

**23 July 2021**

**Home Builders and the importance of NHBRC Registration**

The Housing Consumers Protection Measures Act, No. 95 of 1998 (hereafter “the Act”) is an important piece of legislation with widespread implications for homebuilders and housing consumers alike.

One such provision of the abovementioned Act carries the serious consequence that if the home builder is not registered with the NHBRC, has not paid the fees and enrolled the home that he is building for a housing consumer, then the builder is not in a position to demand payment from said consumer. Non-compliance of this nature also affects the housing consumer’s remedy against the NHBRC in the event of poor performance by the home builder.

The aforementioned Act serves as a tool through which consumers are protected against home builders who construct homes with structural defects and provide consumers with information about competent builders. However, for this to be achieved, the Act requires registration of home builders and enrolment of the house being built with the Council. Without homes being enrolled as per the specifications of this Act, inspectors would be unable to identify them or fulfil their duties or obligations under this section. The Constitutional Court confirmed the purpose of the Act in *Rabe Bouers CC v Chaya*- in that a home builder who does not comply with the registration requirements is not entitled to claim compensation or payment for services rendered.