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THE PRESIDENCY

No. 539

13 May 2008

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:–

No. 43 of 2007: Rental Housing Amendment Act, 2007.



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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 insertions in existing enactments.

(English text signed by the President.)
(Assented to 8 May 2008.)

ACT

To amend the Rental Housing Act, 1999, so as to substitute a definition; to make further provision 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.

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 by the substitution for the definition of “unfair practice” of the following definition: 5

“**‘unfair practice’ means—**

- (a) any act or omission by a landlord or tenant in contravention of this Act; or
 (b) a practice prescribed as a practice unreasonably prejudicing the rights or interests of a tenant or a landlord.” 10

Amendment of section 4 of Act 50 of 1999

2. Section 4 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) In advertising a dwelling for purposes of leasing it, or in negotiating a lease with a prospective tenant, or during the term of a lease, a landlord may not unfairly discriminate against such prospective tenant or tenants, or the members of such tenant’s household or the **[bona fide]** visitors of such tenant, on one or more grounds, including race, gender, sex, pregnancy, marital status, sexual orientation, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, language and birth.”; 15 20

(b) by the substitution in subsection (3) for paragraph (c) of the following paragraph:

“(c) his or her possessions seized, except in terms of a law of general application and having first obtained a ruling by a Tribunal or an order of court; or”; and 25