RENT CONTROL LAW 1986 (PNDCL 138)

Section 1 - Rent in Respect of Residential Premises.

(1) The rent payable by a tenant in respect of single or two-roomed accommodation in any residential premises shall be as specified in the First Schedule to this Law.

(2) Where the residential accommodation in respect of which the rent is payable is smaller or larger in dimensions than those specified in the First Schedule the recoverable rent shall be proportionate to the dimensions of such accommodation.

(3) The Secretary may by legislative instrument amend the First Schedule from time to time as he deems necessary.

(4) Notwithstanding any provision in any enactment to the contrary and until the 6th day of March, 1987 no landlord shall raise the rent prescribed by this Law in respect of any residential accommodation referred to in subsection (1) of this section. [As substituted by the Rent Control (Amendment) Law, 1986 (PNDCL 163) s.(a)]

Section 2 - Exemptions.

The provisions of section 1 of this Law shall not apply to any lease or tenancy

(a) held from Government or other State agency;

(b) of premises let for industrial, commercial or other business purposes;

(c) of premises rented by diplomatic or consular missions, international organisations, foreign companies and firms which under section 1 of the Rent (Amendment) (No. 3) Decree, 1979 (A.F.R.C.D. 51) are required to pay the foreign exchange equivalent of their rents to the Bank of Ghana in the first instance;

(d) taken by any incorporated body other than a body the whole proprietary interest in which is held by the Government or other State agency; and (e) where the rent payable exceeds ¢1,000.00 a month.

Section 3 - Houses Built by Tema Development Corporation or the State Housing Corporation Etc.

(1) With effect from the commencement of this Law and subject to subsection

(2) of this section, any person who derives his title to any premises from the Tema Development Corporation, the State Housing Corporation or other similar housing organisation or agency sponsored by the Government, under a subsisting hire-purchase agreement howsoever called, and who in turn sublets or has sublet the said premises shall (notwithstanding any agreement to the contrary) not charge the tenant or demand or receive from him a monthly rent in respect of the premises which exceeds his aggregate of

(a) the installment which that person pays per month to either the State Housing Corporation, the Tema
Development Corporation or other similar housing organization or agency sponsored by the Government, as the case may be;

(b) the amount which is the equivalent of the property rate or other imposts payable by such a person in respect of the said premises; and

(c) twenty-five per cent of the total of the amounts referred to in paragraphs (a) and (b) of this subsection.

(2) Where the instalment which is paid by the person referred to in subsection (1) to any of the bodies referred to therein, is different from the instalment which he would have paid if no deposit had been paid and he had agreed to pay the purchase price of the premises over a period of twenty years from the date of commencment of the hire-purchase agreement, then the reference in subsection (1)(a) of this section to the monthly instalment paid by him shall nevertheless be deemed to be a reference to the instalment which he would have paid if no deposit had been paid and he had agreed to pay the purchase price over a period of twenty years.

(3) A certificate issued by any of the said bodies certifying the instalment payable under subsection (1)(a) or subsection (2) of this section by any person referred to in subsection (1) shall be prima facie evidence of such instalment.

Section 4-Landlords to Register Leases and Tenancies.

(1) Every landlord of any residential accommodation referred to in section 1 of this Law shall register with the Rent and Housing Committee every lease or tenancy agreement in respect of such accommodation within fourteen days of entering into the lease or tenancy agreement.

(2) No landlord shall demand or receive from the tenant of any residential accommodation the rent in respect of such accommodation without complying with the provisions of subsection (1) of this section.

Section 5-Rent Cards.

Every landlord of any residential accommodation referred to in section 1 of this Law shall

(a) issue to each tenant of such accommodation a rent card specifying the following particulars

(i) the name and address of the landlord;

(ii) the name and address of the tenant;

(iii) the amount of rent payable by the tenant;

(iv) any other particulars prescribed by the Secretary; and
(b) furnish to the nearest Rent and Housing Committee a list of the names of his tenants and the actual rents paid by each of them.

Section 6-Recovery of Possession and Ejectment.

(1) Notwithstanding any other enactment to the contrary and until the 6th day of March, 1987, no application shall be entertained for the ejectment of a tenant or the recovery of possession from a tenant in respect of any residential accommodation referred to in section 1 of this Law.

(2) Nothing contained in subsection (1) of this section shall prevent the making of an application to a Rent and Housing Committee established under Part II of this Law for the ejectment of a tenant or the recovery of possession of any such residential accommodation where the landlord establishes

(a) a genuine intention to recover possession of the accommodation for personal occupation as a dwelling room or rooms by himself, a member of his family or any person in his whole time employment; or (b) that the accommodation is reasonably required by the landlord to be used by him for business purposes.

(3) Where a landlord makes an application for the ejectment of a tenant or the recovery of possession on any of the grounds specified in subsection (2) of this section the Rent and Housing Committee may call for any documentary evidence or verification from the landlord and may if satisfied make such order as it thinks appropriate.

Section 7-Complaints Etc. by Landlords.

No complaint or action by a landlord against a tenant in respect of any residential accommodation referred to in section 1 of this Law shall be heard by the Rent and Housing Committee unless it is satisfied that the landlord has fulfilled the obligations imposed upon him by section 5 of this Law.

Section 8-Establishment of Rent and Housing Committees.

(1) There shall be established by every District Council within its area of authority a Rent and Housing Committee to perform in relation to that district the functions conferred upon it by this Law. [As substituted by the Rent Control (Amendment) Law, 1986 (PNDCL 163) s.(b)]

(2) A Rent and Housing Committee shall comprise the following members

(a) one representative of the local Committee for the Defence of the Revolution;

(b) a representative of the local government authority;

(c) a Rent Officer

(d) a representative of landlords in the city or town;
(e) a representative of tenants in the city or town, and

(f) two other persons of integrity and good social standing in the particular city or town appointed by the District Council.

(3) A Rent and Housing Committee shall have a Chairman who shall be elected by the Committee from among its members.

(4) A member of a Rent and Housing Committee other than the Rent Officer shall hold Office for a period of two years but shall be eligible for re-election.

(5) Every Rent and Housing Committee shall be registered with the Zonal Co-ordinating Office of the Committee for the Defence of the Revolution, and where there is a change in the membership, notice of the change shall be furnished to that office.

(6) A member of a Rent and Housing Committee elected under subsection (2)(a) of this section may be removed by a duly constituted meeting of the Committee for the Defence of the Revolution called for the purpose of investigating allegations against such member if the Committee for the Defence of the Revolution is satisfied after investigation that the member is

(a) guilty of misconduct in connection with the work of the Committee;

(b) unable to perform properly his functions as a member of the Committee; or

(c) by reason of ill-health or otherwise unable to perform his functions as a member of the Committee.

Section 9-Functions of Rent and Housing Committees.

The functions of a Rent and Housing Committee in relation to the area of authority of a particular District Council shall be

(a) to compile a register of all leases and tenancies of residential accommodation referred to in section 1 of this Law specifying such particulars as may from time to time be prescribed by the Secretary;

(b) to compile a register of unoccupied rooms in residential premises in which some rooms are let or are normally let and a register of such residential premises which are unoccupied specifying such particulars as may from time to time be prescribed by the Secretary;

(c) to hear and determine, in respect of any residential accommodation referred to in section 1 of this Law

(i) any allegation that either party to a lease or other tenancy agreement in respect of the residential accommodation is in breach of such agreement or has acted in contravention of any law regulating the relationship between landlord and tenant with regard to any such residential accommodation;

(ii) any application for the assessment of rent of such accommodation;
(iii) application for the ejectment of a tenant or the recovery of possession of any such residential accommodation;

(iv) any application for the review of any assessment of rent in respect of any such residential accommodation;

(d) to make such recommendations as it may consider appropriate to the Secretary on any issue relating to rent and housing; and

(e) to perform such other functions relating to rent and housing as may be referred to it from time to time by the Secretary.[As substituted by Rent Control (Amendment) Law, 1986 (PNDCL 163) s.(c)].

Section 10-Matters to be taken into Account in Assessing Recoverable Rent.

For the purposes of assessing the amount of recoverable rent of any premises under this Law a Rent and Housing Committee shall take into account the following matters:

(a) the rateable value of the premises for the assessment of rates thereon;

(b) the value of the land on which such premises are situated;

(c) the amount of the annual rates in respect of such premises, and where the premises have been let in part, any apportionment of the rates attributable to such part;

(d) the recoverable rent assessed for similar premises by the Rent and Housing Committee;

(e) the estimated cost in respect of repairs or the maintenance of such premises;

(f) the amount of the recoverable rent for like premises; (g) the current rate of interest charged by the Ghana Commercial Bank on overdrafts;

(h) the obligations of the landlord, tenant and any other person interested in the premises under the lease; and

(i) the justice and merits of each particular case.[As substituted by Rent Control (Amendment) Law, (PNDCL 163) s.(c)]

Section 11-Powers of Rent and Housing Committees.

For the purposes of discharging its functions under this Law a Rent and Housing Committee may

(a) at reasonable times enter and inspect or cause to be entered and inspected any residential accommodation or residential premises to which this Law applies concerning any matter before it;

(b) seek expert advice in respect of any matter relating to such residential premises from valuation officers and other technical experts;
(c) in any matter before it make such interim orders as are appropriate pending the final determination of the case or matter. [As substituted by The Rent Control (Amendment) Law, 1986 (PNDCL 163) s.(c)].

Section 12-Enforcement of Decision or Order of Rent and Housing Committee.

Upon an application made by a party to any proceedings before a Rent and Housing Committee in whose favour the decision or order was made by the Committee, the Committee shall forward a copy of the decision or order to the Community or District Public Tribunal as the case may be with a request for execution, and the Tribunal shall take such steps and issue such process as may be necessary for purpose of the execution of the said decision or order as it could take or issue as if it were a decision or order of that Tribunal.

Section 13-Proceedings of Committees.

(1) A Rent and Housing Committee shall meet at such time and place as the Chairman of the Committee shall determine.

(2) The Chairman of a Rent and Housing Committee shall preside at any proceedings of the Committee but in his absence a member of the Committee elected from among the members present shall preside.

(3) A Rent and Housing Committee shall be duly constituted for the transaction of business at any proceedings of the Committee by not less than five members.

(4) In every matter relating to landlord and tenant before a Rent and Housing Committee, the Committee shall be guided by the rules of natural justice.

(5) The proceedings or a decision of a Rent and Housing Committee shall be held or made in public, but a Committee may exclude from any of its proceedings any person who disrupts or otherwise interferes with its proceedings.

(6) A Rent and Housing Committee shall keep accurate records of its proceedings and of investigations conducted by it.

(7) A Rent and Housing Committee shall at the end of each month submit to the Committee for the Defence of the Revolution, and the Zonal Co-ordinating Office and the Secretary a report on its work for the month.

(8) Subject to the provisions of this section, a Rent and Housing Committee shall regulate its own procedure.

Section 14-Appeals.

(1) Any person who is aggrieved by a decision or order of a Rent and Housing Committee may within thirty days from the date of the decision or order appeal against the decision or order to a Community or District Public Tribunal.
(2) The Community or District Public Tribunal may for good cause extend the periods specified in subsection (1) of this section.

(3) For the purposes of hearing and determining an appeal a Community or District Public Tribunal shall be guided by the provisions of the Public Tribunals Law, 1984 (P.N.D.C.L. 78) relating to the exercise of the appellate jurisdiction of Public Tribunals.

(4) Any person who is aggrieved by the decision or order of a Community or District Public Tribunal under this section may appeal to a Regional Public Tribunal and then to the National Public Tribunal.

Section 15-Court not to have Supervisory or Other Jurisdiction Over Committees.

(1) No court shall have jurisdiction to entertain any action or proceedings whatsoever for the purpose of questioning any decision, finding, ruling, order or proceeding of a Rent and Housing Committee; and for the removal of doubt, it shall not be lawful for any court to entertain any application for an order or writ in the nature of habeas corpus, certiorari, mandamus, prohibition, quo warranto, injunction or declaration in respect of the decision, order, finding, ruling or proceeding of any such Rent and Housing Committee.

(2) No decision, order, finding, ruling or proceeding of a Rent and Housing Committee shall be regarded as invalid by reason only of any defect in the election of any member thereof. Section 16-Offences. (1) Any person who

(a) infringes any of the provisions of section 1, 3 or 4 of this Law;

(b) fails to issue a rent card to a tenant in accordance with the provisions of section 5 of this Law or furnishes any false particulars under that section;

(c) wilfully obstructs, hinders or assaults a member of a Rent and Housing Committee or any other person in the discharge or exercise of his functions, duties or powers under this Law; or

(d) does any act whatsoever or refrains from doing anything which the conditions of tenancy require him to do with intent to compel the tenant of any residential accommodation referred to in Section 1 of this Law to give up possession of such accommodation, shall be guilty of an offence and liable on conviction to a fine not exceeding £10,000.00 or to a term of imprisonment not exceeding six months or both.

(3) Any person who is charged with an offence under this Law shall be tried by a District Public Tribunal in accordance with the Public Tribunals Law, 1984 (P.N.D.C.L. 78)

Section 17-Legal Proceedings Against Members of Committees not to be Entertained.

No legal proceedings shall be brought or entertained against a member of a Rent and Housing Committee in respect of any act or omission done by him in good faith in the discharge or exercise of his functions, duties or powers under this Law.
Section 18-Members of Committee to be Public Officers.

A member of a Rent and Housing Committee shall be deemed to be a public officer or holding a public office for the purposes of

(a) the Criminal Code, 1960 (Act 29);
(b) the Criminal Procedure Code, 1960 (Act 30);
(c) the Corrupt Practices (Prevention) Act, 1964 (Act 230);
(d) the Public Officers Act, 1962 (Act 114); and
(e) the Public Tribunals Law, 1984 (P.N.D.C.L. 78).

Section 19-Modification of Existing Enactments.

(1) Any enactment relating to rent or the lease or tenancy of any residential accommodation to which Section 1 of this Law applies, and which is for the time being in force shall have effect with such modifications as may be necessary to give full effect to the provisions of this Law. (2) Section 25 (5) of the Rent Act, 1963 (Act 220) is hereby amended as follows

(a) by the deletion of the words "by the appropriate Rent Magistrate"
(b) by the substitution for the words "one hundred pounds", of the words "ten thousand cedis or a term of imprisonment not exceeding two years."

Section 20-Interpretation.

In this Law unless the context otherwise requires:

"residential accommodation" means residential accommodation in residential premises referred to in section 1 of this Law;

"residential premises" means residential premises in which rooms are normally let for residential purposes;

"Secretary" means the Provisional National Defence Council Secretary responsible for Works and Housing. [As substituted by the Rent Control (Amendment) Law, 1986 (PNDCL 163) s.(d)].

Section 21-Repeals.

The Rent (Amendment) Decree, 1979 (A.F.R.C.D. 5) and the Rent Control Law, 1982 (P.N.D.C.L. 5) are hereby repealed.

FIRST SCHEDULE RECOVERABLE RENT IN RESPECT OF ACCOMMODATION IN RESIDENTIAL PREMISES

<table>
<thead>
<tr>
<th>Type of Accommodation and Size of Room</th>
<th>Recoverable Rent per month</th>
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...
1. Single-roomed accommodation with shared amenities (i.e. under multiple occupation) of a size say 12 feet x 10 feet: ¢

   (a) Sandcrete .. .. .. .. .. .. .. .. 180.00

   (b) Landcrete .. .. .. .. .. .. .. .. 140.00

   (c) Swish .. .. .. .. .. .. .. .. .. 120.00

2. Two-roomed accommodation with shared amenities of the type generally referred to as "chamber and hall" or say 12 feet x 10 feet per room: ¢

   (a) Sandcrete .. .. .. .. .. .. .. .. .. 250.00

   (b) Landcrete .. .. .. .. .. .. .. .. .. 200.00

   (c) Swish .. .. .. .. .. .. .. .. .. .. 180.00

SECOND SCHEDULE [Repealed by the Rent Control (Amendment) Law, 1986 (PNDCL 163), s.(e)]. Made this 21st day of January, 1986.