

21 April 2020

To: Community Schemes, CSOS Employees and Adjudicators of the Service.

AMENDMENTS TO THE COVID-19 DIRECTIVES PREVIOUSLY ISSUED BY THE CSOS:

1. Further to the CSOS Directive issued on 24 March 2020, and which was published on the website, the President advised on 6 April 2020 that the lockdown period will be extended by a further two weeks until 30 April 2020, in order to contain the spread of the COVID-19 virus.
2. Considering the above, the CSOS has amended its Directives in line with the President's announcement as follows:

A. DIRECTIVE IN RESPONSE TO COVID-19 AND 35-DAY LOCKDOWN

3. All contact processes such as conciliation, adjudication and investigation are suspended until Thursday 30 April 2020. Therefore, no hearings will take place either by telephone or skype or any other means. The dispute resolution service will resume only after the lockdown has been lifted by the President. (Please note that none of our provincial offices are currently operating thus no hearings are currently taking place).
4. The CSOS Service to the public will resume on Monday, 4 May 2020, presuming that the lockdown period will end on 30 April 2020 and in accordance with any limitations which may be imposed by Government. Should any additional information regarding the lockdown be announced by the President, the CSOS will inform the industry accordingly.



B. OPERATIONAL RESPONSE PLAN

5. The dispute service will resume only after the lockdown has been lifted by the President. (Please note that none of our provincial offices are currently operating thus no hearings are currently taking place). Governance and other applications can be submitted as follows:
 - All scheme registrations should be sent to registration2@csos.org.za
 - All annual returns should be sent to annualreturn@csos.org.za
 - All waiver applications should be sent to waiver@csos.org.za
 - All amendments of rules should be sent to sectionaltitle@csos.org.za
 - All future training requirements should be sent to training@csos.org.za

C. PLAN TO BE IMPLEMENTED BY COMMUNITY SCHEMES

6. Owners and occupiers (including tenants) living in community schemes may only use the common property (such as the common driveway shared by all residents in the scheme or essential common property facilities such as the laundry room or the refuse removal area) insofar as access is for necessary and/or essential use. Scheme executives are required to publish a list of essential common property facilities necessary for use during this period and are further reminded that the fundamental purpose of a lockdown is to drastically reduce the movement of occupants in order to prevent the spread of the COVID-19 virus.
7. The scheme executives are tasked with ensuring strict compliance with the Regulations insofar as the wearing of masks and gloves, sanitizing surface areas and keeping a 1-meter distance between individuals is required. Scheme executives must also ensure that only a limited number of individuals gather or utilise the shared essential common facilities at one time and may implement any other measures within the community scheme in order to ensure the safety of all the residents. These implementation measures developed by schemes do not require prior CSOS approval insofar as they enhance compliance with the Regulations, are fair and of general application to all residents (which include owners and occupiers) and are not prejudicial to any person residing within the community scheme.

8. Owners and occupiers (including tenants) **are not permitted** to walk around or preform any sort of activity on the common property, unless classified as essential by the scheme executives irrespective of each and every unit owner's share in the common property in relation to the participation quota. An owner or occupier may use his/her exclusive use area. Owners' are advised to peruse the title deed of the unit or the rules of the community scheme to ascertain whether there is an exclusive use area allocated to them.

9. Meetings (including scheme executives, owners, special, annual) to be held within community schemes may be held telephonically, or by electronic communication platforms that include but is not limited to skype, zoom or other, and votes may be taken via round robin in terms of the Sectional Titles Schemes Management Act or Rules; or, in the case of an HOA, in terms of the Constitution or the Memorandum of Incorporation or the Companies Act. Meetings may not be held in person under any circumstances.

10. The CSOS will not penalise any community scheme for scheduling an annual general meeting after the lockdown period. Community schemes will directly after their AGM submit their annual returns to the CSOS. It will not be necessary for schemes to complete an application for condonation for late filing of their annual returns. Should an AGM be scheduled after the lockdown period, it should be recorded in the minutes.

11. Transgression of the Regulations may result in a fine or imprisonment as it is a criminal offence to breach these Regulations as stipulated in Section 11 of the Regulations issued in terms of Section 27(2) of the Disaster Management Act, 2002.

12. **Due to the negative impact of the COVID-19 pandemic on the economy and the knock-on effect on individuals financial position, Executive Committees are encouraged to enter into reasonable payment arrangements or relief plans with homeowners adversely affected by the COVID-19 pandemic and/or lockdown and are not able to meet their monthly levy obligations in the short term. Where homeowners have paid their CSOS levies Community Schemes are under an obligation to pay such levies over to the CSOS as per the CSOS Act. Executive**

Committees are reminded to comply with the Disaster Management Regulations as amended from time to time when carrying out their functions.

D. Definitions:

1. **common area** means any part of land or building in a community scheme which is intended for common use by occupiers.
2. **community scheme** means any scheme or arrangement in terms of which there is shared use of and responsibility for parts of land and buildings, including but not limited to sectional title development schemes, a share block company, a home or property owner's association, however constituted, established to administer a property development, a housing scheme for retired persons, and a housing co-operative as contemplated in the South African Co-operatives Act, 2005.
3. **executive committee** means the executive body of a community scheme, including but not limited to the trustees of a sectional title body corporate, the board of directors of a share block company and the management association of any housing scheme for retired persons.
4. **owner** means a person who has a legally secured right to possession and occupation of a private area, including but not limited to the owner of a sectional title unit, the holder of shares in a share block company and the holder of an occupation right in a housing scheme for retired persons.
5. **person** includes an association, partnership, trust, corporation, private or public entity and such person's representatives, successors and assignees.
6. **private area** means any area in a community scheme set aside for private occupation or ownership, excluding any common area.

Lastly, please peruse our website www.csos.org.za under the publications tab for information regarding the above and for further updates that specifically relate to community schemes. The CSOS will keep you, our stakeholders, informed during these trying times.

Sincerely,

NDIVHUO RABULI

Chief Ombud (Acting)