

REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO
RENTAL HOUSING BILL**

[B 29B—99]

(As agreed to by the Select Committee on Public Services (Notional Council of Provinces))

[B 29C—99]

REPUBLIEK VAN SUID-AFRIKA

**GEKOSE KOMITEE-AMENDEMENTE
OP
WETSONTWERP OP
HUURBEHUISING**

[W 29B—99]

(Soos goedgekeur deur die Gekose Komitee oor Openbare Dienste (Nasionale Raad van Provinsies))

[W 29C—99]

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AMENDMENTS AGREED TO

RENTAL HOUSING BILL [¹ 29B—99]

CLAUSE 1

1. On page 4, after line 39, to insert:

“financial institution” means a bank as defined in the Banks Act, 1990 (Act No. 94 of 1990);
2. On page 4, from line 40, to omit the definition of “head of department” and to substitute:

“head of department” means the officer in charge of a department of the provincial government responsible for housing in the province;
3. On page 4, from line 42, to omit the definition of “*Gazette*”.
4. On page 4, after line 43, to insert:

“House Rules” means the rules in relation to the control, management, administration, use and enjoyment of the rental housing property;
5. On page 4, in line 48, to omit “, and “to lease” has a corresponding meaning”.
6. On page 4, in line 51, to omit “in a province in question”.

CLAUSE 2

1. On page 6, in line 22, to omit “housing rental” and to substitute “rental housing”.

CLAUSE 4

1. On page 8, from line 10, to omit “in respect of a dwelling”.
2. On page 8, in line 13, to omit “genuine” and to substitute “*bona fide*”.
3. On page 8, in line 27, to omit “genuine” and to substitute “*bona fide*”.
4. On page 8, after line 27, to add:

(5) The landlord’s rights against the tenant include his or her right to—

 - (a) prompt and regular payment of a rental or any charges that may be payable in terms of a lease;
 - (b) recover unpaid rental or any other amount that is due and payable after obtaining a ruling by the Tribunal or an order of a court of law;
 - (c) terminate the lease in respect of rental housing property on grounds that do not constitute an unfair practice and are specified in the lease;

- (d) on termination of a lease to—
 - (i) receive the rental housing property in a good state of repair, save for fair wear and tear; and
 - (ii) repossess rental housing property having first obtained an order of court; and
- (e) claim compensation for damage to the rental housing property or any other improvements on the land on which the dwelling is situated, if any, caused by the tenant, a member of the tenant's household or a visitor of the tenant.

CLAUSE 5

1. On page 8, from line 35, to omit “any payment made for rental, arrears or as a deposit, or for any payment otherwise” and to substitute “all payments”.
2. On page 8, in line 47, after “must” to insert “subject to paragraph (g)”.
3. On page 8, in line 49, after “institution” to insert:

, and the tenant may during the period of the lease request the landlord to provide him or her with written proof in respect of interest accrued on such deposit, and the landlord must provide such proof on request: Provided that where the landlord is a registered estate agent as provided for in the Estate Agency Affairs Act, 1976 (Act No. 112 of 1976), the deposit and any interest thereon shall be dealt with in accordance with the provisions of that Act
4. On page 8, in line 50, to omit “moving” and to substitute “the tenant moves”
5. On page 10, in line 2, to omit “paragraph (f)” and to substitute “subsection (7)”.
6. On page 10, in line 4, after “dwelling” to insert “at a mutually convenient time”.
7. On page 10, in line 4, after “place” to insert “within a period of”.

CLAUSE 9

1. On page 12, from line 29, to omit subsection (1) and to substitute:

(1) The Tribunal consists of not less than three and not more than five members, who are fit and proper persons appointed by the MEC, and must comprise—

 - (a) a chairperson, who is suitably qualified and has the necessary expertise and exposure to rental housing matters;
 - (b) not less than two and not more than four members, of whom—
 - (i) at least one and not more than two of the members shall be persons with expertise in property management or housing development matters; and

- (ii) at least one and not more than two shall be persons with expertise in consumer matters pertaining to rental housing or housing development matters;
 - (c) a deputy chairperson, appointed by the MEC from the members referred to in paragraph (b) of this subsection.
- (2) The chairperson and members of the Tribunal must be appointed only after—
- (a) the MEC has through the media and by notice in the *Gazette* invited nominations of persons as candidates for the respective positions on the Tribunal; and
 - (b) the MEC has consulted with the relevant standing or portfolio committee of the Provincial Legislature which is responsible for housing matters in the province.

CLAUSE 10

1. On page 14, in line 25, to omit subsection (5) and to substitute:
 - (5) The quorum of any meeting of the Tribunal is three members, of which at least two must be members appointed in terms of section 9(1)(b)(i) and (ii), respectively.
2. On page 14, from line 33, to omit subsection (9) and to substitute:
 - (9) A member or any alternate member of the Tribunal must not attend or take part in the discussions of or decision-making on any matter before the Tribunal in which he or she or his or her spouse, or his or her relative within the second degree of affinity, or his or her partner or his or her employer, other than the State, or the partner or the employer of his or her spouse, has any direct or indirect pecuniary interest.

CLAUSE 12

1. On page 16, in line 15, after “MEC” to insert:
 - as soon as possible after, but within four months of, 31 March in each year

CLAUSE 13

1. On page 18, in line 8, to omit all the words after “meeting” up to and including “(b)” in line 9 and to substitute:
 - in terms of paragraph (a), (b) or (c), or who has been summoned in terms of paragraph (d) or (e)
2. On page 18, in line 15, after “competent” to insert “body”.
3. On page 18, in line 41, after “Tribunal” to insert:
 - , until the Tribunal has made a ruling on the matter or a period of three months has elapsed, whichever is the earlier
4. On page 18, from line 47, to omit “until the Tribunal has made a ruling on the matter or a period of three months has elapsed, whichever is the earlier”.

CLAUSE 14

1. On page 20, in line 19, after “are” to insert “to”.
2. On page 20, in line 20, before “educate” to omit “to”.

CLAUSE 15

1. On page 20, in line 30, after “may” to insert:
 , after consultation with the relevant standing or portfolio committee of
 the Provincial Legislature responsible for housing matters in the
 province,
2. On page 20, in line 44, to omit “ejection” and to substitute “eviction”.
3. On page 20, in line 51, to omit subparagraph (xi).

CLAUSE 19

1. On page 22, in line 44, to omit “subsection (18)” and to substitute “section 18”.