

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
RENTAL HOUSING
AMENDMENT BILL**

[B 56—2013]

*(As agreed to by the Portfolio Committee on Human Settlements
(National Assembly))*

[B 56A—2013]

ISBN 978-1-77597-190-0

No. of copies printed 800

AMENDMENTS AGREED TO

RENTAL HOUSING AMENDMENT BILL
[B 56—2013]

CLAUSE 1

1. On page 2, from line 6, to omit the definition of “arbitrary eviction”.
2. On page 2, after line 10, to insert the following paragraph:
 - (a) by the insertion after the definition of “financial institution” of the following definition:

<p style="margin: 0;">“habitability” refers to a dwelling that is safe and suitable for living in and includes—</p> <p style="margin: 0;">(a) adequate space;</p> <p style="margin: 0;">(b) protection from the elements and other threats to health;</p> <p style="margin: 0;">(c) physical safety of the tenant, the tenant’s household and visitors; and</p> <p style="margin: 0;">(d) a structurally sound building,</p> <p style="margin: 0;">and <u>“habitable” has a corresponding meaning;</u>”;</p>

3. On page 2, in line 20, to omit “fit or suitable to live in” and to substitute “in a habitable condition”.

NEW CLAUSES

1. That the following be new clauses:

Insertion of section 1A in Act 50 of 1999

2. The following section is hereby inserted in the principal Act after section 1:

Objectives of Act

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| <p style="margin: 0;">1A. The objectives of the Act are to—</p> <p style="margin: 0;">(a) create mechanisms to promote the provision of rental housing property;</p> <p style="margin: 0;">(b) promote access to adequate housing through creating mechanisms to ensure the proper functioning of the rental housing market;</p> <p style="margin: 0;">(c) lay down general principles governing conflict resolution in the rental housing sector;</p> <p style="margin: 0;">(d) provide for the facilitation of sound relations between tenants and landlords;</p> <p style="margin: 0;">(e) provide for legal mechanisms to protect the rights of tenants and landlords against illegal actions by the other party by affording speedy means of redress at minimum cost to the parties.</p> |
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Amendment of section 2 of Act 50 of 1999

3. Section 2 of the principal Act is hereby amended by the addition of the following subsections:

<p style="margin: 0;">“(5) The Minister must—</p> <p style="margin: 0;">(a) monitor and assess—</p>

- (i) the impact of the application of this Act on landlords and tenants, and more specifically the impact on poor and vulnerable tenants; and
 - (ii) the performance of Tribunals and Rental Housing Information Offices;
- (b) develop such relief measures and other social programmes as part of the policy framework on rental housing, referred to in subsection (3) as he or she deems necessary to alleviate hardships that may be suffered by tenants;
- (c) develop programmes, directives and guidelines or amend or augment the policy framework on rental housing, referred to in subsection (3) in such a manner as he or she sees fit, to facilitate effective performance by Tribunals and Rental Housing Information Offices; and
- (d) annually report to the National Assembly on the promotion of rental housing property as envisaged in sections 2 and 3.
- (6) For purposes of subsection (5), the Minister may define criteria based on age, income, or other form or degree of vulnerability that apply to such tenants or group of tenants and amend or augment the policy framework on rental housing, referred to in subsection (3) in such a manner as he or she sees fit.”.

CLAUSE 5

1. On page 3, in line 49, to omit “tenants” and to substitute “tenant’s”.
2. On page 4, in line 1, after “possessions”, to insert “searched and”.
3. On page 4, after line 9, to insert the following:

“(9) A tenant may not sublet a dwelling without the consent of the landlord which consent may not be unreasonably withheld.”
4. On page 5, in line 9, to omit “remedy of” and to substitute “remedy,”.
5. On page 5, in line 11, to omit “and interest”.
6. On page 5, in line 43, to omit “save for” and to substitute “except for”.
7. On page 5, in line 46, after “court”, to insert “in accordance with the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998)”.
8. On page 5, from line 53, to omit “fit and suitable to live in”, and to substitute “in a habitable condition”.
9. On page 5, in line 55, to omit “utilities”, to substitute “basic services”.

CLAUSE 8

1. On page 6, in line 49, to omit “2013”, and to substitute “2014”.

CLAUSE 9

1. On page 7, in line 21, after “of”, to insert “language,”.
2. On page 7, in line 25, after “determine”, to insert the following:

”: Provided that a decision taken by a committee is deemed to be a competent decision of the Tribunal.”

3. On page 7, in line 44, to omit “2013” and to substitute “2014”.

CLAUSE 13

1. On page 9, in line 34, to omit “amenities” and to substitute “services”.
2. On page 9, from line 38, to omit “Provided that such norms and standards may be set per geographical area to avoid unfair practices particular to that area;”.
3. On page 9, in line 42, after “dwelling”, to insert “and which may be set per geographical area to avoid unfair practices particular to that area”.
4. On page 9, in line 46, to omit “2013”, and to substitute “2014”.

CLAUSE 17

1. On page 10, in line 17, to omit “21”, and to substitute “14”.
2. On page 10, from line 18, to omit “secretariat of the Tribunal appointed in terms of section 11 (1)”, and to substitute “MEC”.
3. On page 10, in line 23, to omit “secretariat must appoint”, and to substitute “MEC must select”.
4. On page 10, in line 26, to omit “secretariat”, and to substitute “MEC”.
5. On page 10, in line 27, to omit “select”, and to substitute “appoint”.
6. On page 10, in line 33, to omit “secretariat”, and to substitute “MEC”.

CLAUSE 19

1. On page 10, in line 41, to omit “2013”, and to substitute “2014”.
2. On page 10, in line 42, to omit “2013”, and to substitute “2014”.

CLAUSE 20

1. On page 10, in line 44, to omit “2013”, and to substitute “2014”.