

29 August 2020

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

**AMENDMENTS TO SECTION C OF THE COVID-19 DIRECTIVE DATED 21 APRIL 2020
PREVIOUSLY ISSUED BY THE CSOS:**

C. PLAN TO BE IMPLEMENTED BY COMMUNITY SCHEMES

1. Further to the CSOS Directive issued on 21 April 2020 with the aim of minimising the day-to-day hardship experienced by persons living within community schemes during the lockdown period, and to further contain the spread of the COVID-19 pandemic amongst those residing and working in community schemes., the President has decided to place the entire country on alert level 2 in terms of South Africa's risk-adjusted strategy with effect from 18 August 2020 and has extended the National State of Disaster until 15 September 2020.
2. Considering the above, the CSOS has resolved to amended section C of its Directive in line with the President's announcement as follows:
 - 2.1 The restriction on social visits is hereby lifted, enabling non-residents permission to visit owners and occupiers (including tenants). The use of facemasks is compulsory for all visitors seeking to gain access into a community scheme. High-vulnerability community schemes such as retirement villages are encouraged to put in place health and safety measures to minimise the risk of infection from social visits.
 - 2.2 Places of entertainment (such as restaurants) in community schemes are permitted to operate in accordance with approved protocols relating to operating times and the limit on the maximum number of people permitted in a venue.
 - 2.3 Gatherings of more than 50 people remain prohibited.
 - 2.4 Owners and occupiers (including tenants) living in community schemes are permitted to make use of the common property areas (such as gyms and fitness centres, clubhouse, play areas and the like, shared by all residents in the scheme, or essential common property facilities such as the laundry room or the refuse removal area) subject to health and safety precautions being in place.
 - 2.5 The scheme executives remain tasked with ensuring strict compliance with the Regulations insofar as the wearing of masks, sanitizing surface areas and keeping a

1.5-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 reasonable measures within the community scheme 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.

- 2.6 Meetings (including scheme executives, owners, special and annual) to be held within community schemes may be held face-to-face (subject to the restriction on the maximum number of people allowed for gatherings and wearing of facemasks), telephonically or via skype, and votes may be taken in writing (i.e. 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.
- 2.7 The CSOS will not penalise any community scheme for scheduling an annual general meeting after the National State of Disaster period ends. 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 the late filing of their annual returns. Should an AGM be scheduled after the National State of Disaster period, it should be recorded in the minutes.
- 2.8 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.
- 2.9 Many owners continue to face adverse financial conditions as a result of the impact of the COVID-19 pandemic on the economy. Executive Committees are encouraged to enter into reasonable payment arrangements or relief plans with homeowners adversely affected by the COVID-19 pandemic and/or the National State of Disaster 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. CSOS OFFICE OPERATIONS DURING ALERT LEVEL 2

1. CSOS has lifted the suspension of walk-ins to the CSOS offices on alert level 2. Walk-ins will be allowed to the CSOS offices for the purposes of lodging an application, follow up on a matter or application, submission of the registration documents and collections of certificates.
2. Whilst the suspension of the walk-ins is being lifted, conciliations, investigations and adjudications will continue to be conducted virtually.

3. Operating hours will be from Monday to Thursday, 10:00 to 15:00.
4. Walk-ins would be expected to comply with the Regulations by wearing a mask, allowing to be temperature screened, signing the visitor's attendance register and complying to social distancing as implemented by CSOS.

E. 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.

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)