

Date: 18 August 2020

Dear Valued Client

**RE: WHAT CAN AND CAN'T BE DONE IN COMMUNITY SCHEMES FROM TUESDAY 18 AUGUST 2020 – ALERT LEVEL 2**

The Minister of Co-operative Governance and Traditional Affairs (COGTA) on 17 August 2020 amended the COGTA regulations.

Below are the effects of the amendments on those living in Community Schemes. **We have put the key amendments in a red font, so as to be more noticeable to you.**

The COGTA Regulations were drafted in a confusing manner. On further analysis, we have amended various of the effects below which appear in a blue font.

**CAN OCCUPIERS MOVE PREMISES**

Occupiers may view prospective premises and move into new places of residence.

Estate Agents may meet owners at the Unit in the Scheme and bring prospective tenants and purchasers to view units in the Scheme.

**CAN OCCUPIERS EXERCISE ON COMMON PROPERTY/ON THE STREET**

Occupiers may exercise between the hours of 04h00 to 22h00. Health protocols and social distancing measures must be adhered to. **[Regulation 50]**

There is no limitation on how far from an occupier's residence the exercise may take place.

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Occupiers can use the common property to exercise only in the above timeframe, making sure to adhere to health protocols and social distancing measures subject to their Schemes conduct rules.

Whenever an Occupier leaves his unit, that person must be wearing a cloth face mask or an item that covers the nose and mouth. **[Regulation 51]**

### **CAN OCCUPIERS HAVE TAKE AWAYS DELIVERED TO THEIR UNIT/THE SCHEME**

Occupiers can have takeaways delivered to the Unit and can leave their unit to collect take-aways.

### **CAN MY HELPER/CLEANER COME TO WORK**

All employees of the Scheme and all employees of Occupiers can work and can travel to and from work, even interprovincially with no permit. **[Regulation 50]**

Health protocols and social distancing measures must be adhered to for employees in private residences. **[Regulation 62(3)]**

The scheme must ensure that it has a **COVID-19 workplace plan** and a compliance officer. Our offices can be contacted to provide a scheme with a workplace plan. **[Regulation 63]**

### **CAN CONSTRUCTION CONTINUE AT THE SCHEME**

Construction may continue at the scheme and at individual units. **[Regulation 50/TABLE 3]**.

Health protocols and social distancing measures must be adhered to as well as the occupational health and safety directions issued by the Minister responsible for employment and labour and applicable labour legislation. **[Regulation 62(3) & (4)]**

## **CAN OCCUPIERS HAVE VISITORS TO THEIR UNITS**

Occupiers are permitted to have social events at a unit subject to a maximum of 10 visitors.

**[Regulation 55(2)(k)]**

Visitors must leave the unit to make it home by 22h00 hours and may not come to the unit before 04h00, due to the curfew.

## **MEETINGS**

Physical meetings of owners may take place, anywhere (subject to the Schemes Management Rules/MOI) but are limited to 50 persons, excluding those who participate through electronic platforms. **[Regulation 55(2)(d)]**

Physical meetings of trustees may take place anywhere. **[Regulation 55(2)(d)]**

All persons must wear a face mask and adhere to all health protocols and social distancing measures. **[Regulation 55(1)]**

## **CAN CHILDREN BE MOVED BETWEEN CO-HOLDERS OF PARENTAL RESPONSIBILITIES AND RIGHTS**

Children can now move freely between co-holders of parental responsibilities and rights, interprovincially. **[Regulation 50]**

## **COMMUNITY SCHEME AMENITIES**

The Schemes pool, playground, clubhouse, gym, and other common property amenities may be used once the relevant Cabinet Minister publishes directions subject to a maximum of 50 people. **[Regulation 55(2)(n) (i), (ii) and (iii)]**

If the Scheme has a restaurant or coffee shop or similar amenity, it may reopen subject to compliance with the directions issued by the Minister of Tourism in respect of health protocols and social distancing measures. **[Regulation 55(2)(n)(viii)]**

The Schemes laundry, communal wash-lines and other facilities which are not for activities which are of a cultural, sporting, entertainment, leisure or organisational purpose, may be used.

### **AIRBNB/SHORT TERM LEASING**

Units may be let out for short term home-sharing, letting, leasing and rental for any purpose. **[Regulation 50 Table 3]**

### **CURFEW**

Occupiers may not leave their unit after 22h00 or before 04h00 hours except if they are in possession of a Form 2 permit or are attending to a security or medical emergency. **[Regulation 50]**

### **EVICCTIONS**

A person may not be evicted from a Unit unless such eviction is authorised by a court order. **[Regulation 53(1)]**

### **OLDER PERSON'S RESIDENTIAL FACILITIES/RETIREMENT HOMES**

No visitors/social events are allowed to/at retirement homes. **[Regulation 58(f)].**

### **SALE OF ALCOHOL**

Complex club houses, bars and restaurants, provided that they hold a licence, may sell liquor subject to strict adherence to the curfew. **[Regulation 61(1)(b)]**

## **VIGOUROUS SPORTING ACTIVITY**

A occupier undertaking vigorous sporting activity does not have to wear a face mask during such activity. [Regulation 55(1)]

For ALL your Community Scheme Matters, please contact Alan Levy and Trisha Pillay on 010 001 8209/enquiries@alattorneys.co.za.

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