
NORTHERN CAPE PROVINCIAL LEGISLATURE

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OFFICE OF THE DEPUTY SPEAKER

Date: **02 NOV 2007**Our Ref: 15.7.1.1
Your Ref:

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**TO: CHAIRPERSON OF THE NCOP
Mr MJ MAHLANGU
NORTHER CAPE PROVINCIAL LEGISLATURE**

**NEGOTIATING MANDATE FOR THE RENTAL HOUSING AMENDMENT
BILL [B30 -2007]**

(Section 76 Bills)

1. INTRODUCTION

The Chairperson of the Portfolio Committee on Housing & Local Government, Hon CAT Smith, tabled the Committee's negotiating mandate as adopted by the Portfolio Committee on 31 October 2007 on the *Rental Housing Amendment Bill [B30 - 2007]*. The mandate was duly adopted by the legislature in terms of rule 133 of the Northern Cape Provincial legislature.

2. PROCESS FOLLOWED

The Speaker referred the *Rental Housing Amendment Bill [B30 - 2007]* to the Portfolio Committee on Housing & Local Government on 08 October 2007.

The Portfolio Committee received a briefing on the Bill on 12 October 2007 from the Northern Cape's Permanent Delegate to the NCOP, Hon RJ Tau, and the Department of Housing & Local Government.

The Portfolio Committee resolved at the meeting of 12 October 2007 to hold public hearings on the referred Bill in all the Regions of the Province to solicit the views of the affected beneficiary communities and stakeholders with regard to the *Rental Housing Amendment Bill*

Eight (8) public hearings were held from 17 - 19 October 2007 and two (2) public hearings were held on 29 October 2007 as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature in respect of the Bill.

On 31 October 2007 the Portfolio Committee on Housing & Local Government deliberated and considered the *Rental Housing Amendment Bill [B30 - 2007]*.

3. PUBLIC INPUTS ON THE BILL

The Bill should provide a mechanism to assist prospective tenants.
A lessee should be able to refer his/hcr disputes to the Housing Tribunal.

4. COMMITTEE COMMENTS ON THE BILL

The amendment Bill is silent on the Tribunal's authority in respect of an automatic rent interdict (in terms of section 31(1) of the Magistrate's Court Act), which has an automatic working and is not as such granted by the court. The drafters may consider including a reference to such in clause 5(c).

It may serve a purpose to indicate in clause 5(c) that the procedure in respect of issuing of spoliation and attachment orders and the granting of interdicts as set out in the Magistrate's Court Act and Rules need to be followed.

A question may also be asked if the reference to "attachment orders" include emolument attachment orders and it may be indicated more clearly in the Bill.

5. PORTFOLIO COMMITTEE POSITION ON THE BILL

After due deliberation and taking note of the Public's input, the Portfolio Committee on Housing & Local Government supports the Bill.

6. ADOPTION OF THE BILL

The legislature adopted this negotiating mandate.

The legislature mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill, taking note of the comments and recommendations raised by the Committee as well as inputs from the public.



Hon. G. Cjiekella
Deputy Speaker

Date: 02/11/2007