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## GENERAL NOTICE

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### NOTICE 1126 OF 2013

#### DEPARTMENT OF HUMAN SETTLEMENTS

#### EXPLANATORY SUMMARY OF THE RENTAL HOUSING AMENDMENT BILL, 2013

In accordance with Rule 241(1) of the Rules of the National Assembly –

1. The Minister of Human Settlements herewith gives notice of the intention to introduce into Parliament the Rental Housing Amendment Bill, 2013 (“the Bill”) during the Parliamentary session of 2013.
2. Section 1 of the Act:
  - 2.1 The Bill proposes to bring the Act in line with the name change of the Department from the Department of Housing to the Department of Human Settlements.
  - 2.2 The definition of “prescribed” is substituted to bring it in line with section 15 of the Act which empowers the Minister to make Regulations. Currently the authority to make Regulations in the Act vests with the Members of the Executive Council.
  - 2.3 The Bill provides for the definition of “arbitrary eviction” to align the Act with section 26(3) of the Constitution of the Republic of South Africa (Act No. 108 of 1996).
- 3 Section 3 of the Act has been amended to fully stipulate the duties of National and Provincial Government with regards to rental housing.

- 3 Section 4 of the Act has been amended to clearly demarcate the rights and obligations of tenants and landlords ensuring that both parties understand their rights and obligations in terms of the Act.
- 4 Section 5 of the Act has been amended and provides for all lease agreements entered into between tenants and landlords to be in writing. The Bill further provides for standard provisions that should be contained in a lease agreement.
- 5 Section 6 of the Act has been amended to qualify the application of Chapter 4 and to render the application thereof mandatory to all provinces.
- 6 Section 7 of the Act has been amended to amplify the provisions on the establishment of the Rental Housing Tribunals and to render the establishment of a Rental Housing Tribunal in every province mandatory.
- 7 Section 9 of the Act has been amended to increase the composition of the members of the Tribunal to seven so as to ensure that the Tribunal is able to function as two committees with three members in each committee.
- 8 Section 10 of the Act has been amended to empower the Tribunal to arrange and hold two separate but simultaneous meetings for purposes of effective functioning.
- 9 Section 13 has been amended to extend the powers of the Rental Housing Tribunals to rescind any of its rulings.
- 10 Section 14 has been amended to make the establishment of Rental Housing Information Offices in every local municipality mandatory.
- 11 Section 15 of the Act has been amended to empower the Minister to make Regulations after consultation with the relevant parliamentary committee and every MEC.

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- 12 Section 16 of the Act has been amended to enhance the penalty and offences provisions.
  - 13 Chapter 4 and 5 of the Act have been amended by removing section 15 from Chapter 4 and inserting it under Chapter 5 of the Act to be in line with legislative drafting practices.
  - 14 The principal Act has been amended by an insertion of a new section 17A, providing for an appeal process against a decision of the Tribunal.
  - 15 The Principal Act has been amended by the substitution of the expression "local authority", wherever it appears in the Act, with the expression "local municipality", to align the Act with the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).



**C C SEPTEMBER (MP)**  
**MINISTER OF HUMAN SETTLEMENTS**





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