having an

obligation is having a conclusive reason to act. This seems not to be applicable to Highveld homebuyers because they reported the defects, so is likely that they are knowledgeable about quality requirements and know who to report to. However, they reported defects outside the warranty period. So there is a gap in their knowledge that needs to be identified.

In the light of the above, it is evident that there are a number of factors that contribute to homebuyers forfeiting their rights of living in homes of good quality. There is a knowledge gap in many facets. It is yet not known, in the case of Mpumalanga Highveld Region, what knowledge gap they possibly have.

This problem is best understood in the context of understanding what knowledge is and what it entails.

2.4. KNOWLEDGE AS INFORMATION IN ACTION

Knowledge as defined by Turban, Mclean and Wetherbe (2004) is information that is put into context, has relevance and is actionable. Information is put into context when it is taken into consideration with all the factors that relate to it. Also, it is put into relevance when it is in the state of being appropriate and actionable.

Turban *et al.* (2004) describe knowledge as information in action. Information can be regarded as knowledge if it has enabled the recipient to take action regarding a matter. So an ability to act is an essential indicator of being knowledgeable. Turban *et al.* (2004) state that having knowledge has an implication that it can be exercised to solve a problem. As pointed out by Sommerville (2008), this is the reason for the UK homebuyers not to have their defects redressed. They were not aware of the content of the warranty. In the context of this study this implies that if the homebuyers act and report the defects within the right time frame, it is a good indication that they know what action to take and they do take that action. If the opposite happens and they forfeit their rights, it is an indication that they lack knowledge. Burkle, Lehmann, Denecke, Sarija, Bignens, Zetz & Hom (2019) confirms this definition of knowledge by stating that one's information and knowledge has the capacity to redress dissatisfaction so knowledge about an issue has an impact on one's decision making. They state that consumers' knowledge is an originator of their actions. Haron & Masud

(2012) agree with Kaplan (1991) as he mentions that people do not act in relation to a particular situation if they have insufficient knowledge which will guide their behaviour. For this reason, they choose not to be assertive and complain or seek redress.

Insufficient knowledge is considered as a general reason of poor reporting (Simera Moher, Hirst, Hoey, Schulz, Altman 2010). Insufficiency by merit of its definition means not having capacity or capability (Merriam-Webster Dictionary 1828). Haron & Masud (2012) in their report bring out the necessity of having sufficient knowledge for homebuyers to take necessary steps towards solving their housing problems. They mention that the Malaysian homeowners were not well-versed with a higher level of knowledge which was vital for their empowerment. The Malaysians had elementary knowledge which afforded them only the awareness of the existence of the warranty. Based on their elementary knowledge they could not achieve the goal of getting the defects fixed.

The purpose of Haron & Masud (2012) study was:

- To assess self-rated consumer knowledge about rights and obligations
- To determine actual consumer knowledge about their rights and obligations

The findings demonstrated a high percentage (63.90%) of respondents who self-rated themselves as being good in terms of knowing their rights and obligations as opposed to 36.09% of those who rated themselves as not knowing them. Contrary to the above percentages in the findings, there was a gap between the self-rated and the actual consumer knowledge. Those who rated high in self-rated knowledge actually did not possess a high level of homebuyer knowledge. That was proven by their demonstration of lack of knowledge about redress channels as well as lack of knowledge pertaining to the existing legislation that outlines rights and obligations. They did not have information that would equip them to take relevant action to achieve the desired results. Turban *et al.* (2004) define knowledge as information in action. If there is no action taken to achieve the desired result, that implies a lack of knowledge. The comparison of self-rated knowledge and actual knowledge is well presented in the below table.

Self-rated knowledge versus actual knowledge

	I know	I know but not much	I do not know
Self-rated knowledge	63.90%	N/A	36.09%
Actual knowledge	4.7%	20%	75.2%

Source: Harod & Masud (2012)

This is a trigger for this study as it is not yet established why the homebuyers of the Mpumalanga Highveld region do not report the defects within the right time frame. The question remains, that what obstacles hinder these homebuyers from taking action that would enable them to live the kind of life which seem to give reasonable value to them as alluded to by GOODPAL (2018).

2.5. KNOWLEDGE OF RIGHTS & OBLIGATIONS

Garman (2003, cited in Harod & Masud 2012) states that a right comes with responsibility or obligation. He further states that a right is an entitlement to be treated in a particular way. This means that homebuyers have a responsibility or an obligation to assert their rights. Should their rights not be met, they need to take action and complain to the right authorities. Miller and Stanford 2001 (cited in Harod & Masud 2012) view responsibility in this context as reporting a defective product. To summarise these two statements Lowe, Malouf, Jacobson 2008 (cited in Harod & Masud 2012) state that consumers must secure their rights by taking responsibility for seeking redress within a specified Defects Liability Period (DLP). For the homebuyers to benefit from their rights, they have to report the defects to the homebuilders within a three month period, one year period or five year period depending on the category of defect. In the event that the homebuilders do not perform their duties, the homebuyers should report to the authorities. The bottom line is taking the initiative to report defects as opposed to identifying the defects but doing nothing about it. Taking an action is an explicit demonstration of the knowledge of rights and obligations because, in terms of the Capability Approach, when they take action they remove the obstacle which hinders the satisfaction of living in quality homes, and leaves them with their need for adequate shelter unmet. The procedure for defects reporting may however differ from place to place, but this does not necessarily have an influence in

homebuyers harnessing their rights and meeting their obligations. Radzuan, Hamdam, Hamid & Abdullah-Halim (2011) in their study conducted in Malaysia highlight the importance of the role played by the Building Condition Survey Report (BCSR) in helping the new homebuyers with the defects. The BCSR is a system used in Malaysia that helped homebuyers to report defects. The BCSR is a comprehensive report with home defects experienced by the new homebuyers which are submitted to homebuilders who built the houses which turn out to have defects on behalf of the homebuyers. The new homebuyers are expected to understand the role of the BCSR as working in their interests by listing the defects as per professional advice provided by the Building Surveyor. After homebuyers have occupied the houses they should exercise their rights and report the defects within the Defect Liability Period (DLP) which is 24 months from the date of occupation. The results of the study show that most new homebuyers are not aware of their rights that any property defects could be rectified by listing defects to BCSR within the Defect Liability Period and be submitted to the homebuilders for remedial work. In the event that the homebuilder fails to meet their obligations, the matter is escalated to the Tribunal of Housing Claims.

In South Africa, the process for defect reporting is outlined in Section 13 of the HCPMA. It states that the homebuyer must report the defects directly to the developer or the builder in writing. If the homebuilder/developer fails to meet their obligations, the homebuyer should report the defects to NHBRC who will act on behalf of the homebuyer to ascertain that the defects are fixed. If the developer or the builder fails to fix the defects, those defects are fixed using the NHBRC warranty fund.

There is a similarity between Malaysians and South African homebuying system. . Irrespective of the provision made available to them to seek redress, they still forfeit the opportunity.

2.6. SEARCH FOR SOLUTIONS

Lack of consumer education is the root of the problem of unawareness among the people of India, about available rights and remedies in case anything goes against the interest of consumers in India, therefore no law will ever be able to provide people with their due rights against such bad practices unless they are being

educated and made aware about available remedies in case of violation of their rights” (Khan n.d.)

The above statement highlights three important points to ponder in the search for a solution to enable people to benefit from their rights and meet their obligations. Those points are:

- Lack of education is the root of the problem of lack of awareness about the available avenues to address the violation of rights
- The existence of law alone cannot provide protection against bad practice
- Provision of education will make people aware of available remedies in case their rights of living in adequate houses are violated

Where there is a problem there must be a proposed solution to it. This is alluded to by (DeMarco *et al.* 2017) who conducted a study in the United States (US). Their study evaluated homebuyer knowledge and how knowledge influences behaviour. They state that knowledge is obtained through education. The effectiveness of an education programme is demonstrated through knowledge. It thus becomes important that information is transferred to the right people, Prinsloo, Waveren & Chan (2017) define this as information management. Prinsloo *et al.* (2017) say information management is a conscious strategy of moving the right knowledge to the right people at the right time. Prinsloo *et al.* (2017) say the definition of knowledge by Turban *et al.* (2008) stresses the importance of knowledge dissemination by the organisation. In this context, it therefore becomes crucial to look at the dissemination of knowledge to the homebuyers as an integral part of homebuyers being knowledgeable.

Prinsloo *et al.* (2017) emphasise the need to disseminate the right information to the right people at the right time. If people don't get the right information at the right time they will not be able to take the action needed to solve their problems.

Venter's study (2006) conducted in Cape Town, aimed at evaluating housing education and training programmes for new homebuyers. He first researched the needs assessment for training. He wanted to see if the homebuyers needed the training or already had housing knowledge. The results demonstrated that new homebuyers do not display adequate knowledge to engage successfully in the housing process. They make uninformed decisions and they are taken advantage of and

exploited by dishonest developers. It could thus be deduced that homebuyers need information about housing.

Venter's (2006) study which was conducted in Cape Town, South Africa indicated that homebuyer education programmes need structured, informative material. Radio interviews and unstructured television talks do not appear to result in increased homebuyer awareness. In this study, a structured education programme was subsequently designed and implemented where the homebuyers physically attended the programmes and there was a trainer who was educating the homebuyers. Thereafter the effectiveness of the programme was evaluated by testing the change in attitude and knowledge of participants. The results showed that structured education programmes with training manuals and housing booklets resulted in improvement in housing knowledge. This suggests that structured education programmes result in increased homebuyer awareness.

Further to the findings above, Singh & Reed (2001) are of the view that a blended method of knowledge transfer is more effective. They describe blended methods as an application of more than one learning delivery mode in order to maximise the learning outcome. They, however, emphasise the application of the right technologies to match the right personal style of learning to transfer right knowledge to the right person at the right time.

To confirm this, Singh & Reed (2001) mention that a study which was conducted at the University of Tennessee and Stanford reveals that, for effective knowledge transfer there must be a blend between how the recipient wants to learn and the method of learning. Dlamini (2003) has a different view as she argues that formal education should be provided at the secondary level which will equip people even before they have plans of buying houses. Dlamini (2003) acknowledges lack of knowledge of rights and obligations is a common problem in South Africa that needs strategic attention. She alludes to tertiary level homebuyer education as a solution to address the housing knowledge gap.

Dlamini (2003) mentions that housing provision is impossible without people's participation. What enables people to participate is the kind of knowledge they have. Their participation gives them the latitude to improve their quality of life.

Dlamini (2003) further suggests that in order to solve the housing problem, housing knowledge must be included in the Higher Education curriculum. She announces this strategy as a solution in equipping homebuyers with housing knowledge. Dlamini (2003) reckons the value of the learning outcome achieved as imperative to achieve the desired results. As per Dlamini's illustration, this method suggests development of the inquiring spirit, which leads to an acquisition of knowledge and ends with the application of that knowledge in a constructive manner. Even though the outcomes of different researchers differ it is imperative to note that the common verdict is that homebuyer education is crucial in order to deal with the housing knowledge gap. Having said that, it is also crucial to note that diversity needs to be taken into consideration. There is no one size fits all kind of method that can be used to educate homebuyers.

The NHBRC has homebuyer awareness programmes. They use different modes of awareness. It is not evident though that they are helpful in transferring knowledge to the homebuyers because even though there are these awareness programmes, homebuyers do not demonstrate adequate knowledge of their rights and obligations.

2.6.1. HOMEBUYER AWARENESS PROGRAMMES BY THE NATIONAL HOME BUILDERS REGISTRATION COUNCIL

The NHBRC is currently offering the following programmes for homebuyer awareness:

- Workshops
- Website
- Radio
- Roadshows
- TV talks (by management)

Workshops and roadshows require the recipients to be at a particular place at a particular time. These programmes are likened to traditional classroom training where there is physical interaction between the recipient and the facilitator. This is mostly criticised if it is used as a sole mode of knowledge transfer because it reaches only those who can attend at a fixed time and location (Singh & Reed 2001). This simply implies that remote audience is excluded. It is therefore highly possible that these

mentioned NHBRC awareness programmes are not effective enough to transfer knowledge to the Highveld homebuyers.

Awareness programmes on television and radio are disadvantageous in the sense that they require that the viewers must be watching at a particular point in time. It is thus recommended that important education programmes be well publicised and run repeatedly.

2.6.2. HOMEBUYER INNOVATIVE STRATEGY BY THE NATIONAL HOME BUILDERS REGISTRATION COUNCIL

The NHBRC has seen a need to improve the awareness of its products and services. It has now introduced innovative digital integration in the form of Digital Brand Innovation (DBI) (NHBRC Marketing and Communication Desk 2019). This strategy is an advert about NHBRC into television favourite soapies such as Scandal, Rhythm City, The Queen, River, Isithembiso, Binnelandsm, Imbewu and Getroud met Rugby, (NHBRC Marketing and Communication Desk 2019). These adverts were then taken to billboards in the main streets of Johannesburg, (NHBRC Marketing and Communication Desk 2019). The advert is integrated with soapies because that is the time when most people are watching Television.

Below are the adverts shown in 2 different soapies



Figure 2: NHBRC advert as it appeared on Scandal - eTV

SOURCE: NHBRC Marketing and Information Desk (2019)



Figure 3: NHBRC advert as it appeared on Rhythm City - eTV

SOURCE: NHBRC Marketing and Information Desk (2019)

NHBRC has chosen to use Digital Brand Integration (DBI) on Television campaigns as the adverts cannot be skipped by viewers as they tend to be if they are run in programme breaks and it allows for localization of brands across different target groups in terms of race, age, language, location etc. It is also cost-effective as those adverts do not require additional costs.

BENEFITS OF DBI:

The prominent advantage of DBI is that it takes intended awareness out of the “clutter” of normal advertisement. DBI amplifies spots with implied program endorsement by taking that brand out of the “clutter”. This increases brand recall and brand awareness. Brand recall is understood in context as a brand speaking for itself such that it becomes inspiring and memorable to the target viewers and audience (Reic 2017). That was the whole idea of the NHBRC homebuyer awareness campaign featured on Soapies, hence Molebogeng (NHBRC Marketing Executive) pointed out that the homebuyer awareness was featured on those soapies that had the highest audience ratings. These included Scandal, Rhythm City, The Queen, River, Isithembiso, Imbewu and Getroud met rugby amongst others. The NHBRC funded the campaign as its aim was to advertise the organisation as a brand and inform clients about the responsibilities of the organisation. Amongst those responsibilities is ensuring that the homebuyers are educated about their rights and obligations when they experience defects in their homes. The brand advert appeared during breaks in these soapies’ episodes.

The campaign reached a total of 16 496 000 viewers at the range of less than a month as the campaign started on 16 May 2019 to 7 June 2019 (NHBRC Marketing and Information Desk 2019). This is regarded as a good rating considering the timeframe i.e. the time at which it started and the time it ended. The long term effect will need to be monitored in order to measure how effective the program was to educate homebuyers. As mentioned above the NHBRC as a brand was featured as an advert during soapie’s episode breaks. It is nevertheless vital to note the likelihood of enormous awareness success if key characters had acted the defect reporting in the storyline as opposed to featuring the defect reporting narrative as an advert, this is supported by Moore (2018).

2.7. THEORETICAL FRAMEWORK- CAPABILITY APPROACH

2.7.1 INTRODUCTION

Kimhur (2020) states that the Capability Approach is a normative approach which argues that policy should focus on expanding people's capability instead of resources. The theoretical framework provides a structure for what the researcher has to look for in the data, it gives a perspective on how the researcher thinks and see how the data fits together. It also helps to discuss findings more clearly (Kivunja 2018). In this study this theoretical framework (Capability Approach) facilitated a comprehensive assessment of what determined the behaviour of the participants as stated by McGowan, Powell and French (2020).

The Capability Approach was articulated by Amartya Sen in the 1980s. He is an Indian economist and philosopher who does not believe in economic growth as means of development but believes in increasing human well-being as means of development. He worked on this theory with his colleagues including Martha Nussbaum who is also a philosopher. This theory people centred model of development which states that it is of paramount importance that people must be developed for them to lead a life that has meaning. Sen's approach is of the notion that what makes people's lives better is the richness of human life rather than the richness of economies. He believes in human development and that it can change the lives of the people for the better.

Sen argues that human development leads to capabilities. Capability can be defined as a set or range of attributes that can help a person to accomplish what they want to accomplish (Sharma 2005). This implies that the availability of economic resources does not necessarily ensure that people can live the lives they desire but they need to be developed in such a manner that they are able to use the available resources. Meaning people might not benefit from the resources available to them if they are not developed enough to use them accordingly. Hence he does not believe in economic growth as means of development but believes in human development.

2.7.2. HISTORY OF CAPABILITY APPROACH

Sen developed and applied this approach to poverty which is regarded as a socio-economic aspect. He was in pursuit of explaining how poverty happens. The Capability Approach explains poverty as a deterrent for capabilities that allows freedom for people to live the lives they desire or aspire to live. He further states that poverty does not happen because of the absence of money but because of the presence of:

- Powerlessness
- Social exclusion
- Voicelessness

From this statement it can be deduced that in terms of Sen's theory, if powerlessness, social exclusion, and voicelessness can be eliminated, poverty can also be eliminated, hence these three things are regarded as the attributes of lack of freedom. Sen alludes to freedom as a primary goal for development. He sees development as the process of expanding human freedom. He simplifies it as a way of removing obstacles to freedom.

Sen points to freedoms as a way that leads to capability. He mentions five kinds of freedoms:

- Political freedoms. This talks to freedom to scrutinise and criticize actions by authorities
- Economic opportunities which allow people to use their entitlements
- Social opportunities give people freedom to benefit from social activities like education
- Transparency guarantees. Authorities must be transparent to the point that people are free to use the information from their authorities
- Protective security. Vulnerable people must be protected so that they don't fall into deprivation

Sen is of the view that freedom creates a platform for people to acquire capabilities and be able to employ those capabilities. Capability implies that a person is capable

to achieve something. To reach that stage human development is vital as it leads to freedom.

2.7.3. KEY CAPABILITY APPROACH CONCEPTS

This theory identifies three key concepts. Those are:

2.7.3.1. Functionings

Functionings constitute what people do and also what people are. It entails the “doings” and the “beings”. The functionings must give value to life. What people “do” demonstrate action people take to achieve what they value e.g participating in social activities. Their ‘being’ is a demonstration of what their inner being values much e.g. being literate. To achieve this, the use of available resources is necessary. Conversely, the use of these available resources depends on different factors of which amongst them are knowledge and education

2.7.3.2. Capabilities

Capabilities are options to achieve valuable functionings. This concept refers to the person’s opportunity and ability to achieve the outcome desirable to him. Capability is more about freedom of choice which determines one's quality of life

2.7.3.3. Agency

The ability to take action or to choose what action to take, (Cambridge dictionary). The word “agent” as defined by Sen is a person who brings about change. He says if people are given the opportunity they can become agents of change in their own lives. For a person to bring the change he must be participative. He must demonstrate his freedom of participation in order to achieve one’s desired goals.

2.7.4. CONSISTENCY OF THE THEORY

The Capability Approach has also been used in another aspect of the social arena according to (Sharma 2005). It has been applied to disability and rehabilitation as one of the problems facing societies. The purpose of the use of this theory was to “reify” the concepts used in the Capability approach by applying it to disability and rehabilitations research. Sharma (2005) highlights what the Capability Approach is standing for. He says it stands for:

- Capability for all
- Educational and policy levels can be used as an intervention to modify the concept of capabilities

This proves the consistency of this theory as Sen mentions education and knowledge as part of development strategies that lead to freedom. Sharma (2005) measured the viability of the Capability Approach by using constructs or concepts which are found in this theory. Those concepts are:

Exchange entitlements

This refers to the way of obtaining goods and services as opposed to producing them. He claims that this concept can be applied to disability and rehabilitation by identifying the goods and services needed by people with disabilities, and then developing a strategy of how People with Disability (PWD) can access them. This strategy is part of development. In this instance, disability is a deprivation that can be eliminated by empowering PWD to access these goods and services

Characteristics

This concept says a commodity is valued by the satisfaction one derives from the use of that commodity. For instance, in regard to two types of sports shoes, Type A and Type B may both be comfortable but Type A may be suitable for runners and Type B may be suitable for those who walk. A runner can appreciate type A more if he is aware of additional attributes that type A has for the runner as opposed to type B. But lack of

awareness may deprive him of opting for type A which would give him better results. Sharma (2005) believes that education can be provided as an intervention to change the perception of the user.

Capabilities

Sharma (2005) highlights that Sen in his theory did not articulate a vast list of capabilities however he does admit that the concept of capabilities is also relevant for PWD. He describes capabilities as a set of real opportunities not imagined ones. Sen is of the view that every person is given a set of capabilities. It is a matter of an individual to realise that they are capable to take themselves out of the situation which is not pleasing to them. Sharma (2005) agrees with this construct and settles to the notion that intervention can be derived to develop PWD and make them capable.

Functionings

Functionings as described by (Sharma 2005) is a mixture of doings and beings. This has an implication that functionings refer to the used opportunity which signifies that a person has taken a step and do something in order to achieve the desired results. That is why Sen in his theory emphasizes functional capability as it demonstrates the ability for an individual to participate. Sharma also agrees with this concept in the sense that PWD can take an active part in making their lives better.

2.7.5. RELATION OF CAPABILITY THEORY TO THE STUDY

Sen argues that people's well-being depends upon what they are actually capable to be and do with resources, facility and freedom available to them. Knowing what a person has doesn't tell about how well his life is going. A simple example: Having a cycle doesn't say that the owner has acquired the capability of mobility from it. He might not like to ride the cycle, or he might be handicapped, or doesn't know how to ride it. (GOODPAL 2018).

The above statement confirms the relevance of the Capability Approach to this study. This study sought to investigate the knowledge the homebuyers have about their rights

and obligations. It is evident that there is an act (Housing Consumer Protection Measures Act 95 of 1998) that outlines the rights and obligations for the homebuyers. On the other hand, the homebuyers still forfeit their rights and do not adhere to their obligations yet there is a resource to help them harness their rights and obligations. In addition to that, there are education programmes that are offered by National Homebuilders Registration Council (NHBRC) as a regulatory body that teaches homebuyers about their rights and obligations. There are available resources that are supposed to make people knowledgeable and able to live the lives they want to live. In the context of this study, the above statement by Sen implies that the availability of the HCPMA and the education programmes as knowledge resources do not guarantee people's capability. The availability of resources does not confirm that they are knowledgeable. Also even if they have the knowledge it is not guaranteed that it is functioning to their advantage. There is no direct correlation between the availability of resources and knowledge.

Knowledge as defined by Turban *et al* (2004) is the information put into action. This implies that lack of knowledge cannot be defined as lack of information but is evidence of a lack of action to use the information that one has. This implies that for the homebuyers to demonstrate their knowledge they must take an active role by reporting the defects so that they live in quality houses they deserve.

Like in the case of Sharma (2005) the influence of this theory can be viewed by the application of the theory's key concepts to the study. Functionings evaluates if homebuyers do take action to report the defects in their houses if there are any. If they are not aware of their rights and obligations they can be empowered with knowledge and be vested to take a step and benefit from the knowledge they have. It also evaluates what value homebuyers put in living in quality houses. This is vital because housing is a primary need which is why even the government emphasizes quality homes for all. The Capability approach appraises the choice homebuyers make to use the opportunities available to them. The homebuyers may have information but choose not to use it. The homebuyer who is without knowledge because of deprivation and the homebuyer who has information but choose not to use it are in the same position. They are both living in houses with defects irrespective of the reason. They both need development for them to use the available resources and live the life deserving for them.

Agency is enunciating a different but important view of the relationship between the availability of resources and active participation of taking an action and report defects as stipulated in the policy and procedures of an organisation. As stated by Sen active participation refers to being an agent of change. It emphasises that agents of change are not taciturn but are expressive. They do not just follow what is stated in the policies and do not express their views even if they are not working for them. When developing education programmes the view of the participants must matter because they get an opportunity to express how best they can be abetted for them to achieve their goals. This is pointing to a very important dimension of development. NHBRC still has to explore this avenue. The relevance of this can be viewed on the premise that the homebuyers can have information about their rights and obligations, but still be at a disadvantage. That is why it becomes vital to be part of policy formulation.

2.7.6. NORMATIVE RATIONALITY

The following highlight the normative support of the Capability Approach

Evaluation of well-being of the individuals and social arrangements

The Capability Approach unequivocally recognizes the individual differences in things like age, sex, culture, class, health, disability, intelligence, education and so on. It also accepts that people's abilities are influenced by external factors, other people, social arrangements, access to infrastructure and public services, freedom to speak and participate, state policies and so on. In the process of human development, all these dynamics in society must be taken into consideration. Munje and Maarman (2018) employed the Capability theory as a lens to underscore the need to consider capability as means to evaluate quality education. Their argument is on the perception that in South Africa quality education is measured by being present in class. The capability approach thus reframes the view about quality education such that the focus is on capabilities and freedoms. From this approach, the controversy around quality education can be addressed. Capability can be defined as a set or range of attributes that can help a person to accomplish what they want to accomplish.

In regard to design of policies, Sen argues that it is necessary to monitor the freedom of people in order to re-visit the development programmes. Once freedom is monitored it is easy to identify capability deprivation. Capability deprivation is a better measure of poverty than the lowness of income (GOODPAL 2018). It is vital to evaluate what hinders people to achieve what they want to achieve. This goes with the agency as one of the key constructs of the Capability Approach. People's views are a promise to effective human development

2.7.7. EXPLANATORY ADEQUACY

Sen believes that every person has been given a set of capabilities. As mentioned, monitoring freedom for people helps to restructure the development programmes, in the restructuring, the diversity of the people must be taken into consideration. People must be viewed uniquely in terms of developing them to use available resources. People vary in terms of personal and/or socio-environmental factors. He emphasises that people should not be viewed in terms of resources they have available, but in terms of what they are capable of doing with them (GOODPAL 2018).

2.7.8. DEVELOPMENTAL STAGES OF THE CAPABILITY APPROACH

These stages of development are presented by Clark (2006). The Capability Approach dates back to 1979 when Sen delivered a speech at Stanford University. At the very outset, Sen presented the approach as directly concerned with human capability and freedom. It started as an alternative for economic framework in thinking about poverty, inequality and human development. It has been influenced by:

- Aristotle's theory of Political distribution
- Adam Smith (1776) analysis of living conditions
- Karl Marx (1844) analysis of human freedom
- Isaiah Berlin (1958) who believed in liberty and freedom
- Rawl's (1971) theory of justice which is mainly concerned about self-respect and access to primary goods and services
- Paul Streeten et al (1981) who are known for the Basic Needs Approach

Sen also made a comparison with some close rivals. In his comparison, he realised that as he saw it, the Capability Approach has the capacity to cover all the relevant concerns of humanity.

2.7.9. CRITIQUE OF CAPABILITY APPROACH

Sen's Capability Approach is criticised as emphasizing what people can achieve from what they have yet it does not offer strategies of how to achieve that goal (GOODPAL 2018). However, Sen states that for people to be developed they need to be educated. Education, as a development strategy, is used to try to enable people to achieve their goal. Sen also believes that people should be given an opportunity to be agents of change. In spite of the critique, Sen's CA has given insight to this study as it highlights that education is key to transform information into knowledge which enables people to take action and correct situations they are faced with. CA is also criticized as complicated in selecting the set of capabilities which are relevant for housing (Kimhur 2020). This author further argues that the approach is vague in terms of defining the set of capabilities. In spite of the possible limitations noted here, the theory provided a useful framework for interpreting the information the participants shared in this study.

2.8. SUMMARY

This chapter reviewed literature from different world contexts of homebuyers' knowledge of their rights and obligations when they buy houses. It presented the notion that for people to demonstrate their knowledge they need to take action which enables them to achieve their goal. The chapter also described Sen's Capability Approach which underpins this study. Chapter three presents the research methodology for this study

CHAPTER THREE

RESEARCH METHODOLOGY

3.1. INTRODUCTION

This chapter explains the steps that were followed to conduct the research. It outlines the research design and approach. The method of collecting and analysing data is presented. It also provides ethical considerations that were maintained in this study.

Paradigm

This study is based on the interpretive paradigm. This paradigm is used in Social Sciences to research people's behaviours, attitudes and perceptions, (Bertram 2004). It is interested in discovering why people behave in a certain way. Interpretive paradigm is associated with natural research. This paradigm is applicable to this study as it will explore lived experiences of homebuyers of the Mpumalanga Highveld region.

3.2. RESEARCH APPROACH

A qualitative research method was used. Qualitative research methods have characteristics that are suitable for this study. These characteristics are:

- Research is conducted in the natural setting of the social actors
- Insider perspective is emphasised
- The primary aim is the in-depth description and understanding of events and actions
- Its concern is to understand social action in terms of its specific context rather than attempting to generalise to some theoretical population
- The research process is often inductive in its approach, resulting in the generating of new theories (Welman and Kruger 2001).

3.3. RESEARCH DESIGN

A small scale survey was used as a research design because it deals with the investigation of behaviours of the small sample of the population members (Jansen 2010). This particular sample is people who bought houses in the Highveld region of Mpumalanga between June 2017 and December 2018. The purpose of this study was to bring to light the possible cause of the behaviour of this specific group. Their behaviour poses a question as to whether they know their rights and obligations associated with taking ownership of a new house and having its defects attended to. The reality of the experiences lived by the participants and their thoughts about the situation was determined.

3.4. SAMPLING

A purposive sampling technique was used in this study. The sample was drawn from people who bought newly built houses in the Highveld region of Mpumalanga between June 2017 and December 2018, ten homeowners were interviewed. Though the target was ten homebuyers, consent was asked from fifteen participants in order to accommodate the possibility of some people's reluctance to participate in a study. Some participants may drop out if they feel uncomfortable with proceeding with the interview. Five participants were selected from the first five forms received by NHBRC from June 2017 to December 2017. Another five from the first five forms which were received from January 2018 to June 2018. The last five forms were received from July 2018 to December 2018.

3.5. PILOT

The interview schedule was piloted with four fellow church members of the researcher who have recently bought newly built houses. They are known and accessible to the researcher because they asked for NHBRC enrolment forms prior to the start of their building projects, the researcher helped them by delivering the forms at their convenience. Since a pilot study is a pre-test of the research instrument, it helped to detect possible mistakes or shortcomings in my interview schedules such as ambiguity

and lack of clarity. It also helped to notice non-verbal behaviour that might signify discomfort or embarrassment associated with particular questions, which is highlighted by (Welman and Kruger 2001). The first two participants received the consent letters via WhatsApp during the interview process. The interview took long as the participants had to read through the consent letter, sign and send it back to the researcher. Participants seemed to lose interest in participating. The other two participants received the consent letter via WhatsApp prior to the interview process. They had ample opportunity and time to read through the consent letter. They verbally gave consent during the interview process and were comfortable with that process.

3.6. DATA COLLECTION

The data was collected via telephonic interviews based only on the interview schedule. As a data collection method, the telephonic interview is cheap and quick. It helped to reach many respondents within a short period and there were no travel costs. The responses were recorded in writing and also recorded electronically while they were interviewed telephonically. The researcher logged each participants' responses in the interview schedule while listening to the recording.

I first got ethical clearance from DUT IREC and thereafter requested permission from the management of the National Home Builders Registration Council to call the homebuyers of Mpumalanga Highveld who had submitted enrolment documents to NHBRC. Consent was sought from the homebuyers to participate in this study at the start of a telephonic interview. Interviews were conducted with those homebuyers who were willing to participate in this study. The respondents were interviewed about their exposure to the NHBRC, homebuyer education and what they have learnt concerning their rights and obligations as homebuyers. They were also asked to elaborate on what action they have taken to demonstrate their knowledge.

The participants were reached through their cell phones of which the numbers were obtained from the Housing Consumer Index form. This form is supplied by NHBRC when homebuyers enrol their homes. It is mandatory that the homebuyers submit this form with the enrolment documents. The homebuyer fills in the necessary details like:

- Homebuyer name and surname

- Homebuyer' house details
- Homebuyer contact details
- Date of submission

These details are captured on the system. This helps to disseminate important information to the homebuyers for example, the proforma invoice, enrolment status and also notify them that the certificate for the house has been issued. The HCIF is filed safely together with the enrolment documents. It is accessible to any NHBRC personnel for business purposes however for the purpose of this research, I asked permission in writing from the NHBRC management to use the information in the form to telephonically contact the sample.

An advantage of the telephonic interview proved to be effective in gathering the information needed and also cost-effective. It was also swift and economical. The participants were reached easily within a short space of time, Sekaran and Bougie (2013) alluded to this advantage and it proved to be true. What made interviews even more appropriate for this study was that the respondent could easily explain his/her problem. During the telephonic interviews, should the respondents experience any difficulties understanding the questions, the researcher can provide clearer explanations of the question. This is what made telephonic interview an effective method for gathering data. It is also important to note that a telephonic interview was suitable for this study because of the vastness of the area, which is the Mpumalanga Highveld Region. The participants were far apart from one another. Reaching them by phone saved time and costs. I asked the participants' consent to go through the interview schedule with them and their verbal consent to be interviewed was recorded electronically due to the fact that obtaining written consent via cell phones was time-consuming and annoying for participants. This was discovered during piloting. The statement of the agreement was sent to the participant prior to the interview to allow participants time to read it in order to minimise the time length of the interview. This also was reviewed during study piloting. Before the commencement of the interview, each participant was asked if he/she agreed to participate. Of 15 participants who were selected, 6 participants were not willing to participate at all and 9 agreed to participate. In order to make a total of 10 participants, 1 additional participant was selected and agreed to participate. This study is based on 10 participants.

3.6.1. SHORTCOMINGS OF TELEPHONIC INTERVIEW EXPERIENCED

Naturally, the interviewer has less control over the telephonic interview process compared to face-to-face interview (Welman and Kruger 2001). The authors further state that it is difficult for the interviewer to get the whole-hearted co-operation from the respondents over the telephone than in a personal interview.

During piloting it was discovered that sending the consent letter prior to interview process saves time compared to sending the consent letter during the interview process. In the main data collection process, potential participants who were in the selected Housing Consumer Index forms were first contacted telephonically. They were asked if they would take part in this study. Those who agreed to participate were sent a consent form via WhatsApp to read and the consent was done verbally and recorded as part of the interview process. The researcher asked for an appointment for the interview process. Some participants did not honour the appointments for the interview. When the interviewer called on the day and time of the interview, some of the participants said they are not interested any more and some did not pick-up the calls. This resonates with Welman and Kruger (2007) as they state that the disadvantage of telephonic interview is that some participants are suspicious of the interviewer's intentions and they are not keen to participate. They also point out that some participants may summarily terminate the telephonic interview which they can easily do in a telephonic interview, but not in an interview where they are physically present. This is partly true with the participants in this study. They did not terminate the calls but some showed impatience during the interview process, asking questions like 'how long will it take now?', "how many questions are we left with?". I felt discouraged and thought they are not giving me all the information they could have. I then kept on encouraging the participants to be patient until we get to the end of the interview schedule, pointing out that all their views are a usefull information that will help NHBRC to improve its processes for the benefit of the homebuyers.

3.7. DATA ANALYSIS

The aim of analysing the data is to determine the knowledge the homeowners have about their rights and obligations and also if the knowledge they have is useful to them or not. Data was collected and later analysed. Thematic analysis was used. Data was coded and fed into the spreadsheet. Data was organised, described and reported according to themes.

Themes were derived from repeating ideas by the participants. Themes identified are as follows:

- Defects experienced
- Homebuyers' knowledge of reporting defects
- Reporting channels
- Knowledge of rights and obligations
- Participants' views about NHBRC
- Exposure to stakeholders
- Exposure to homebuyers' education
- Knowledge about inspections

Based on these themes , the data collected was entered on a spreadsheet for analysis. From that analysis, conclusions and recommendations were made.

3.8. ETHICAL CONSIDERATION

3.8.1. Anonymity

I informed the participants that their names would not appear on the final report. I also assured them that the generated information would be known only to the researcher and the supervisor for confidentiality purposes. I informed them that they have the liberty to pull off from participation if they are no longer comfortable and they would not be prejudiced.

3.9 TRUSTWORTHINESS

3.9.1. Truth value

Krefting (1990) states that in qualitative research, the truth value is established through a discovery of human experiences as they are perceived by the participants. In this case, experiences were discovered from Highveld homebuyers since the sample was drawn directly from the population of homebuyers in this region who had submitted their documents to NHBRC.

(i) Trustworthiness

I used the model of Guba (1981) (cited in Krefting 1990) to ensure that this study was as trustworthy as possible. Guba's model includes the following aspects

(ii) Neutrality

As a researcher, I guarded against bias by reading all the questions to all participants in the same order and in the same way, and recording and analysing all their responses in the same way.

(iii) Validity

The researcher adhered to the scientific rules of data analysis to ensure that the results were not manipulated. The researcher tested the validity of the research instrument i.e. the interview schedule, by piloting the study to avoid the following errors, as stipulated by (Mouton: 2011)

- Ambiguity or vague words which are undefined
- Double-barrelled questions which combine two questions in one question
- Fictitious questions which relate to things which do not exist
- Leading questions which influence respondents to respond in a certain manner
- Too long an instrument which negatively impact the quality of responses
- Sensitive questions which seem to be personal

Some of the above-mentioned problems were identified during the pre-testing of the instruments. The participants in the pilot study particularly communicated that the

interview process was too long. They suggested that the consent be sent prior to the interview process. Then the consent would be given verbally during the interview process. Their suggestion was accepted and eased the process with the ten selected participants.

3.10. SUMMARY

This chapter discussed the research methodology used in this research study. It clarified how data was collected using interview schedule as an instrument. It also highlighted the importance of conducting a pilot study as it indicated the shortcomings of the interview schedule. Chapter four presented the data collected.

CHAPTER FOUR

PRESENTATION OF FINDINGS

4.1. INTRODUCTION

This chapter presents the results which were based on telephonic interviews held with 10 homebuyers who bought houses in the Highveld region of Mpumalanga Province. The main aim of this qualitative study was to discover what knowledge homebuyers in the Highveld region of Mpumalanga Province have about their rights and obligations in relation to the condition of the houses they buy and to explore their lived experiences of taking occupation of a house and getting help in dealing with defects in their houses. This chapter presents data collected from telephonic interviews with the selected homebuyers. All the 10 selected homebuyers answered the questions which were on the interview schedule. The interview schedule with questions asked to the homebuyers is attached as Appendix A. The interview questions were aligned with research questions. The collected data is presented in different tables below. Each table has a specific purpose as each one was used to organise, to represent and summarise a particular aspect of data collected in the telephonic interviews.

4.2. DEMOGRAPHIC PRESENTATION

The below table shows the demographic information of the participants.

TABLE 1: PARTICIPANTS IN THIS STUDY

Participant	gender	age	Marital status	Education	Employment	Dwelling
1.	Male	21-40	Married	Post matric	Employed	Urban cluster
2.	Female	21-40	Single	Post matric	Employed	Urban cluster
3.	Female	21-40	Married	Post matric	Self Employed	Urban cluster
4.	Male	21-40	Married	Post matric	Employed	Urban cluster
5.	Male	21-40	Single	Post matric	Employed	Urban cluster
6.	Male	21-40	Married	Matric	Employed	Urban cluster
7.	Male	21-40	Married	Post matric	Employed	Urban cluster
8.	Female	41-60	Single	Post matric	Self Employed	Urban cluster
9.	Male	41-60	Married	Matric	Employed	Urban cluster
10.	Male	21-40	Single	Post matric	Employed	Urban cluster

Of the 10 participants, 70% were males and 30% were females.

80% of the participants were within the age range of 21-40 and 20% were within the age of 41-60.

60% of the participants were married and 40% were single

80% of the participants had a post-matric qualification and 20% had matric.

80% of the participants were employed and 20% were self-employed

100% lived in Urban areas

From this information, it can be seen that the typical participant in my study was male, between the age of 21 and 40, had a post-school qualification, was married, employed, and lived in an urban area.

TABLE 2: HOME ENROLMENT

Participant	gender	age	Marital	Education	Employment	Dwelling	Owner	House enrolled	Certificate	Usefulness of information
1.	M	21-40	M	Post matric	Employed	Urban cluster	Yes	Yes	No	N/A
2.	F	21-40	S	Post matric	Employed	Urban cluster	Yes	Yes	Yes	Yes
3.	F	21-40	M	Post matric	Self Employed	Urban cluster	Yes	Yes	Yes	No
4.	M	21-40	M	Post matric	Employed	Urban cluster	Yes	Yes	No	N/A
5.	M	21-40	S	Post matric	Employed	Urban cluster	Yes	Yes	No	N/A
6.	M	21-40	M	Matric	Employed	Urban cluster	Yes	Yes	No	N/A
7.	M	21-40	M	Post matric	Employed	Urban cluster	Yes	Not aware	No	N/A
8.	F	41-60	S	Post matric	Self Employed	Urban cluster	Yes	Yes	No	N/A
9.	M	41-60	M	Matric	Employed	Urban cluster	Yes	Yes	Yes	Yes
10.	M	21-40	S	Post matric	Employed	Urban cluster	Yes	Yes	Yes	No

Table 2. presents information relating to home enrolment. Before the house is constructed it must be enrolled with NHBRC. The enrolment fee is a once-off fee paid by the homebuyers for their homes to be enrolled with NHBRC. The homebuilders normally include the fee on the building costs and pay the fee to NHBRC on behalf of the homebuyers. The enrolment fee is basically 1.3% of the value of the property up to the value of R500 000. A sliding scale applies to properties with a value of more than R500 000.

The homebuilder submits the enrolment documents to NHBRC i.e.

- EF003 form (Application form for the house enrolment with house and homebuilder's details)
- Appendix B1 form (Application form with the homebuilder and engineer's details)
- Housing Consumer Index form (Form with homebuyer's details)
- Offer to purchase (Sale agreement between the buyer and seller of a property, with land details)
- Building contract (Legally binding building agreement between the homebuilder and the homebuyer)
- Cost breakdown (Building cost structure stating the costs for building the house from the foundation (substructure), walls (superstructure) roof structure and finishings)
- Homebuilder registration certificate (certificate which certifies that the homebuilder is registered with NHBRC)
- Building plans (Approved by the municipality) (Plan for the house to be constructed)
- Proof of payment for enrolment fee (which is paid by the homebuyer)

As soon as the house is enrolled, NHBRC issues the enrolment certificate which certifies that this prescribed house is enrolled and has a warranty for a period of five years against defects. The certificate is issued before construction commences as no homebuilder is permitted to start with construction before the enrolment certificate is issued. The Housing Consumer Protection Measures Act 95 of 1998 (HCPMA) confirms this by stating the objectives of NHBRC as:

- to represent the interests of housing consumers by providing warranty and protection against defects in new homes;
- to regulate the home building industry; to provide protection to housing consumers in respect of the failure of home builders to comply with their obligations in terms of this Act.

The only instance where NHBRC does not issue the enrolment certificate is when the enrolment is rejected by NHBRC. The enrolment is rejected when the homebuilder's registration is suspended or if it has expired, (HCPMA, Section 15).

The front of the certificate has the following details:

- Homebuilder details
- Property details
- Property value
- Property reference number
- Date of issue

This information is useful to NHBRC to verify if the homebuyers have the right to seek assistance from NHBRC if they experience defects.

RESIDENTIAL UNIT ENROLMENT Certificate

This is to certify that
Mukandaka Construction (Pty) Ltd
Reg No: 14421/20300
has enrolled
Erf No: 10724
Unit No:
Section No:
Township: C. Merville 231 (A)
Region: Grahamstown
for a stated selling price of: R689675.00
The dwelling enrolment fee of R6198.75 has been paid.
THE RESIDENTIAL UNIT ENROLMENT CERTIFICATE NO IS:
1-1000521812

This Enrolment Certificate is issued by the NHBRC™ in terms of section 14(1)(c) of the Housing Consumers Protection Measures Act, 1998.

The enrolment of a home entitles the housing consumer and his/her Successors' in title to apply to the NHBRC™ Fund for assistance to rectify a major structural defect in certain circumstances as laid down in section 17 of the Act.

Please refer to the back of this Enrolment Certificate for advise on housing consumer rights in terms of the Act.

506295



Chief Executive Officer

30/07/2021

Date Issued

Figure 4. Enrolment certificate – front.

REGISTERED HOME BUILDER

The obligations of a registered home builder are:

- * To provide a copy of the enrolment certificate to the housing consumer;
- * To enter into a written agreement with the housing consumer before commencement of construction;
- * To provide the NHBRC with the correct construction schedule before commencement of construction;
- * To ensure that the house under construction is available for inspection at all times;
- * To ensure the home is constructed in accordance with the NHBRC Technical Requirements, and all applicable technical requirements;
- * To rectify non-compliance with the terms, plans and specifications or any deficiency related to design, workmanship or materials notified by the NHBRC and/or housing consumer within specified dates;
- * To repair roof leaks attributable to workmanship, design or materials occurring and notified by the housing consumer within twelve months of the occupation date;
- * To rectify major structural defects notified by the housing consumer within five years of the date of occupation caused by non-compliance with the NHBRC Technical Requirements.

As a home builder, you may not demand or receive a deposit from a housing consumer for the construction or sale of a home unless a written agreement has been entered into.

ADVICE TO THE HOUSING CONSUMER

If your home builder fails to repair a major structural defect reported to him within five years of the occupation date, you have the right to seek assistance from the NHBRC Fund for rectification of this defect.

You are advised to lodge a complaint with the home builder should the following occur:-

- * Complaints relating to 3 months defect liability from date of occupation, with or deviation from terms, plans and specification of the agreement or any deficiency related to design workmanship;
- * Roof leaks which have emanated within the first 12 months of occupation; and
- * Complaints relating to 5 year major structural defects from the date of occupation.

You shall refer a complaint for conciliation to the NHBRC under the following circumstances:-

- * Should the home builder fail to respond within the specified period or;
- * Should the home builder fail to honour obligations;
- * Should the home builder and housing consumer not agree on the extent of the remedial work; and
- * Should the home builder decline liability.

OBLIGATIONS

The housing consumer should ensure:

- * A copy of the written agreement is kept;
- * The contractual and financial obligations to the home builder are met;
- * A record and proof of all payments made to the home builder is kept; and
- * Complaints to the home builder are made in writing, dated and copies must be kept.

CANCELLATION OR SUSPENSION OF THIS ENROLMENT CERTIFICATE

The enrolment of this home cannot be cancelled after the occupation date. During construction and prior to the occupation date the enrolment:

- a) shall be automatically cancelled:
 - i. on the granting of an order by a court for the provisional liquidation or the sequestration of the home builder; or
 - ii. on the withdrawal or suspension of the home builder's registration with NHBRC;
- b) may be cancelled or suspended prior to the occupation date:
 - i. If the NHBRC is not satisfied that the home has been constructed in accordance with the NHBRC Technical Requirements;
 - ii. If the home builder who enrolled the home fails to complete the home and another home builder continues to construct the home without assuming the obligation of a home builder; and
 - iii. If it comes to the NHBRC's attention that construction commenced prior to enrolment certificate being issued.

On cancellation or suspension of an enrolment, the NHBRC shall seek to inform the housing consumer, his or her mortgage lender or conveyancer of the options available to him or her. The NHBRC may reinstate the enrolment of such a home within its discretion. If the enrolment is not reinstated the NHBRC shall repay the builder or any person entitled thereto the enrolment fee less the reasonable costs incurred by the NHBRC.

IF YOU HAVE A COMPLAINT

A housing consumer or a home builder are both entitled to refer a complaint to the NHBRC relating to obligations.

The Council shall investigate such complaints in terms of its prescribed procedures.

For more information, contact NHBRC on 011-317-0000 or 0800-200-824

Figure 5: Enrolment certificate – Back

The below information is at the back of the enrolment certificate and is extracted from the HCPMA

It states:

- The obligations of the homebuilder to the homebuyer. The obligations are:
 - To provide a copy of the enrolment certificate to the homebuyer,
 - To enter into a written agreement with the homebuyer before the commencement of construction,
 - To provide the NHBRC with the correct construction schedule before the commencement of construction,
 - To ensure that the house under construction is available for inspections at all times,
 - To ensure that the home under construction is constructed in accordance with the NHBRC Technical Requirements and all applicable technical requirements,
 - To rectify non-compliance with terms, plans and specifications or any deficiency related to design, workmanship or materials notified by NHBRC and homebuyer within specified dates,
 - To repair roof leaks attributable to workmanship, design or materials occurring and notified by the housing consumer within twelve months of the occupation date,
 - To rectify major structural defects notified by the homebuyer within five years of the date of occupation caused by non-compliance with the NHBRC Technical requirements
- The rights and obligations of the homebuyer.

The homebuyer shall lodge a complaint with the homebuilder should the following occur:

 - Complaints relating to three months defect liability from the date of occupation with the deviation from terms, plans and specifications or agreement or any deficiency related to design workmanship,
 - Roof leaks which have emanated within the first twelve months of occupation and

- Complaints related to five year major structural defects from the date of occupation.¹

The homebuyer shall refer the complaint about conciliation to the NHBRC under the following circumstances

- Should the homebuilder fail to respond within a specified period or,
- Should the homebuilder fail to honour obligations,
- Should the homebuilder and homebuyer not agree on the extent of the remedial work and
- Should the homebuilder decline liability.

The homebuyer should ensure that

- A copy of the written agreement is kept
- The complaints to the homebuilder are made in writing, dated.

The enrolment certificate is given to the homebuilders who enrol on houses on behalf of homebuyers as stated by the Housing Consumer Protection Measures Act 95 of 1998 (HCPMA). Even though the certificate is given to the homebuilder, the HCPMA requires that the homebuilders shall pass the certificates to the homebuyers. This implies that the homebuyers must be in the possession of these certificates. In this study 100% of the participants confirmed that they own the houses they live in. 90% agreed that their homes are enrolled with NHBRC. Only one (10%) was not aware if his house was enrolled or not. When asked if they received the enrolment certificates, 40% stated that they did receive them. Three of these participants had post-matric level of education and one had matric. 60% stated that they did not receive the certificates. Out of the 60% participants, five had a post-matric qualification, and one had matric. In principle, the homebuyers should be in a possession of the enrolment certificate as it certifies that the house is enrolled and has a five year warranty against defects. It bears relevant information to the homebuyers pertaining to homeownership, without which they are unaware of important rights and how to access these rights.

¹ This is the wording on the back of the enrolment certificate. It means "Complaints related to major structural defects that should be reported within 5 years from the date of occupation".

Another source of information for homebuyers is the NHBRC website.

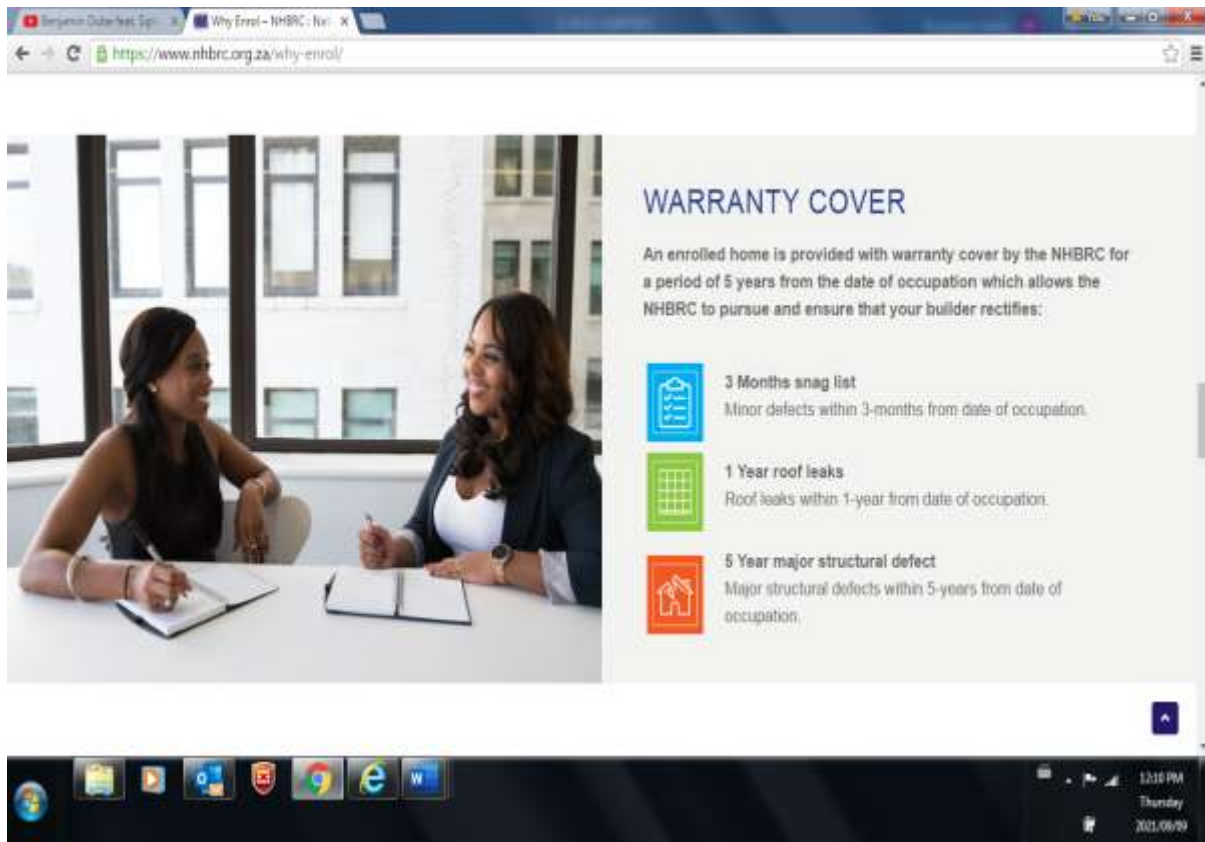


Figure 6: Information on the NHBRC website

Below is the menu on the NHBRC website:

- **Home**
It informs clients that NHBRC offers services to homebuilders, homebuyers and also offer training. It does not specify the kind of services offered to homebuilders and homebuyers.
- **NHBRC**
It states when NHBRC was established, composition of the Council members, the executive staff members, list of legal framework e.g. the Housing Consumers Protection Measures Act 95 of 1998 as well as the reports.
- **Home builders registration**
It states the reasons why homebuilders should register with NHBRC as well as the homebuilders' registration process

- **Why enrol**

It stipulates that the homebuilder should enrol a home with NHBRC before construction commences. It also states that the benefit of enrolling on a home is to provide a warranty cover to the homebuyers.

- **IBT**

It talks about the new innovative methods of constructing homes (Innovative Building Technologies)

- **Media hub**

It is about NHBRC communication with the public

- **Tenders**

It advertises the tenders offered by the organisation

- **Careers**

These are job adverts in the organisation

- **Contact**

This page is about the public contact with NHBRC

Like the certificate, this source should provide useful information to the homebuyers but it seems like they are ignored. It is probably an error, but only part of this information is useful to them.

4.3. HOMEBUYER KNOWLEDGE

4.3.1. DEFECTS EXPERIENCED

The participants were asked if they had taken occupation of their homes and they were asked to share about defects they have experienced since they took occupation of their homes. They were invited to demonstrate their knowledge of the Defect Liability Period (DLP) in relation to different categories of defects i.e. for defects with a 3 month reporting time limit, for defects with one year reporting time limit and structural defects with a five year reporting time limit, as well as reporting channels based on their experiences. It is noted that the DLP counts from the date of occupation. Although 40% of the participants in this study did not experience defects, the researcher probed all participants' responses to explore their knowledge of reporting time limit and reporting channels even though for some of them, their knowledge was not based on their experiences.

Figures 6 to 10 below show examples of different categories of defects. The defects with a three month reporting time limit are numerous, they range from leaking taps, falling door handles, falling ceiling lights, leaking geyser and rising damp. The researcher selected one picture that will serve as an example.



Figure 7: A defect with a 3 months DLP (flooded patio)

An example of a defect with one year reporting time limit is a roof leak caused by broken roof tiles or the shifting of roof tiles or any poor workmanship that has caused the roof to leak.



Figure 8: A roof leak with a 1 year DLP

The defects with five year reporting time limit are normal cracks either on the floor or foundation (sub-structure) or on the walls (superstructure) or on the roof which causes a sagging roof or a failing roof. They are categorised as possible major structural defects. This is the kind of damage in the structure that might require complete or partial rebuilding of the home or extensive repair work. The defect normally does not appear immediately after occupation because the house takes time to settle and adjust to different weather conditions. That is why they are reported within five year reporting time limit.



Figure 9: A defect with a 5 year DLP (cracks in the floor)



Figure 10: A defect with a 5 year DLP (cracks in the wall)

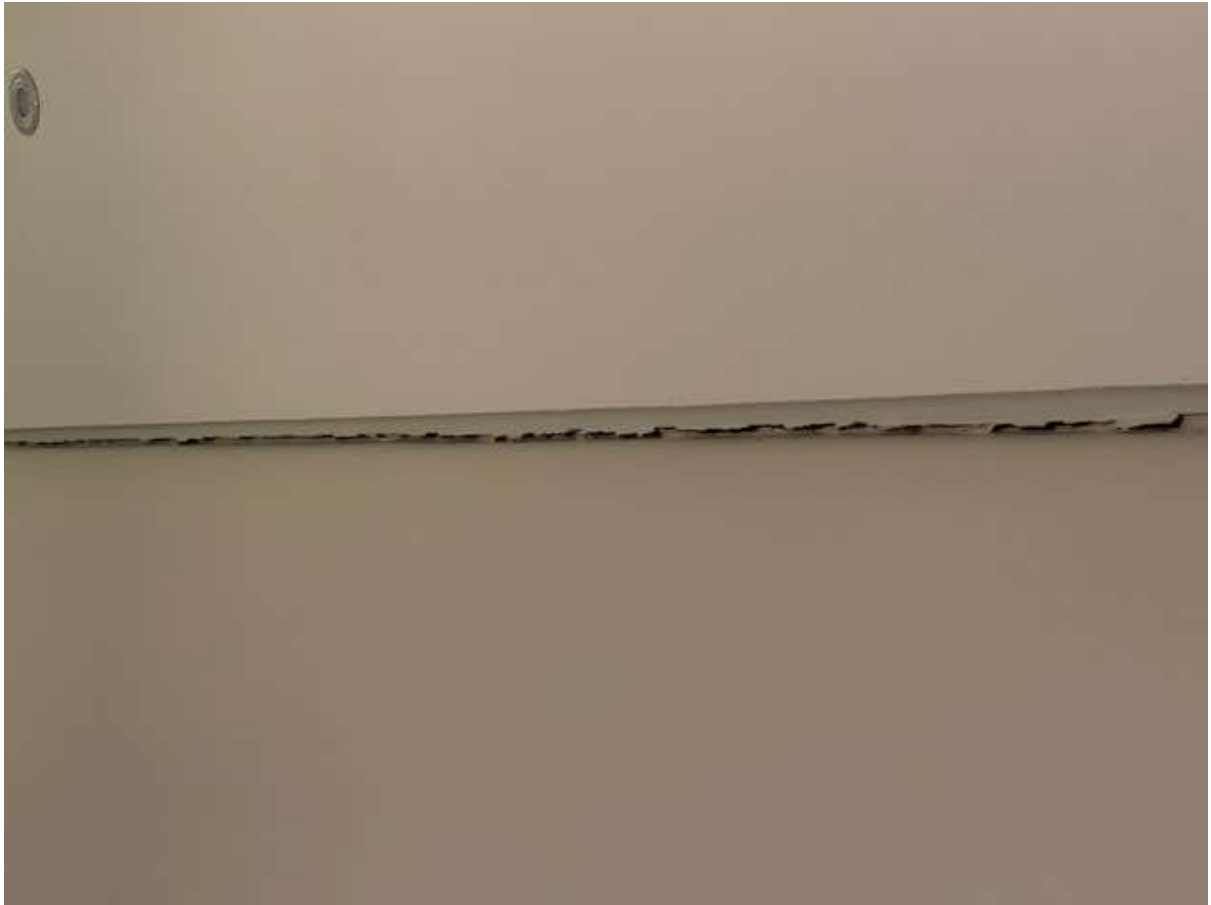


Figure 11: A defect with a 5 year DLP (cracks in the roof)

Table 3 below shows the category of defects experienced by each participant. The first two categories which are defects with a three month reporting time limit and defects with one year reporting time limit are the most critical type of defects. This is because their reporting time limit is shorter as they are to be reported within three months and one year counting from the date of occupation. Lack of knowledge about reporting time limits for these defects leads to a high possibility of forfeiting the right to get the defects corrected by the homebuilder at no cost to the homebuyer. Structural defects with a five year DLP are likely to be reported within the DLP even if the homebuyer is not aware of the reporting time limit as they must be reported with five years counting from the date of occupation and most homebuyers would naturally report a serious defect within that period.

TABLE 3: DEFECTS EXPERIENCED

Participants	Occupation	Defects experienced by each participant
1	22 months	5-year structural
2	14 months	None
3	13 Months	None
4	27 months	3 months maintenance
		1-year roof leak
		5 year structural
5	18 months	
		1-year roof leak
		5-year structural
6	3 years	3 months maintenance
7	21 months	3-months maintenance
		1-year roof leak.
		5-year structural
8	16 months	None
9	27 Months	None
10	38 Months	5-year structural

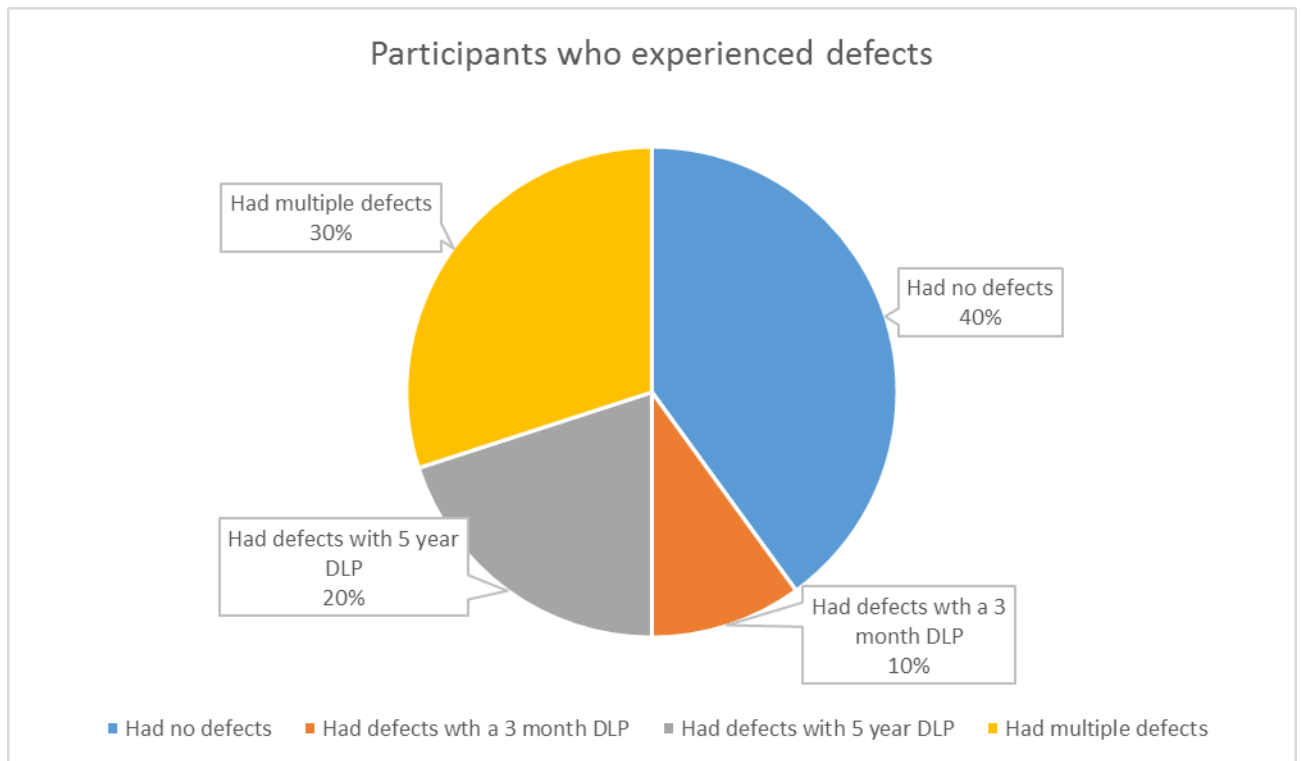


Figure 12: Participants who experienced defects

Data from Table 3 above shows that 100% of the participants had occupied their homes for more than three months but less than five years. 60% of the participants did experience defects after they took occupation and 40% of the participants had not experienced defects since they took occupation of their homes. The above pie chart illustrates that:

40% had no defects

10% had one defect with a three month DLP

20% had one defect with a five year DLP

30% had multiple defects

4.3.2. HOMEBUYER'S KNOWLEDGE OF REPORTING DEFECTS

The below table 4 shows knowledge homebuyers have about reporting defects.

TABLE 4: HOMEBUYERS' KNOWLEDGE OF REPORTING DEFECTS

Participants	Defects experienced	Responses	Categorisation of responses
1	3 months maintenance defects	Not aware	Lack of knowledge
	1 year roof leak defects	Not aware	Lack of knowledge
	5 year major structural defects	Not aware	Lack of knowledge
2	3 months maintenance defects	1 year	incorrect
	1 year roof leak defects	5 years	incorrect
	5 year major structural defects	5 years	correct
3	3 months maintenance defects	5 years	incorrect
	1 year roof leak defects	1 year	correct
	5 year major structural defects	Not aware	Lack of knowledge
4	3 months maintenance defects	3 months	correct
	1 year roof leak defects	1 year	correct
	5 year major structural defects	5 years	correct
5	3 months maintenance defects	3 months	correct
	1 year roof leak defects	1 year	correct
	5 year major structural defects	5 years	correct
6	3 months maintenance defects	not aware	Lack of knowledge
	1 year roof leak defects	not aware	Lack of knowledge
	5 year major structural defects	not aware	Lack of knowledge
7	3 months maintenance defects	5 years	incorrect
	1 year roof leak defects	3 months	incorrect
	5 year major structural defects	5 years	correct
8	3 months maintenance defects	not aware	Lack of knowledge
	1 year roof leak defects	not aware	Lack of knowledge
	5 year major structural defects	not aware	Lack of knowledge
9	3 months maintenance defects	3 months	correct
	1 year roof leak defects	not aware	Lack of knowledge

	5 year major structural defects	not aware	Lack of knowledge
10	3 months maintenance defects	1 year	incorrect
	1 year roof leak defects	5 years	incorrect
	5 year major structural defects	1 year	incorrect

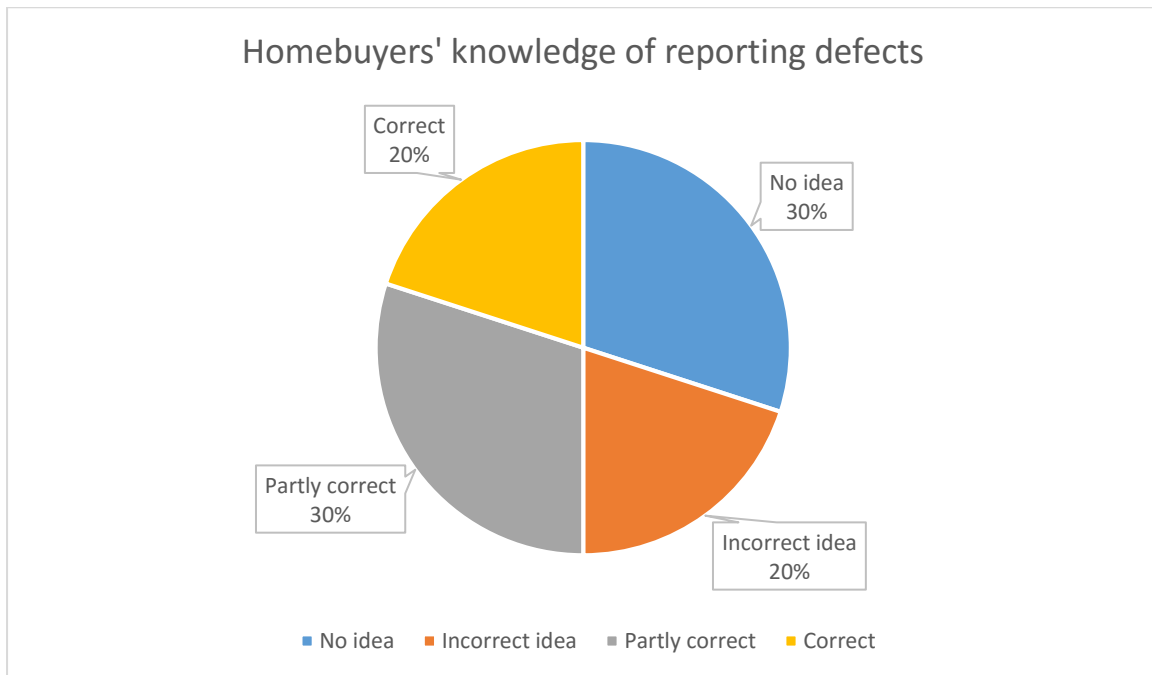


Figure 13: Homebuyers' knowledge of reporting defects

30% of participants had no idea of reporting defects

20% had incorrect idea

30% had partly correct information

20% had correct information

Section 13 (2)(b) of the HCPMA states that

the home builder shall—

(i) subject to the limitations and exclusions that may be prescribed by the Minister, at the cost of the home builder and upon demand by the housing consumer, rectify **major structural defects** in the home caused by the non-compliance with the NHBC Technical Requirements and occurring within a period which shall be set out in the agreement and which shall not be less than **five years as from the occupation date**, and **notified to the home builder by the housing consumer** within that period;

Notes on 13(2)(b)(i)

- Major structural defects
- Notified to the homebuilder by the homebuyer
- Within five years
- From the date of occupation

(ii) rectify **non-compliance** with or deviation from the terms, plans and specifications of the agreement or any deficiency related to design, workmanship or material **notified to the home builder by the housing consumer** within a period which shall be set out in the agreement and which shall not be less **than three months** as from the occupation date: and

Notes on 13(2)(b)(ii)

- Non-compliance defects
- Notified to the homebuilder by the homebuyer
- Within 3 months
- From the date of occupation

(iii) repair **roof leaks** attributable to workmanship, design or materials occurring and **notified to the home builder by the housing consumer** within a period which shall be set out in the agreement and which shall not be less than **12 months** as from the occupation date.

- Notes on 13(2)(b)(ii) Roof leak defects

- Notified to the homebuilder by the homebuyer
- Within 12 months
- From the date of occupation

The participants who demonstrated correct knowledge of reporting time limits are those who had the right information about reporting time for all categories of defects as stipulated in Section 13 (2) (b) (i) (ii) and iii) of the HCPMA. Those who were partly correct had the right information of other defects and incorrect information of other defects. Some demonstrated incorrect information about all categories of defects. As seen in the study of Haron & Masud (2012), self-rated information sometimes differs from the facts. In this study, some of the participants thought they had knowledge of reporting time limits, but the information they had was different from the information which is in the HCPMA. In the study by Haron & Masud the results for those whose self-rated information was different from actual information also proved their lack of knowledge by not knowing the redress channels. When homebuyers have misconceptions about reporting time limits, as did most of the participants in this study sample, they miss out on living in adequate houses hence their basic needs are not fulfilled. A homebuyer may put up with a defect that is supposed to be reported within three months and report it within twelve months thinking it is still within the right reporting time limit.

4.3.3. HOMEBUYERS' KNOWLEDGE OF REPORTING CHANNEL

This question was applicable to those participants who did experience defects. The question was aimed at finding if they followed the right channel of reporting defects. The homebuyer has to follow the right channel of reporting. The right procedure the homebuyers need to follow is to:

- Identify the category of defect
- Report defects within the right defect liability period first the homebuilder/developer and then to NHBRC.

Below table 5 presents the knowledge of where the defects should be reported.

TABLE 5: WHERE DEFECTS WERE REPORTED BY PARTICIPANTS IN THIS STUDY

Participants	Occupation	Defects experienced by each participant	Reporting channels used by participants	Reasons for homebuyer not reporting
1	22 months	5 year structural	Developer	N/A
2	14 months	None	N/A	N/A
3	13 months	None	N/A	N/A
4	27 months	3 months maintenance	Developer and NHBRC	N/A
		1-year roof leak		
		5 year structural		
5	18 months		Homebuilder and NHBRC	N/A
		1-year roof leak		
		5-year structural		
6	3 years	3 months maintenance	Insurance and Developer	N/A
7	21 months	3-months maintenance	Did not report	Didn't want to go through the process
		1-year roof leak.		
		5-year structural		
8	16 months	None	N/A	N/A
9	27 months	None	N/A	N/A
10	38 Months	5 year structural	Body corporate and Homebuilder	N/A

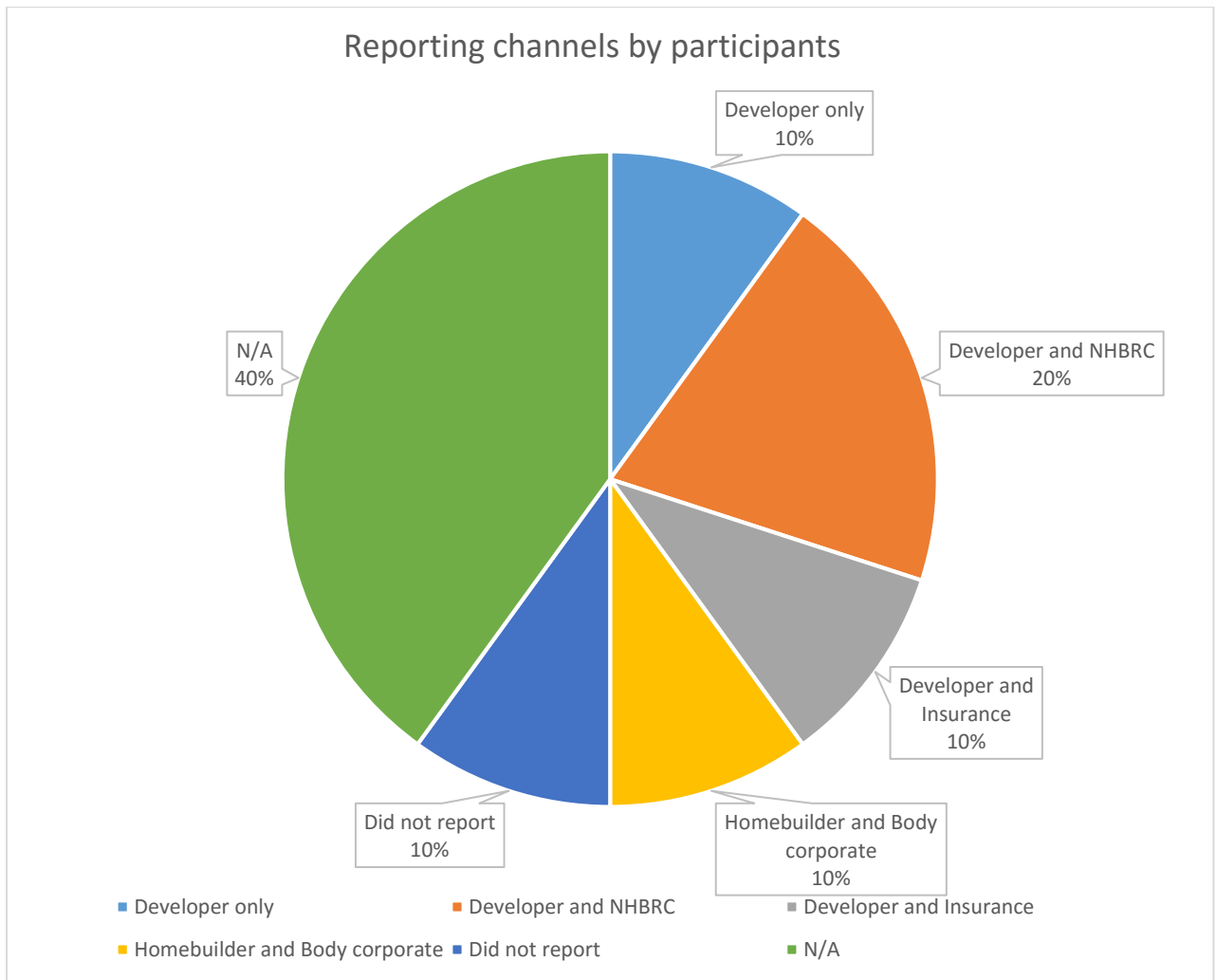


Figure 13: Reporting channels by participants

10% of participants reported to the developer only

20% reported to the developer and NHBRC²

10% reported to developer and insurance

10% reported to homebuilder body corporate

10% did not report

40% are those to which the question about reporting channel was not applicable

² Most homebuyers use the term developer and homebuilder interchangeably.

4.3.4. KNOWLEDGE OF HOMEBUYER'S RIGHTS AND OBLIGATIONS

The question about the knowledge of homebuyer rights and obligations aimed to establish the extent to which homebuyers are informed about their rights and obligations. They were asked to state what they believed about rights and obligations, whether they had got the information from the back of the certificate or another source. The right procedure the homebuyers need to follow is to:

- Identify the defects
- Identify the category of defect
- Report defects within the right defect liability period first to the builder and then to NHBRC.

Table 6 below shows the responses about homebuyer rights and obligations.

TABLE 6: KNOWLEDGE OF RIGHTS AND OBLIGATIONS

Participants	Knowledge of rights and obligations	
1	None	Lack of knowledge
2	Report defects within 5 years Report defects to NHBRC	Misconception Insufficient knowledge
3	Report defects within 5 years Report defects to NHBRC	Misconception Insufficient knowledge
4	Refuse house with defects Report defect to NHBRC	Insufficient knowledge Insufficient knowledge
5	Report defects within 3 months	Misconception
6	Report defects to the homebuilder	Insufficient knowledge
7	Report defects to the homebuilder	Insufficient knowledge
8	Report defects to NHBRC	Insufficient knowledge
9	Report defects	Insufficient knowledge
10	Report defects to the homebuilder	Insufficient information

None of the 10 participants could give the correct information to this question.

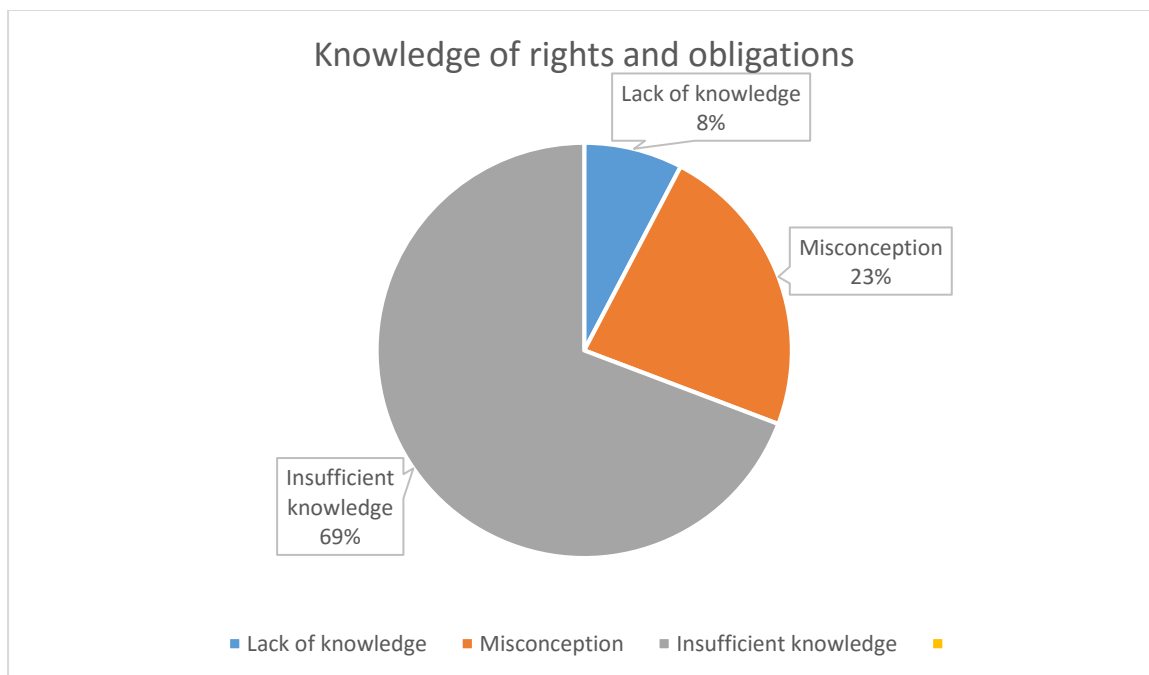


Figure 15: Knowledge of rights and obligations

It is noticeable that the homebuyers in this study may be confused or uncertain since some of their responses to the question about homebuyer rights and obligations contradicted the information they gave in responses to the questions about the reporting. None of the 13 responses given in response to the question about knowledge of homebuyer rights and obligations was correct.

Some homeowners thought that they had to report defects to the homebuilder only, and others thought that they had to report defects to NHBRC only. These are both mistaken beliefs since the regulations require that defects are reported to both the homebuilder and to NHBRC. When the homebuyer reports to the homebuilder and the homebuilder denying his obligation, it is a problem. If the homebuyer lacks knowledge that the defects must then be reported to NHBRC, that knowledge of rights and obligations falls short. When the participants were asked about their views on why homebuyers report outside the DLP, one of the participants indicated that the homebuyers report to the homebuilders as their immediate contacts. The homebuilders promise to fix the defects but tend not to fix them before the end of the

DLP. This indicates that the homebuilders do fail to meet their obligations. In that situation, the homebuyer must take further steps and report to NHBRC.

Having established the knowledge the homebuyers had on the time limit for reporting different categories of defects, Table 7 below displays the relationship between that knowledge of reporting time limit and the knowledge of homebuyer rights and obligation. This will probably show the link as to whether their reporting was guided by knowledge or according to misconceptions.

TABLE 7: COMPARISON BETWEEN KNOWLEDGE OF REPORTING TIME LIMIT, REPORTING CHANNELS AND RIGHTS & OBLIGATIONS

Participants	Knowledge of reporting time	Knowledge of reporting channels	Knowledge of homebuyer rights and obligations
1.	Lack of knowledge	Developer	None
2.	Partially correct	N/A	Report defects within 5 years Report defects to NHBRC
3.	Incorrect	N/A	Report defects within 5 years Report defects to NHBRC
4.	Correct	Developer and NHBRC	Refuse house with defects Report defect to NHBRC
5.	Correct	Homebuilder and NHBRC	Report defects within 3 months
6.	Lack of knowledge	Insurance and Developer	Report defects to the homebuilder
7.	Incorrect	Did not report	Report defects to the homebuilder

8.	Lack of knowledge	N/A	Report defects to NHBRC
9.	Lack of knowledge	N/A	Report defects
10	Incorrect	Body corporate and Homebuilder	Report defects to the homebuilder

Participant 1 knew that the house had defects he needed to report for redress but had no knowledge of reporting time limit. He reported defects to the homebuilder only and not to NHBRC. He moreover did not know about the homebuyer's rights and obligations as stated by NHBRC.

Participant 2. did not experience defects in his house but partially knew when to report defects. She did not know when to report three months maintenance items as well as one year roof leak, he knew that five years structural defect is reported within five years. Though she knew the homebuyer right as reporting the defect within five years from the date of occupation, the information was inadequate because not all defects are reported within five years. She had misconceptions about her rights and obligations.

Participant 3. did not experience any defects. She had incorrect knowledge of reporting time limits. She stated the homebuyer's rights and obligations are to report the defects to NHBRC within five years of occupation. Also, this information is a misconception because not all defects are reported within a limit of five years.

Participant 4 experienced all categories of defects i.e. maintenance defects with a three months DLP, roof leak defect with a one year DLP, and structural defects with a five year DLP. He had knowledge of what type of defects are maintenance defects with a three months DLP. He knew the time frames for reporting different categories of defects. When asked about the homebuyer rights and obligations he mentioned that homebuyers have rights to refuse the house with defects and they have rights and obligations to report defects to NHBRC, but he had a misconception about the reporting channel.

Participant 5 experienced a roof leak defect with a one year DLP, and structural defects with a five year DLP. He had knowledge of when to report all the categories of defects. When asked about the knowledge of homebuyer rights and obligations, he knew the rights and obligations as reporting defects within three months. This response contradicts his knowledge of reporting times limits for different categories of defects.

Participant 6 had defected with a three month reporting time limit. He had knowledge of what type of defects fall within three months reporting periods. He communicated contradictory information because in his interview response he stated that he was not aware of the reporting time limit. He did not demonstrate adequate knowledge of the reporting channel. When asked about the knowledge of rights and obligations he mentioned the rights and obligations as reporting defects to the homebuilder. This too is a misconception.

Participant 7 had knowledge of what kind of defects fall within maintenance defects with a three months DLP but had incorrect knowledge of reporting time limit. He did not report defects because he preferred to fix them himself. He stated that the homebuyer's rights and obligations are to report the defects to the homebuilder. That is a misconception.

Participant 8. The participant did not have knowledge of when to report defects. The knowledge she had of homebuyer rights and obligation was that homebuyers must report defects to NHBRC. That is a misconception.

Participant 9 had no knowledge of times limits to report defects. He knew that defects must be reported yet he was not specific about the reporting channel.

Participant 10 had incorrect knowledge of when to report defects. He reported the defects to the homebuilder only and did not report to NHBRC. His knowledge of rights and obligations is that homebuyers should report defects to the homebuilder. That is a misconception.

Other rights and obligations mentioned by participants were:

- Right to refuse poor quality home
- Right to report homebuilder non-compliance to NHBRC technical standards

- Obligation to pay NHBRC insurance which is not helping
- Obligation to use NHBRC registered builder

4.4. HOMEBUYERS' VIEWS ABOUT REPORTING OUTSIDE DLP

The participants were asked to state their views about why homebuyers report defects outside the DLP.

TABLE 8: PARTICIPANT'S VIEWS

Participant	Knowledge of homebuyer rights and obligations	Perception on reasons for not reporting within the DLP
1	None	Homebuyers are not aware of their obligations
2	Report defects within 5 years Report defects to NHBRC	Homebuyers report to the homebuilders and the homebuilders make false promises until the homebuyers give up
3.	Report defects within 5 years Report defects to NHBRC	Homebuyers are not aware they can report Homebuyers do not know about DLP
4	Refuse house with defects Report defect to NHBRC	Do not know steps to take for reporting Do not know about NHBRC services
5	Report defects within 3 months	Builder does not explain HCPMA Lack of information about the process
6	Report defects to the homebuilder	Lack of knowledge
7	Report defects to the homebuilder	Admin process of reporting Other people are lazy to report Other people lack knowledge
8	Report defects to NHBRC	Lack of information
9	Report defects	Defect appear after the DLP Lack of knowledge
10	Report defects to the homebuilder	Problems take longer to show

Participant 1. had a view that homebuyers do not report defects within the DLP because they do not know their obligation of reporting. His view seems to be in line

with his action because he did experience defects but did not report the defects to NHBRC. He also did not have knowledge of homebuyer rights and obligations

Participant 2. stated that homebuyers report to the homebuilder, the homebuilder keeps on promising but does not meet his obligation to redress the defects. Eventually, the homebuyers give up on seeking redress. This response suggests that the homebuyers lack the sense of obligation as Dodsworth (2007) states that having an obligation is to have a conclusive reason to act. This participant also mentioned another dimension that homebuyers get misleading information from the homebuilders. She knew that defects must be reported to NHBRC but the information about when to report is inadequate. This leads to deprivation of rights because the information this participant had did not afford him the opportunity to get what he deserved.

Participant 3 is of the view that homebuyers lack knowledge that they can report. She also stated that lack of knowledge about the DLP contributes to homebuyers missing out on their rights. This participant probably responded out of her experience because she demonstrated incorrect knowledge of reporting time limits.

Participant 4 indicated that a challenge is a fact that the enrolment process is done by the developer who doesn't tell the homebuyers about NHBRC. This leads to homebuyers having no knowledge of steps to take when they experience defects. This participant also demonstrated a sense of no confidence in NHBRC. This participant seemed to be responding based on his experience because when his house had defects, he reported to the homebuilder and subsequently to NHBRC.

Participant 5 stated that NHBRC has contact with homebuilders who do not explain the Housing Consumer Protection Measures Act (HCPMA) to the homebuyers hence they lack knowledge about the process of reporting defects. This response is similar to the response of participant 4. His knowledge about rights and obligations is incorrect.

Participant 6 echoed the lack of knowledge about reporting as a reason for homebuyers reporting beyond DLP. His response relates positively to his lack of knowledge about reporting time limits and also to his lack of knowledge of homebuyer rights and obligations.

Participant 7 suggested a different view. His response was that some homebuyers do not want to go through the administration process of reporting hence when he experienced defects, he fixed them himself. Sen (2014) cited a very interesting example that having a bicycle does not guarantee that the owner has capability for mobility, since a person might have a bicycle but choose not to ride it. Looking at this participant's response, his incapability was based on choice. Thus not all people are incapable. He further acknowledged however that some homebuyers are lazy to report, in effect choosing not to report.

Participant 8 stated that homebuyers lack information. She indeed lacked knowledge about reporting times for different defects. It seemed like she responded based on her practical experience.

Participant 9 indicated that homebuyers report late because the defects appear after the DLP. This can be true for defects with a three month reporting time limit as well as those with one year reporting time limit because the reporting time is shorter counting from the date of occupation. Sometimes the homebuyers occupy the houses when the rainy season has passed. The roof leak and the rising damp (which is categorised as maintenance defects with a three months DLP) show after the DLP has lapsed. He also mentioned that some homebuyers lack knowledge about reporting. Participant 10 agrees with participant 9 on the fact that some defects take longer to show.

4.5. SUMMARY

The responses of 4 participants suggest that they lack knowledge about steps to take or the process of reporting

The responses of 2 participants suggest a lack of knowledge that they need to report to NHBRC

The response of 1 participant suggests a lack of knowledge about DLP

The response of 1 participant suggests a lack of knowledge about NHBRC services

4 responses showed that homebuyers lose interest in reporting

2 stated lack of contact between NHBRC and homebuyers and misleading information from the homebuilders who seem to be direct contact with NHBRC

4.6. EXPOSURE TO STAKEHOLDERS

Table 9 shows the responses about homebuyers' exposure to NHBRC stakeholders. The banks and municipalities work with NHBRC in sharing homebuyers' relevant information pertaining to homeownership. The main stakeholders are municipalities and banks. The participants were asked:

- If their house plans were approved by their local municipalities
- To state how their houses were financed

TABLE 9: EXPOSURE TO STAKEHOLDERS

Is the house plan approved by the municipality		Was house financed	
Yes	9	Home loan	8
No	0	Cash	2
Not aware	1	Government subsidy	0

Most participants (90%) agreed that their house plans were approved by local municipalities. Only 10% had no such knowledge. 80% obtained finance from the financial institutions and 20% used cash to build. This information shows a high number of participants who had an encounter with NHBRC stakeholders. These participants were expected to have received information about homebuyers' rights and obligations through shared information by stakeholders.

4.7. EXPOSURE TO HOMEBUYER EDUCATION

TABLE 10: EXPOSURE TO HOMEBUYER EDUCATION

Participants	Exposure to Homebuyer education			
	None	Website	Newspaper	Television
1	—	√	—	—
2.	—	√	—	—
3.	√	—	—	—
4.	√	—	—	—
5.	√	—	—	—
6.	√	—	—	—
7.	√	—	—	—
8.	√	—	—	—
9.	√	—	—	—
10.	√	—	—	—

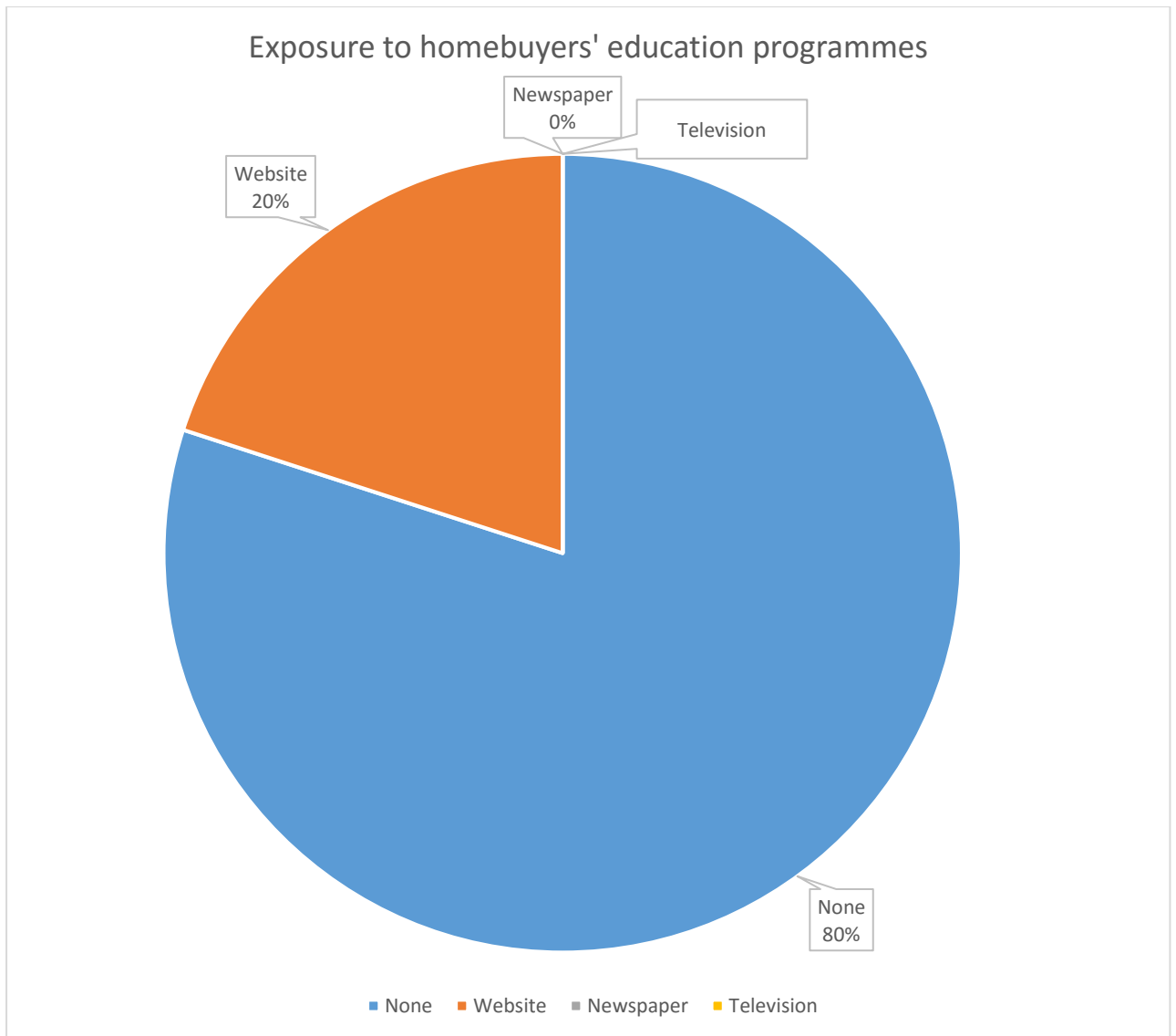


Figure 16: Exposure to homebuyers' education programmes

80% of the participants stated that they were exposed to none of the NHBRC homebuyer education programmes. 20% agreed that they were at some point exposed to NHBRC website.

Below is the picture of an email to NHBRC Mpumalanga staff informing about the homebuyer awareness which was going to be broadcast on two radio stations (Likhwekwezi FM and Ligwalagwala FM). The broadcast took place in March 2021. The researcher used this email to show that there are education programmes running in the Mpumalanga province.

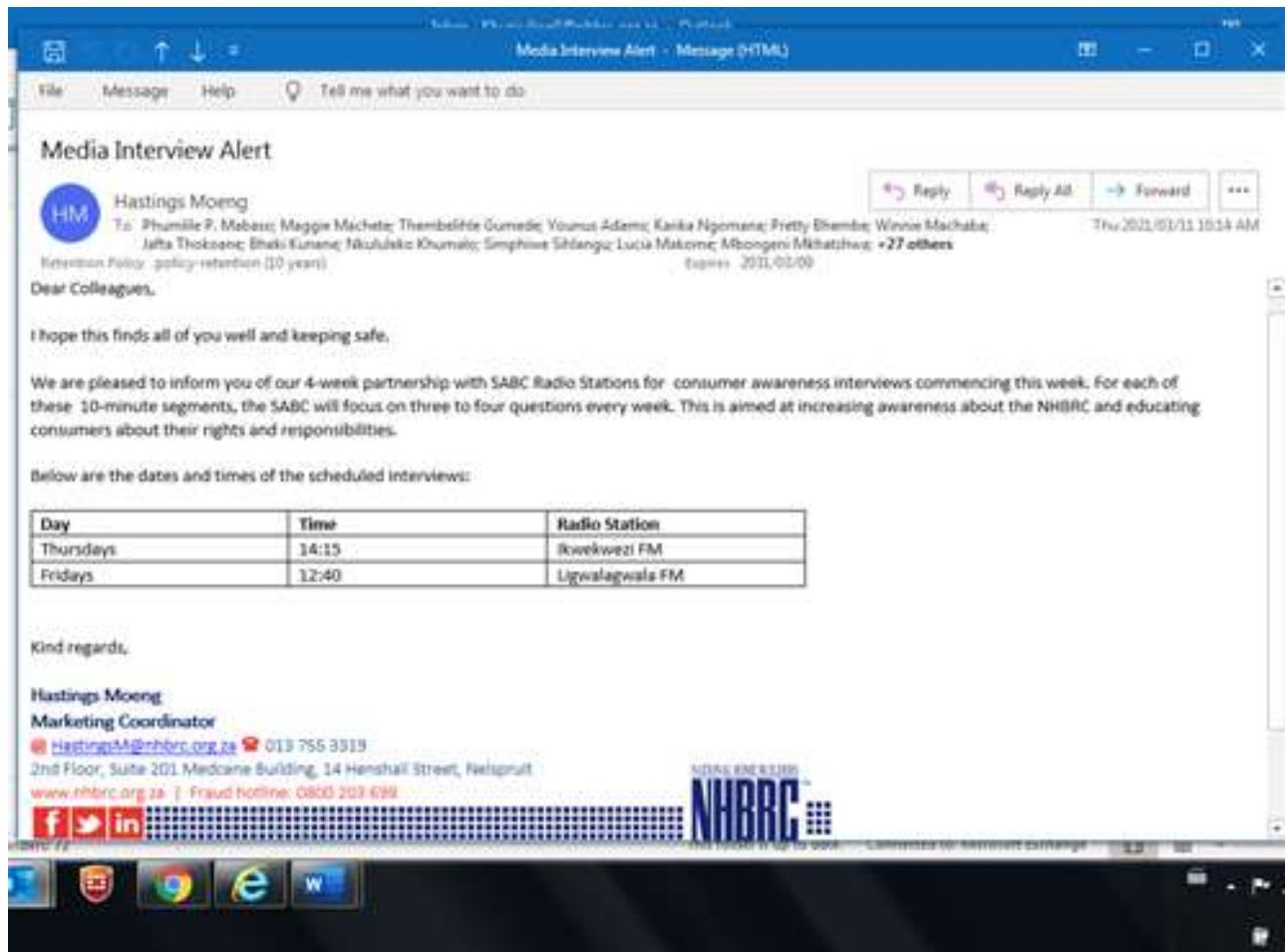


Figure 17: Email screenshot

TABLE 11: ROADSHOW ATTENDANCE

Participants	Roadshow attendance between April 2018 and September 2018	
	Yes	No
1	—	√
2	—	√
3	—	√
4	—	√
5	—	√
6	—	√
7	—	√
8	—	√
9	—	√
10	—	√

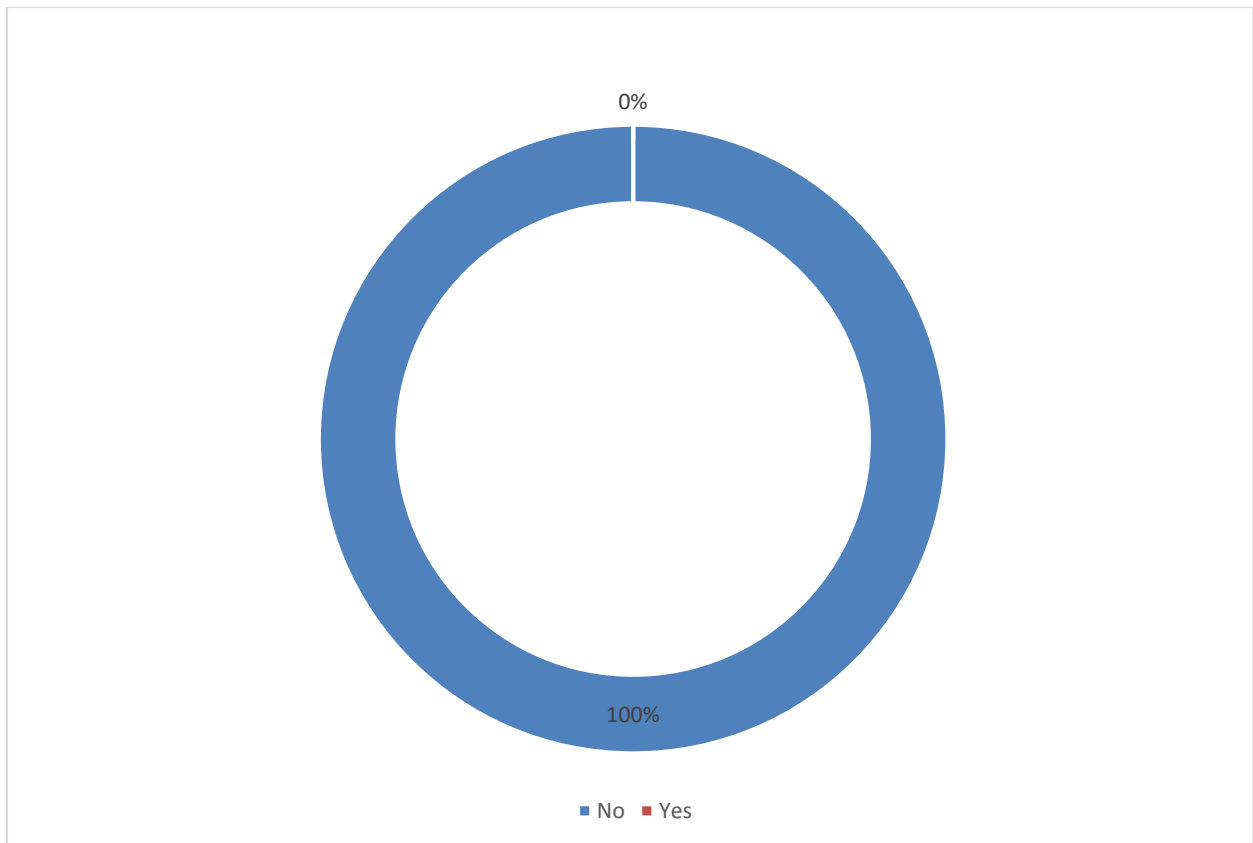


Figure 18: Participants' roadshow attendance

Participants were asked if they had attended roadshows by NHBRC between April 2018 and September 2018 which was when they were in the process of buying their houses. All the participants stated that they never attended any, however one pointed out that she once attended a roadshow back in 2017. They all indicated that they were not aware of any NHBRC roadshow during the specified period of April 2018 and September 2018. This particular participant who attended a roadshow in 2017 highlighted that she knew most NHBRC inspectors on a personal level. That gave her the advantage of knowing the services that this organisation offers. The question about the use of information received from the roadshows was not applicable to these participants because none of them attended the road shows.

4.8. KNOWLEDGE ABOUT INSPECTIONS

They were further probed to share information about the NHBRC services they know of. Table 12 below demonstrates the knowledge that homebuyers have about NHBRC services, particularly inspections.

TABLE 12: KNOWLEDGE ABOUT INSPECTIONS

Participants	Homebuilder NHBRC registration	Knowledge of inspections conducted	Number of inspections conducted	Stages of inspections
1.	Yes	Not aware	N/A	N/A
2.	Yes	Yes	Four	All
3.	Yes	Not aware	N/A	N/A
4.	Yes	Not aware	N/A	N/A
5.	Yes	Not aware	N/A	N/A
6.	Yes	Yes	One	Not aware
7.	Yes	Yes	Not aware	Not aware
8.	Yes	Not aware	N/A	N/A
9.	Yes	Not aware	N/A	N/A
10.	Yes	Not aware	N/A	N/A

All ten participants were aware of the NHBRC homebuilder registration. 100% indicated that the homebuilders who built their houses were registered with NHBRC. 30% were aware that their houses were inspected by NHBRC inspectors and 70% were not aware of any inspections that were carried out. Of the number of participants who were aware of inspections, one did not have knowledge of how many inspections were conducted at his house. Two knew the number of inspections and the stage of construction when these inspections should be carried out.

4.9. PARTICIPANTS' RESPONSES TO OPEN ENDED QUESTIONS

Participant 1

In answer to the question “Please share the reason for not attending to the roadshow?”:

“I didn’t know about it”.

In answer to the question “How can NHBRC improve?”:

“More information must be shared with homebuyers. They should be aware of NHBRC. Homeowners should be present during inspections”.

Participant 2

In answer to the question “Please share the reason for not attending to the roadshow?”:

In answer to the question “How can NHBRC improve?”:

I think they need to educate themselves in terms of knowing their rights. Sometimes when people sign, at that point they don’t understand the power of NHBRC. what they can do for the buyer and what they can do for the builder. And that they have vested interest for both parties. They don’t know that, they think NHBRC is a builder’s thing but it is also for the homebuyers

I think more advertising. I think most companies are no longer doing advertising e.g. on radio, TV and newspaper

But the easiest now is the social media platform. The most effective one is Facebook

The use of roadshows because I haven’t heard of anyone in a while (regular roadshows).

In answer to the question “Are there any problems with NHBRC system?”:

The system works because I am a person who is normally not available on the phone, but when I send an email I do get a response within 48 hours. It shows that emails are being attended to.

Participant 3

In answer to the question “Please share the reason for not attending to the roadshow?”:

“Because I have never seen and I have never heard of any.”

In answer to the question “How can NHBRC improve?”:

“You must cut down on the money we pay for enrolment because people hardly ever claim. Okay, all the houses I have enrolled I never claim”.

Participant 4

In answer to the question “What do you think is the reason for homebuyers report defects outside DLP”:

The problem is that there is too much fraud in this thing. Fraud from the developer up straight to the municipality up to NHBRC. Because even NHBRC I don't know how do they help you. From my case they didn't help me with nothing because they told me that they did talk to the developer. Then the developer is the one that must come out and check and say everything is fine. So they took the word from the developer that everything is fixed and everything is right and they just closed that case. I never had a meeting with NHBRC to come and check if there is a complaint or not. I don't know if NHBRC knows what they are doing or not or it's just an office there. I was like I still need to do a research of what exactly NHBRC do. How do they get their profit? Is it a business or it's just a Council of doing what. Because the only thing I got was a copy of the certificate that they register from NHBRC not

the original. I don't know even today the original document which says the house is registered with NHBRC. I don't know how this NHBRC works.

They are not aware of steps should be taken to report that because it's the developer who does everything. He doesn't even tell you about NHBRC.

In answer to the question "What homebuyer education have you attended?":

I haven't heard of any. I just heard when I called them when I had a problem. But before I had a problem I never heard of their advertising, what do they do. I heard from the developer and other people who had same problems as mine that I can report these people to NHBRC. That is how I became aware that oh there is people like that where you can report a developer if they are not doing a good job or a standard work. So you report with them they still do nothing. That is why people are not even interested with that NHBRC because they do report but, I can say maybe 70% or 80% of people they do not get any help because that NHBRC is just an office where people just sit and answering phones. You ask them and they tell you, no you were supposed to do that now we can't help you.

I cannot really blame them that much because even it was supposed to be your responsibility if you want to buy a house, those things you must be aware of them first before you go that process. This process of buying a house I think it's a very huge process. So most of the people they don't really understand. Once they get this word that you got finance from the bank, they think everything is gonna be a smooth ride until you are in there. Once you are in there then you will see that people are ripping you off. That is when you are gonna be aware of these things.

In answer to the question "Please share the reason for not attending to the roadshow?":

I haven't seen any advertisement. Even today, even you can ask me where you find these people. You hear they only got an office in Nelspruit. Here in Ermelo, there is nothing that says there is something like NHBRC. You can go around the whole town.

In answer to the question “How can NHBRC improve?”:

I would suggest that once the developer submits the documents to NHBRC, I think NHBRC needs to take the steps to confirm with that person that we got documentation like this. There is a developer that is going to build your house for so much in a place like this and that. Are you aware of these things and that and that before they start to build the house because what surprised me is that a lot of people they actually did try to complain about the developer, its hundreds and hundreds. Even the developer says you talking about NHBRC, you can go to NHBRC and then what will happen after that. They say oh you are going there, go its fine. They are not even scared of NHBRC. They say you are going there ok bye thank you very much. It's like there is a lot of these cases but nothing has been done to them. That is why they keep on doing these things. They keep on ripping people off. They are building houses that are really sub-standard. They build a house today after 2 months its cracked. Everything about these people it's like there is too much bribery or whatever because I really don't understand how you buy a house, you are the homeowner you complain about the house before you even go inside the house. Mine they had to redo the house 3 times before I occupied. I said I will not occupy this home. They booked me a place to stay after a long battle. I had to fight the battle on my own. Nobody helped me. NHBRC was not there to be found. I got them because I did not sign the happy letter that says you are happy with the house. So they couldn't get their money from the bank. What I know is that these developers are just fronting with these things. They hire people with no skills, who do not have papers who have nothing. They just go for cheap labour. They show NHBRC their papers when they register the house but they don't do inspections. If they do the inspections they should have picked it up the problem while the house is under construction. Why now you pick the defects when the

house is finished and they ask you to go into the house. When you show them they will say we gonna fix that we gonna fix that. You find that the whole house is gonna be fixed. It shows that people who were building this house knew nothing they were just building to move on. I saw that building a house is very stressful.

NHBRC gets money from the developers because the developers pay the enrolment fee. So it's not easy for NHBRC to fight these people because they get money from these developers.

What NHBRC is happy about is closing the file. They want to close the file.

Next time I buy a house or build the house I will just pay that enrolment fee but it's not like they will help. Because there is no follow-up to check if the house is built accordingly.

NHBRC must check the house while its under construction and check if they are doing what they are supposed to do because they build the house in two weeks. They put the bricks on top of the wet foundation. I haven't done a study about building but some of the things I can see them for myself. Some of the things you get knowledge from other people who know. The foundation must dry first before building. That is why the house gets cracks. These houses which are three or four years old they look like 45 years old. I was thinking that I should have bought an old house than buying a brand-new house which looks like 45 year old one.

In answer to the question “What is your experience with NHBRC?”:

First of all, there is no exposure with them. the only time you hear about them is when you have a problem

Even after you reported a problem, to respond to a problem, they take some time. They take a very long time.

Even after they do respond to your problem, there is not much enforcement to the developer. It is just a telephonic conversation between the developer, NHBRC and you. Like this one says, that one says... There is nothing concrete that they can even provide like we went there and yes the client was truthful, this thing was not

according to standard. This is what we did and this is what the developer did. So it's like going to the police station and open a case and they say ok we will gonna go and look there. When you go back and ask how far is my case they tell you we went there but we didn't find evidence, it's like that. They are there but you don't see them working.

Participant 5

In answer to the question “Have you attended any roadshows by NHBRC?”:

No, I didn't even know that NHBRC exists and that is the information that is omitted by the homebuilder that you are registered with the NHBRC and NHBRC is there to protect the rights of the consumer. So that information is not there because the property I am occupying now is not the first one but even then I didn't know about NHBRC.

In answer to the question “What is your experience with NHBRC?”:

The regulation behind or rather the meaning of things. For example the definition of occupation date. For me as a personal experience, occupation date I have learnt that has a different meaning to different people. The builder has a different meaning in terms of what the occupation date. From my experience is that they use or rather they say an occupation date is for example is the date the house is registered which is not true because according to NHBRC is basically a document that basically says that, as a consumer, you basically bought the house. So it has to be some form of an agreement in terms of when you actually occupied the house. Or rather the time you sort of accepted a house. The issue there is that when you go to NHBRC, the NHBRC by default they use the date on the certificate of occupancy. But the certificate of occupancy is obviously governed by other regulations as well. It basically means that the building is ready for occupation. So that is the date that says all the inspections have been done so the house is ready to be habitable so it's safe for someone to occupy. So in that, there is a missing link because if that date is actually used what does it say to the consumer if you look at the defect

period. like in my situation, the date of my occupation says 14 November which is not the date that I occupied the property. It was still under the builder. Even before the property was transferred into my name. Which cannot be a true reflection of the occupation date. So there has to be other means for or some other documents that basically say that this is the date you took ownership of the house. So there must be some documents which are not actually made clear in the definition.

In answer to the question “How can NHBRC improve?”:

I guess it's the information and education. When someone buys a house, somewhere somehow they need to know that there is a body like NHBRC that can assist the consumer in case they run into issues with the builder. A process of buying a house is an isolated process, I think during that transaction of purchasing a house there must be NHBRC representative, they can sell NHBRC somehow.

NHBRC must use Estate Agents to distribute information which says these are your rights.

They can do through the banks

The last one could be through the media. The most effective one, everyone watches TV and most of the people are on social media. The most effective social media is Facebook and Twitter.

Participant 6

In answer to the question “Please share the reason for not attending to the roadshow?”:

I was not interested, you know somethings you don't look at them until you are interested in them.

In answer to the question “How can NHBRC improve?”:

I think before they approve them, they give some training. Give them video to teach them that. Or send them a key holder which says welcome as a new homeowner. Or maybe a brochure so that people know about it.

Participant 7

In answer to the question “Please share the reason for not attending to the roadshow?”:

“Because I didn’t know about them.”

In answer to the question “How can NHBRC improve?”:

I am not sure if what I will suggest is already there because I am not exposed to any homebuyer programme. I think what people require is the simple information on the Steps

- Rights and responsibility
- Taking people to confidence of your services
- Whenever people report, what they report is fixed within a short space of time

NHBRC must work with structures and communities that are already established when it comes to these things

When you come to do inspections in certain areas, like in complexes. You know that there will be housing committee for these guys. So liaise with them direct to say guys this is our schedule for the year for our roadshows. Please send it to your guys. Those are managing agents and homeowners associations and probably with municipalities.

Participant 8

In answer to the question “Please share the reason for not attending to the roadshow?”:

“I haven’t known of any...none.”

Participant 9

In answer to the question “Please share the reason for not attending to the roadshow?”:

“I have never been invited to any.”

In answer to the question “How can NHBRC improve?”:

“Maybe send an email to homebuyers notifying them especially the new ones. I am not sure if they can see that there is someone trying to buy a house”.

Participant 10

In answer to the question “Please share the reason for not attending to the roadshow?”:

“I am not aware of any.”

4.10. SUMMARY

In summary, the above are the direct quotes by the participants. Most responses are indicating that the participants:

- Feel that NHBRC lacks contact with the homebuyers as the primary beneficiaries of the organisation
- Lack confidence that NHBRC works in the interest of homebuyers
- Are not aware of services offered by NHBRC

- Lack confidence if NHBRC is able to communicate relevant information to the homebuyers
- Lack confidence that NHBRC is able to take disciplinary action against defaulting builders

CHAPTER FIVE

DISCUSSION OF FINDINGS

5.1. INTRODUCTION

The link between homebuyers and National Home Builders Registration Council (NHBRC) is the enrolment of homebuyers' homes with this organisation. It is acknowledged that the enrolment process is done by the homebuilder on behalf of the homebuyer but the once off enrolment fee is paid by the homebuyer (to the homebuilder). Because they have paid the enrolment fee and their homes get enrolled, homebuyers receive the benefits of services offered by NHBRC as stated by the Housing Consumer Protection Measures Act 95 of 1998 (HCPMA), which are:

- To represent the interests of housing consumers by providing warranty protection against defects in new homes;

- To provide protection to housing consumers in respect of the failure of home builders to comply with their obligations in terms of this Act;

- To improve structural quality in the interests of housing consumers and the home building industry;

- To promote housing consumer rights and to provide housing consumer information.

The enrolment certificate is issued by NHBRC as proof that the house is enrolled and at the back, it bears the information about the homebuilder's obligations to the homebuyer as well as the homebuyer's rights and obligations. The content of this information suggests that it is important for homebuyers to be in possession of this certificate. Notably, the certificate is issued to the homebuilders and it is their responsibility to hand them to the respective homebuyers as required by the (HCPMA). Whether the homebuyers receive the certificates or not depends on how reliable the homebuilders are. When the homebuilders receive enrolment certificates from NHBRC, some of the homebuilders do not pass the certificates to homebuyers. Even though the HCPMA states that the homebuilders should hand over the certificates to the homebuyers, there is no law enforcement in this regard.

In relation to the discussion above, the HCPMA is not clear as to when the enrolment certificate should be handed over to the homebuyer. Nothing compels the homebuilder to pass the certificate to the homebuyer on the day of receipt or at least immediately after the receipt of the certificate, but the information contained in this certificate must

be available to the homebuyer even before the construction of the house starts. They must know their rights and obligations before they take occupation of the house because reporting time limits of defects start from the date of occupation. In resonance with Prinsloo, Waveren, & Chan (2017), information must reach the right people at the right time.

5.2. SIGNIFICANCE OF THE ENROLMENT CERTIFICATE

In addition to the above discussion, if homebuyers have not received the enrolment certificates, they do not have concrete proof that their homes are enrolled. It might happen that the homebuilder failed even to enrol the house, even though the homebuyer paid the enrolment fee. The response from one of the participants in this study indicated that some homebuyers are not aware if they have paid an enrolment fee or not. In that sense, it is easy for homebuilders to defraud the homebuyers and not enrol the houses even if the homebuyers have paid the enrolment fee. In that event, the NHBRC should take disciplinary action against the homebuilder for failure to enrol the house but still, the homebuyer loses the benefits of having defects redressed. The statement by this participant is in line with the acknowledgement by the NHBRC in its customer service survey that the NHBRC interacts less with its beneficiaries which are the homebuyers (NHBRC 2016). In this study, only one of my ten participants was not aware of his house was enrolled or not. Even though Sen (2010) acknowledges that factors like age, sex and culture influence the functionality for individuals, there is no correlation of his demographic status with his lack of knowledge about house enrolment because other participants who have similar demographic status as his were aware of the enrolment of their homes. However, the sample in my study is too small for any generalisations to be made. Although nine of my ten participants agreed that they were aware of the enrolment of their homes, six did not receive enrolment certificates. Because they did not receive the enrolment certificates, it can be deduced that more than half of the participants were deprived of useful information table at the back of the enrolment certificate.

This information deprivation is confirmed by the participants' responses when they were asked about knowledge of homebuyers' rights and obligations. None of the participants demonstrated adequate knowledge of these rights and obligations. Some

participants had insufficient knowledge, some thought they knew but had misconceived ideas, and some had no knowledge at all.

5.3. KNOWLEDGE OF RIGHTS AND OBLIGATIONS

Since the information at the back of the enrolment certificate is extracted from Section 13 of the HCPMA, it could be expected that homebuyers have learnt of their rights and obligations from the HCPMA or any other source like the NHBRC website. The researcher therefore asked the participants to share the knowledge they have irrespective of the source. The researcher aimed to establish the knowledge the participants had considering that they might have information but not are aware that the information they have is what is regarded as their rights and obligations. In order to get that information, the researcher probed the participants to state their knowledge of reporting time limit and the reporting channels.

5.3.1. KNOWLEDGE OF REPORTING TIME LIMIT

30 % of the participants had no idea of when to report defects

20% had incorrect ideas

30% had partly correct information of when to report defects

20% had the correct information

As stated above, the information about rights and obligations is available in Section 13 of the HCPMA, it is expected that the homebuyers are exposed to this information because it is a public document. Lowe et al. (2008) proclaim that people must know the regulations that affect them. Conversely, 80% of the participants demonstrated inadequate knowledge.

Some participants who have lodged complaints with NHBRC argue that the HCPMA does not clearly state what the occupation date is. It is noted that the concern regarding the occupation date is because the reporting time limit for defects starts from the date of occupation. They further state that this lack of clarity leads to homebuilders having an interpretation of occupation date that is different to that of homebuyers. The homebuilders believe that the occupancy certificate, which is a document with occupation date is issued when the house is habitable, and not necessarily when it is

ready to be handed over to the homebuyer to take occupation. On the other hand, the homebuyers believe the occupation date is the date on which they move into the house, and that is logical. The date on the occupancy certificate which is used as an official document to determine the occupation date often deprives the homebuyers because the occupation date on the occupancy certificate is usually earlier than the actual occupation date. This relates to Sen's (2014) argument that there are variations in terms of how people convert resources into functions. Dishonesty by the homebuilder which is viewed as a socio-environmental factor leads to this variation because if the homebuilder requests the occupancy certificate from the municipality before the actual date of occupation, that sets him or her at the advantage at the expense of the homebuyer. An example will illustrate this, for instance, the homebuilder may request an occupancy certificate on 31 August 2021 on the basis that the house is habitable, and the homebuyer may occupy the house on 30 September 2021 at the time when the house is ready for occupation and the homebuilder hands over the house keys. In this instance, the homebuyer may report a defect with three months reporting time limit on 1 December 2021 because they believe that the date of occupation was 30 September 2021 and that they are still within the three months reporting time limit for the defects. In this situation, NHBRC will reject the complaint because the occupation date on the occupancy certificate is 30 August 2021 so the defects are already outside the DLP. That is how the homebuyer may forfeit the right of the defects being redressed and the homebuilder escape having to correct defects in his or her work. Hence homebuyer education which brings knowledge of housing rights is crucial.

In addition to the discussion above, it might happen that the homebuyers have no knowledge of what type of defects fall under each particular category. That lack of knowledge can lead to homebuyers reporting defects wrongfully. For instance, they might report defects with a three month reporting time limit as if they were defects that have a five year reporting time limit. Noticing this as an employee at NHBRC is what triggered this researcher's study. A remarkable number of complaints were rejected by NHBRC on the basis that they were reported when the reporting time limit had passed. The participants in this study indeed demonstrated a lack of knowledge or inadequate knowledge of reporting time limits for different categories of defects. A similar concern triggered Rapeleng's (2003) study which was also conducted in South

Africa. The participants in Rapeleng's study were required to give an interpretation of what a quality home is. It was found that they had no clear knowledge of what a quality home looks like. It was discovered that their homes had defects which they didn't report because they were not able to identify defects. Participants in my research were asked to describe the kinds of defects with a 3 month reporting time limit. In contrast to Rapeleng's study, all the participants in this study were able to describe the types of defects which fall under this category but 70% had misconceptions about when and how to report such defects.

The preliminary assessment in Rapeleng's study revealed that homebuyers needed homebuyer education as it showed that new homebuyers displayed inadequate knowledge concerning housing. The inability to identify defects led them to make uninformed decisions and be taken advantage of and exploited by dishonest developers. When participants in this study were asked to state their views on why homebuyers report defects outside the reporting time limit, one of the participants said, "The homebuilder keeps on promising until the reporting time lapses". That is another way of being taken advantage of by the homebuilders. By the time they report to NHBRC, the reporting time limit has already passed. The homebuyers must be better educated so that they do not become victims of unscrupulous homebuilders. They must take a step and report to NHBRC when the homebuilders fail to meet their obligations.

5.3.2. KNOWLEDGE OF REPORTING CHANNELS

Section 13 of the HCPMA state that the homebuilder should rectify defects that are notified to him or her by the homebuyer. This statement from the HCPMA simply states that the homebuyer should report defects to the homebuilder who has constructed the house. The homebuyer will report to NHBRC when the homebuilder fails to meet his or her obligations. This is a similar procedure as the one reported by Radzuan, Hamdam, Hamid & Abdullah-Halim (2011) conducted in Malaysia. They state that the homebuyers should list the defects in the Building Condition Survey Report (BCSR). That list is submitted to the respective homebuilders for them to act on, and rectify the defects forwarded to them. In the event that the homebuilders do not perform their duties, the matter is escalated to the Tribunal of Housing Claims.

In this study, the question about knowledge of reporting channels was applicable to participants who indicated that they did experience defects which was 60% of the participants. The responses showed the following:

10% reported to the developer only

10% reported to developer and body corporate

10% reported to homebuilder and insurance

10% did not report but fixed the defects

20% reported to homebuilder and NHBRC

From the responses, it is seen that 40% of the participants did not have sufficient knowledge of proper reporting channels. Only 20% knew that defects are reported to the homebuilder and then to NHBRC as stated by the HCPMA. One of the participants who reported defects to the homebuilder and thereafter to NHBRC indicated that he learnt from other people who had similar experiences that the matter can be escalated to NHBRC if the homebuilder fails to meet his/her obligations. The same participant raised a concern that when he informed the homebuilder about escalating the matter to NHBRC the homebuilder encouraged him to proceed and report the matter to NHBRC, implying that he had no intention of correcting the defect and did not care about being reported. He stated that the homebuilders do not regard NHBRC as a regulatory body.

The responses from some of the participants who did not have defects showed that they believed defects should be reported directly to NHBRC without first reporting to the homebuilder, and these have the wrong idea. They demonstrate a similar challenge as Malaysians who had no knowledge of redress channels, (Harod & Masud 2012). Even the homebuyers from the United Kingdom (UK) forfeited their rights because they had no knowledge of where to report the defects, (Sommerville 2008). When the homebuyers report to NHBRC first, the claims are rejected and homebuyers are referred to their respective homebuilders. It would make logical sense that NHBRC educates homebuyers of required procedures so that they follow the right procedure when lodging a complaint. When NHBRC rejects complaints, the homebuyers lose confidence in the organisation. One of the participants in this study illustrated this by claiming that NHBRC doesn't know what they are doing because they reject the complaint on the basis that the homebuyer did not carry out the required procedures

prior to lodging the complaint with the organisation. Below is the response from the participant:

“You ask them and they tell you, no you were supposed to do that now we can’t help you”.

This participant indicated that even if homebuyers eventually get the information that there is an organisation that protects the interests of the homebuyers and they take a step to report the defects, he believed that they do not get help because the main priority of this organisation is to close the complaint file. This implies that for some homebuyers, reporting to NHBRC is as good as not reporting. GOODPAL (2018) encourages individual development that brings an ability to use available resources, and he further asserts the enabling atmosphere as very important to achieve capabilities and functionings. If NHBRC does not help homebuyers who have taken steps and report defects to this organisation, it defeats people’s efforts towards making their lives valuable. The organisation is also seen as depriving homebuyers of the fulfilment of basic needs. The homebuyer’s state of being not fulfilled is seen from the participants’ responses.

Some participants indicated that they do not have knowledge of what NHBRC offers to them because NHBRC has direct contact with the homebuilders, and not with the homebuyers, yet this organisation exists to protect the homebuyers from the malpractices of the homebuilders. What these participants are raising is true because the homebuilders enrol the houses on behalf of the homebuyers and receive enrolment certificates which are proof of house enrolment, so in practice, it appears that they are the NHBRC’s direct clients. From the responses, it appears that the homebuyers believe that NHBRC does not have contact with the homebuyers and it seems as if the organisation acts in the interests of the homebuilders rather than the interests of homebuyers. The participants who raised these concerns are the ones who had lodged the complaint to NHBRC. They also made it clear that they did not know about NHBRC and services offered by the organisation until they heard from people who had similar problems and their homebuilders said they can report the defects to NHBRC because homebuilders are not scared of NHBRC, they also state they did not know about the HCPMA because the homebuilders do not tell them about it. One of those participants pronounced that he wants to do research and find out what services are offered by NHBRC. Probably in his research journey he would

access the NHBRC website. Even if he would access the NHBRC website he would not find information about the services offered by the organisation because the website does not specify what services the organisation offers. Thus it is deduced that there is an information gap by the organisation that needs to be filled.

5.4. BENEFITS OF HOMEBUYER KNOWLEDGE

Functionings refer to what people actually “do and are” and capabilities denote what people really “can do and can be”. The achieved functionings are the realized achievements and the capabilities are potentially possible. (GOODPAL 2018)

Information is helpful if it allows a person to take action that will be beneficial to him or her. In terms of the definition by Turban, Mclean, & Wetherbe (2004), information cannot be seen as knowledge if it is not helpful. They define knowledge as information in action. Information can be regarded as knowledge if it has enabled the recipient to act regarding a matter they are faced with. So, an ability to act in accordance with one’s needs is an essential indicator of being knowledgeable. My research participants were asked if the information at the back of the enrolment certificate was helpful in understanding the homebuyer’s rights and obligations. It is noteworthy that this question was relevant to the participants who indicated that they did receive the enrolment certificates because those who did not receive the certificate were not exposed to that information. Of the four who received certificates, 2 participants found the information helpful and 2 did not find the information helpful. There is no evidence about how the information was helpful since these participants did not experience house defects, however the information they had in relation to the knowledge of reporting time limit suggests that they would not have taken appropriate action that would have benefited them if they had needed to do so.

Responses from participants who received the enrolment certificates

Participant	Usefulness of information	Defects experienced	Knowledge of reporting time limit
1.	Useful	None	Partly correct information
3.	Not useful	None	Partly correct information
9.	Useful	None	Partly correct information
10.	Not useful	5 year reporting time limit	Incorrect idea

The responses on the above table show that the participants had no appropriate understanding of information that is tabled at the back of the enrolment certificate. This is confirmed by their information regarding the reporting time limits for different categories of defects. Simera, Moher, Hirst, Hoey, Schulz, & Altman (2010) point to insufficient knowledge as a general reason for poor reporting. Based on the responses on the above table, these participants who received the certificates did not experience defects in their homes but would nonetheless not have taken proper action to report defects if they had needed to because they had insufficient information. Insufficiency by merit of its definition means not having capacity or capability (Merriam-Webster Dictionary 1828). Lowe, Malouf, Jacobson 2008 (cited in Harod & Masud 2012) state that homebuyers must secure their rights by taking responsibility for seeking redress within the specified Defects Liability Period (DLP).

Sen's Capability Approach emphasizes that it is not the availability of resources that make people achieve what is best for them, but it is their personal development that enables them to use available resources. Relating to this statement by GOODPAL (2018), it is noted that the HCPMA is available for anyone who wants to use it. It is available even on the internet because, as an Act of Parliament, it is a public document. It is seen in this study however that homebuyers are expecting the homebuilders to tell them about what is in the HCPMA even though it is a resource about which information is publicly available. This then confirms that available resources may not be used if people are not developed and be able to use what is available for them. This points to the importance of community education, in this case, homebuyer education.

Considering the inconsistency of participants' responses, it must be pointed out that the content of Section 13 of HCPMA is expressed in a way that is too complicated for homebuyers to easily understand. That might be the reason for their self-rated information being different from the actual information. The Constitution of South Africa requires that the information available for the public must be in all official languages and must also be readable and understandable. GOODPAL (2018) acknowledges that it is important to take individual differences into consideration. He illustrates that senior citizens and people with disability may need more attention than other people who are more capable. In this example, it can be concluded that the demographic composition of homebuyers is heterogeneous and it can affect the way they understand information. Information for homebuyers needs to be made available so that it is easily accessible by people with different levels of competency in language and literacy.

The Gunning Fog index estimates the readability of English text. Figures in this index are an estimate of the education level needed to comfortably read a text. For example, a text with a Gunning Fog score of 12 should be easily read by first language English speakers with Grade 12. A Gunning Fog score of 7 – 8 is regarded as necessary for the text to be understood easily by the general public in the United States (Webfx 2021).

The below text is from the back of the enrolment certificate, as processed by the Gunning Fog Index website, with words of three or more syllables appearing in blue, and all punctuation marks bracketed in red:

The obligations of the homebuilder to the homebuyer[(:)] The obligations are[(:)] To provide a copy of the enrolment certificate to the homebuyer[(:)] To enter into a written agreement with the homebuyer before the commencement of construction[(:)] To provide the NHBRC with the correct construction schedule before commencement of construction[(:)] To ensure that the house under construction is available for inspections at all times[(:)] To ensure that the home under construction is constructed in accordance with the NHBRC Technical Requirements and all applicable technical requirements[(:)] To rectify non-compliance with terms, plans and specifications or any deficiency related to design, workmanship or materials notified by NHBRC and homebuyer within specified dates[(:)] To repair roof leaks attributable to workmanship,

design or materials occurring and notified by the housing consumer within twelve months of the occupation date[[:]]] To rectify major structural defects notified by the homebuyer within five years of the date of occupation caused by non-compliance with the NHBRC Technical requirements[[:]]] The rights and obligations of the homebuyer[[:]]] The homebuyer shall lodge a complaint with the homebuilder should the following occur[[:]]] Complaints relating to 3 months defect liability from the date of occupation with the deviation from terms, plans and specifications or agreement or any deficiency related to design workmanship[[:]]] Roof leaks which have emanated within the first 12 months of occupation and[[:]]] Complaints related to 5 year major structural defects from the date of occupation[[:]]] The homebuyer shall refer the complaint for conciliation to the NHBRC under the following circumstances[[:]]] Should the homebuilder fail to respond within a specified period or[[:]]] Should the homebuilder fail to honour obligations[[:]]] Should the homebuilder and homebuyer not agree on the extent of the remedial work and[[:]]] Should the homebuilder decline liability[[:]]] The homebuyer should ensure that[[:]]] A copy of the written agreement is kept[[:]]] The complaints to the homebuilder are made in writing, dated[[:]]]

The Gunning Fog Index score for this text is 14.98. This indicates that first language English speakers with three years of tertiary education would be comfortable reading this text. In this study, 80% of the participants have post-matric level of education and none are first language English speakers, and none of them who received the certificate demonstrate a high level of homebuyers' knowledge.

The below text is from the NHBRC website is processed by the Gunning Fog Index website, with words of three or more syllables appearing in blue, and all punctuation marks bracketed in red.

An enrolled home is provided with warranty cover by the NHBRC for a period of 5 years from the date of occupation which allows the NHBRC to pursue and ensure that your builder rectifies[[:]] 3 Months snag list Minor defects within 3-months from date of occupation[[:]] 1 Year roof leaks within 1-year from date of occupation[[:]] 5 Year major structural defect Major structural defects within 5-years from date of occupation[[:]]

The Gunning Fog Index score for this text yields a readability score of 12 which means a first language English speaking person with a matric level of education can understand the content of this information, and not all homebuyers have matric.

Homebuyers who do not have matric and who are not English speaking as their first language may find this information challenging to understand unless it is simplified for them.

The below text is from the HCPMA as processed by the Gunning Fog Index, with words of three or more syllables appearing in blue, and all punctuation marks bracketed in red.

the home **builder** shall— (i) subject to the **limitations** and **exclusions** that may be prescribed by the **Minister**, at the cost of the home **builder** and upon demand by the housing **consumer**, **rectify** major **structural** defects in the home caused by the **non-compliance** with the NHBRC **Technical Requirements** and occurring within a **period** which shall be set out in the **agreement** and which shall not be less than five years as from the **occupation** date, and **notified** to the home **builder** by the housing **consumer** within that **period**[:]; (ii) **rectify non-compliance** with or **deviation** from the terms, plans and **specifications** of the **agreement** or any **deficiency** related to design, **workmanship** or **material notified** to the home **builder** by the housing **consumer** within a **period** which shall be set out in the **agreement** and which shall not be less than three months as from the **occupation** date[:]; and (iii) repair roof leaks **attributable** to **workmanship**, design or **materials** occurring and **notified** to the home **builder** by the housing **consumer** within a **period** which shall be set out in the **agreement** and which shall not be less than 12 months as from the **occupation** date[.]

The Gunning Fog index readability score for the information in the HCPMA is 34.44 which is very high. It shows how complex it is to for most homebuyers to understand the information in the Act. It is not usually expected for the general public to understand the text of Acts of Parliament.

The complexity of the information can be regarded as constraint to knowledge, and this may be the reason why some participants demonstrated insufficient knowledge, some thought they knew but had misconceived ideas, and some had no knowledge at all. NHBRC is so far failing in its responsibility to make information accessible to homebuyers in general so that they are able to use the available information in ways that enable them to achieve what they want to achieve. GOODPAL (2018) suggests

that the ability to use available resources depends amongst other things on education. This is entirely relevant to this study since most participants agree that they were never exposed to any structured homebuyer education programmes. Their lack of knowledge can be linked to their lack of exposure to homebuyer education programmes. The information on the certificate issued by NHBRC was received by two participants who stated that the information was not useful is classified as a lack of knowledge because it did not help them to take action. This is also clarified by GOODPAL (2018) in his Capability theory. Sen states that people must demonstrate action to achieve what they desire. What people can do is influenced amongst other things by education.

Comparing the Gunning Fog Index results for different sources of homebuyers' information, it can be seen that:

The information from the HCPMA is complicated with a Gunning Fog readability score of 34.44.

The information from the back of the enrolment certificate is far less complicated than that of the HCPMA with a Gunning Fog score of 15.47 but it requires a tertiary level of education and English as the first language to understand the information with ease. Not all homebuyers have a tertiary level of education. Even if all homebuilders faithfully handed over the enrolment certificates to the homebuyers it is not guaranteed that the information would be accessible and therefore useful to all the homebuyers.

The information from the website is less complicated with a Gunning Fog score of 12. Even though the website has a relatively low Gunning Fog score it is important to note that the information on the website can be accessed only by people who are computer literate. Even those who are computer literate would know about this information only if they are aware of the availability of such information. In addition, the website can be accessed only by people who have data at their disposal.

It is remarkable also to note that the menu on the first NHBRC website page does not explicitly show the information relevant to the homebuyers. The homebuyers' information is under "Why enrol" menu. It is easy for homebuyers to miss that

information as it might appear to them as relevant for homebuilders because the homebuilders are the ones who enrol houses. The page seems not to be user friendly for homebuyers.

The media hub menu shows the media release tab which is inviting the public to comment on the Housing Protection Bill (B10 – 2021) which is about to replace the Housing Consumer Protection Measures Act. The invite for the public to participate gives them an opportunity to have a voice and state what will work better for them. Because the homebuyers believe that they need to be given a chance to voice what will benefit them, it could be expected that they would be the first people to comment. But the comments tab on the media hub menu shows that no online comment has been received. That was telephonically confirmed by Ms Koliswa Payisa-Mndende who is a contact person regarding public comments on the Housing Protection Bill (B10 – 2021), on 16 September 2021. It might happen that the public could not participate because of the possible constraints mentioned above. The invitation for the public to participate and comment on the Housing Protection Bill (B10 – 2021) is available on Twitter and it refers people to participate online using the NHBRC website. The use of the website does not prove to be effective for homebuyers. This is in line with what is articulated by GOODPAL (2018) that the available resources do not guarantee that people benefit from them unless they are developed to use them.

The participants in this study recommended the use of social media as a platform to either educate the homebuyers or to advertise the homebuyers' education programmes. They recommended Twitter and Facebook with the notion that most people use these two social media platforms. It is seen that the organisation is already using these platforms but it is not evident that there is information relevant to the homebuyers. The Facebook feeds on the NHBRC website only encourages the public to report fraudulent activities to NHBRC regarding the homebuilders' registration process. This again confirms the concern by some participants in their responses that NHBRC communicates more with the homebuilders. For homebuyers to find the information they have to navigate throughout the website which might not be easy for the general public due to constraints like computer literacy, availability of data and website unfriendliness.

FACEBOOK FEEDS



NHBC National Home Builders Re...
Like Page 14K likes

NHBC
ASSURING QUALITY HOMES

NHBC National Home Builders Registration Council
on Wednesday

Looking to join a regulated building organisation? Look no further than the NHBC. Do not allow anyone to register on your behalf.

Report fraudsters on Ethics Hotline: 0800 203 698 or email nhbrc@behonest.co.za

Visit www.nhbrc.org.za for further information.... [See more](#)

Figure 19 - Facebook page insert on the NHBC website



Figure 20 – NHBRC Facebook page around year 2017/2018

In the light of the above, it is evident that the homebuyers need a way of information dissemination that will effectively educate them of their rights and obligations. Considering that the information on both the certificate and the website is from the HCPMA, but is less complicated than in the HCPMA, it would be concluded that the information extracted from the HCPMA can be simplified. In the same way, education material could also be simplified and made easy to read for the homebuyers.

5.5. EXPOSURE TO HOMEBUYER EDUCATION PROGRAMMES

5.5.1. MEDIA EDUCATION PROGRAMME

80% of the participants state that they were not exposed to any education programmes. 20% were exposed to the NHBRC website. Singh & Reed (2001) in a study conducted at the University of Tennessee and Stanford recommended a blended method of educating homebuyers as more effective in passing knowledge to the homebuyers. They describe blended methods as an application of more than one learning delivery mode in order to maximise the learning outcome. They also mentioned that effective knowledge transfer promotes a blend between how the recipient wants to learn and the method of learning offered by the authorities who are running the education programmes. Typically, it is seen that most participants in this study recommended that homebuyers should be educated through social media platforms. They argued that most people are on Facebook and Twitter. NHBRC could be not aware of this because of a lack of direct contact with the homebuyers. In addition to the programmes which are already run by NHBRC, the organisation needs to incorporate social media as recommended by the sample of homebuyers. The organisation needs to intentionally expose homebuyers to information which empower them about their rights and obligations. As seen above, the information on social media does not incorporate homebuyer's education programmes. The organisation also has to review the existing programmes like the recently introduced Digital Brand Integration (DBI), which is the incorporation of the NHBRC brand into an existing entertainment entity. In order to establish how effective they have been. In this case the DBI was the incorporation of NHBRC advertisement into TV Soapies (Scandal, Rhythm City, The Queen, River, Isithembiso, Imbewu and Getroud met rugby) which ran from 16 May 2019 to 7 June 2019.

GOODPAL (2018) highlights among other things social exclusion as one of the things that lead to a lack of functionality among people. Social exclusion prevents people from taking a participative role in achieving their goals. If people are excluded, they are denied the opportunity and ability to be agents of change. Agency is mentioned as one of the constructs of the Capability Approach. Agency encourages people's active participation. It projects that people's views are effective for human development. That allows people to remove obstacles that hinder them from achieving what they want to achieve.

The fact that the participants mention NHBRC as having active contacts with the homebuilders but not with them shows that they feel excluded even though NHBRC was established as a champion of homebuyers. This is seen in the suggestions made by my research participants when they were asked to suggest how NHBRC could improve. What is common in the suggestions by participants is that NHBRC should communicate with the homebuyers. In essence, they are suggesting that NHBRC needs to engage in community education. If they were included in the whole process from the inception of the enrolment, they would be aware of their rights and obligations. If what NHBRC views as an effective way of disseminating information to homebuyers does not prove to be helpful, the homebuyers would get a chance to suggest what will work better for them. That would be a way of removing constraints and lead to freedoms as alluded to by GOODPAL (2018). Freedoms according to GOODPAL (2018) include:

- Political freedoms which talks to freedom to scrutinise and criticize actions by authorities. It is seen in this study that homebuyers are dissatisfied with:
 - NHBRC visibility
 - NHBRC service towards homebuyers
 - Lack of clarity in the HCPMA
 - Payment of enrolment fee which doesn't benefit them

They however do not believe they have a platform to raise their views and suggest the following would work for them:

- Economic opportunities which allow people to use their entitlements. NHBRC must create a conducive environment that will allow homebuyers to submit their claims and be satisfied with redress procedures.

- Social opportunities give people the freedom to benefit from social activities like education. Most homebuyers in this study have not been exposed to the homebuyer education programmes offered by NHBRC.
- Protective security. Vulnerable people must be protected so that they don't fall into deprivation. One of the participants posed a claim that NHBRC does not take action against the homebuilders because the homebuilders are the source of income for the organisation.

The Capability Approach focuses on people as humans, not as mere consumers. It asserts the necessity to evaluate the status of freedom enjoyed by the individuals so that effective developmental policies could be framed. It states that in order to remove constraints, evaluation is important and evaluation should follow a down-top approach rather than a top-down approach.

If the homebuyers could be given the freedom to be agents of change as perceived by them, they could effectively contribute to the strategies that meet rapid changes which affect them. For instance, the effective use of social media platforms could be a good way of reaching many homebuyers even during the period of COVID-19 which led to National lockdown. NHBRC could reach many homebuyers through virtual homebuyers' education programmes on social media without breaking the lockdown protocols.

One of the participants stated that the homebuilders do not disclose to them what the HCPMA says about homebuyers' rights and obligations. It is seen from this response that the participant is misinformed as to who must educate the homebuyers about the content of the HCPMA, however it can be deduced that this participant is aware of the HCPMA but not aware of the content. That resonates with the Sommerville (2008) findings, that homebuyers are not familiar with the contents of the warranty. This suggests that they are not aware of what is covered by the warranty. This could be seen to be evidence of a lack of homebuyer development because none of the homebuilders' obligations to the homebuyer state that the homebuilder should educate the homebuyers about their rights and obligations. That is a responsibility of NHBRC since it is stated in the HCPMA that NHBRC must promote homebuyer rights and provide homebuyer information. Moreover, it is unlikely that homebuilders would

eagerly disclose that information knowing that once homebuyers have such knowledge they will seek redress for defects, and then they, the homebuilders, will be liable to repair defects at their cost as the HCPMA states that upon demand by the homebuyer, the homebuilder will at his or her cost rectify defects reported to him.

Even though the homebuilders seem to contribute to knowledge deprivation by not passing the certificates to the homebuyers, it is also noted that none of those homebuyers made attempts to attain possession of the enrolment certificate from their homebuilders. In line with Sen's contention (2018) that education leads to freedom which enables people to achieve what is beneficial to them, it could be expected that people who are educated, and who live in urban areas should be aware of this. In this study, 80% of the participants had a post-matric qualification, which is regarded as higher education level but none of them demonstrated that this level of education was helpful to them to achieve what is important to them. It is therefore safe to conclude that at least for this small sample of homebuyers, a high level of formal mainstream education does not guarantee that homebuyers will know their rights and obligations. Hence Dlamini (2003) suggests that housing knowledge should be included in the formal education curriculum. This seems like a good idea though it cannot be concluded that all homebuyers have higher education. Education is not explicitly part of the basic needs which are presented by Maslow's Hierarchy of needs, although it could be regarded as part of fulfilling the need for self-esteem. Homebuyer knowledge as part of the higher education curriculum would cover the ground but there would be the exclusion of some future homebuyers, so this points to the need for community education. It has at least been proven that structured homebuyer education programmes can be very helpful in dealing with homebuyer knowledge gap. This is alluded to by Khan (n.d) as he states:

Lack of consumer education is the root of the problem of unawareness among the people of India, about available rights and remedies in case anything goes against the interest of consumers in India, therefore no law will ever be able to provide people their due rights against such bad practices unless they are being educated and made aware about available remedies in case of violation of their rights.

This resonates with the argument by Venter (2006) that homebuyers in South Africa should receive structured homebuyer education designed for homebuyers. NHBRC has a mandate to engage in communications to inform housing consumers of their

rights under the HCPMA and other relevant matters, (HCPMA). Sen's Capability Approach does not specify the kind of education that leads to functionality but it is evident in his approach that education is a way to improved agency in ensuring good life quality.

It is seen that the participants who are the representatives of homebuyers in this study do not display confidence that NHBRC is helping them in any way. Out of 10, only one participant seems to be happy with the service offered by NHBRC, and importantly, she mentioned that she has friends who are employees of NHBRC who communicate information to her. The problem is that not all homebuyers have friends who are NHBRC employees and so they do not have privilege of receiving information the same manner as this typical participant. Moreover this may not be viewed as a proper way of information dissemination.

One of the participants points to NHBRC working with banks and municipalities as a proposed strategy to reach the homebuyers. Currently NHBRC does work with banks and municipalities as the stakeholders and 90% of the participants had interacted with the municipalities as they agreed that their house plans were approved by the municipality and 80% agreed that their homes were financed by the banks so they have been exposed to banks' home loan department. Thus these participants could have received information relating to their housing rights and obligations from these institutions. Based on this, it can be argued that a package of easy to read information be made available in all official languages through all the institutions that homebuyers meet in the process. It is recommended though that NHBRC consciously regard these institutions as support structures and not entirely rely on them to disseminate information. One of the participants indicated that he was educated by the bank official about how to manage the pressures of having a bond and to honour the monthly payments and nothing was said about homebuyer rights and obligations as per HCPMA. It is evident that this institution was conscious about carrying out the mandate of financial institutions.

5.5.2. EXPOSURE TO ROADSHOWS

Out of 10 participants, only one was exposed to the NHBRC roadshow which took place in 2017. Although one would expect that NHBRC roadshows would be about homebuyer education, according to this participant the roadshow was about offering bursaries to women in business for women empowerment. This participant seemed to be aware of roadshows by NHBRC and she suggested that the organisation must do regular roadshows because she has not had any roadshows in a long time. As seen in her response even the one she attended in 2017 was not educating homebuyers about their rights and obligations but was about business opportunities. If roadshows are used only for this kind of information, there is a gap in homebuyer knowledge education it also shows a lack of visibility by this organisation.

As South Africa's population has grown from 51 770 560 in 2011 to 55 653 653 in 2016 (Stats SA 2016), and from 55 653 653 in 2016 to 59 622 350 in 2020 (Stats SA 2020), the property market also increases. So there is a need for NHBRC to have regular engagements with ever increasing number of new homebuyers who enter the property market as suggested by one of the participants in this study. The NHBRC website shows an awareness roadshow which was run in Limpopo province, it is not clear what was covered in the roadshow awareness. It is recommended that in all provinces roadshows must also be run frequently.

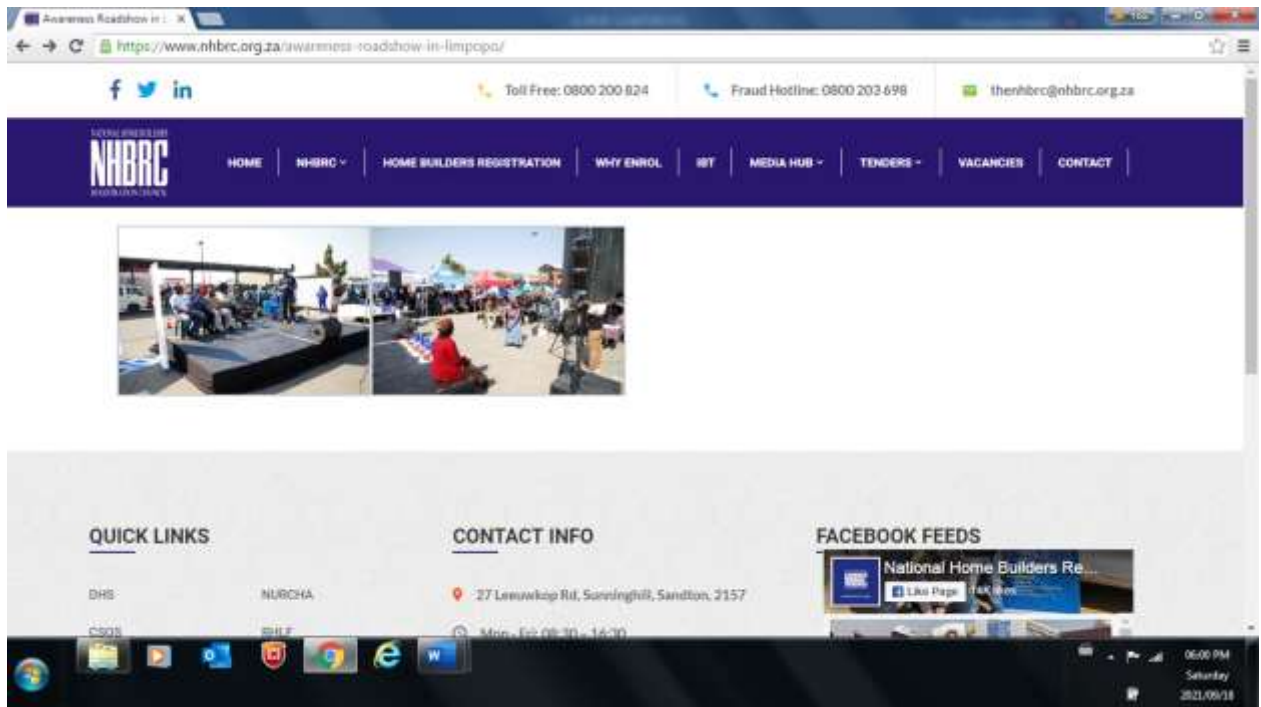


Figure 21– Limpopo province Roadshow insertion on the NHBRC website

Participant no 6 indicated that he never attended any roads by NHBRC because he was not interested as some information is irrelevant if one is not in need of it. Even so, he is among the participants who experienced defects. He stated that he experienced defects with a three months reporting time limit, he reported them to the insurance company and then the developer only when the claim was rejected by the insurance company. Further, in his response to the question about knowledge of reporting time limit, he demonstrated no knowledge at all. In consideration of the above, it is seen that the information he thought he didn't need would benefit him when he experienced defects.

In relation to this participant's response GOODPAL (2018) asserts that other people's functionings are deprived because of choices they make. He illustrates this by way of an example of a person who is hungry because of famine in Africa as different from a person who is on a hunger strike in New York. Both these people are hungry but the one who is on a hunger strike is hungry out of his choice. It might not be disputed that there are people who are deprived of their rights because of the choices they make but in this small sample of homebuyers the opposite is true. Most participants alluded to the lack of awareness as a reason for not attending NHBRC roadshows which

educate homebuyers about their rights and obligations. Below are the responses from other participants:

Participant 3

“Because I have never seen and I have never heard of any.”

Participant 4

“I haven’t seen any advertisement.”

Participant 5

“I didn’t even know that NHBRC exists.”

Participant 7

“Because I didn’t know about them.”

Participant 8

“I haven’t known of any...none.”

Participant 9

“I have never been invited to any.”

Participant 10

“I am not aware of any.”

Judging from these responses, there is a possibility that even participant 6 would be pointing to a lack of awareness about the roadshow even if he had an interest in attending them. One of the participants pointed out that he did not know about NHBRC and the services the organisation provides until he had a problem. He further mentioned that NHBRC is not visible in towns. There is no board around town which advertises NHBRC. As a homebuyer the interest of homebuyer knowledge can be naturally activated if such information is advertised.

5.6. KNOWLEDGE ABOUT INSPECTIONS

Another important aspect in this study is the issue of inspections which are supposedly playing a vital role in curbing the development of defects. 70% of the participants are not aware if the inspections were carried out in their homes or not. That is also working against the organisation because some participants do not believe that NHBRC does check the quality of their homes. They believe that houses which are less than 5 years look old as if they are 45 years old. They claim that the cause is that homebuilders build the walls on top of the wet foundation.

5.7. HOMEBUYERS' ATTITUDE TOWARDS NHBRC

NHBRC existence

Some participants mentioned that people are not aware of NHBRC existence. This is cause for concern because this organisation was established 23 years ago, in 1998. As an organ of state, which is an organisation performing a public function, it could be expected that people should know about it irrespective of being a homebuyer or not. One participant indicated that the property he stays in is not the first property he has owned but he never knew about NHBRC even before. Another participant pointed at NHBRC visibility as a problem. He mentioned that there is no single board advertising NHBRC around his hometown and that is why people do not know about this organisation. Since some participants said they learnt about NHBRC from other people when they had a problem, it is possible that there are other homebuyers who had problems but were not fortunate to get information about an organisation where they can report defects against the homebuilder. Other responses indicated that the homebuilders do not tell homebuyers about NHBRC. This implies that the homebuyers depend on homebuilders to tell them everything about the home buying process since they are their immediate contacts, yet it is not in the interests of homebuilders to educate homebuyers. Moreover, that is the responsibility of the NHBRC as required by the HCPMA.

Existence of the HCPMA

One of the participants asserted that they did not know the HCPMA and its content because the homebuilders did not tell them about it. This homebuyer representative mentioned that he discovered the HCPMA when he had a problem and was advised to lodge a complaint with NHBRC. Similarly to the expectation above, this participant

implied that homebuilders should educate homebuyers about the HCPMA and its content. This is because the homebuilders are their immediate contacts but not NHBRC. It is also noted that they are aware of the need to be educated but they are not aware of whose responsibility it is to educate them.

This participant mentioned that other definitions in the act are not clear and that disadvantages the homebuyers. He mentioned occupation date as an example of unclear definitions in the HCPMA. Below is the definition of the occupation date from the HCPMA:

“occupation date” means the date on which the housing consumer first acquiring the home accepts the home as reflected in a document confirming such acceptance and, in the event of such document not having been received by the Council or the Council for any reason not being able to determine such date, the date reflected in the certificate of occupancy issued by the relevant local government body contemplated in section 14 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

He argued that this definition does not specify occupancy certificate as the official document which confirms the date of occupation but as an option if the document with the date of occupation is not available. But NHBRC requires an occupancy certificate as an official document. Indeed this definition is not clear enough to be understood by the general public.

Further that, the definition is complicated for easy understanding. The Gunning Fog Index score shows a score of 24. That means even a first language English speaker with a senior degree will find it difficult to understand this definition.

occupation date” means the date on which the housing consumer first acquiring the home accepts the home as reflected in a document confirming such acceptance and, in the event of such document not having been received by the Council or the Council for any reason not being able to determine such date, the date reflected in the certificate of occupancy issued by the relevant local government body contemplated

in section 14 of the [National Building Regulations](#) and Building Standards Act, 1977 (Act No[.] 103 of 1977)[:]³

NHBRC as a regulatory body

One of the responses showed that the homebuyers lack confidence in NHBRC as a regulatory body because it does not enforce legislation against the homebuilders who are building substandard work. This participant mentioned that the homebuilders are not scared of NHBRC because this organisation has no law enforcement. The homebuilders build substandard work and fail to redress the defects. He mentioned that when he found defects in his home, he forced the homebuilder to fix the defects by informing the bank not to release the final payment. The HCPMA describes the NHBRC as an organisation which regulates the conduct of registered homebuilders. It means that in the event the homebuilder fails to meet his or her obligations to the homebuyer, NHBRC must take disciplinary action against the homebuilder by cancelling the homebuilder registration, and no homebuilder is permitted to build the houses without active registration. The participant believes that NHBRC is failing in that aspect of its mandate, consequently, the homebuilders continue to build houses of poor quality and they fail to redress defects.

NHBRC as working in the interests of homebuyers

Another participant's response portrayed NHBRC as not working in the interest of the homebuyers. The participant mentioned that NHBRC is concerned with simply closing the complaint file instead of investigating the matter and determine if the complaint is valid or not. He mentioned that there is no NHBRC official who goes out to the house in question to inspect it.

NHBRC as quality regulator

The participants were not confident that NHBRC does conduct inspections for quality control to ensure structural quality in the interests of housing consumers and the home building industry. 70% of participants were not aware if inspections were conducted in their homes. One participant raised a concern that NHBRC should check the house while it is still under construction so that for instance they stop homebuilders from

³ This is from the Gunning Fog Index site

building the walls on top of wet foundations. This participant says that is why new houses look old.

NHBRC as information provider

HCPMA states that NHBRC has to promote housing consumer rights and to provide housing consumer information. Most participants believe that NHBRC does not communicate with homebuyers. The information they have is not from NHBRC but from other people. They are not aware of the services provided by the organisation because of lack of communication.

CHAPTER SIX

CONCLUSIONS AND RECOMMENDATIONS

6.1. INTRODUCTION

Homebuyers' rights and obligations are meant to help the homebuyers in pursuit of a need to live in adequate houses. However, it is imperative that the homebuyers know and utilise their rights and also honour their responsibilities such that they work in their favour. The specific purpose of this study was to explore lived experiences of homebuyers when they occupy their new homes, what knowledge they have about their rights and obligations. This chapter presents conclusions reached in answer to the research questions.

The research questions for this study are:

- What knowledge do homebuyers have with regards to their rights and obligations as specified in the Housing Consumer Protection Measures Act 95 of 1998?
- What action do homebuyers take to benefit from any knowledge they do have?
- What education programmes are homebuyers aware of?

6.2. CONCLUSION REGARDING HOMEBUYERS' KNOWLEDGE OF RIGHTS AND OBLIGATIONS

The results revealed that most homebuyers did not display sufficient knowledge of their rights and obligations. There was a knowledge gap between the self-rated homebuyers' knowledge and their actual knowledge. The participants were asked to display their knowledge of Defect liability Period (DLP) as stipulated in the Housing Consumer Protection Measures Act 95 of 1998 (HCPMA). It is crucial for homebuyers to know which defects must be reported within three months reporting time limit, one year reporting time limit and five year reporting time limit counting from the date of occupation. If defects are reported outside their respective time limits the homebuyers forfeit their rights of getting the defects redressed by their respective builders.

In relation to the above, there was also an indication from the participants' responses that there is no clear indication of which date is regarded as the date of occupation

between the date on the occupancy certificate and the actual date of moving into the house. The concern was raised on the basis that the date on the occupancy certificate is usually earlier than the actual date of moving into the house. This results in homebuyers forfeiting their rights of getting defects redressed by homebuilders especially for defects falling within three months reporting time limit and one year reporting time limit. Another cause of concern was the official document accepted by NHBRC as proof of date of occupation. The concern was that according to HCPMA the occupancy certificate is required when other documents which prove the occupation date are not available. There is no specific mention of which documents are those which prove the date of occupation. Contrary to this, NHBRC requires an occupancy certificate as an official document and this document often puts homebuyers at a disadvantage. As a Complaints Officer in this organisation, I agree with this concern. In almost every instance the date of occupation stated by the homebuyer on the complaint form is later than the date of occupation on the occupancy certificate. It is important that the homebuyers be educated about Defects Liability Period and the date of occupation. Concerning the date of occupation, it is acknowledged that the Act cannot be amended anyhow to meet the needs of the homebuyers. However, it is suggested that NHBRC clarifies to homebuyers which document they should accept as the official document for the date of occupation. For instance, the builder can issue a house handover letter on the homebuilder's company letterhead which states a date on which the homebuyer can take occupation because that letter can be issued just before actual occupation. If homebuyers are educated about this, they will know that it is their right to be in the possession of such a letter.

The participants were also asked to demonstrate their knowledge of redress channels as stipulated in the Housing Consumer Protection Measures Act. Knowledge of redress channels is also important because the homebuyers must notify the homebuilders of the defects and allow them access to redress the defects. The homebuyers should report defects to NHBRC when the homebuilder has failed to meet his or her obligations. It is unlawful for NHBRC to take legal actions against the homebuilder for failure to meet his or her obligations if there is no proof that the defects were notified to him. It is seen in this study that most homebuyers reported defects to their immediate contacts and not to NHBRC.

10% of participants reported to the developer only

10% reported to developer and insurance

10% reported to homebuilder body corporate

10% did not report

20% reported to the developer and NHBRC

40% are those to which the question about reporting channel was not applicable

It is only 20% of the participants knew that the defects should be reported to NHBRC if the homebuilder fails to meet his or her obligations. It is unfortunate for NHBRC because the organisation can be confirmed to successfully achieve its mandate only if it is able to protect its beneficiaries. Further, the benefit of the legislation is not achieved if the homebuyers do not benefit from it.

6.3. CONCLUSION REGARDING ACTIONS HOMEBUYERS TAKE TO DEMONSTRATE HOMEBUYERS' KNOWLEDGE

The application of homebuyers' knowledge can be seen by the ability of homebuyers to take appropriate action to report the defects using the right channel of reporting and within the right DLP. Besides the fact that the participant who received the enrolment certificate mentioned that the information at the back of the certificate was not helpful, it is also evident in this study that 80% of the participants did not demonstrate adequate knowledge of homebuyers' knowledge. This is a cause of concern for NHBRC.

6.4. CONCLUSION REGARDING KNOWLEDGE DISSEMINATION

It is evident that most homebuyers in my sample have not been exposed to homebuyer education. It also evident that NHBRC makes itself seen and heard on radio and television programmes, and through its website but the homebuyers have not benefited from this exposure. 80% of the participants indicated that they have never been exposed to homebuyer education programmes. Since the purpose of this interpretive study was to explore lived experiences of the homebuyers, the participants

had the liberty to express themselves about their experiences. In this context, they could express that during their period of buying properties they were not exposed to any advertisement about the homebuyer. However it is seen from the participants' responses that even if the programmes were running, the homebuyers were not aware of them. It would benefit this study if a Mpumalanga NHBRC official who is responsible for home buyer education programmes could confirm if there were programmes running between April 2018 and September 2018. The researcher could not find anyone within the organisation to share such information and also such information seem not to be available in any NHBRC media platforms and there was no email notification from the Marketing coordinator during that period informing NHBRC staff about the programmes. From this experience, the researcher tends to agree with the participants that NHBRC (Mpumalanga) should consider running regular education programmes and ensure that they are well advertised.

Learning from Venter's (2006) study which was conducted in Cape Town, South Africa it can be concluded that to be effective, homebuyer education programmes need structured, informative material. Radio interviews and unstructured television talks do not appear to result in increased homebuyer awareness (Venter 2006). A structured education programme with informative material was subsequently designed and implemented. The information material included a trainer manual and housing booklets. Thereafter it was evaluated by testing the change in attitude and knowledge of participants. The results showed that a structured education programme which was physically attended by homebuyers and there was a trainer, resulted in improvement in housing knowledge. Since the structured education programmes are most recommended and participants suggested the use of social media platforms, facebook and twitter as a way of reaching out to them, it could be recommended that these social media platforms be used to advertise structured homebuyers' education programmes. The advertisement can refer homebuyers to:

NHBRC website where they will find presentations with simplified information about the homebuyer's rights and obligations extracted from the HCPMA.

NHBRC workshops. Virtual workshops are even more recommended so that homebuyers can attend at the comfort of their homes. Simplified information should be available for homebuyers.

In line with what is recommended by Singh & Reed (2001) who conducted a study at the University of Tennessee and Stanford, blended methods of information dissemination should be regularly undertaken by organisations whose task it is to inform home buyers. Thus a range of methods of homebuyers' awareness campaigns should be run regularly like television talks, radio talks, roadshows as well as digital brand integration. However structured education programmes with simplified informative material are highly recommended.

It is recommended that NHBRC review strategies of reaching out to the homebuyers along the lines of Sen's Capability Approach strategy. He mentioned that strategies should be reviewed so that effective methods can be applied. NHBRC in the Mpumalanga province could consider reviewing the already existing awareness programmes and their effectiveness and identify how improvements could be made.

It is also important that the content of the homebuyer education should emphasise homebuyers' rights and obligations. Findings from this study suggest that the emphases must be on knowledge of reporting within the correct Defect Liability Period, redress channels and understanding of the occupation date because the research results identified those aspects as a major problem.

6.5. RELATIONSHIP BETWEEN RESEARCH QUESTIONS AND THEORETICAL FRAMEWORK

The findings resonate with the central constructs in Sen's Capability Approach. Common responses support the constructs of the Capability Approach.

Capabilities

Capabilities depend on the opportunity and ability a person has to achieve the desired results. The homebuyers will have an opportunity to use available resources if they are aware of the existence of NHBRC and the existence of the available sources of information like HCPMA, enrolment certificate, as well as website and radio stations.

Functionings

Functionings refer to the use a person has of the available resources. Achieving functions depends on, among other factors, knowledge and education. The availability of resources does not guarantee that a person is benefiting from those resources. It is therefore important to ensure that people are educated to be able to use the available resources.

Agency

Agency is about pursuing the choices one values. Agency refers to a person's interactive role in a given situation. An agent is a person who brings about change. So agency encourages freedom to influence factors that affect people's lives. Homebuyers can be given a chance to be agents of change. That can happen for instance by creating a tab on the NHBRC website where homebuyers can post their comments. That will also require that the website shows the menu for homebuyers. On that menu then the tab for comments can be created. Currently, the website is clearly showing the menu for homebuilders not for homebuyers and NHBRC should consider adding the homebuyer on the website menu.

6.6. SIGNIFICANCE OF STUDY TO MANAGEMENT OF THE ORGANISATION

The overall data which was collected suggested that homebuyers lack knowledge of the services provided by NHBRC. They also lack confidence that this organisation is working in the best interest of the homebuyers. They indicated that they are not aware of what NHBRC offers for them because the organisation is in contact with the homebuilders who are the secondary clients of the organisation, and not the homebuyers, who are the primary clients. They highlighted that the homebuilders do not disclose useful information to the homebuyers. NHBRC's expectation of homebuilders to disclose information to homebuyers could be the fact that they have contact with the homebuilders. That confirms that homebuyers need to be in close contact with NHBRC and moreover NHBRC is mandated to disseminate information to the homebuyers.

The responses also indicated that most participants have never been exposed to any homebuyer education programme by NHBRC. This could be the reason for homebuyers' lack of knowledge about their rights and obligations. It could be recommended that regular homebuyer education programmes be run.

6.7. LIMITATIONS OF STUDY

This study was limited to a sample of 10 participants which is not enough to generalise from. However, the lack of variation among participants' responses suggests that their statements may express commonality among Mpumalanga homebuyers' lived experiences. In addition, the fact that they expressed a lack of confidence in the NHBRC, to an employee of the organisation, it suggests that they were sincere, and did not say what they guessed the researcher might want to hear.

6.8. RECOMMENDATIONS

The reviewed literature revealed that there is a knowledge gap in terms of rights and obligations internationally. Most literature shows that there is legislation and organisations which work in the interest of the homebuyers when they are faced with defects in their newly built houses, but although the resources are available there is still a knowledge gap on the part of rights and obligations. Some researchers showed that the solution is to educate the homebuyers so that they are empowered to use the available resources.

The general recommendation is for NHBRC to frequently run homebuyer education programmes to transfer knowledge to new homebuyers. The organisation should make the programmes available on a range of media and advertise them well. The major focus should be on Defect Liability Period and redress channels.

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ANNEXURE 1



Head Office
Tel: +27 11 317 0000
Fax: +27 11 317 0105
Toll Free No: 0800 200 824
Fraud Hotline: 0800 203 698

PHYSICAL ADDRESS
27 Leekwop Road
Sunninghill,
Johannesburg,
2191

POSTAL ADDRESS
P. O. Box 461
Randburg, 2125
Docex 96 Randburg



ASSURING QUALITY HOMES

24th July 2020

Durban University of Technology

Research Department

To Whom It May Concern

Good Day,

This is to confirm that, Khunjuliwe Sibeko is the Employee of the NHBRC and an M Ed in Adult & Community Education student at the Durban University of Technology. She has been granted permission to conduct the research in fulfilment of her MBA studies.

The topic of her research is: Investigation into homebuyers' knowledge of their rights and obligations when buying a new house: Small scale survey of Mpumalanga (Highveld Region). This research will benefit the organisation in improving it's Performance Management within the NHBRC.

It is mandatory that all research conducted and the results thereof should be made available to the NHBRC as it will contribute to the improvement of organisational efficiency.

Sincerely,

Otsile Maseng
Acting Chief Executive Officer

Council: Ms Julieka Bayat (Chairperson) / Mr Makabate Choeu / Mr Mziwonke Diabantu (Chief Executive Officer) / Ms Bongilewe Duba / Mr Unathi Hoyana / Mr Mziwonke Jacobs / Ms Mampe Kotsi / Mr Goolam Manack / Mr Roy Mnisi / Ms Noluthando Molao / Mr Zenzele Myeza / Mr Roseberry Sonto / Ms Nthabiseng Tsenase / Mr Andile Yabo (Company Secretary)

ANNEXURE 2



Institutional Research Ethics Committee
Research and Postgraduate Support Directorate
2nd Floor, Berwyn Court
Gate 1, Steve Biko Campus
Durban University of Technology

P O Box 1334, Durban, South Africa, 4001

Tel: 031 373 2375
Email: lavishad@dut.ac.za
http://www.dut.ac.za/research/institutional_research_ethics

www.dut.ac.za

14 August 2020

Ms K P Sibeko
P O Box 282
Nelspruit
1200

Dear Ms Sibeko

Investigation into homebuyers' knowledge of their rights and obligations when buying a new house: Small scale survey of Mpumalanga (Highveld Region)
Ethical Clearance number IREC 181/19

The Institutional Research Ethics Committee acknowledges receipt of your final data collection tool for review.

We are pleased to inform you that the data collection tool has been approved. Kindly ensure that participants used for the pilot study are not part of the main study.

In addition, the IREC acknowledges receipt of your gatekeeper permission letter.

Please note that **FULL APPROVAL** is granted to your research proposal. You may proceed with data collection.

Any adverse events [serious or minor] which occur in connection with this study and/or which may alter its ethical consideration must be reported to the IREC according to the IREC Standard Operating Procedures (SOP's).

Please note that any deviations from the approved proposal require the approval of the IREC as outlined in the IREC SOP's.

Yours Sincerely,

Dr M A Sathar
Deputy Chairperson: IREC

Appendix B



LETTER OF INFORMATION

Dear Participant

I am a Master's Degree student at Durban University of Technology. I would like to invite you as a recent homebuyer to participate in a study I must carry out for this degree. Your participation will be much appreciated.

Principal Investigator/s/researcher: Khunjuliwe Sibeko: M Ed in Adult and Community Education

Co-Investigator/s/supervisor/s: Dr Sandra Land (PhD) & Dr Anita Hiralal (PhD)

Title of the Research Study: Investigation into Homebuyers' knowledge of their rights and obligations when buying a new house: Small scale survey of Mpumalanga (Highveld Region).

Brief Introduction and Purpose of the Study:

This study seeks to investigate whether the homebuyers of Mpumalanga Highveld Region do know and understand their rights and obligations in the process of buying a newly built house and when they have occupied that house. It is the homebuyer's right to live in a house constructed according to NHBRC technical standards as that ensures quality. Should the house have defects, the homebuilder must rectify those defects reported to him. These rights and obligations are stated in the Housing Consumer Protection Measures Act 95 of 1998 (HCPMA).

Hence this study aims to investigate the homebuyer knowledge of their rights and obligations when buying a new house and after they have taken occupation.

Outline of the Procedures:

This is a study of people who bought houses in the Highveld region of Mpumalanga between June 2017 and December 2018. I am looking for 10 people who will allow me to interview them on the telephone about their experience of buying a home. The interviews will be recorded. This letter is to ask if you agree to be interviewed. You may choose not participate if you feel uncomfortable. As a participant you will be asked questions on the interview schedule and your answers will be recorded. You are requested to give permission to be interviewed and also that this conversation be recorded.

Risks or Discomforts to the Participant:

You will not be exposed to any risk during this interview and you can withdraw from participation if you feel uncomfortable.

Benefits:

Your participation may help the National Homebuilders Registration Council (NHBRC) to inform homebuyers about their rights and obligations.

Reason/s why the Participant May Be Withdrawn from the Study:

- If you do not give consent to participate.
- If you voluntarily withdraw from participation.

Remuneration: There will be no payment. Participation in the study is voluntary.

Costs of the Study: You will not be charged for participating in the study.

Confidentiality: Confidentiality will be maintained. Responses will only be known to the researcher and supervisors.

Research-related Injury: You will not be exposed to any danger. No experiments will be done during the research process.

Persons to Contact in the Event of Any Problems or Queries:

(Supervisor and details) Please contact the researcher Khunjuliwe Sibeko (083 7436 669), my supervisor Dr Sandra Land (031 373 6045), Co Supervisor Dr Anita Hiralaal (033 845 8935) or the Institutional Research Ethics Administrator on 031 373 2375. Complaints can be reported to the Director: Research and Postgraduate Support, Dr Linda Langaniso (031 373 2577) or dvcric@dut.ac.za

Appendix B



INCWADI YESAZISO

Mhlanganyeli

Mina ngingumfundi we M Ed Adult & Community Education eDurban University of Technology Nginxusa ubambe iqhaza njengomthengi wendlu kulesifundo sami. Iqhaza lakho lizoba usizo kakhulu.

Umcwaningi omkhulu: Khunjuliwe Sibeko: M Ed in Adult and Community Education

Abacubunguli: Dr Sandra Land (PhD) & Dr Anita Hiralaal (PhD)

Isihloko somcwaningo: Uphenyo lolwazi abathengi bezindlu baseMpumalanga (Highveld Region) abanalo ngamalungelo nezibopho zabo uma bethenga izindlu ezakhiwa kabusha.

Isingeniso nenhloso yalesifundo:

Lesifundo siphanya ukuba abathengi bezindlu eMpumalanga (Highveld Region) banolwazi futhi bayaqonda ngamalungelo nezibopho uma bethenga izindlu ezakhiwa kabusha nalapho sebengenile kulezindlu. Abathengi bezindlu banelungelo lokuhlala ezindlini ezakhiwe ngokohlelo lwe National Homebuilders Registration Council (NHBRC). Uma indlu iba namaphutha umakhi wayo kumele abikelwe bese eyawalungisa lamaphutha. Lamalungelo nezibopho zitholakala ku Housing Consumer Protection Measures Act 95 of 1998 (HCPMA).

Kungakho lesifundo siphanya ngolwazi abathengi bezindlu abanalo ngamalungelo nezibopho zabo.

Inqubo yalesifundo:

Lesifundo sizokwenziwa kubathengi bezindlu base Mpumalanga (Highveld Region) abathenga izindlu ngesikhathi sika Juni 2017 kuya ku Desemba 2018. Ngidinga abathengi abayishumi (10) abazongixoxela ngocingo ngohambo lwabo lokuthenga izindlu. Lengxoxo izo rekhodwa. Lencwadi icela ukuba ube inxenye yalengxoxiswano. Uvumelekile ukuhoxisa uma uzizwa ungakhululekile. Uma uvuma ukuba ingxenye uzobuzwa imibuzo esohlelweni lwe ngxoxiswano. Izimpendulo zakho zizo rekhodwa kodwa hayi igama lakho. Uyacelwa ukuba unike imvume yokuba ingxenye yokuxoxisana nokuthi izimpendulo zakho zirekhodwe.

Ubungozi nokungakhululeki

Abukho ubungozi obuzokwenzeka kulenqubo yengxoxiswano ngocingo. Unelungelo lokuhoxisa uma uzizwa ungakhululekile

Inzuzo

Ukuba yingxenywe yalesifundo kungasiza i National Homebuilders Registration Council (NHBRC) ukuba yazise abathengi bezindlu ngamalungelo nemigomo yabo.

Izizathu zokuhoxisa ukuba yingxenywe yalesifundo:

- Uma ungavumi ukuba ingxenywe yalenxoxiswano
- Uma ukhetha ukuhoxisa kunoma isiphi isigaba sengxoxiswano.

Ihholo: Ayikho inkokhelo etholakala ngokuba ingxenywe yalesifundo.

Izindleko zalesifundo: Awukhokhi lutho ngokuba yingxenywe yalesifundo.

Imfihlo: Izimpendulo zakho zizokwaziwa umcwaningi kanye nabacubunguli walesifundo

Abantu ongabathinta uma kunenkinga noma imibuzo:

Thinta umcwaningi uKhunjuliwe Sibeko (083 7436 669), Umcubunguli uDr Sandra Land (031 373 6045), Umsizi wakhe uDr Anita Hiralaal (033 845 8935) noma umphathi we Institutional Research Ethics (031 373 2375). Izikhalo zingaya kuMqondisi: Research and Postgraduate Support, Dr Linda Linganis (031 373 2577) or dvcree@dut.ac.za

Appendix C



CONSENT

Statement of Agreement to Participate in the Research Study (for those with access to email):

- I hereby permit the researcher, **Khunjuliwe Purity Sibeko**, to go through the questions on the interview schedule for the purpose of the research
- I agree that the researcher may record the interview
- I am aware that the results of the study, including personal details regarding my sex, age, date of birth and initials will be anonymously processed into a study report.
- In view of the requirements of research, I agree that the data collected during this study can be processed in a computerized system by the researcher.
- I may at any stage, without prejudice, withdraw my consent and participation in the study.
- I have had sufficient opportunity to ask questions and (of my own free will) declare myself prepared to participate in the study.
- I understand that significant new findings developed during the course of this research that may relate to my participation will be made available to me.

Full Name of Participant

Date

Time

Signature

I, Khunjuliwe Sibeko confirm that the above participant has been fully informed about the nature, conduct, and risks of the above study.

 Khunjuliwe Sibeko

 08 May 2020

PKSibeko
Full Name of Researcher
Date
Signature

APPENDIX C



ISIVUMELWANO

Isitatimende sokuvumelana ukuhlanganyela kulomcwaningo:

- Ngiaqinisekisa ukuthi umcwaningi, uKhunjuliwe Sibeko ungazisile ngohlobo, ukuziphatha, inzuzo nobungozi balolucwaningo. Inombolo yokulungiswa kwezimilo kokucwaninga
- Ngithole futhi, incwadi echaza ngalolucwaningo, ngayifunda futhi ngaqonda neminingwane.
- Ngizazi ukuthi imiphumela yomcwaningo, kanye neminingwane yobulili bami, iminyaka yami, usuku lokuzalwa, amagama kanye nezimpendulo zami ziyoba imfihlo kule ripoti yomcwaningo.
- Ngokubheka izidingo zokucwaninga, ngiyavuma ukuthi umcwaningi asebenzise ikhompyutha ukuhlaziya iminingwane eqoqwe ngalesi sifundo.
- Ngivumelekile noma kusiphi isigaba ukuhoxisa ukuhlanganyela kulolucwaningo.
- Ngithole ithuba elanele futhi ngakhululeka ukubuza imibuzo, ngase ngizivumela ukubamba iqhaza kulolucwaningo.
- Ngiaqonda ukuthi ngizokwaziswa ngolwazi olusha olutholakele kulolucwaningo futhi oluhlobene nokubamba kwamba kwami iqhaza.

Igama lomhlanganyeli

Usuku

Isikhathi

Isiginesha

Mina, Khunjuliwe Sibeko ngiaqinisekisa ukuthi lo obambe iqhaza ngenhla unolwazi oluphelele ngobunjalo, nokuziphatha nengozi yalolucwaningo olungenhla.

Khunjuliwe Sibeko

08 May 2020

PK Sibeko

Igama Lomcwaningi

Usuku

Isiginesha

APPENDIX D



Statement of agreement

I _____ agree to participate in this telephonic interview

Signature

Place

Date

Time

APPENDIX D



Isitatimende sokuvumelana

Mina _____ngiyavuma ukubamba iqhaza kulengxoxiswano

Isiginesha

Indawo

Usuku

Isikhathi

Appendix A



Questionnaire

Interviewer will put a cross (X) next to the answer that is appropriate for each participant SECTION A

1. Gender

Male	1
Female	2

2. Age group

0 - 20	
20 - 40	
40 - 60	
60 - 80	
80 and above	

3. Marital status

Married	
Divorced	
Living together	
Widow/widower	
Single	

4. Education

No matric	
Matric	
Degree	

5. Employment status

Permanently employed	
Self employed	
Unemployed	

6. Please indicate the area you stay in

Rural	
Urban (stand alone)	
Urban (Cluster)	

SECTION B

7. Do you own the house you live in?

Yes	
No	

8. Is your house plan approved by the municipality?

Yes	
No	
Not aware	

9. How was the construction of your house financed?

Home loan	
Cash	
Government subsidy	

10. Is your builder registered with National Homebuilders Registration Council (NHBRC)?

Yes	
No	
Not aware	

11. Is your house enrolled with NHBRC?

Yes	
No	
Not aware	

12. Did you receive an sms from NHBRC informing you about the status of your enrolment?

Yes	
No	
Not aware	

13. Did you receive your home enrolment certificate from NHBRC?

Yes	
No	
Not aware	

14. Is the information at the back of the enrolment certificate helping you understand your rights and obligations as a homeowner?

Yes	
No	
Not aware	

15. Please share 2 or 3 rights and obligations you have learnt of

16. Did you receive a report from NHBRC of all the inspections conducted at your house?

Yes	
No	
Not aware	

17. How many stages of inspection were conducted at your home? Please explain according to your understanding

18. For how long have you occupied your home?

3 to 11 months	
12 months	
5 years	

19. What defects do you have at your home?

Maintenance related	
Roof leak	
Cracks	
Other:	
None	

20. Where did you report defects?

21. If you did not report, kindly share why you did not report them

22. Within which time frames are the following defects reported

Maintenance related defects	
Roof leak	
cracks	
Other	

23. What do you think is the reason for homebuyers not reporting defects within the right time frame

24. Which NHBRC homeowner education programme have you experienced?

Television	
Newspaper	
Website	
None	

25. Have you attended any road shows by NHBRC between April 2018 and September 2018?

Yes	
No	

26. If no please share the reason why you have not attended any.

27. Did you use the information you received from NHBRC homeowner education programmes to deal with those defects?

Yes	
No	

28. Please share steps you took using the information you gained from the NHBRC homeowner education programme to deal with those defects

29. Are there any improvements you would like to suggest with regards to the exposure to the homeowner education programme

30. Have you had any problems with our system?

Appendix A



UHLELO LOKUXOXISANA

Umholi wemgxoxo uzobeka uphawu (X) eduze kwempendulo okuyona yona kulowo nalowo oyingxenywe yohlelo lokuxoxisana. Aphinde a recode izimpendulo.

1. Ubulili

Isilisa	1
Isifazane	2

2. Ubudala

0 - 20	
21 - 40	
41 - 60	
61 - 80	
81 noma ngaphezulu	

3. Isimo somshado

Ushadile	
Uhlukanisile	
Uhlalisene	
Ushonelwe	
Awushadanga	

4. Ezemfundo

Awunamatriki	
Unomatriki	
Uneziqu	

5. Isimo somsebenzi

Uqashiwe	
Uyazisebenza	
Awusebenzi	

6. Indawo yokuhlala

Emaphandleni	
Edolobheni (umasitende)	
Edolobheni (kucomplex)	

SECTION B

7. Indlu yakho uyithengile na?

Yebo	
Cha	

8. Iplani lendlu yakho livunyiwe umasipala?

Yebo	
Cha	
Anginalwazi	

9. Ukukhokhele njani ukwakhiwa kwendlu yakho?

Ngiboleke imali ebank	
Ngikhokhe ukheshi	
Ngixhaswe uhulumeni	

10. Umakhi wakho uyimemba ye National Home Builders Registration Council (NHBRC) na?

Yebo	
Cha	
Anginalwazi	

11. Indlu yakho ibhalisiwe eNHBRC?

Yebo	
Cha	
Anginalwazi	

12. Uyitholile i-sms ekutshela ngesimo sokubhaliswa kwendlu yakho eNHBRC na?

Yebo	
Cha	
Anginalwazi	

13. Usitholile isicifiketi sokubhaliswa kwendlu yakho e NHBRC na?

Yebo	
Cha	
Anginalwazi	

14. Isitifiketi sokubhaliswa kwendlu yakho eNHBRC sinolwazi olubhalwe ngasemuva mayelana namalungelo nezibopho zakho? Ingabe lolulwazi lukusizile na?

Yebo	
Cha	
Anginalwazi	

15. Sixoxele okubili noma okuthathu okufundile ngamalungelo nangezibopho zakho.

16. Uyitholile iripoti ekwazisa ngokuhlolwa kwendlu yakho ngabasebenzi baseNHBRC?

Yebo	
Cha	
Anginalwazi	

17. Indlu yakho ihlolwe kangaki? Chaza ngendlela ozwe ngayo.

18. Ungene nini endlini yakho?

3 - 11 izinyanga	
12 izinyanga	
5 iminyaka	

19. Yimaphi amaphutha owabonayo endlini yakho?

Amaphutha amancane	
Ukuvuza kophahla	
Ukuqhekeka	
Okunye	
Awekho	

20. Uwabikele muphi umnyango lamaphutha na?

21. Uma ungawabikanga lamaphuthutha, sixoxele isizathu esenza ukuba ungawabiki

22. Uma sewungenile endlini isiphi izikhathi esifanelekile sokubika lamaphutha alandelayo?

Amaphutha amancane	
Ukunetha kophahla	
Ukuqhekeka	
Okunye	

23. Ucabanga ngathi isiphi isizathu esenza abathengi bezindlu bangabiki amaphutha ngesikhathi esifanelekile

24. Uke wabona kuphi imfundiso yabathengi bezindlu eyenziwe uNHBRC?

TV	
Phephandaba	
Intanet	
Ayikho	

25. Uke waba kwenye yama road shows eyenziwe i NHBRC esikhathini esiphakathi kuka April 2018 and September 2018?

Yebo	
Cha	

26. Uma uthi cha, sixoxele ukuba kungani ungakaze ube inxenye yalezimfundiso.

27. Uke walusebenzisa ulwazi oluthole kuzimfundiso zeNHBRC ukuba usizakale ngamaphutha endlu yakho?

Yebo	
Cha	

28. Sixoxele ngezinyathelo owazithatha ukusebenzisa lolulwazi oluthole ngezimfundiso zeNHBRC

29. Sixoxele ngezindlela ezingcono esingafundisa ngazo abathengi bezindlu ngamalungelo nezibopho zabo.

30. Uke waba nenkinga ngendlela esisebenza ngayo e NHBRC?
