

RETIREMENT HOUSING LEGAL SCHAMBLES—CLOSED WORKSHOP ON 26 MAY 2021

1. INTRODUCTION

Over some time in the history of the Interest Group and the newly established ASSOCIATION OF SENIOR COMMUNITIES SA it became evident that SA lacks comprehensive legislation and proper accreditation standards to protect all partners in the industry. The SAHRC held workshop after workshop since 2006 and a public hearing in 2017, but without any tangible success.

Recently the Property Practitioners Act was promulgated, and the Regulations recently published creating further confusion in the industry. The Housing Development Schemes For Retired Persons Act No. 65/88 established on the foundation of the Sectional Titles Act of 1986 was never reviewed. The Sectional Titles scheme was totally renewed, while Act 65/88 remained the same. This Act was found to be in conflict with then SA 's Constitution and do not cater for the changing retirement housing industry.

The Association requested the assistance of Maphalla Mokate Conradie Inc to provide advice regarding the PPA. Act 65/88 also came under scrutiny. Several prominent law experts were consulted and the many attempts to establish a sound legal foundation for the industry were noted and consequently a work session to debate the many bewilderments, was organised.

MMC Inc will sponsor the event for which there is much appreciation.

2. THE WORKSHOP ON 26 MAY 2021, PRETORIA

The following should be noted:

- (i) 9 legal experts in this sector, including academics and practicing practitioners will meet to discuss then various challenges and concerns. Syd Eckley is the only non-legal person invited to participate
- (ii) The objective is to formulate specific recommendations to assist the Association to make meaningful recommendations via its strategic partners.
- (iii) It is acknowledged that three different Ministries, Human Settlements, Trade and Industry and Social Development are involved. This will require decisive action to be taken by the Association.
- (iv) A detailed report spelling out the routes that should be considered. Also, to include consideration of a form of accreditation to be linked to the forthcoming registration of retirement accommodation as part of the Older Person's Amendment Act
- (v) It should be obvious that a specialist team of the Association need to be established to consider the recommendations from the legal team

Drafted by Syd Eckley

12 May 2021