

# REPORT OF THE PORTFOLIO COMMITTEE ON HUMAN SETTLEMENT; CO-OPERATIVE GOVERNANCE TRADITIONAL AFFAIRS ON RENTAL HOUSING AMENDMENT BILL, [B56-2013]

## 1. INTRODUCTION

The Speaker referred the Rental Housing Amendment Bill to the Portfolio Committee on Human Settlement, Co-operative Governance and Traditional Affairs (the Committee) for consideration and report back to the House in accordance with the Rules and Orders of the Mpumalanga Provincial Legislature.

In terms of section 118(1) of the Constitution of the Republic of South Africa, Act 108 of 1996, the Legislature has a mandate to facilitate public involvement in the legislative and other processes of the Legislature and its committees. It is against this background that the Committee conducted a public hearing to solicit inputs and views from members of the public on the above-mentioned Bill.

## 2. OBJECTIVES OF THE BILL

The object of the Bill is mainly to;

- Amend the Rental Housing Act, 1999;
- Substitute and insert certain definitions;
- Set out rights and obligations of tenants and landlords in a coherent manner;
- Require the lease agreement to be in writing;
- Require the MEC's to establish Rental Housing Tribunals;

- Extend the powers of the Rental Housing Tribunals;
- Provide for an appeal process;
- Require all local Municipality to have Rental Housing Information Offices;
- Provide for norms and standards related to rental housing; and
- Extend offences.

### **3. METHOD OF WORK**

The Committee met with the National Council of Provinces (NCOP) permanent delegate, Hon MP Sibande, the Legal Advisor from the National Department of Human Settlement, as well as Mpumalanga Department of Human Settlement on 11 March 2014 for a briefing on the Bill. The Hon. AF Mahlalela was invited on Ligwagwala and Ikwekwezi radio stations on the 11 March 2014 to explain the purpose of the bill and also indicated where the public hearings will be held. He further indicated that public comments must reach the Legislature by Thursday 13 March 2014. The Committee then decided to conduct public hearings in order to solicit inputs/comments from members of the public and other interested stakeholders.

The Bill was also available to the public and interested stakeholders via the Mpumalanga Provincial Legislature website [www.mpuleg.gov.za](http://www.mpuleg.gov.za)

The Public hearings were conducted on Wednesday, 12 March 2014, from 09h00 – 13h00 in the following Districts.

DISTRICT	VENUE	No. of Attendees
Ehlanzeni	Mbombela Civic theatre	80
Nkangala	Adelaide Tambo community hall	45
	Emalahleni Civic Theatre	62
Gert Sibande	Govan Mbeki Lillian Ngoyi Centre	85

The committee thereafter met on 14 March 2014 to consider the draft report and the negotiating mandate on the Rental Housing Amendment Bill [B56-2013].

#### **4. INTERACTION BY THE COMMITTEE WITH NCOP PERMANENT DELEGATE AND DEPARTMENT OF HUMAN SETTLEMENT ON THE BILL**

The permanent delegate representing Mpumalanga Provincial Legislature in the NCOP and the Legal Advisor from the National Department of Human Settlement made a presentation regarding the Bill. The Committee made some comments, asked clarity seeking questions.

The permanent delegate gave a political overview of the bill, and said that the:

- (a) main objective of the Bill is to amend the Rental Housing Act, 1999 as amended by act 43 of 2007 ("the Act");
- (b) Aim is to regulate the relationship between tenants and landlords;
- (c) Principal Act has been amended by an insertion of a new section 17A, providing for an appeal process against a decision of the Tribunal

- (d) Procedure for lodging an appeal will be prescribed by the Minister by way of Regulations

The Committee welcomed the presentation by the NCOP and further raised a concern that the Bill was not submitted on time to the legislature. The Committee noted that these legislatures are given tight schedules and little time to consider the Bill and this tendency must be curbed.

## **5. INTERACTION BY THE COMMITTEE WITH STAKEHOLDERS ON THE BILL**

The following stakeholders were invited by the Committee to attend the public hearing held on 12 March 2014;

- ❖ Community Members
- ❖ Department of Human Settlement
- ❖ Housing Associations
- ❖ Mpumalanga Housing Tribunal
- ❖ Councilors
- ❖ Ward Committees
- ❖ State Agents

The following were comments and inputs by the public:

- Wanted the Bill to clarify the criteria of employing rental housing information officers and the government sphere which will remunerate these officers, whether it is provincial departments or local municipalities
- How does the Bill envisage dealing with landlords that do not provide receipt to tenants and are not registered with SARS;

- The department of Human Settlement must run awareness programs and more education is required to the public about the new amendment contained in the bill;
- The Bill must make an obligation between the tenant and the landlord to sign a written lease agreement;
- The Bill must ensure that tribunals are reachable to people living in rural areas and they must be known by all people;
- The appeal procedure should be included in the Bill;
- Tenants at the social rental flats owned by the respective Municipal Housing Associations should be provided an option of buying the flats after they have rented for a number of years without interruption;
- Members of the legislature must visit communities and inspect the houses where the tenants live and oversee whether the landlords adhere to the legislation;
- The Bill should also provide for the procedure that should be followed if the tenants are evicted.
- The appeal process between the two parties must be transparent and the MEC must appoint an appeal committee if there are disputes;
- The public thanked the Legislature for consulting them on issues that are affecting them on daily basis. Clarity seeking questions were raised and responses were given accordingly.
- The public supported the Bill with amendments

## 6. OBSERVATIONS AND FINDINGS BY THE COMMITTEE

The Committee noted that Section 11 of the Constitution does not relate to the Bill. Generally, members of the public were in support of the Bill.


## 7. RECOMMENDATIONS

The Portfolio Committee on Human Settlement; Co-operative Governance and Traditional Affairs after considering the Bill confers on the permanent delegate representing Mpumalanga Province in the NCOP, the mandate to negotiate in favor of the Bill. .

## 8. CONCLUSION

The Chairperson wishes to thank all members of the public for their worthwhile participation in the public hearings and for the inputs and comments they have made.

A word of gratitude was sent to the NCOP Permanent Delegate, Hon Sibande, the Legal Advisor from the National Department of Human Settlement, Mpumalanga Department of Human Settlement, Members of Mpumalanga Housing Tribunal and Members of the Portfolio Committee on Human Settlement; Co-operative Governance and Traditional Affairs for their efforts in ensuring that the committee meets its obligation and the support staff for contributing to the success of the public hearings and the production of this report.



HON RM MTSHWENI

CHAIRPERSON: PORTFOLIO COMMITTEE  
ON HUMAN SETTLEMENT AND COGTA

14/03/2014  
DATE