

IPHALAMENDE LAKWAZULU-NATALI



KWAZULU-NATAL PROVINSIALE PARLEMENT

KWAZULU-NATAL PROVINCIAL PARLIAMENT

MEMORANDUM

**TO: CHAIRPERSON
SELECT COMMITTEE ON PUBLIC SERVICES**

**FROM: CHAIRPERSON
NATIONAL COUNCIL OF PROVINCES
MATTERS COMMITTEE**

**RE: FINAL MANDATE: RENTAL HOUSING
AMENDMENT BILL [B30B-2007]**

DATE: 13TH NOVEMBER 2007

Dear Chairperson

Kindly be advised that the NCOP Matters Committee met on Tuesday, the 13th of November 2007, on determination of the voting mandate in respect of the Rental Housing Amendment Bill, [B30B-2007].

The Chairperson of the Housing Portfolio Committee reported to the Committee that at their meeting the committee went through the minutes of the Select Committee on Public Services (NCOP), to determine what amendments were agreed to.

Upon deliberations of the committee, it was noted that the latest version of the Bill incorporating the amendments had not been received by the Province. The committee resolved that they can only confer a final mandate in support of the Bill subject to consideration of the proposed amendments to the Amendment Bill.

The NCOP Matters Committee duly considered this report and unanimously agreed that a decision on the Final Mandate must be deferred until the amended Bill is received.



SP Ms LF Shabalala
Chairperson: National Council of Provinces Matters Committee
KwaZulu-Natal Legislature



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Date: 14 November 2007
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PORTFOLIO COMMITTEE ON HOUSING

Final mandate of the Rental Housing Amendment Bill (B30B-2007)

1. ***Terms of reference***

The Rental Housing Amendment Bill (B30B-2007) hereinafter referred to as the Bill, was referred to the Portfolio Committee on Housing by the NCOP Business Committee for consideration.

2. ***Consideration of the Bill***

The Portfolio Committee was briefed on the content and effects of the Bill by the Permanent Delegate and the Legal Advisor of the Legislature, Mr. LI Netshitumbu. The Committee welcomes the Bill as it will protect the consumers in the rental industry.

3. ***Resolutions***

The Committee resolved to confer the following final mandate:

- To vote for the adoption of the Bill.
- That the Permanent Delegate of the Province of the Eastern Cape represent the Province of the Eastern Cape in the meeting to consider the final mandates and vote for the adoption of the Bill.

- It is however necessary that clause 3 paragraph (c) should be worded to reflect that the costs are not limited to the costs for the preparation of the contract of lease.



G BARRY
DEPUTY SPEAKER: EASTERN CAPE PROVINCIAL LEGISLATURE

**FREE STATE LEGISLATURE****LOCAL GOVERNMENT AND HOUSING COMMITTEE**

Report on the voting mandate regarding Rental Housing Amendment Bill**[B30B-2007]**

1. Report from the inter-provincial meeting

- a) On 13 November 2007 Adv. J. Machaka, Legal Advisor of the Free State Legislature briefed the Portfolio Committee on **Local Government and Housing** on the report from the inter-provincial meeting held on 7 November 2007.

2. Consideration

The Portfolio Committee considered the report and raised its dissatisfaction that the Free State inputs were rejected without reasons forwarded.

4. Resolution

The Committee resolved that:

- (a) Authority be conferred to the Free State Delegation, to vote for the adoption of the Bill.

Mr. M. Dukoana
Speaker
FREE STATE LEGISLATURE

13 November 2007

Mrs. E. Rockman
Secretary to the Legislature

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GAUTENG
LEGISLATURE

HOUSING PORTFOLIO COMMITTEE

FINAL MANDATE

ON

**RENTAL HOUSING AMENDMENT BILL [B30B-2007]
(Section 76)**

13 November 2007

1. INTRODUCTION

The Chairperson of the Housing Portfolio Committee, Mr. G C Tsoetsi, tables the Committee's Final Mandate on the Rental Housing Amendment Bill [B30B-2007], a Section 76 Bill, as follows:

2. PROCESS FOLLOWED

The Speaker formally referred the Rental Housing Amendment Bill [B30B-2007], a Section 76 Bill, on Wednesday, 26 September 2007 to the Portfolio Committee on Housing, in terms of Rule 232 (1) for consideration and reporting.

On Friday, 12 October 2007, the NCOP Permanent Delegate, Mr. A M Mzizi briefed the Committee on the objectives of the Bill and Ms. Petal Thring, the Chief Director for Policy, Planning and Research in the Gauteng Department of Housing briefed the Committee on the financial and socio-economic impact of the Bill on housing delivery.

On Thursday, 18 October 2007 the Committee held a public hearing on the Rental Housing Amendment Bill [B30B-2007] in the City Hall of the Gauteng Provincial Legislature. Ms Petal Thring, Chief Director for Policy Planning and Research in the Gauteng Department of Housing made a presentation on the Bill, citing the objectives, the socio-economic and legal impact of the Bill. The stakeholders were given an opportunity to make verbal and written submissions. The NCOP Permanent Delegate, Mr. A M Mzizi, Ms Petal Thring, Chief Director for Policy Planning and Research, officials of the Rental Housing Directorate in the Gauteng Department of Housing together with Members of the Housing Portfolio Committee had an opportunity to give responses to the submissions made. Stakeholders requested for an extension for the submission of additional written inputs highlighting that limited time has been given to make submissions. An extension for the submission of inputs was granted until Tuesday, 23 October 2007.

On Monday, 05 November 2007, the Committee deliberated on the technical and substantive amendments and adopted the Negotiating Mandate on Rental Housing Amendment Bill [B30B-2007], a Section 76 Bill and was

submitted to NCOP for consideration on Tuesday, 06 November 2007. On Tuesday, 13 November 2007, the Committee deliberated and adopted its Final Mandate on the Rental Housing Amendment Bill [B30B-2007], Section 76 Bill

3. PRINCIPLE AND DETAIL OF THE BILL

The Rental Housing Amendment Bill [B30B-2007], a section 76 Bill endeavours to address certain implementation problems which have been encountered since the promulgation of the Rental Housing ACT, 1999 (Act No.50 of 1999) (the Act) on 1st August 2000. The Bill seeks to make consequential amendments to other legislations in order to update outdated references.

4. OVERVIEW OF PUBLIC HEARINGS

During the public hearing on the Rental Housing Amendment Bill [B30B-2007], a Section 76 Bill, on 18 October 2007, the Committee received both verbal and written submissions from stakeholders and members of the public, in line with the Legislature's Constitutional obligation of facilitating and promoting public involvement in the legislative processes in the Legislature and its committees.

5. FINANCIAL AND SOCIO-ECONOMIC IMPACT ASSESSMENT OF THE BILL

5.1. FINANCIAL IMPLICATIONS

The Bill has no financial implications on the Province.

5.2. SOCIO-ECONOMIC IMPACT

With regards to the socio-economic impact, the Bill will:

- Address various implementation problems experienced by Tribunals;
- Continuously enhance and respond promptly to any challenges experienced by Tribunals.

6. COMMITTEE POSITION

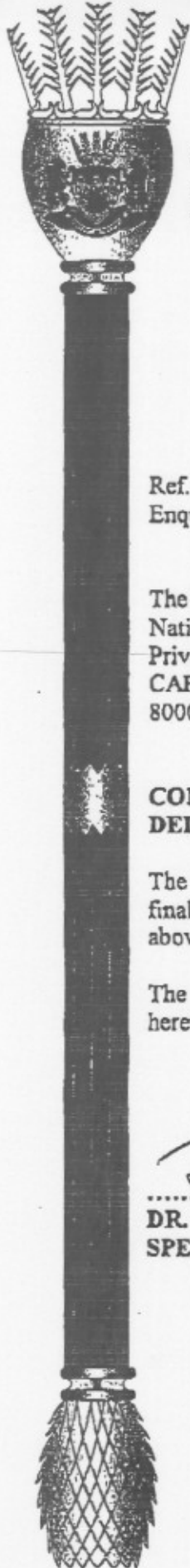
The Housing Portfolio Committee supports both the principle and details of the Rental Housing Amendment Bill [B30B-2007], a section 76 Bill.

7. FINAL VOTING MANDATE ADOPTED BY COMMITTEE

In terms of Section 65 of the Constitution, the Housing Portfolio Committee recommends that the House confer authority on the Gauteng Provincial Delegate/s to the National Council of Provinces to vote in favour of the Rental Housing Amendment Bill, [B30B-2007], a section 76 Bill.

Limpopo Legislature

OFFICE OF THE SECRETARY



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13 November 2007

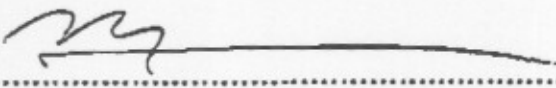
Ref. 13/7
Enquiries: NCOP Officer

The Chairperson
National Council of Provinces
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CONFERRAL OF VOTING MANDATE TO THE NCOP PERMANENT DELEGATES ON RENTAL HOUSING AMENDMENT BILL, 2007 [B30B-2007]

The Speaker of the Limpopo Legislature hereby, on behalf of the Legislature confers a final mandate to the Provincial NCOP Permanent Delegates to vote in favour of the above-mentioned section 76 Bill.

The Portfolio Committee on Local Government and Housing's Report is attached herewith for your easy reference.


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DR. T.S FARISANI
SPEAKER: LIMPOPO LEGISLATURE

**REPORT OF THE PORTFOLIO COMMITTEE ON LOCAL GOVERNMENT
AND HOUSING ON RENTAL HOUSING AMENDMENT BILL [B30 – 2007]**

1. INTRODUCTION

The National Council of Provinces (NCOP) referred the Rental Housing Amendment Bill [B30 – 2007] to the Limpopo Legislature and the latter subsequently referred the Bill to the Portfolio Committee on Local Government and Housing for consideration and inputs and to report to this august House.

2. PURPOSE OF THE BILL

The Bill seeks to amend the Rental Housing Act, 1999, so as to substitute a definition; to make further provisions for rulings by Rental Housing Tribunals; to expand the provisions pertaining to leases; and to extend the period allowed for the filling of vacancies in Rental Housing Tribunals; and to provide for matters connected therewith.

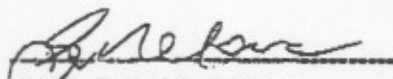
3. BRIEFING BY THE NCOP DELEGATES

The Portfolio Committee on Local Government and Housing held a meeting on 11 October 2007 to be briefed by the NCOP Permanent Delegates on the principle and provisions of the Bill. The Committee conducted public hearings in the districts of the province, particularly Waterberg and Vhembe on 26 and 29 October 2007 respectively, to give an opportunity to the stakeholders to input on the Bill. The inputs received from the stakeholders were sent to the NCOP during the negotiation stage of the Bill. The Committee appreciated the introduction the Bill and hopes that the challenges facing rental housing will be addressed in the long run.

4. FINAL MANDATE

The Committee, having supported the principle and provisions of the Bill, recommends to this august House to confer a final mandate to the NCOP Permanent Delegates to vote in favour of the Bill to pass into law.

Honourable Speaker, I move that this report be adopted as the report of this august House and move accordingly.


HON. G. MOLEKWA
COMMITTEE CHAIRPERSON



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OFFICE OF THE SPEAKER

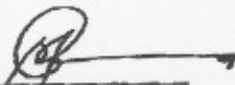
FINAL MANDATE

RENTAL HOUSING AMENDMENT BILL [B 30B - 2007]

The Portfolio Committee on Local Government and Housing (the Committee) deliberated on Rental Housing Amendment Bill [B 30B - 2007] (the Bill).

After deliberation, the Committee supported the Bill as it stands.

The permanent delegates representing the Province of Mpumalanga in the National Council of Provinces (the NCOP) are hereby conferred with authority and mandated to vote in favour of the Bill.



HON: YN PHOSA
SPEAKER: MPUMALANGA
PROVINCIAL LEGISLATURE

13.11.07
DATE

NORTHERN CAPE PROVINCIAL LEGISLATURE

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OFFICE OF THE SPEAKER

DATE: 13 NOV 2007

Ref: 16.7.2.2.

Enquiries: C Haas

TO: The Chairperson of the NCOP
 Hon. MJ Mahlangu

Final Mandate: *Rental Housing Amendment Bill* [B30 - 2007].

1 INTRODUCTION

The Chairperson of the Portfolio Committee on Housing & Local Government, Hon CAT Smith, tables the Committee's final mandate as adopted by the Portfolio Committee on **08 November 2007** on the *Rental Housing Amendment Bill* [B30 - 2007].

2 PROCESS FOLLOWED

The Speaker of the Northern Cape Provincial Legislature, on receipt, 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 from the Northern Cape's Permanent Delegate to the NCOP, Hon RJ Tau, at its meeting on **12 October 2007**.

The Portfolio Committee resolved at the meeting of **12 October 2007** to hold public hearings on the referred Bill in the Districts of **Frances Baard, Kgalagadi, Siyanda, Pixley Ka Seme and Namaqua** 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 public hearings held were well attended by the members of the public.

The members of the public supported the Bill and made the following comments:

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

4 PORTFOLIO COMMITTEE POSITION AT THE NEGOTIATING STAGE

The Portfolio Committee on Housing & Local Government in principle **supports** the Bill.

5 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.

The Negotiating Mandate was tabled on 31 October 2007 in the House. The Committee recommended to the House to mandate the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill, taking note of the concerns raised by the Committee as well as those of the public.

The House therefore conferred on the Permanent Delegates the authority to participate in negotiations and to raise the concerns expressed.

6 COMMITTEE POSITION AFTER CONSIDERATION OF NEGOTIATING MANDATE BY THE NCOP SELECT COMMITTEE

The Portfolio Committee's Negotiating Mandate indicated that the Northern Cape will support the *Rental Housing Amendment Bill [B30 – 2007]* on condition that the concerns raised by the Committee will also be considered.

FINAL VOTING MANDATE

In terms of Section 65 of the Constitution, the House confers authority on the Head of its Delegation to the NCOP **to vote in support of the *Rental Housing Amendment Bill* [B30 - 2007].**


HON. I.W.J. STADHOUER
ACTING SPEAKER



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Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
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Final mandate of the Western Cape Provincial Parliament on the *Rental Housing Amendment Bill [B30B-2007]* (NCOP), as resolved by the House on 13 November 2007.

The Western Cape Provincial Parliament having considered the subject of the *Rental Housing Amendment Bill [B30B-2007]* (NCOP) referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill without amendments.

S BYNEVELDT
SPEAKER
13 NOVEMBER 2007

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