

Rules for rentals during lockdown

By  Adrian Goslett

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The lockdown situation has left many tenants and landlords in precarious positions. Each party should take some time to clearly understand their rights and responsibilities over this period.



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A Government Gazette was passed that places a moratorium on eviction orders for the duration of the 21-day lockdown. This means that even if the landlord is in possession of an eviction order, he/she cannot execute/action the eviction order for the duration of the 21-day lockdown. This also means that tenants are not allowed to move out during this period.

Unless you and your landlord have come to an agreement, rent still needs to be paid as per normal. While a tenant cannot be evicted during the 21-day lockdown if they fail to keep up with payments, they can be forced to vacate the premises once the lockdown period is over (depending on the terms in the lease agreement). If the tenant is having difficulty paying rent, I would strongly encourage them to communicate this with the landlord so that they can possibly come to a mutually beneficial payment plan.



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Negative effects of eviction

Tenants are also cautioned to consider the negative effects an eviction will have on their credit score as well as their ability to rent another property. Not only could being evicted make it trickier for a tenant to successfully apply for new tenancy, but it could also affect their credit score if the landlord obtains a debt judgement against him/her for the missed payments. This will greatly impact the tenant's ability to acquire home finance at a later stage.

Subsequently, all tenants are encouraged to be in contact with their landlord if they are unable to pay their full rent during the lockdown. I also encourage all landlords to be accommodative where possible during this difficult time. If the landlord can afford it, allow the tenant to take a payment holiday or to suggest a payment plan that could suit both parties. At the end of the day, we are all facing the impact of this crisis together and should do what we can to help each other get through these trying times.

ABOUT ADRIAN GOSLETT

Adrian Goslett is CEO and regional director of RE/MAX Southern Africa. He joined RE/MAX Southern Africa in 2005 as a franchise development consultant, supporting various regions and offices. Throughout his career at RE/MAX he has held various positions. In 2010, after successfully leading 160 offices and over 1500 agents in six countries through the worst years real estate has ever seen in South Africa in 30 years, Goslett was appointed as CEO of RE/MAX Southern Africa.
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