

# **RUTHLESS LANDLORDS WILL BE REINED IN**

SATURDAY STAR, JULY 29, 2000 By Paddy Harper

More than 8,8 million South African tenants will be legally protected against exploitation by unscrupulous landlords for the first time on Tuesday, August 1 when new legislation governing the relationship between landlords and their tenants comes into effect.

The Rental Housing Act - which was gazetted yesterday - will have a positive impact in improving the decaying state of buildings and the redevelopment of urban areas, according to Organisation of Civic Rights chairman Sayed Iqbal Mohamed.

The act creates mechanisms to regulate the rental housing market. It provides for conflict resolution, sound relations between tenants and landlords, and the creation of rental housing tribunals.

It also effectively repeals the Rent Control Act and lays down general requirements relating to leases between landlords and tenants.

The act will deal with issues including overcrowding and the security deposits currently required by landlords; arbitrary evictions and exorbitant rentals; the invasion of privacy by landlords; discrimination; and poor living conditions and illegal lockouts by landlords.

The act also allows for the tenants' committees to be recognised and allows both tenants and landlords to bring grievances before provincial rental housing tribunals, which have legal standing equal to a magistrate's court.

## Receipts required

Landlords will now be required to issue receipts for deposits and rentals, and will have to invest the deposit in an interest-bearing account and refund it - minus reasonable costs of repairs - to the tenant.

At the same time, landlords will be able to take action at tribunal level against tenants to deal with problems of overcrowding and tenants' refusal to pay.

"For the first time in South African history, the feudalistic relationship between landlord and tenant will come to an end," Mohammed says. "For the first time, tenants' rights are recognised by law." Mohamed believes the repeal of the Rent Control Act will not be a blow to poor tenants because of the low number of dwellings falling under rent control.

He estimates that less than 30 000 people live in rent-controlled premises, and adds that the new legislation allows for a three-year cooling-off period in which owners can raise rentals by only 10% annually for the first three years.

Landlords would also benefit from the repeal, as in the past they battled to evict non-paying tenants in rent-controlled flats because of the Rent Control Act.

KwaZulu Natal Housing MEC Dumisani Makhaye has confirmed that the process of implementing the new act will begin in the near future.

Officials from his department have already started advertising for members for the province's rental housing tribunal and will begin a public education process around the act soon.