



MEUMANN WHITE

A T T O R N E Y S

RENTAL HOUSING ACT

The Rental Housing Act 50 of 1999

The above Act came into effect on the 1st of August 2000. It applies to all written or verbal lease Agreements entered into on or after 1st August 2000. The below mentioned provisions are deemed to be included in all Lease Agreements entered into on or after this date irrespective of the parties intentions. It provides for the total repeal of the Rent Control Act 80 of 1967 subject to a three-year transitional period during which existing tenants of controlled premises will continue to enjoy protection in terms of Section 18. In essence, the Act serves to dilute the power of the lessor and level the playing fields between the aforementioned and the lessee.

It does so by:

- a) Defining the Rights and duties of Tenants and Landlords and the contents of contracts between them.

In terms of Section 5(3) a lease will be deemed to include certain terms spelt out in the Act, which will be enforceable in a competent Court. Some of the responsibilities imposed on the Landlord include:

- Section 5(2) which provides the Landlord must reduce the lease to writing, if requested to do so by the Tenant
- The deposit is to be invested in an interest bearing account, which the interest is to be paid to the tenant
- The Landlord must provide a detailed, written receipt for all payments made by the Tenant
- In terms of Section 4(1) the Landlord may not unfairly discriminate in advertising a dwelling for the purpose of leasing it
- The Landlord has a period of 14 / 21 days in which to return the deposit to the Tenant
- Both parties must, at a mutually convenient time, before the occupation and **3 days prior to the** expiry of the lease, conduct a joint inspection of the dwelling and a list of defects must be annexed to the lease

Section 4(2) provides that a Tenant has the right to privacy during the lease period and that the Landlord may only exercise the right of inspection in a reasonable manner and after reasonable notice.

The Tenant furthermore has the right not to have:

- his person or home searched;
- his property searched;
- his possessions seized, except in terms of law of general application and having first obtained an order of court; or
- the privacy of his communication infringed.

These rights apply equally to household members and bona fide visitors of the Tenant.

- b) Allowing for the Creation of Provincial Housing Tribunal to handle dispute resolution between Landlord and Tenant, including the determination of a fair rental

Review of tribunal proceedings

A ruling by the tribunal is deemed to be an order of a Magistrate's Court and the proceedings of the tribunal can only be brought under review before the High Court within its area of jurisdiction.

Offences and Penalties

A maximum penalty of a fine and/or imprisonment for two years is laid down for offences under this Act.

Government promotion of Rental Housing

Act allows the Minister to introduce a Rental Subsidy Housing Programme.