



Northern Cape
Provincial Legislature

OFFICE OF THE DEPUTY SPEAKER

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Hon MJ Mahlangu
Chairperson: National Council of Provinces


FINAL MANDATE

Name of the Bill: **Rental Housing Amendment Bill**

Number of the Bill: **B56D-2013**

Date of deliberation: **Wednesday, 19 March 2014**

Vote of the Legislature: **The legislature votes in favour of the Bill**


Hon JT Beukes
DEPUTY SPEAKER

2014 -03- 19

Date

NORTHERN CAPE PROVINCIAL LEGISLATURE



FINAL MANDATE FOR THE RENTAL HOUSING AMENDMENT BILL [B56D – 2013]

(Section 76 Bills)

INTRODUCTION

The Chairperson of the Portfolio Committee on Cooperative Governance, Human Settlements & Traditional Affairs, Hon GG Oliphant, tabled the Committee's negotiating mandate as adopted by the Portfolio Committee on **13 March 2014** on the *Rental Housing Amendment Bill [B56B – 2013]*.

PROCESS FOLLOWED

The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *Rental Housing Amendment Bill [B56B – 2013]* to the Portfolio Committee on Cooperative Governance, Human Settlements & Traditional Affairs on **27 February 2014**.

The Portfolio Committee received a briefing on the Bill from the Northern Cape's Permanent Delegate to the NCOP, Hon JR Tau, at its meeting on **06 March 2014**.

One (1) public hearing was held on **11 March 2014** 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.

PORTFOLIO COMMITTEE POSITION AT THE NEGOTIATING STAGE

The Portfolio Committee on Cooperative Governance, Human Settlements & Traditional Affairs **supports** the Bill.

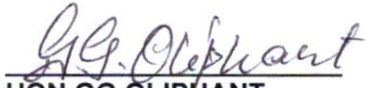
The House conferred on the Permanent Delegates the authority to participate in negotiations and to raise the concerns expressed.

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 [B56B – 2013]*.

FINAL VOTING MANDATE

In terms of Section 65 of the Constitution, the Portfolio Committee on Cooperative Governance, Human Settlements & Traditional Affairs recommends that the House confer authority on the Head of its Delegation to the NCOP **to vote in support** of the ***Rental Housing Amendment Bill [B56D – 2013]***, however the Committee do have concern on the matters raised by the Provincial House of Traditional Leaders in terms of challenges of leases in areas of their jurisdiction (**please see attached**).



HON GG OLIPHANT

**Chairperson: PC on Cooperative Governance,
Human Settlements & Traditional Affairs**

2014-03-19

Date

Date: 2014-03-19

Reference: 16.6.2.5.1

Enquiries: Z Mitchell

TO: Hon MJ Mahlangu
Chairperson: National Council of Provinces

Dear Sir

INPUT FROM THE PROVINCIAL HOUSE OF TRADITIONAL LEADERS ON THE RENTAL HOUSING AMENDMENT BILL [B56D – 2013]

The Portfolio Committee on Cooperative Governance, Human Settlements & Traditional Affairs of the Northern Cape convened today, 19 March 2014 to adopt the Final Mandate on *Rental Housing Amendment Bill* [B56D – 2013].

The Provincial House of Traditional Leaders in the Northern Cape submitted inputs on the above-mentioned Bill and it was deliberated in the meeting. The Committee is in support of the Bill but is however of the view that the concerns raised by the Provincial House of Traditional Leaders (see attached) should be considered in some means in order to protect the rights of illiterate or semi-literate landowners. It would be appreciated, in future, a legal form of protection can be provided to these type of landowners.

Furthermore, the Draft Minutes of the Select Committee on Public Service dated 18 March 2014 on the Consideration of Negotiating Mandates on the Rental Housing Amendment Bill, it is stated in paragraph 4 that the Northern Cape submitted Negotiating Mandate supporting the Bill without amendments. In paragraph 5, it states that the Northern Cape submitted with amendments. The Northern Cape should please be exempted from paragraph 4 as there were proposed amendments submitted.

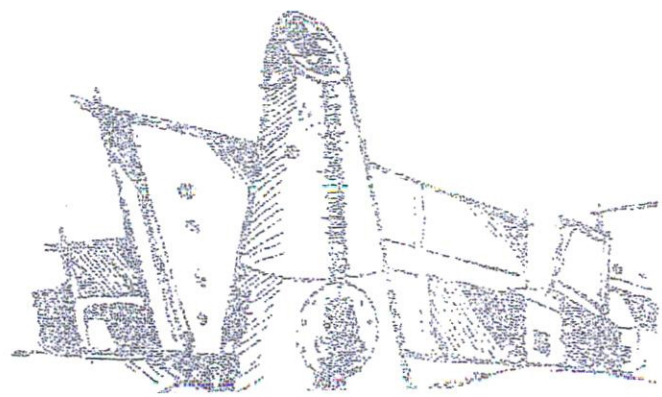
For additional information please contact Ms Zuraida Mitchell, Committee Coordinator, at 053 – 839 8310.

Thank You.

Yours sincerely



HON GG Oliphant
Chairperson: PC on Cooperative Governance,
Human Settlement & Traditional Affairs





COGHSTA

Department:
CO - OPERATIVE GOVERNANCE
HUMAN SETTLEMENTS & TRADITIONAL AFFAIRS
NORTHERN CAPE

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"Quality service is our priority"

The Chairperson
Honourable G.G. Oliphant
Portfolio Committee on Cooperative Governance, Human Settlements
& Traditional Affairs
Nobengula Extension
KIMBERLEY
8300

Dear Honourable Oliphant

**RE: INPUTS BY THE PHTL ON THE RENTAL HOUSING AMENDMENTS BILL
BILL (B56B-2013)**

1. The PHTL is appreciative of the effort employed by your goodself in ensuring that Bills from the Parliament are forwarded to it for inputs and thus is looking forward for a good working relationship in future. This is in line with the Constitution and Traditional Leadership and Governance Framework Act 41 of 2003, it needs to be recorded that this must be adhered to.

Our inputs are as follows:

2. Traditional leaders are facing a serious challenges relating to Rental Agreements taking place in their areas of jurisdiction. The instance being referred to is the leasing of so-called tuck-shops from local residents for a fee by Foreign Nationals and thereby entering into illegal contracts thereby inserting clauses that : **the condition of lease is that after the lease period, normally 10 to 15 years, such a tuck-shop business becomes** the property of the lessee.
3. This is contra bonos mores and this illegal practice cannot be allowed to continue anymore and must be stopped with immediate effect by Agencies of government.
4. A blitz must be conducted by the relevant department with municipalities to check if this practice is still continuing against unsuspecting and illiterate local residents whose judgment might be clouded by the monthly rentals they receive from the Foreign nationals.
5. This if it is not curbed and local residents not empowered, will have an undesirable outcome that neither the government would be able to regulate lest our poor communities will be subjected to either evictions in future.
6. The rentals of this nature are mushrooming on a daily basis in traditional areas and without adhering to proper town planning procedures.

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7. The other input is that Traditional Leaders should have representation on the proposed Rental Housing Tribunals to ensure that the Institutions interests are protected and not all power is assumed by the municipality alone.
6. We implore Parliament to consider our inputs in the spirit of strengthening and unifying the institution of Traditional leadership in South Africa and in our Province.
7. We trust that our inputs will be duly considered and we will be informed in due course of the process.

Yours faithfully



Kgosi Pule Shadrack Bareki

Chairperson: Provincial House of Traditional Leaders

Contact: 071 859 6882 and 082 216 8721

Email: bareki.pule@gmail.com

Date: 18-03-2014