



**NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL**

**DEVELOPMENT CHAMBER:  
HUMAN SETTLEMENTS TASK TEAM**

**NEDLAC REPORT ON THE RENTAL HOUSING AMENDMENT BILL  
MAY 2011**

**1. BACKGROUND**

- 1.1. The Rental Housing Amendment Bill seeks to amend the Rental Housing Act 50, 1999, so as to substitute certain definitions and to extend the application of Chapter 4 to all provinces. To require the MEC's and local authorities to establish Rental Housing Tribunals and the Rental Housing Information Offices.
- 1.2. The Bill also seeks to extend the powers of the Rental Housing Tribunals to rescind any of its rulings and to provide for matters connected therewith.

**2. NEDLAC PROCESS**

- 2.1. The Department of Human Settlements made a presentation on the Rental Housing Amendment Bill to the Development Chamber meeting held in September 2010.
- 2.2. Government undertook a parallel process between the Nedlac engagements and the public consultation with the view to solicit the inputs on the proposed Rental Housing Amendments, with the understanding that the inputs received from the public consultation would be presented before Nedlac for the social partners to ensure that the inputs do not deviate from the Nedlac process.
- 2.3. The Task Team comprised representatives from Business, Community, Labour and Government from the Development Chamber.

2.4. The Task Team met on the following dates:

01 September 2010  
27 September 2010; and  
19 May 2011

2.5. The Task Team was made up of the Constituency representatives:

<b>Business</b>	:	Thami Skenjana, Kganki Matabane and Fani Xaba
<b>Labour</b>	:	Sibusiso Gumede, Maggie Makgoba and Vuyo Ninzi
<b>Government</b>	:	Thamsanqa Mchunu and Adv. Jan Tladi
<b>Community</b>	:	Conti Matlakala and Zacharia Matsela

### 3. AREAS OF AGREEMENT

#### 3.1 Amendment of Section 1 of Act 50 of 1999

3.1.1 Constituencies agreed to the substitution of the definition of “Minister” this will mean the Minister of Human Settlements, and not the Minister of Housing.

3.1.2 Constituencies agreed that the word “prescribed” would mean prescribed by the Regulations.

#### 3.2 Amendment of Section 6 of Act 50 of 1999

3.2.1 Constituencies agreed that this Section is hereby substituted by Section 6 of the principal Act. It was further agreed that this chapter applies to all Provinces in the Republic of South Africa.

#### 3.3 Amendment of Section 7 of Act 50 of 1999

3.3.1 Constituencies agreed that this Section is hereby substituted for Section 7 of the principal Act. It was further agreed that every MEC must by notice in the Gazette establish a Tribunal in the Province to be known as the Rental Housing Tribunal.

### 3.4 Amendment of Section 13 of Act 50 of 1999

3.4.1 Constituencies agreed to the insertion of the subsection “12A”, which reads, “The Tribunal may action, on its own accord or on application by any affected person, rescind any of its rulings if such rulings:

- a) Were erroneously sought or granted in the absence of the person affected by it;
- b) contain an ambiguity or patent error or omission, but only to the extent of clarifying that ambiguity or correcting that error or omission; or
- c) were granted as a result of a mistake common to all parties to the proceedings”.

### 3.5 Amendment of Section 15 of Act 50 of 1999

3.5.1 Constituencies agreed to the substitution in Subsection (1) for the words preceding paragraph (a) to read,  
“The Minister must, after consultation with the relevant Parliamentary Committees and every MEC, by notice in the Gazette, make regulation relating to -.

### 3.6 Amendment of Chapter 4 and 5 of Act 50 of 1999

3.6.1 Constituencies agreed that Chapter 4 and 5 of the principal Act are amended by removing Section 15 from Chapter 4 and inserting it under Chapter 5 before Section 16 of the Bill.

3.6.2 Constituencies agreed that this Act is called the Rental Housing Amendment Act, 2010 and comes into operation on the date determined by the President by Proclamation in the Gazette.

#### **4. AREAS OF DISAGREEMENT**

4.1. There were no areas of disagreement

#### **5. RECOMMENDATIONS**

##### **5.1. Section 14 of Act 50 of 1999**

5.1.1. Government stated that during the public consultation process the proposal of establishing the Rental Housing Information Offices in every local authority was not accepted due to the budget and capacity constrain. It was also discovered that the requirement was not within the Local Authority mandate in order to implement the legislation.

5.1.2. The social partners have recommended that the implementation or rolling out of the legislation "Rental Housing Act" to local Authorities should be linked with the instrument from the Department of Energy which is intended to mainstream all role players such as women, youth in terms of the integrated energy centres to be established in both rural and urban areas.

#### **6. RESERVATIONS**

6.1. During the Nedlac engagements, there were no reservations amongst the social partners.

#### **7. LEGAL DRAFTING**

7.1. There was no legal drafting required during the Nedlac engagements.

#### **8. CONCLUSION**

8.1. This Report concludes the consideration of the Rental Housing Amendment Bill in NEDLAC. The next step is to submit it to the relevant Ministers in terms of Section 8 of the Nedlac Act, No. 35 of 1994.

8.2. It is acknowledged that the NEDLAC parties may continue to advocate their views in the public consultation process and Parliamentary processes.

## 9. DOCUMENTS SUBMITTED IN THE PROCESS

Annexure 1:	Proposed Amendments for the Rental Housing Bill tabled by Government
Annexure 2:	Submission by the Community Constituency
Annexure 3:	Report from the Government public consultation process

**REPUBLIC OF SOUTH AFRICA**

**RENTAL HOUSING AMENDMENT BILL**

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*(As introduced in the National Assembly (proposed section 76); Explanatory Summary of Bill published in  
Government Gazette No.     of     ) (The English text is the official text of the Bill)*  
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**(MINISTER OF HUMAN SETTLEMENTS)**

**[B - 2010]**

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**GENERAL EXPLANATORY NOTE:**

[            ]      Words in bold type in square brackets indicate omissions from existing enactments.  
\_\_\_\_\_      Words underlined with a solid line indicate insertion in existing enactments.

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## **BILL**

**To amend the Rental Housing Act, 1999, so as to substitute certain definitions; to extend the application of Chapter 4 to all provinces; to require the MEC's and local authorities to establish Rental Housing Tribunals and Rental Housing Information Offices, respectively; to extend the powers of the Rental Housing Tribunals to rescind any of its rulings; and to provide for matters connected therewith.**

**BE IT ENACTED** by the Parliament of the Republic of South Africa, as follows—

### **Amendment of Section 1 of Act 50 of 1999**

1. Section 1 of the Rental Housing Act, 1999 (hereinafter referred to as the Principal Act), is hereby amended—

(a) by the substitution for the definition of “Minister” of the following definition:

“ **‘Minister’** means the Minister of [**Housing**] Human Settlements;”; and

(b) by the substitution for the definition of “prescribed” of the following definition:

“ **‘prescribed’** means prescribed by regulation [**by the MEC, by notice in the Gazette;**”.

### **Amendment of section 6 of Act 50 of 1999**

2. The following section is hereby substituted for section 6 of the principal Act:

#### **“Application of Chapter**

6. This Chapter applies to all Provinces in the Republic of South Africa.”.

### **Amendment of section 7 of Act 50 of 1999**

3. The following section is hereby substituted for section 7 of the principal Act:

#### **“Establishment of Rental Housing Tribunals**

7. [**The**] Every MEC [**may**] must by notice in the *Gazette* establish a tribunal in the Province to be known as the Rental Housing Tribunal.”.

#### **Amendment of section 13 of Act 50 of 1999**

4. Section 13 of the principal Act is hereby amended by the insertion after subsection (12) of the following subsection:

“(12A) The Tribunal may, acting on its own accord or on application by any affected person, rescind any of its rulings if such rulings- (a) were erroneously sought or granted in the absence of the person affected by it;  
(b) contain an ambiguity or patent error or omission, but only to the extent of clarifying that ambiguity or correcting that error or omission; or  
(c) were granted as a result of a mistake common to all parties to the proceedings.”.

#### **Amendment of Section 14 of Act 50 of 1999**

5. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) [A] Every local authority [**may**] must establish a Rental Housing Information Office to advise tenants and landlords [**in**] with regard to their rights and obligations in relation to dwellings within [**the area of such local authority’s**] their area of jurisdiction.”.

#### **Amendment of section 15 of Act 50 of 1999**

6. Section 15 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The Minister must, after consultation with the [**standing or portfolio on housing**] relevant parliamentary committees and every MEC, by notice in the *Gazette*, make regulations relating to—“.

### **Amendment of Chapters 4 and 5 of Act 50 of 1999**

7. Chapters 4 and 5 of the principal Act are hereby amended by removing section 15 from Chapter 4 and inserting it under Chapter 5 before section 16.

### **Short title and commencement**

8. This Act is called the Rental Housing Amendment Act, 2010 and comes into operation on a date determined by the President by Proclamation in the *Gazette*.

### Community Inputs to the Rental Housing Act

1. Arbitrary evictions – We seek a clear definition of the word/sentence
2. Co-operative Housing – has been omitted from the list of other types of tenure
3. Government medium term strategy:
4. Responsibility to appoint the tribunal by the Minister – If the mandate to draw up regulations shifts from the provincial MEC to the national office, does it mean the dept proposes a one size fits all type of regulations despite geographical and cultural dynamics of each province. Beyond that does it also mean that the Minister would also be responsible for issues listed below:
  1. Appointment of the board
  2. Appointment of the staff
  3. Allocation of resources

Community feels it proper to leave the appointment with the provincial MEC given reasons listed above.

5. Constituency seeks clarity of the following issues related to the setting up of the Rental Tribunal -
  1. Proposed composition of the Tribunal board
  2. Competency to imposing penalties
  3. The process of raising issues
  4. Penalties to evict effected by the Tribunal (Magistrate) vs. High Court process
  5. 4.1 Regulations
    - 4.2 Penaltive measures; lockouts, eviction and electricity and water switch offs
6. The presenter failed to mention other definitions in the proposed amendment bill that need substitution

7. The measures in place to deal with the collusion of big business to fix the rentals under the proposed market related rental fees.

8. What measures are to bring awareness and education of the backyard landlords and their respective tenants pertaining to the Bill.

9. The bill fails to address challenges experienced by students in and around various colleges where accommodation is an issue.

#### 10. SOCIAL COHESSION AND RESPONSIBILITY

11.1 The bill doesn't say much about any assistance given to those who lost their loved ones who happen to be the bread winner.

11.2 The bill doesn't say much about the participation of organised tenants at the tribunals and where they reside to influence decisions taken in their place of residence.

12. It doesn't mention any form of incentives given to members who religiously honoured their rental for more than 5, 10 & beyond

13. It doesn't make provision of any ownership in terms of rent to buy or having shares at the ultimate end for the long term tenants.

#### 14. FARM WORKERS

The role of tribunal to protect the rights of tenants facing evictions due to some of the above, given that effective ones are in large Metros and Cities.

15. The role of the Act and the tribunal to bridge a gap between locals and foreign nationals in the contestation of the property and accommodation.

**RENTAL HOUSING AMENDMENT BILL, 2010**

This report contains all comments, i.e. oral and written arising from the provincial consultation processes that were undertaken from July 2010 to February 2011.

Department/ Organisation/ Province	Relevant Section in the Bill	Comment	Response from the Department
<b>Organisation of Civic Rights</b>	Section 7	<p>A suggestion to redraft the section as follows: “The Minister must in consultation with every MEC, by notice in the Government Gazette establish a tribunal in each Province to be known as the Rental Housing Tribunal (“RHT”).”</p> <p>The Rental Housing Act is a national legislation, Minister should have direct involvement in the establishment of the Tribunals, these will prevent incompetences, nepotism, and inappropriate and unsuitable appointments.</p>	
	Section 13	<p>RHT should not be given powers to rescind its ruling. It cannot do so if its judgment is deemed to be that of a magistrate’s court judgment. The seriousness of the RHT’s ruling/judgment and importance of its role will be undermined.</p> <p>Once the RHT makes a ruling and communicate to the parties, the RHT cannot <b>review</b> it or consider new information to re-examine the evidence or re-evaluate the case. Once the RHT gives its ruling it becomes <i>functus officio</i> like the lower and higher courts.</p>	

		A proposal is made that a simple grammatical or arithmetical corrections be made to address the issue. Corrections can be effected and achieved through Procedural Regulations	
<b>Provincial Government of the Western Cape</b>	Section 14	Proposal that the word “.....its area of jurisdiction” be used instead of the word “....their area of jurisdiction”, which is intended to replace the words “the area of such a local authority.	
	Rental Housing Act, 1999 (“RHA”) as a whole.	<p>Throughout the Act reference is made to “local authority”. Section 151(1) of the Constitution provides that the local sphere of government consists of municipalities. Section 155(1) of the Constitution makes provision for the establishment of municipalities in three categories i.e Category A, B and C.</p> <p>Section 1 of the Local Government: Municipal Structures Act, 1998 defines municipalities in this categories as a “district municipality”, “local municipality”and “metropolitan municipality”.</p> <p>The term “local authority” be replaced with the term “municipality” wherever it is used in the Act and should be clearly indicated which category of municipality is referred to in each instance.</p>	Noted
	Section 14	It is not clear if a Regulatory Impact Assessment has been done to determine the cost implications for the establishment of the Rental Housing Information Offices.	

		<p>If the intention of the legislation is for the establishment of Rental Housing Information Offices in local municipalities, it should be investigated whether the establishment of shared Rental Housing Information Offices across local municipalities would be an option, and if so, such arrangement should be accommodated in the Bill.</p>	
<p><b>SALGA representing the position of local government. ( preliminary comments)</b></p>	<p>Chapter 4 and 5</p>	<p>This amendment is supported as it will ensure that provinces assume and execute their rental housing competency in terms of legislation.</p>	
	<p>Section 14</p>	<p>Housing is an unfunded mandate for municipalities. The funding for the establishment of this Rental Housing Information Offices will be borne by the municipalities and not all municipalities are in a position to fund this proposed function.</p> <p>NDHS suggests that the RHIO can be incorporated into existing front desk offices but this could still pose a challenge to those municipalities that are understaffed, especially smaller municipalities.</p> <p>Implementation of this function depends on fully functional RHTs. It is not good enough for NDHS to promise that all RHTs will be fully functional by the enactment of this Bill.</p> <p>There could also be a conflict of interest in terms of municipalities that own and manage rental stock. Such municipalities will be expected to process and communicate complaints against themselves to</p>	

		<p>RHT's.</p> <p>Section 14 of the Principal Act must not be amended to make it obligatory for all municipalities to establish RHIOs, otherwise the NDHS must fund the establishment and operation of such offices.</p> <p>Section 14 of the Principal Act should only be amended to make it obligatory for municipalities that have been approved for level 2 accreditation to establish and manage RHIOs.</p>	
	Section 15	<p>It is a prerogative for the Minister in terms of Part 2, section 3(1) of the Housing Act to establish and facilitate sustainable national and housing development. This section read with section 163(a) of the Constitution requires the Minister even MECs in terms of Part 3 section 7(1) of the Constitution, to consult with the national organization representing municipalities. Consultation in the amendment Bill is limited to MECs and relevant parliamentary committees.</p> <p>Section 15 of the Principal Act should be amended to state that the Minister must also consult with SALGA in addition to the relevant parliamentary committees and MECs.</p> <p>NDHS must draft clear regulations to resolve issues of conflict of interest that may arise when municipalities are landlords against which tenants are lodging complaints.</p>	
<b>Limpopo Provincial</b>	Section 1	The definition of " <b>Rental Housing Property</b> " must	

<p><b>Government</b></p>	<p>of the Principal Act.</p>	<p>be reworked, according to legislative drafting, definitions must be concise, accurate and simple.</p> <p>Suggested definition: “Rental Housing Property” means property owned by a landlord built for the purpose of renting out and includes one or more dwellings.</p>	
	<p>Section 13</p>	<p>The Department should look at the legality of this provision. Section 13 of the Principal Act provides that the rulings of the tribunal are equivalent to that of the Magistrates court- are we empowering a quasi-judicial structure with the same power that applies to the judicial arena, if so the Department must be clear but also guard against over legislating.</p>	
	<p>Section 14</p>	<p>Section 14(2) of the Principal Act should be substituted as follows: “[<b>A</b>] Every Local authority must, subject to the laws governing the appointment of local government officials appoint to carry out any duties pertaining to such Rental Housing Information Office”.</p> <p>There should further be time frame for the appointment of Rental Housing Officers. Local municipalities must scrutinize their organizational structure to locate where rental housing officers may be placed. It is of vital importance for municipalities to canvass the idea of adding responsibilities to the helpdesk officer in order for same to serve and designated as rental housing information officers.</p>	

	Section 13 of the Principal Act.	<p>The way section 13 of the Principal Act is arranged, it will take time for a person to find the functions of the tribunal due to the fact that they are combined together with the complaints.</p> <p>From Section 13(7) – (11), these subsections are contradictory to each other. These should be looked at as it might grant estate agents loopholes to downtrodden tenants.</p>	
<b>Provincial Visits: Limpopo Province</b>	Section 13	<p>Rescission of decision of the tribunal doesn't sound well. There should be an independent body that should rescind the rulings instead.</p>	<p>It's a general rule of law that the same body that introduces one thing should also be able to abolish it in the same manner. Therefore there are processes and grounds that need to be followed in this regard.</p> <p>It should further be noted that there is a difference between rescission of judgment and review, the Bill gives powers to the Tribunal to rescind its own judgments, the proceedings of the Tribunal can only be reviewed by the High Court, in terms of section 17 of the Principal Act.</p>
	Section 14	<p>Section 14(2) of the Principal Act needs to be looked at as to whether the Department should rather use "designate" than "appoint", taking into consideration the amendment of the Municipal Systems Act.</p>	Noted

	Section 9 of the Principal Act	Nothing provides for a legally qualified person to be appointed as one of the members of the Tribunal. The Department should look into this because members mostly deal with legal issues.	The Department will consider the composition of the Tribunal to include a legally qualified person.
	Section 13 of the Principal Act	Section 13 provides the Tribunal with vast powers, there's questions around the Constitutionality of the Tribunal's powers.	
	Section 13(12)(c) of the Principal Act	According to the Principal Act, the Tribunal does not have a jurisdiction to hear applications for eviction orders. Spoliation and Interdicts takes a form of eviction, how is this going to be tackled.	
	The Rental Housing Act as a whole	The Department should consider aligning the Rental Housing Act with other pieces of legislation i.e National Credit Act, Consumer Protection Acts and Debtors Control Act.	Noted
	Section 14	Issues of funding for the establishment of the Rental Housing Information Offices in the local authorities will put an extra burden on municipalities since this is an unfunded mandate.	The local authority will make use of the available resources, for example utilizing the front desk officials, National Department will assist in capacitating them to carry the function.
	Section 13(7) and 13(9) of the Principal Act	These two sections are not talking to each other, the Department needs to decide whether they want to give jurisdiction to the Tribunal or to the courts.	

	Act		
	Section 14	When establishing this offices, there are other procedures that needs to follow, one of the key issues is to capacitate and train local authorities, how is this going to be done.	Training will be taking place at a local level. This will have to be articulated at the relevant municipality by National Department.
<b>Northern Cape</b>	Clause 14	Financial implications for the establishment of the Rental Housing Information Offices.	Information Offices does not mean establishing a new office, municipalities can use staff they already have, National Department will assist in training those officials to disseminate the necessary information to the public. Municipalities should be the link between the community and the Tribunals.
	Section 14(2)	If the Department is amending clause 14, 14(2) should also be amended	Noted
	Section 14	The Bill, refers to local authority, these should be amended to be also inclusive of district municipalities.	Comment noted, to amend accordingly
<b>Western Cape</b>	Clause 14	Capacity and Budget: Who will bear the costs of establishing the Information Offices and the maintenance costs.	Rental Housing Information Offices does not translate to having new warm bodies, a current information desk could be used. This refers to training officials to help clients to for

			<p>instance fill in complaints forms that will be referred to the Tribunals, e.g. customer services officials.</p> <p>Even if the municipalities have less officials those staff needs to be capacitated with the information for when the public needs help.</p> <p>The important issue is that municipalities needs to be a link between the people and the Tribunals.</p>
	Section 14(2)	The Bill intends to amend section 14(1), 14(2) should also be amended as it deals with the staffing of Information Offices.	
	Section 14(2)	<p>The Bill is quite on district municipalities, it only refers to local authority (local municipalities).</p> <p>A suggestion was made that the wording “local authority” should be amended to refer to “municipal authority”.</p>	Clause 14 will be looked at and will have to define local authority or amend to refer to “municipal authority”.
	Clause 14	If National is giving functions, must also give budget for it.	
	Section 1: Definitions	Need to clarify a “backyard dweller”	

	Rental Housing Act as whole	Application of the Act, need to put a ceiling on income for people who can approach the Tribunal for dispute resolution (this service should be restricted to the poor of the poorer, because a lot of people abuse the system.)	Comment noted
<b>KwaZulu-Natal</b>	Section 14	<p>National Department keep on giving municipalities functions without a budget for instance this establishment of RHIO is an additional function for municipalities and there is no budget for it.</p> <p>A further suggestion was made that accreditation should be used as another way of ensuring that funding follows function.</p> <p>Note: KZN has already established a number of RHIOs in the province, what this amendment will do will be to formalize the function that they have already been performing.</p>	There is no need for a budget because available resources will be used for the functioning of the offices by way of using existing staff, National will support by providing training for those official identified to perform the function. Officials will be capacitated in line with the requirements of the Province.
	Section 14	Community Development Workers (“CDWs”) could also be used to assist in ensuring that this function is performed by municipalities, the only challenge is that they are not accountable to municipalities.	Noted
<b>Free State</b>	Rental Housing Act, 1999	There are other Acts that has a direct impact on the Rental Housing Act. This Acts should be aligned with the National Credit Act, the Competition Act and the Municipal Systems Act.	Noted
	Rental Housing	Property managers requests tenants to pay handling fees, can this be incorporated into the	

	Act, 1999	amendments to prevent them taking advantage of tenants	
<b>NATIONAL HOUSING FINANCE CORPORATION (“NHFC”)</b>	Section 13(14) and deletion of Section 19 as amended by the Rental Housing Act 43 of 2007	<p>The concern is that the insertion of section 13(14) and the deletion of section 19 will foster better compliance or help give practical effect to better landlord-tenants rights.</p> <p>The Rental Housing Tribunal should be given powers to deal with evictions of renters.</p>	
	Section 2 of the Act	Add in chapter 2 section 2(2)(e): “ Provide legal mechanisms to protect the rights of tenants and landlords against illegal actions by the other party by affording speedy means of redress.	
	Section 4	Amend chapter 3 Section 4(5)(d)(ii) to read : “repossess rental housing property having first obtained <b>a ruling by the Tribunal or</b> an order of court”.	Noted
	Section 13	Omit the proposed amendment to section 13(11) an insertion of “(11A) The Tribunal must refer any matter that relate to evictions to a competent court.	Noted
		The Rental Housing Act should protect both tenants and landlords equally. The Bill is seen as over-protective-even provide license to delinquent	

		tenants.	
<b>Limpopo Province: Office of the Premiere</b>	Section 4	The department should consider using the words “rescind or vary” as variation may make more sense in a situation as described in section 4(b) of the Bill.	
<b>Breedevalley Municipality</b>	Section 14	The amendment to section 14 assumes that all municipalities are the same, failing to acknowledge that there are B, C and Metro municipalities.  There is no indication that the insertion of section 14 would strengthen the Housing Consumer Education. It is recommended that the amendment be removed and that the Housing Consumer Education Programme be strengthened to empower tenants.	
<b>Mpumalanga</b>	Section 14	They had concerns about the time frame to establish Information Offices as contemplated in section 14 of the Amendment Act.  There are concerns that housing is an unfunded mandate, consideration should be taken of other municipalities that do not have officials who perform this housing function, therefore implementing this will need additional personnel. Further municipalities will need resources and funds for the office to run effectively.	The provision provides that “Every municipality must establish a Rental Housing Information Office” meaning that as soon as the Rental Housing Act as amended has been promulgated, municipalities will be expected to establish the offices within a reasonable time.  Further a suitable date will be provided in the Short title for time when the provision can be implemented. Municipalities will be advised of the final draft Bill to be tabled in Parliament and will discuss the implications of the implementations
	Section 14	The support that could be expected for the establishment of the Rental Housing Information	National will provide support by way of providing training to

		<p>Offices, what if it takes time to establish the offices.</p> <p>A suggestion was made that CDW should also be trained because they also have contact with the community.</p>	municipalities.
<b>Eastern Cape</b>	Section 14	<p>Budget: how are municipalities going to establish Rental Housing Information Offices because this is not even in the organogram to advertise posts, this will only put more load on the officials at the housing unit.</p> <p>The Department should not make the establishment of Information Offices obligatory when the function is not at the municipal level. A suggestion was made that the function of housing should be deferred to municipalities by way of accreditation.</p>	National Department advised that the visits to Provinces is a point of departure to assist the Department to decide as to live it as “may” or to change it to “must”, and thereafter think of an alternative to deal with the matter.
<b>North West</b>	Section 17	The Department should consider putting another structure where if a party is not satisfied with the ruling of the Tribunal they can approach this structure for recourse. It is costly to approach the High Court for Review if a person is not satisfied with the decision of the Tribunal	Noted
	Section 1	The Department should consider extending the definition of “dwelling” to include instances where the lease agreement pertains to a leasing of land.	
	Section 16	The Department should consider providing for a stiffer penalty for a perpetual offender in the penalty clause to deter such person from committing the same offence.	
	General	The Tribunal should be given powers where it is of the view that the matter enrolled for hearing is of such a nature that it can be resolved through mediation and if it is in the interest of justice to do so, refer the matter for mediation and not continue	

		with a hearing.	
<b>Gauteng</b>	Section 14	<p>Generally the province supports the Bill and the intentions it seeks to achieve, but the following issues were raised:</p> <p>They wanted clarity on who will provide the support for the establishment of the Rental Housing Information Offices.</p> <p>Further wanted clarity as to the time frames for the establishment of the Rental Housing Information Offices.</p>	<p>From now until promulgation, the municipalities need to gear themselves up for the establishment of the Rental Housing Information Offices.</p> <p>With regards to the support to be provided by National: as soon as individuals have been identified by municipalities, they'll be taken through training so as to provide information with regards to issues relating to the Tribunals in the provinces and referring complainants to the respective Tribunals in the provinces.</p>
<b>Kgotla Dispute Resolution Specialists</b>	Rental Housing Appeal Tribunal	<p>The Department should consider making provision for a Rental Housing Appeal Tribunal in the amendments.</p> <p>The structure should be compiled by the Minister comprised of persons having experience of Rental Housing matters. It should have jurisdiction in all matters decided at any of the provincial tribunals.</p>	

