

Have your say on the proposed Bill

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ARE tenants and landlords satisfied with the proposed amendments to the Rental Housing Act 50 of 1999 or with the provisions of the existing Act? Do they want to raise concerns about the Rental Housing Tribunals?

The public was given February 2 2007 as the last date to make written comments on the draft Rental Housing Amendment Bill, 2006.

Perhaps, those who were unaware of the Bill and have significant contributions to make, could petition the national Minister of Housing through the director general, (national) department of housing, Private Bag X644, Pretoria, 0001 or fax to 012 421 1429.

The Rental Housing Amendment Bill, 2006 was published for public comments in December 22 2006 in the government gazette, number 29503.

Several changes are envisaged that include:-

1. the redefinition of an “unfair practice”;
2. provisions relating to security deposit;
3. Ensuring the Rental Housing Tribunals’ rulings has the force of law. The Rental Housing Act 50 of 1999 was introduced in August 1 2000 to regulate the relationship between tenant and landlord / landlady. It is a law of general application that empowers the provincial Rental Housing Tribunals

(RHTs) and the courts to deal with matters relating to residential tenancies. RHTs have encountered difficulties in giving effect to their rulings even though a ruling is deemed to be a magistrate’s court judgment. This is addressed in the Bill.

4. The cost of written leases is to be paid by tenants provided proof of real cost is available.
5. The RHTs do not have certain powers, for example, regarding a landlord’s hypothec, i.e. to grant a landlord / landlady the legal right to take possession of a tenant’s property for rental arrears. The landlord has a real right to the tenant’s goods that are in the landlord’s dwelling, including the tenant’s money but has to be “authorised” by court. The RHTs would be given such powers.
6. RHTs would also be given the powers to grant evictions
7. The national Minister of Housing will be given the power to make regulations and not the provincial MECs of housing.

Sayed Iqbal Mohamed
Chairperson, Organisation of Civic Rights; Member of the KwaZulu Natal Rental Housing Tribunal
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