

## Here's what you need to know about the Rental Housing Amendment Act

There has been quite a buzz over the past few months regarding the Rental Housing Amendment Act in the belief that a date will soon be set for the implementation of this new legislation, says Tobie Fourie, national rentals manager for the Chas Everitt International property group.



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The “new” Act, which was actually passed in 2014, contains the most recent amendments to the Rental Housing Act of 1999, which is still in force and, together with the Consumer Protection Act (CPA) and the common law, currently governs the overall relationship between tenant and landlord and sets out their statutory rights and obligations.

“The new legislation elaborates on this relationship and aims to clarify certain aspects of the older Act that have given rise to many differences of interpretation.” The main provisions that landlords and tenants need to be aware of are:

- It will become compulsory for lease agreements between the landlord and the tenant to be in writing and legally enforceable.
- All sections of the lease and any explanations and definitions it contains will need to be explained to tenants and understood before the document is signed.
- It will be the landlord’s responsibility to ensure that the rental property is in a habitable state, which is in line with the existing Rental Housing Act.
- The landlord will be responsible for maintaining the rental property and will have to ensure that it has access to basic services such as water and electricity.
- Only the local authority will be permitted to cut off services to non-paying tenants.
- No tenant may be prevented from entering the rental property or denied access to the rental property without a court order.
- A joint inspection by the landlord and tenant has to be done on the commencement of the lease period and if the landlord does not participate in this inspection, no part of the tenant’s deposit for repairs or

damages may be withheld when the tenant leaves.

- A defect list will have to form part of the lease agreement as an annexure.
- When the deposit is paid back to the tenants, the interest earned on that deposit must also be paid to the tenant within seven days of the expiration of the lease, subject to any deductions for damages.

Fourie says landlords who do not comply with these and other requirements within six months of the new legislation coming into force could be liable to pay a fine or even face a jail sentence for non-compliance. “They will also need to keep in mind the provisions of the Rental Housing Act, which will remain in force, as well as the CPA.

“And these legal complexities will make it all the more important for landlords to appoint reputable, reliable knowledgeable, qualified and legally registered rental management agents to assist them and ensure they remain compliant.”

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