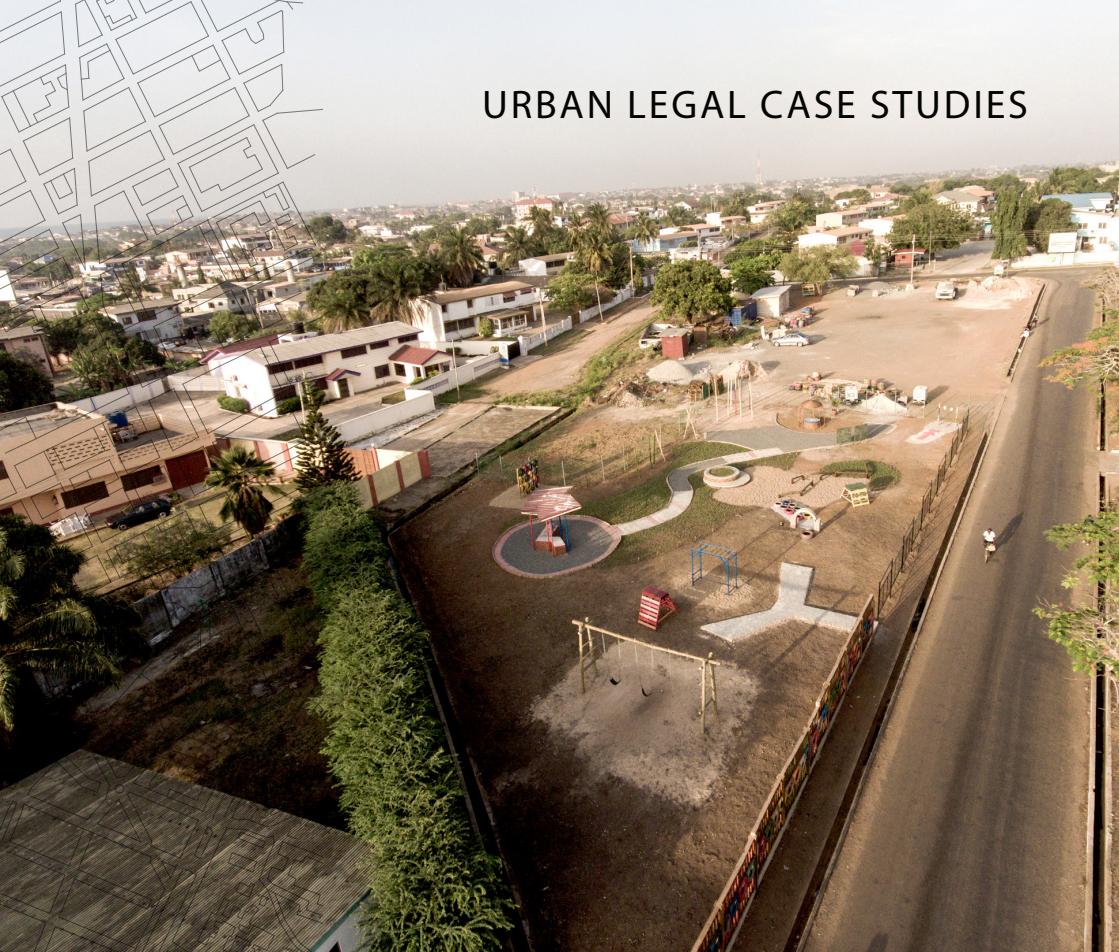


URBAN LEGAL CASE STUDIES



RENT REGULATIONS IN KENYA, LAGOS-NIGERIA, BOTSWANA AND SOUTH AFRICA: A COMPARATIVE ANALYSIS

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INTRODUCTION

This document examines the legal framework regulating the urban landlord and tenant relationship in Botswana, Kenya, Lagos State- Nigeria, and South Africa. It is not an essay on the ideology of rent regulation, but rather an examination of legislation those states enacted for regulating tenancies to identify what rules may be included in a comprehensive rent regulating regime that promotes security of tenure and affordable rental housing for the urban poor.

This document begins by briefly discussing rent regulation, and proceeds to explain commonly used methods of rent regulation. Chapters 3 through 10 set out to examine the legislation of the four countries and categorize, compare, contrast and comment on their sources of law, types of regulated tenancies, methods of rent control, availability of distress for rent, required lease formalities, rights and obligations of landlords and tenants, procedure for terminating a tenancy, and their courts with jurisdiction over rent and possession. Tables are used throughout for a clear comparison and analysis of the data within each segment. Chapter 11 looks at the levels of protection offered to tenants, the responsiveness of the methods of regulation used, the clarity and accessibility of the legislation, and ease of access to the court, in determining which combination of regulations may be most effectual in providing security of tenure and predictable rents for the urban poor.

01 RENT REGULATION

Rent regulation is a system of laws controlling rents and tenant evictions aimed at ensuring that rentals are affordable. It is designed to reduce both the incidence and fear of homelessness by setting substantive and procedural guidelines to control increases in rent and eviction of tenants.

‘Housing is at once a prime necessity and a most formidable instrument of oppression’ a shortage of which places the population in a state of intranquillity, an ‘anguish in which rent and the prospect of an increase in rent constitutes an obsession; in which all resources are insufficient to pay this unavoidable cost; and in which it is necessary to submit in whatever manner to the exigencies of the landlord because no other dwelling can be found, and if it could be it would be just as dear. . .’¹

The majority of economists stridently criticize rent regulation. They claim that it does more harm than good — “rent control appears to be the most efficient technique presently known to destroy a city—except for

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