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| Head Office **”Annexure A”** |

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| To:From Ref: | Honourable Ms M.R. SemenyaMember of ParliamentChairperson of Portfolio Committee on Human Settlements, Water and SanitationClr Lesiba MpyaMMC Human SettlementsCity of Ekurhuleni | DEPARTMENT HUMAN SETTLEMENTS CORPORATE OFFICE29 Lakeview CrescentKleinfontein Lake Office ParkBenoniEnquires: Judith Muhlari, Judith.Muhlarhi@ekurhuleni.gov.za, 011 999 5495 |
| Date: | 28 July 2020 |  |

**SUBJECT: DEPARTMENTAL RESPONSE TO PETITIONERS RECEIVED FROM RESIDENTS PARLIAMENTARY ENQUIRY ON RENTAL TARIFFS**

**PURPOSE**

To provide report to in respect of the petition from the residents of Actonville Benoni on the rental tariff charged by the City of Ekurhuleni, to the Portfolio Committee on Human Settlements, Water and Sanitation. The report also covers the criteria used on rental criteria to be charged to the current and qualifying rental beneficiaries.

**EXECUTIVE SUMMARY**

Currently Council has an approved rental policy, which was adopted by Council in 2008 and 2010. This policy had shortcomings of the said policy, were explained in detail in the Item dealing with Review and Amendment of Council Rental Housing Stock/Rental Payment, which was considered by Council at its Ordinary Meeting, held on 29 November 2018, which include, inter alia the following:

* Tarrif rate model was based on income,
* Tariff discrepancy between new tenants and old ones (+10 years renting),
* No clarity on what happens when the lessee passes, on? and
* Tarrif differences between 2 and 3 bedroom in some instances was very low (R13) and there was a risk that 2 bedroom units remained vacant.

This report therefore intends to elucidate and outline the approved tariff determination model that the City of Ekurhuleni has adopted and currently employs. It must be noted by the Portfolio committee that the existing rental policy is currently being revised and that the oversight committee for Human Settlement submitted its report to Council wherein, the following was resolved on:

1. **That** the annual rental tariff increase be put on hold, pending the finalisation of the reviewed policy by Council.
2. **That** the Human Settlements department **BE REQUESTED** to issue a thirty (30) days written notice to all affected tenants on any change affecting them subsequent to the conclusion of the public awareness campaign on the Council owned rental housing stock.

**LEGISLATIVE FRAMEWORK**

The Functions of the Three Spheres of Government responsible for the Delivery of Sustainable Human Settlements are to be performed within the parameters set by a range of National and Provincial Policies and Legislation, and which, Inter Alia, include the following:

* Constitution of the Republic of South Africa (Act No. 108 Of 1996)
* National Housing Act (Act No. 107 Of 1997)
* Housing Amendment Act (Act No. 3 Of 2001)
* Less Formal Township Establishment Act (Act 113 Of 1991)
* **Rental Housing Act (Act No. 50 Of 1999)**
* Communal Land Rights Act (Act No. 11 Of 2004)
* Upgrading Of Land Tenure Rights Act (Act No. 112 Of 1991)
* Extension Of Security Of Tenure Act (Act No. 62 Of 1997)
* Prevention Of Illegal Eviction From And Unlawful Occupation Of Land Act (Act No. 19 Of 1998)

**RENTAL STOCK PORTFOLIO**

The Human Settlements department is responsible for managing the Municipal rental stock, which is made up out of:

* **39** Complexes for families consisting of 2,220 housing unit.
* **25** Complexes catering for senior citizens consisting of **1,240** unit.

**RENTAL STOCK TENANT VALUE CHAIN**

**RENTAL POLICY (CRITERIA)**

**FAMILY COMPLEXES**

* Three month bank statements
* Proof of income (the income must be three time more than the rental tariff)
* Must not own a property
* Must not be a director of a Company

**SENIOR CITIZEN FLATS**

* RSA ID
* SASSA/Private pension income (the income must be three time more than the rental tariff)
* 60 years and above
* Must be able to self-care
* Must not own a property
* Must not be a director of a Company

**TARIFF MODELS**

The intention of Council is to provide a fair and transparent rental option to the occupants of Council Owned Rental Stock. The aim of Council is to provide subsidize rental on a fair base and this is currently not being achieved due to the methodology applied in calculating the rental amount.

The National Rental Housing Strategy was developed through Breaking New Ground (BNG). This strategy focuses on low income between R800, 00 and R3, 500 per month to middle income R3, 500 to R7, 500 per month income groups

The department referred this matter to its sister department, Real Estate Department to assist in determining the the market rental value for Council Owned Rental Housing Stock. In accordance with department’s instructions, they have inspected the subject property and provided a report and **Valuation Certificate on Valuation of Council Rental Stock.** The premise of this report assisted the Human Settlements Departments to determine the rental tariff.

The Premise of Value/Assumed Use adopted in the valuation was the Current /Existing Use. The Use of the Housing stock is limited due a Policy “Council Owned Rental Housing Stock: Item A- HD (08/2008) Council Meeting 28/08/ 2008.

The policy regulates and provide guidelines on the management of the council owned public rental housing stock and tenants. The type of housing stock covered by the policy:

* General Public Rental Housing including houses; Flats and Affordable Rental,
* Accommodation (Hostels),
* Housing designed for the aged (Retirement Cottages and Flats,
* Boarding house rooms; and
* Housing for persons receiving government grants other than old age pensions.

There are specific qualifications criteria for each housing stock which restrict the number of potential tenant to only those that have meet the criteria.

**THE CITY USED THE FOLLOWING APPROACHES TO DETERMINE TARIFF MODELS**

* Market approach method
* comparable transactions method

**MARKET APPROACH METHOD**

The market approach provides an indication of value by comparing the asset with identical or comparable (that is similar) assets for which price information is available. When reliable, verifiable and relevant market information is available, the market approach is the preferred valuation approach. The market approach is used as the primary basis for a valuation under the following circumstances:

1. The asset has recently been sold in a transaction appropriate for consideration under the basis of value,
2. The asset or substantially similar assets are actively publicly traded, and

(c) There are frequent or recent observable transactions in substantially similar assets

**COMPARABLE TRANSACTIONS METHOD**

The comparable transactions method, also known as the guideline transactions method, utilises information on transactions involving assets that are the same or similar to the subject asset to arrive at an indication of value. When the comparable transactions considered involve the subject asset, this method is sometimes referred to as the prior transactions method. If few recent transactions have occurred, it may also be appropriate to consider the prices of identical or similar assets that are listed or offered for sale provided the relevance of this information is clearly established, critically analysed, and documented. This is sometimes referred to as the comparable listings method and should not be used as the sole indication of value but can be appropriate for consideration together with other methods.

The key steps in the comparable transactions method are:

(a) Identify the units of comparison that are used by participants in the relevant market,

(b) Identify the relevant comparable transactions and calculate the key valuation metrics for those transactions,

(c) Perform a consistent comparative analysis of qualitative and quantitative similarities and differences between the comparable assets and the subject asset,

(d) Make necessary adjustments, if any, to the valuation metrics to reflect differences between the subject asset and the comparable assets,

(e) Apply the adjusted valuation metrics to the subject asset; and

(f) If multiple valuation metrics were used, reconcile the indications of value.

**BENCHMARKING CONDUCTED**

According to legislation, local government has mainly a planning and facilitation role in housing. In practice it is seen that each municipality tries to find its own role in housing. Some municipalities take a lot of initiative, while others leave many matters to the provincial government.

In 2016/17, a study was conducted, to investigate the criteria of rental tariff rate. The study was based on Municipalities within the Gauteng province which had a similar rental portfolio as that of the City of Ekurhuleni. The study employed a comparable approach with three Municipalities mentioned below

**CITY OF JOHANNESBURG APPROACH**

The Council residential rental stock is administered by the City of Johannesburg Metropolitan Council (CoJ) Housing Department and the Johannesburg Housing Company (Joshco). The City uses a rental tariff structure in respect of Council owned Rental Stock that is administered by the City’s Housing Department and Joshco, however there are different applied i.e. Joshco has its own tariffs and the Housing Department has its own tariff. For the purpose of this exercise the valuation was limited to Housing Department’s tariffs and the income based rental from Joshco as the scope is relevant and similar to the subject property. The tariffs are determined in line with the City budget guidelines and principle that that state that rental tariffs should be should be equitable and affordable. The rental tariffs are subjected to a public participation process, for the current financial year (2016/2017) the rental tariffs are as follows:

|  |  |  |
| --- | --- | --- |
| **DESCRIPTION**  | **TYPOLOGY** | **RATE** |
| **Old Age Retirement Home**  | Single unit | R180.00 |
| Single – share facilities  | R180.00 |
| Double  | R360.00 |
| **Flats**  | Bachelor  | R306.00 |
| 1 Bedroom | R525.00 |
| 2 Bedroom | R539.00 |
| 3 Bedroom | R658.00 |
| **Duplex Flats**  | 1 Bedroom | R545.00 |
| 2 Bedroom | R559.00 |
| 3 Bedroom | R991.00 |
| **Public Hostel**  | 1 Bedroom | R62.00 |
| Family units | R351.00 |

All the categories of rental units except for Old Age Retirement Rental Units are increased by an Inflationary margin of 5.9% per annum.

**JOSHCO RENTALS TARIFFS 2016/2017**

|  |  |  |  |
| --- | --- | --- | --- |
| **ESTATE DETAILS**  | **TYPOLOGY** | **AVG m²** | **RATE** |
| **JOHSCO MANAGED STOCK – INCOME BASED RENTAL** |
| **Kliptown Golf Course** |
| Family income R3501 to R4500 | 1 Bedroom | 35.36  | R673.40 |
| Family income R3501 to R4500 | 2 Bedroom | 43.70-48.00 | R823.04 |
| Family income R4501 to R5500 | 1 Bedroom | 35.00-36.00 | R897.86 |
| Family income R4501 to R5500 | 2 Bedroom | 43.70-48.00 | R972.68 |
| Family income R5501 to R7500 | 2 Bedroom | 43.70-48.00 | R1 122.33 |
| **Roodepoort**  |
| Income R3000- R4 699 | 1 Bedroom | R1 034.00 |
| Income R4700-R5339 | 1 Bedroom | R1 661,67 |
| Income R5340-R7500 | 1 Bedroom | R1 888.26 |
| Income R6200-R6900 | 2 Bedroom | R2 190.00 |
| Income R6901 to R7500 | 2 Bedroom | R2 492.50 |
| Income above R7500 | 2 Bedroom | R3 927.57 |
| **Alexander Far East Bank** |
| Income up to R3500 | Room | R523.75 |
| Income above R3500 | Room | R897.86 |

**CITY OF TSHWANE APPROACH**

The Council residential rental stock is administered by the City’s Housing and Sustainable Development Department and the Housing Company Tshwane (TCH). TCH has its own rental structure limited to households earning a total of R4 000 but not more than R8 500.00 before deductions. The Council owned rental stock managed by the Housing and Sustainable Department is managed through a rental tariff based structure. The rental calculation comprises of several components including:

* Maintenance
* Insurance
* Equipment (lifts)
* Staff component
* Housing,
* Finance,
* General worker-cleaning
* Reserve for rental loss and services in communal areas like electricity.
* High cost of repairs to maintain the building as a results of vandalism.

The rental tariffs were subjected to a public participation process, for the financial year (2016/2017) the rental tariffs are as follows:

**NEW RENTALS: HIGH RISE BUILDINGS**

|  |  |  |
| --- | --- | --- |
| **COMPLEX NAME**  | **TYPOLOGY**  | **RATE**  |
| **Blesbok/Bosbok**  | Bachelor  | R1 330.00 |
| 1 Bedroom | R1 810.00 |
| 2 Bedroom | R2 020.00 |
| **Nuwe Stalshoogte**  | Room | R1 120.00 |
| Bachelor/Small | R1 380.00 |
| Bachelor / 1 Bedroom | R1 490.00 |
| 2 Bedroom | R1 760.00 |
| **Ou Stalshoogte**  | Room Small | R1 010.00 |
| Room Double | R1 230.00 |
| Bachelor | R1 070.00 |
| 1 Bedroom | R1 280.00 |
| 1 Bedroom | R1 650.00 |
| 2 Bedroom | R1 700.00 |
| **Riverside**  | 2 Bedroom | R1 390.00 |
| 3 Bedroom | R1 500.00 |
| **Heuwel**  | 1 Bedroom | R1 330.00 |
| **Groenveld**  | 1 Bedroom | R1 270.00 |
| 2 Bedroom Small | R1 440.00 |
| 2 Bedroom | R1 540.00 |
| **JJ Bosmanhuis**  | Bachelor | R1 230.00 |
| 1 Bedroom | R1 330.00 |
| 1 Bedroom | R1 440.00 |
| 2 Bedroom | R1 760.00 |
| **Claremont**  | 3 Bedroom | R1 650.00 |

**NEW RENTALS: HOSTELS AND CONVERTED FAMILY UNITS**

|  |  |  |
| --- | --- | --- |
| **COMPLEX NAME**  | **TYPOLOGY**  | **RATE**  |
| **Kingsley**  | Bed (other tenants ) | R220.00 |
| **Belle Ombre**  | Bed | R3 460.00 |
| **Soshanguve**  | Sitter | R110.00 |
| Bachelor | R160.00 |
| 1 Bedroom | R160.00 |
| 2 Bedroom | R270.00 |
| 3 Bedroom | R370.00 |
| **Saulsville**  | Single Bedroom | R220.00 |
| 2 Bedroom | R370.00 |
| 3 Bedroom | R540.00 |
| **Mamelodi**  | Single Unit | R370.00 |
| 2 Bedroom | R640.00 |
| 3 Bedroom | R800.00 |
| **Cullinan**  | 3 Bedroom | R370.00 |
| Rooms  | R220.00 |
| **NEW MARKET RELATED RENTAL SELF SUFFICIENT ELDERLY** |
| **Danville**  | Single  | R800.00 |
| Double | R1 280.00 |
|  | Flats | R1 280.00 |
| **Claremont OVD** |  | R1 280.00 |
| **Ellofsdal OVD** | Single | R900.00 |
| Double | R1 540.00 |
| **Villaria OVD** |  | R1 540.00 |
| **Capital Park OVD**  | Single  | R900.00 |
| Double | R1 540.00 |
| **Hercules 12H** |  | R1 280.00 |
| **Noorde Park**  | Single  | R800.00 |
|  | Double  | R1 280.00 |

A rental increase of 6.5 % from the previous financial year was applied by the City of Tshwane.

**EMFULENI LOCAL MUNICIPALITY APPROACH**

The Municipality use market related rentals as follows:

|  |  |  |
| --- | --- | --- |
| **Description**  | **Typology**  | **Rental**  |
| **Hertzhof Flats** | Bachelor  | R1 774.00 |
| 2 Bedroom | R2 660.00 |
| 2 Bedroom with balcony | R2 858.00 |
| 3 Bedroom | R3 153.00 |
| **Mimi Fouriehof Flats** | Bachelor  | R1 687.00 |
| 1 Bedroom | R2 112.00 |
| **Sonhof Flats** | 2 Bedroom  | R2 182.00 |
| 3 Bedroom | R2 816.00 |
| **Rust-Ver- Vaal** | 1 Bedroom | R422.00 |
| 2 Bedroom | R492.00 |
|  | 3 Bedroom | R543.00 |
| 4 Bedroom | R608.00 |
| **Roshnee Old Age Home** | Bachelor  | R1 687.00 |

**Due to the high rental amounts for low income housing units the Municipality then gives percentage rebate on rental on the following units as follows.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Description**  | **Typology**  | **Rental**  | **% Rebate** | **Rental after rebate** |
| **Mimi Fouriehof Flats** | Bachelor  | R1 687.00 | 81% | R320.54 |
| 1 Bedroom | R2 112.00 | 77% | R485.76 |
| **Sonhof Flats** | 2 Bedroom  | R2 182.00 | 70% | R654.06 |
| 3 Bedroom | R2 816.00 | 75% | R704.00 |
| **Rust-Ver- Vaal** | 1 Bedroom | R422.00 | 50% | R211.00 |
| 2 Bedroom | R492.00 | 54% | R226.32 |
|  | 3 Bedroom | R543.00 | 57% | R233.49 |
| 4 Bedroom | R608.00 | 56% | R267.52 |
| **Roshnee Old Age Home** | Bachelor  | R1 687.00 | 72% | R472.36 |

**FINDINGS AND CONCLUSION ON THE BENCHMARKING**

**City of Johannesburg**

The City has adopted a rental tariff model which is determined with a principle that state that rental tariffs should be equitable and affordable, also based on income based rental tariffs. Equitable Value requires the assessment of the price that is fair between two specific, identified parties considering the respective advantages or disadvantages that each will gain from the transaction.

**City of Tshwane**

The City adopted a cost recovery model that uses a rental calculation that comprising of several components including. The model is purely based on a cost recovery model and for the model to operate efficiently all the cost associated with each model have calculated and the divided proportionally amongst tenants. Building with higher rentals implies higher operational and maintenance cost and building with lower rental implies lower operational and maintenance cost.

**Emfuleni Local Municipality**

The City adopted a market rental based a dual approach of Market Rent of some properties (**Hertzhof Flats)** and offer rebates based rental (**Mimi Fouriehof Flats, Sonhof Flats, Rust-Ver- Vaal, Roshnee Old Age Home)** which is considered to be **Equitable Value** which is the estimated price for the transfer of an asset or liability between identified knowledgeable and willing parties that reflects the respective interests of those parties. Equitable Value requires the assessment of the price that is fair between two specific, identified parties considering the respective advantages or disadvantages that each will gain from the transaction.

**VALUATION OF COUNCIL RENTAL HOUSING STOCK: CITY OF EKURHULENI HUMAN SETTLEMENTS DEPARTMENT**

Valuation of Council Owned Rental Stock has to take into account the restriction related to the use of the property. Generally the allocation and qualifying criteria are regulated through an approved policy which restrict accessibility only to those meeting the criteria. Given the restriction in use of the properties, Council should protect the low income earners in terms of making the property available for renting whilst at the same time prohibiting high income earners to occupy the properties. Consideration was given to what a qualifying tenant, for a similar property would be paying if they were under the same terms and conditions in other municipalities. The department has therefore decided to apply a base value of **Equitable Value** which is the estimated price for the transfer of an asset or liability between identified knowledgeable and willing parties that reflects the respective interests of those parties. Equitable Value requires the assessment of the price that is fair between two specific, identified parties considering the respective advantages or disadvantages that each will gain from the transaction.

**ADOPTED TARRIF APPROACH**

The City of Ekurhuleni has decided to apply Equitable Value based on an income based model to ensure that rental are equitable, affordable and considers the advantages and disadvantages that both Council and the Tenant will gain from the transaction.

An annual rental escalation of 10% would apply on 1 July of each financial year (this forms part of the lease agreement). The table below provides the rates that were agreed upon:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Financial Year** |  | **2017/18** | **2018/19** | **2019/20** |
| **Escalation** |  | **10%** | **10%** | **10%** |
| **Description** | **Typology** |  |  |  |
|  | Single Units | R180.00 | R186.00 | R197.00 |
|  | Double Units | R180.00 | R186.00 | R197.00 |
| **Retirement Units** | Bachelor | R190.00 | R190.00 | R213.00 |
|  | 1 Bedroom | R285.00 | R302.00 | R320.00 |
|  | 2 Bedroom | R385.00 | R401.00 | R425.00 |
| **Income Less R3 500.00** |
|  | Bachelor | R321.00 | R340.00 | R360.00 |
|  | 1 Bedroom | R576.00 | R610.00 | R646.00 |
| **Family Units** | 2 Bedroom | R590.00 | R625.00 | R662.00 |
|  | 3 Bedroom | R600.00 | R625.00 | R673.00 |
| **Income Less R3 501 to R4 500** |
|  | Bachelor | R515.00 | R545.00 | R578.00 |
|  | 1 Bedroom | R680.00 | R720.00 | R762.00 |
| **Family Units** | 2 Bedroom | R871.00 | R920.00 | R937.00 |
|  | 3 Bedroom | R989.00 | R1 047.00 | R1 108.00 |
| **Income R4 501 to R5 500.00** |
|  | Bachelor | R614.00 | R650.00 | R688.00 |
|  | 1 Bedroom | R852.00 | R903.00 | R956.00 |
| **Family Units** | 2 Bedroom | R1 030.00 | R1 091.00 | R1 156.00 |
|  | 3 Bedroom | R1 188.00 | R1 158.00 | R1 334.00 |
| **Income R5 501 to R7 500.00** |
|  | Bachelor | R729.00 | R772.00 | R817.00 |
|  | 1 Bedroom | R1 012.00 | R1 072.00 | R1 135.00 |
| **Family Units** | 2 Bedroom | R1 224.00 | R1 296.00 | R1 373.00 |
|  | 3 Bedroom | R1 413.00 | R1 496.00 | R1 584.00 |

As mentioned in the executive summary, there were shortcomings with this model and these include amongst others the following:

* The tarrif rate model is based on income, and how does the City verify this?
* Tariff discrepancy between new tenants and old ones (+10 years renting),
* No clarity on what happens when the lessee passes,
* Tariff escalations for old tenants made certain unit vacant; and
* Tarrif differences between 2 and 3 bedroom in some instances was very low (R16) and there was a risk that 2 bedroom units remained vacant.

**PUBLIC PARTICIPATION PROCESS TO DETERMINE FAIR RENTAL TARIFFS**

Due to the challenges of the existing policy, the department is in a process of amending its rental policy.

During a Council sitting held on 25 June 2020, item, A-HS (01-2018), resolved that the Human Settlements department will engage on a public participation process. With the intention of soliciting comments which relates to the tariffs that the City of Ekurhleni will be utilising. Amongst other approaches, the following will be employed by the Human Settlements Department:

* Consult Councillors,
* Consult with existing committees per complex,
* Municipal unions,
* Social media,
* Website,
* Link to download the policy; and
* Submit comments to lerato.Moriri@Ekurhuleni.gov.za.

The table below, provides the proposed tariffs along with an annual tariff escalation of 5,9 %.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Financial Year**  |  | **2019/20** | **2020/21** | **2021/22** |
| **Escalation** |  | **5.9%** | **5.9%** | **5.9%** |
| **Description** | **Typology** |  |  |  |
|  | Single Units | R197.00 | R209.00 | R215.00 |
|  | Double Units | R197.00 | R209.00 | R215.00 |
| Retirement Units | Bachelor | R213.00 | R226.00 | R239.00 |
|  | 1 Bedroom | R320.00 | R339.00 | R359.00 |
|  | 2 Bedroom | R425.00 | R450.00 | R477.00 |
| **Income Less R3 500.00** |
|  | Bachelor | R360.00 | R381.00 | R403.00 |
|  | 1 Bedroom | R646.00 | R684.00 | R724.00 |
| Family Units | 2 Bedroom | R662.00 | R701.00 | R742.00 |
|  | 3 Bedroom | R673.00 | R712.00 | R754.00 |
| **Income Less R3 501 to R4 500** |
|  | Bachelor | R578.00 | R584.00 | R618.00 |
|  | 1 Bedroom | R762.00 | R807.00 | R855.00 |
| Family Units | 2 Bedroom | R937.00 | R992.00 | R1 051.00 |
|  | 3 Bedroom | R1 108.00 | R1 173.00 | R1 242.00 |
| **Income R4 501 to R5 500.00** |
|  | Bachelor | R688.00 | R729.00 | R772.00 |
|  | 1 Bedroom | R956.00 | R1 012.00 | R1 072.00 |
| Family Units | 2 Bedroom | R1 156.00 | R1 224.00 | R1 296.00 |
|  | 3 Bedroom | R1 334.00 | R1 413.00 | R1 496.00 |
| **Income R5 501 to R7 500.00** |
|  | Bachelor | R817.00 | R865.00 | R916.00 |
|  | 1 Bedroom | R1 135.00 | R1 202.00 | R1 273.00 |
| Family Units | 2 Bedroom | R1 373.00 | R1 454.00 | R1 540.00 |
|  | 3 Bedroom | R1 584.00 | R1 677.00 | R1 776.00 |
| **Hostel** |
| Dormitory Type | Dormitory | R68.00 | R72.00 | R76.00 |
|  | Single Bed | R146.00 | R155.00 | R164.00 |
|  | 1 Bedroom | R392.00 | R415.00 | R439.00 |
| Family Units | 2 Bedroom | R538.00 | R570.00 | R604.00 |
|  | 3 Bedroom | R1 110.00 | R1 176.00 | R1 245.00 |

Sincerely,

**Clr Lesiba Mpya**

MMC: Human Settlements Department

Date